

On motion by Lindel Toups, seconded by Phillip Gouaux, the following resolution was introduced and adopted;

**RESOLUTION NO. 09-434**

**RESOLUTION RESCINDING RESOLUTION NUMBER 08-394 THEREBY TERMINATING AN AGREEMENT WITH T. BAKER SMITH, INC. FOR THE COMPANY CANAL PUMP STATION AND AUTHORIZING THE PARISH PRESIDENT TO SIGN, EXECUTE, AND ADMINISTER A NEW CONTRACT WITH T. BAKER SMITH, INC. PENDING STATE APPROVAL OF SAID CONTRACT AND AUTHORIZING THE SIGNATURE OF ANY AND ALL RELEVANT DOCUMENTS AND AMENDMENTS.**

**WHEREAS**, Resolution Number 08-394 approved an engineering agreement with T. Baker Smith, Inc. for the Company Canal Pump Station Project on December 9, 2008, and was duly filed at the Lafourche Parish Clerk of Court's Office under Instrument Number: 1062532, Book: 1354, Page: 739; and

**WHEREAS**, the original project cost was estimated at \$3 million with a portion of the funding coming from DOTD Statewide Flood Control (application by Drainage District) which funding has not been committed at this time and is not expected in the near future; and

**WHEREAS**, committed funding for the Company Canal Pump Station project is as follows:

State of Louisiana Capital Outlay Funding	\$1,000,000	(awarded)
	(10,000)	(state admin fees)
Drainage District No. 1 of Lafourche Parish	624,400	(dedicated)
Lafourche Parish Government	<u>283,236</u>	(budgeted)
<b>Total</b>	<b>\$1,897,636</b>	

**WHEREAS**, due to funding shortfalls mentioned above, the scope of the project has to be re-aligned to meet the committed funding of \$1,897,636.00; and

**WHEREAS**, a new proposed engineering agreement based on the above scope and available funding has been forwarded to the State and is pending approval; once approved by the state, the parish will execute the agreement; and

**WHEREAS**, this resolution was sponsored for Administration by Mr. Lindel Toups, Councilman, District 6; and

**WHEREAS**, it is recommended by the Administration of the Lafourche Parish Government that the Council rescind Resolution Number 08-394 that approved an agreement with T. Baker Smith, Inc. for Company Canal Pump Station filed in the official records Lafourche Parish Clerk of Court under Instrument Number: 1062532, Book: 1354, Page: 739 and further authorize the Parish President to execute a new contract with T. Baker Smith, Inc. for the committed funding once approved by the State; and

**THEREFORE BE IT RESOLVED**, that the Lafourche Parish Council convened in regular session on December 8, 2009, and does hereby rescind Resolution Number 08-394 that approved an agreement with T. Baker Smith, Inc. for Company Canal Pump Station filed in the official records Lafourche Parish Clerk of Court under Instrument Number: 1062532, Book: 1354, Page: 739; and

**BE IT FURTHER RESOLVED**, that the Lafourche Parish Council further authorizes the Parish President to execute a new contract with T. Baker Smith, Inc. for the committed funding once approved by the State; and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Engineer, T. Baker Smith, Inc. P.O. Box 2266 Houma, LA 70361; Department of Grants and Economic Development, Department of Public Works, and the Office of the Parish Administrator.

This resolution having been submitted to a vote, the vote thereon was as follows:

**YEAS:** Mr. Jerry Jones  
Mr. Michael Delatte  
Mr. Louis Richard  
Mr. Joseph "Joe" Fertitta  
Mr. Matt Matherne  
Mr. Lindel Toups  
Mr. Phillip Gouaux  
Mr. Rodney Doucet  
Mr. Daniel Lorraine

**NAYS:** None

**ABSENT:** None

And the resolution was declared adopted this 8th day of December, 2009.

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**JERRY JONES, CHAIRMAN  
LAFOURCHE PARISH COUNCIL**

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**CARLEEN B. BABIN, COUNCIL CLERK  
LAFOURCHE PARISH COUNCIL**

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I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Resolution No. 09-434, adopted by the Assembled Council in Regular Session on December 8, 2009, at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS 17TH DAY OF DECEMBER, 2009.

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CARLEEN B. BABIN, COUNCIL CLERK  
LAFOURCHE PARISH COUNCIL