

ST. TAMMANY PARISH COUNCIL

RESOLUTION

RESOLUTION COUNCIL SERIES NO: C-3199

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL ATTORNEY

RESOLUTION AUTHORIZING SPECIAL COUNSEL TO REPRESENT ST. TAMMANY PARISH IN THE MATTER OF THE RELEASE OF A TOXIC CHEMICAL SUBSTANCE BELIEVED TO BE "BLACK WATER" INTO THE PEARL RIVER IN THE BOGALUSA AREA.

WHEREAS, on or about August 9, 2011, a toxic chemical substance believed to be "Black Liquor/Water and waste water treatment microbes" was released into the Pearl River in the Bogalusa area and is believed to have emanated from the Temple Inland facility, owned by TIN, Inc. (d/b/a Temple Inland); and

WHEREAS, the amount of chemical substance has not been quantified at this time, however, physical damage such as dead fish and wildlife and discolored water has been observed along the Pearl River and into Lake Pontchartrain. As of mid day on Friday, there are 435 workers and 145 boats on the West Pearl River, coordinating efforts to clean affected waterways; and

WHEREAS, in order to protect the health, safety and general welfare of the citizens, property and natural resources of St. Tammany Parish, it is in the best interest of the parish to retain counsel with particular expertise in the areas of environmental law, maritime law and natural resource damage to ensure that the best interests of the parish and public are served; and

WHEREAS, the District Attorney of the Twenty-Second Judicial District has no objection to the employment of special counsel in this matter.

THE PARISH OF ST. TAMMANY HEREBY RESOLVES, that a real necessity exists for the employment of special counsel in this matter and, therefore, the Parish Council authorizes, ratifies and approves the employment of Tom W. Thornhill, of the Thornhill Law Firm, A PLC, and as special counsel for the purpose of representing the parish in all matters related to the release of the toxic substance into the Pearl River on or about August 9, 2011. The compensation authorized to be paid to special counsel, Tom W. Thornhill, shall be a contingency fee (not to exceed twenty-five 25% percent), plus costs, subject to the approval of the Honorable James D. "Buddy" Caldwell, Attorney General of the State of Louisiana.

BE IT FURTHER RESOLVED that St. Tammany Parish requests this resolution be approved by the Attorney General of the State of Louisiana, the Honorable James D. "Buddy" Caldwell; and

THAT all acts previously taken by the Office of the Parish President in furtherance of the actions or agreements contemplated herein are hereby ratified and approved.

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 1 DAY OF SEPTEMBER, 2011, AT A REGULAR MEETING OF THE PARISH COUNCIL, A QUORUM OF THE MEMBERS BEING PRESENT AND VOTING.

MARTIN W. GOULD, JR., COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK