

RESOLUTION NO. 10-524

On motion of Council Member Beshel, seconded by Council Member Friedman, and on roll call all members present voting “Yes”, except Council Members Hinkley, Guey and Cooper, absent, the following Resolution was adopted:

A Resolution authorizing and directing the Parish President, William H. Nungesser, to sign any and all documents with Fenstermaker & Associates relative to the engineering, including hiring a surveyor to identify the Parish Right of Way and levee footprint for the levee lift of the Non-Federal Parish owned levee from Braithwaite to White Ditch within 72 hours of the enactment of this Resolution; authorizing and directing the Council Legal Department and/or its designee to file a Peitition for Writ of Mandamus against the Plaquemines Parish President, William H. Nungesser, to compel him to execute any and all documents with Fenstermaker & Associates should he not comply within the authorized time; and otherwise to provide with respect thereto.

WHEREAS, the Parish Council adopted Ordinance No. 09-106, on May 14, 2009, which appropriated funds to enter into a contract with Fenstermaker & Associates relative to engineering of the levee lift of the Non-Federal Parish owned levee from Braithwaite to White Ditch; and

WHEREAS, Ordinance No. 09-106 also authorized and directed the Parish President, William H. Nungesser to enter into said contract with Fenstermaker & Associates; and

WHEREAS, Ordinance No. 10-221 was adopted on July 22, 2010, wherein the Parish President, William H. Nungesser, was authorized and directed to amend the contract with Fenstermaker & Associates to include hiring a surveyor to identify the Parish Right of Way and levee footprint; and

WHEREAS, as of this date, Mr. Nungesser has not signed the contract or any other documents necessary to finalize all paperwork;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It adopted Ordinance No. 09-106 on May 14, 2009, which appropriated funds to enter into a contract with Fenstermaker & Associates relative to engineering of the levee lift of the Non-Federal Parish owned levee from Braithwaite to White Ditch.

SECTION 2

Ordinance No. 09-106 also authorized and directed the Parish President, William H. Nungesser to enter into said contract and any other necessary documents with Fenstermaker & Associates.

SECTION 3

It adopted Ordinance No. 10-221 on July 22, 2010, wherein the Parish President, William H. Nungesser was authorized and directed to amend the contract with Fenstermaker & Associates to include hiring a Surveyor to identify the Parish Right of Way and levee footprint.

SECTION 4

As of this date, Mr. Nungesser has not signed the contract or any other documents necessary to finalize all paperwork.

SECTION 5

It hereby authorizes and directs the Parish President, William H. Nungesser to sign any and all documents with Fenstermaker & Associates to complete the engineering for the levee lift of the Non-

Federal Parish Owned Levee, Braithwaite to White Ditch, including the hiring of a Surveyor to identify the Parish Right of Way and levee footprint, within 72 hours of the enactment of this Resolution.

SECTION 6

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 execute any and all documents with Fenstermaker & Associates to complete the engineering for the levee lift of the Non-Federal Parish owned Levee, Braithwaite to White Ditch, including the hiring of a surveyor to identify the Parish Right of Way and levee footprint should he not comply within the authorized time.

SECTION 7

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 special meeting held in the Plaquemines Parish Government Building, 2nd Floor Conference Room, 28028 Highway 23, Port Sulphur, Louisiana, on Friday, December 31, 2010.

Secretary