

On motion by Mr. Lindel Toups, seconded by Mr. Matt Matherne, the following resolution was introduced and adopted;

**RESOLUTION NO. 09-443**

**RESOLUTION AMENDING RESOLUTION NUMBER 09-434 RESCINDING RESOLUTION NUMBER 08-394 THEREBY TERMINATING AN AGREEMENT WITH T. BAKER SMITH, INC. SIGNED IN DECEMBER, 2008 FILED AT THE LAFOURCHE PARISH CLERK OF COURT'S OFFICE UNDER INSTRUMENT NUMBER 1062532 FOR THE COMPANY CANAL PUMP STATION AND FURTHER 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, a consent letter to terminate the December 2008 engineering agreement has been signed by both parties and is attached hereto; 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the Administration of the Lafourche Parish Government that the Council **hereby amend Resolution Number 09-434** that rescinded Resolution Number 08-394 ~~that approved~~ **thereby terminating** an agreement with T. Baker Smith, Inc. **signed in December, 2008**, for Company Canal Pump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 authorizing 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 special session on December 22, 2009, and does hereby **amend Resolution Number 09-434** that rescinded Resolution Number 08-394 ~~that approved~~ **thereby terminating** an agreement with T. Baker Smith, Inc. **signed in December, 2008** 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 **any and all documents relative to the termination of the agreement with T. Baker Smith and 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:

<b>YEAS:</b>	Mr. Jerry Jones	Mr. Lindel Toups
	Mr. Michael Delatte	Mr. Phillip Gouaux
	Mr. Joseph "Joe" Fertitta	Mr. Rodney Doucet
	Mr. Matt Matherne	Mr. Daniel Lorraine

**NAYS:** None

**ABSENT:** Mr. Louis Richard

And the resolution was declared adopted this 22nd 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. 09-443, adopted by the Assembled Council in Special Session on December 22, 2009, at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS 28TH DAY OF DECEMBER, 2009.

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CARLEEN B. BABIN, COUNCIL CLERK  
LAFOURCHE PARISH COUNCIL