

RESOLUTION NO. 09-533

On motion of Council Member Friedman, seconded Council Member Beshel, and on roll call all members present voting “Yes”, except Council Members Hinkley, and Buras, voting “No”, and Council Members Guey, and Cooper, absent, the following Resolution was adopted:

A Resolution authorizing and directing the Council Attorney, or his designee, to take any and all legal action, including but not limited to the filing for Injunctive Relief and/or Mandamus, against any public official or entity as is necessary to enforce the mandates of our Parish Charter, Resolutions, Ordinances, statute or codal regulations of this State and policies of the Parish Council; and otherwise to provide with respect thereto.

WHEREAS, there is an immediate need to protect the interests of the people and property of this Parish insofar as there is reason to believe that certain violations and infringements of the Parish Charter, Resolutions, Ordinance and laws of this State may have occurred or have been occasioned by public officials in this State and Parish in concert with other third parties that have adversely affected the interests of our people and this Council; and

WHEREAS, there is a need for the Council Attorney, or his designee, to immediately seek out, gather, assemble and review (by thorough and complete examination) all transactions (including but not limited to any and all construction contracts, capital projects, professional contracts, cooperative endeavor agreements, and intergovernmental agreements) entered into by and all expenditures incurred by the Parish through the Office of the Parish President (or any of its Departments or agencies) since January 1, 2007; and

WHEREAS, there is a need for the Council Attorney, or his designee, fully investigate and take such legal action as is necessary to ensure that there has been no violation of our Charter provisions, Resolutions and Ordinances and state laws since January 1, 2007; and if there has been any violation whatsoever, then immediate action by the Council Attorney is authorized by this Council, only after a new Resolution is authorized; and

WHEREAS, upon the determination by the Council Attorney, or his designee, that there has been a violation of our Charter or any Resolution or Ordinance, ethics violation or other action of inaction by a public official since January 1, 2007 that affects the public’s rights, property and/or fiscal & financial integrity of the Parish’s funds, and where there is a need for the Council Attorney, or his designee, to take legal action to enforce the mandates and will of this Council to enforce the purposes of this Resolution, then the Council Attorney shall do so without delay and immediately institute whatever legal action is necessary to protect the interests of the public and wishes of this Council;

NOW THEREFORE:

BE IT RESOLVED by this Plaquemines Parish Council that it hereby authorizes and directs the Council Attorney, or his designee, to immediately seek out, gather, assemble and review (by thorough and complete examination) all transactions (including but not limited to any and all construction contracts, capital projects, professional contracts, cooperative endeavor agreements, and intergovernmental agreements) entered into by and all expenditures incurred by the Parish through the Office of the Parish President (or any of its Departments or agencies) since January 1, 2007.

BE IT FURTHER RESOLVED by this Parish Council that the Council Attorney, or his designee, fully investigate and take such legal action as is necessary to ensure that there has been no violation of our Charter provisions, Resolutions and Ordinances and state laws since January 1, 2007; and if there has been any violation whatsoever, then immediate action by the Council Attorney is authorized by this Council, only after a new Resolution is authorized.

BE IT FURTHER RESOLVED by this Parish Council, that the Council Attorney, or his designee fully investigate and determine whether there has been a violation of our Charter or any Resolution or Ordinance, ethics violation or other action of inaction by a public official since January 1, 2007 that affects or has affected our public's rights, property and/or fiscal & financial integrity of the Parish's funds, and where there is a need for the Council Attorney, or his designee, to take legal action to enforce.

BE IT FURTHER RESOLVED by this Parish Council that the filing of any legal document related to the mandates, purpose or will of this Resolution shall not occur until a subsequent Resolution is enacted by this Council for that purpose.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

I hereby certify the above and foregoing to be a true and correct copy of a Resolution adopted by the Plaquemines Parish Council at a meeting held in the Plaquemines Parish Temporary Courthouse Building, 450 F. Edward Hebert Blvd., Belle Chasse, Louisiana, on Thursday, December 10, 2009.

Secretary