

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO: C-4400

COUNCIL SPONSOR: TANNER/BRISTER PROVIDED BY: LEGAL

RESOLUTION TO AUTHORIZE THE PARISH PRESIDENT TO OBTAIN SPECIAL COUNSEL FOR MATTERS PERTAINING TO REPRESENTATION OF ST. TAMMANY PARISH GOVERNMENT BEFORE THE SURFACE TRANSPORTATION BOARD.

WHEREAS, the Bogue Falaya bridge expansion project is currently under design and is a project of the Regional Planning Commission. A portion of the Tammany Trace, which the Parish owns via rail banking agreement, runs under the existing Bogue Falaya bridge. In order for the bridge expansion to proceed, a determination as to whether the current rail banking agreement would require the Bogue Falaya bridge expansion to be constructed at a height to clear rail service, if ever re-enacted is necessary. Further, St. Tammany Parish Government may be required to proceed with representation before the Surface Transportation Board; therefore, special counsel with experience in railroad abandonment, interior trail uses, rail banking agreements, and trace preservation is necessary;

WHEREAS, Section 4-03(B) of the St. Tammany Parish Home Rule Charter authorizes the Parish to retain special legal counsel upon approval by St. Tammany Parish Council;

WHEREAS, St. Tammany Parish Government recognizes the necessity to retain special counsel to work in conjunction with the Executive Counsel to take direct responsibility to handle the matters identified herein; and

WHEREAS, it is imperative to have special counsel with experience in railroad abandonment, rail banking agreements, and Tammany Trace preservation.

WHEREAS, St. Tammany Parish Government recommends the appointment of Matthew Cohen, the law firm of Stoel Rives, LLP, and associated attorneys and paralegals. Mr. Cohen is an experienced attorney with the requisite expertise to render special counsel services and represent the Parish and the Parish’s interest regarding railroad abandonment, interior trail uses, rail banking agreements, and Tammany Trace preservation

THE PARISH OF ST. TAMMANY HEREBY RESOLVES that a necessity exist for the employment of special counsel in this matter and, pursuant to Section 4-03(B) of the St. Tammany Parish Home Rule Charter, the St. Tammany Parish Council hereby hereby authorizes, ratifies and approves the employment of attorney Matthew Cohen, the law firm of Stoel Rives, LLP, and associated attorneys and paralegals, as special counsel for St. Tammany Parish Government in this matter. The compensation authorized to be paid shall be an hourly rate of \$ 220.00 for all attorney time.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

THIS RESOLUTION WAS DECLARED ADOPTED ON THE 6 DAY OF AUGUST , 2015, AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

---

RICHARD E. TANNER, COUNCIL CHAIRMAN

ATTEST:

---

THERESA L. FORD, COUNCIL CLERK

## **Resolution Administrative Comment**

### **RESOLUTION TO AUTHROIZE THE PARISH PRESIDENT TO OBTAIN SPECIAL COUNSEL FOR MATTERS PERTAINING TO REPRESENTATION OF ST. TAMMANY PARISH GOVERNMENT BEFORE THE SURFACE TRANSPORTATION BOARD.**

St. Tammany Parish Government recognizes the necessity to retain special counsel for representation for the Surface Transportation Board for determinations and requirements in regards to railroad abandonment, interior trail uses, rail banking agreements, and Tammany Trace preservation. St. Tammany Parish Government recommends the appointment of attorney Matthew Cohen, the law firm of Stoel Rives, LLP, and associated attorneys and paralegals. Mr. Cohen is an experienced attorney with the requisite expertise to render special counsel services and represent the Parish and the Parish's interests regarding the litigation.