

RESOLUTION NO. 10-273

On motion by Council Member Beshel, seconded by Council Member Hodnett, and on roll call all members present voting "Yes", except Council Members Hinkley, absent, and Guey, voting "No", the following Resolution was adopted:

A Resolution authorizing and directing the Council Legal Department and/or its designee, to file a Petition for Writ of Mandamus against the Plaquemines Parish President, William H. Nungesser, to compel him to produce documents previously requested by the Plaquemines Parish Council Audit Committee and the Parish Council pursuant to Resolution Nos. 10-198 and 10-199, enacted May 27, 2010; to compel him to produce any and all documents pertaining to all of the Federal Emergency Management Agency (hereinafter "FEMA") expenditures; and otherwise to provide with respect thereto.

WHEREAS, on numerous occasions members of the Parish Council and the Plaquemines Parish Council Audit Committee have made verbal requests and/or written requests to be provided with copies of any and all contracts, financial records, cooperative endeavor agreements or memos of understanding executed and/or submitted to the Parish (including but not limited to the Office of the Parish President) since January 1, 2007, as well as any and all documents pertaining to all FEMA expenditures; and

WHEREAS, Resolution No. 10-198 was enacted on May 27, 2010, authorizing and directing the Parish President to submit to the Parish Council copies of any and all contracts, financial records, cooperative endeavor agreements or memos of understanding executed and/or submitted to the Parish (including but not limited to the Office of the Parish President) for consideration since January 1, 2007, through the effective date of said resolution or until said resolution is rescinded, withdrawn or vacated; and

WHEREAS, Resolution No. 10-199 was enacted on May 27, 2010, authorizing and directing the Parish President to submit to the Parish Council copies of any and all contracts, cooperative endeavor agreements or memos of understanding executed and/or submitted to the Parish (including but not limited to the Office of the parish President) for consideration from April 15, 2010, related to the effects of the Deep Water Horizon Incident, through the effective date of said resolution or until said resolution is rescinded, withdrawn or vacated; and

WHEREAS, the expressed intent of the Parish Council was to style Resolution Nos. 10-198 and 10-199 as a Request for Public Records from the President; and

WHEREAS, as of July 8, 2010, the Parish President has not submitted written responses or the requested documents to the Parish Council and the Plaquemines Parish Council Audit Committee;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes and directs the Council Legal Department and/or its designee, to file a Petition for Writ of Mandamus against the Plaquemines Parish President, William H. Nungesser, to compel him to produce copies of any and all contracts, financial records, cooperative endeavor agreements or memos of understanding executed and/or submitted to the Parish (including but not limited to the Office of the Parish President) for consideration since January 1, 2007, through the effective date of said resolution or until said resolution is rescinded, withdrawn or vacated.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes and directs the Council Legal Department and/or its designee, to file a Petition for Writ of Mandamus against the Plaquemines Parish President, William H. Nungesser, to compel him to produce copies of any and all contracts, cooperative endeavor agreements or memos of understanding executed and/or submitted to the Parish (including but not limited to the Office of the parish President) for consideration from April 15, 2010, related to the effects of the Deep Water Horizon Incident, through the effective date of said resolution or until said resolution is rescinded, withdrawn or vacated.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes and directs the Council Legal Department and/or its designee, to file a Petition for Writ of Mandamus against the Plaquemines Parish President, William H. Nungesser, to compel him to produce any and all documents pertaining to all FEMA expenditures.

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 the 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, July 22, 2010.

Secretary