

RESOLUTION NO. 10-485

On motion of Council Member Beshel, seconded by Council Member Friedman, and on roll call all members present and voting "Yes", except Council Member Cooper, absent, 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 and such other legal proceedings as may be necessary against the Parish President, William H. Nungesser, to compel him to honor the contract for employment with the Law Firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP, and to issue payment of services rendered on behalf of the firm by Robert A. Barnett; and otherwise to provide with respect thereto.

WHEREAS, pursuant to Resolution No. 09-139 Robert A. Barnett of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP, was hired by the Parish Council to represent the Council by reviewing the Charter Amendments proposed by the Charter Commission and such other legal matters as called upon to perform; and

WHEREAS, Resolution No. 09-139 and the contract for employment were submitted to the Attorney General and approved on April 30, 2009; and

WHEREAS, the scope of employment of Robert A. Barnett of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP was clarified in Resolution No. 09-139 to represent the Council for such advice it deemed necessary, including but not limited to review of the Charter Amendments, attendance at public hearings and legal representation before any parish or state board or committee and any court of law; and

WHEREAS, since April of 2009 this Council has continuously, consistently and constantly called upon Robert A. Barnett of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP, to handle a myriad of legal matters, including but not limited to, general legal advices, special projects, legal opinions, attendance at public meetings, meetings with various government officials, drafting of legislation, litigation and such other matters that have been handled under the terms of the original contract for employment; and

WHEREAS, all services rendered in 2009 have been reviewed in detail and approved by Council Chairperson Banta; and

WHEREAS, all services rendered in 2010 to date have been reviewed in detail and approved by Council Chairman Beshel; and

WHEREAS, all invoices for services rendered are thoroughly reviewed and discussed by contract counsel and the Council Chairperson prior to submission for payment; and

WHEREAS, all legal services have been performed pursuant to the contract for employment; and

WHEREAS, all legal fees have been earned and all invoices should be paid by the Parish President after submission by the Council; and

WHEREAS, all invoices submitted to date are satisfactory as to form, substance and content and that submissions in the same manner submitted in the future shall remain acceptable by this Council; and

WHEREAS, the Parish President, William H. Nungesser has refused to honor the contract for the employment of Robert A. Barnett of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP; and

WHEREAS, the Parish President, William H. Nungesser has refused to issue payment on the invoices for services rendered pursuant to the contract of employment of Robert A. Barnett of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that pursuant to Resolution No. 09-139 Robert A. Barnett of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP, was hired by the Parish Council to represent the Council by reviewing the Charter Amendments proposed by the Charter Commission and such other legal matters as called upon to perform.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that Resolution No. 09-139 and the contract for employment were submitted to the Attorney General and approved on April 30, 2009.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the scope of employment of Robert A. Barnett of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP was clarified in Resolution No. 09-139 to represent the Council for such advice it deemed necessary, including but not limited to review of the Charter Amendments, attendance at public hearings and legal representation before any parish or state board or committee and any court of law.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that since April of 2009 this Council has continuously, consistently and constantly called upon Robert A. Barnett of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP, to handle a myriad of legal matters, including but not limited to, general legal advices, special projects, legal opinions, attendance at public meetings, meetings with various government officials, drafting of legislation, litigation and such other matters that have been handled under the terms of the original contract for employment.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that all services rendered in 2009 have been reviewed in detail and approved by Council Chairperson Banta.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that all services rendered in 2010 to date have been reviewed in detail and approved by Council Chairman Beshel.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that all invoices for services rendered are thoroughly reviewed and discussed by contract counsel and the Council Chairperson prior to submission for payment.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that all legal services have been performed pursuant to the contract for employment.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that all legal fees have been earned and all invoices should be paid by the Parish President after submission by the Council.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that all invoices submitted to date are satisfactory as to form, substance and content and that submissions in the same manner submitted in the future shall remain acceptable by this Council.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Parish President, William H. Nungesser has refused to honor the contract for the employment of Robert A. Barnett of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Parish President, William H. Nungesser has refused to issue payment on the invoices for services rendered pursuant to the contract of employment of Robert A. Barnett of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby ratifies the actions of the 2009 Council Chairperson Banta and the 2010 Council Chairman Behsel.

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 and such other legal proceedings as may be necessary against the Parish President, William H. Nungesser to compel him to honor the contract for employment with the Law Firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, LLP, and to issue payment of services rendered on behalf of the firm by Robert A. Barnett.

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, November 11, 2010.

Secretary