

**2015-0472**

**INTRODUCED BY: WILLIAM BILLY WOODRUFF, COUNCILMAN, DISTRICT IV**

An ordinance to approve and authorize the execution of a Contract, albeit not a requirement to enter into a professional disposal contract, with Couvillion Group, L.L.C. for removal & disposal services associated with Parish Project No. P160101 PRETTY BOY REMOVAL & DISPOSAL, and to also approve and to authorize the disposal of the vessel by any other means available to the Parish should the Parish decide to undertake an alternate mean of disposal, and to authorize and request that the Parish President seek recovery of the funds expended for its disposal from the vessel owner irrespective of whatever means of disposal is undertaken.

- WHEREAS,** the Pretty Boy is shrimp boat approximately 45' in length which sank in Bayou Des Allemands in 2009; and,
- WHEREAS,** Bayou Des Allemands has been designated by the State as a Scenic River which affords it the protection it so well deserves; and,
- WHEREAS,** Bayou Des Allemands is a navigable waterway; and,
- WHEREAS,** the sunken vessel is situated about 35' off the east shoreline in the navigable waterway and poses a current hazard to navigation; and,
- WHEREAS,** over majority of the sunken vessel is located directly in front of Touchard Lane; and,
- WHEREAS,** the sunken vessel Pretty Boy is the only sunken vessel located along Down the Bayou Road and is the only sunken vessel visible to all resident, visitor, and sightseers which travel this road and which travel U.S. Highway 90 and LA 631; and,
- WHEREAS,** the residents in the nearby vicinity have requested that the vessel be disposed of in a petition that was submitted to the Parish which contained the signatures of 78 residents; and,
- WHEREAS,** the vessel has been sunk for approximately 6-1/2 years, is deteriorating, and is leaning more and more into the navigable waterway; and,
- WHEREAS,** with the deteriorating condition of the vessel, future unforeseen events such as hurricanes can cause a shifting or a breakup of the vessel whereby creating a greater navigational hazard in the future; and,
- WHEREAS,** with the deteriorating condition of the vessel, future unforeseen events such as hurricanes can cause a breakup of the vessel which can cause hazardous material, which may currently be contained, to leak which in turn may cause a hazardous to the environment and to public health; and,
- WHEREAS,** the vessel is currently tied off to 2 piling which are preventing the vessel from becoming an underwater obstruction; and,
- WHEREAS,** a comparison of pictures taken from when the vessel first sank to those taken recently show that the piling are being overstressed as the weight of the sunken vessel pulls the piling over; and,
- WHEREAS,** when the piling give way, or when the part of the vessel to which it is secured to the piles give way, or the items that secure the vessel to the piling give way, the vessel will roll over into the deep water which will create an underwater obstruction whose disposal will become an emergency project which will result in a substantially more expensive disposal operation; and,
- WHEREAS,** should the vessel break loose, especially during a hurricane event, the strong currents which shoot through this narrow area of the bayou will carry the vessel into the support structure of the LA 631 bridge whereby causing danger to the bridge and will result in a more expensive and dangerous disposal project; and,
- WHEREAS,** the prior council saw fit to provided \$30,000 in funding for the project in both the 2015 budget and the 2016 budget; and,
- WHEREAS,** letter bids were received September 1, 2015 and the lowest bid of \$29,000 received from Couvillion Group, LLC was under the 2016 budgeted amount; and,

**WHEREAS**, the Attorney General of Louisiana, in Opinion No. 15-0173 opined that it was lawful for St. Charles Parish to remove the sunken vessel; and,  
**WHEREAS**, the Attorney General of Louisiana, in Opinion No. 15-0041 opined that the Parish President must execute the authorizations set forth in an adopted budget; and,  
**WHEREAS**, the Parish Council desires have the sunken vessel Pretty Boy disposed of from Bayou Des Allemands by entering into a professional disposal service contract or by any other means available to the Parish should the Parish decide to undertake an alternate mean of disposal; and,  
**WHEREAS**, the Parish Council authorizes and request that the Parish President, takes the steps necessary to recover from the vessel owner the funds association with the Professional Disposal Services contract or the funds expended for its disposal by any other means the Parish may undertake, especially following the fact that the owner of the vessel failed to have the vessel removed in accordance with the plan submitted by the owner and approved by the Parish.

**THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That said contract for Professional Disposal Services between Couvillion Group, L.L.C. and the Parish of St. Charles is hereby authorized for approval and acceptance, in the amount of \$29,000.00.

**SECTION II.** That the Parish President is hereby authorized by ordinance to execute said Professional Disposal Services contract documents on behalf of the Parish of St. Charles although an ordinance is not a requirement to do so.

**SECTION III.** That the Parish President is also hereby authorized to dispose of the vessel by any other means available to the Parish should the Parish decide to undertake an alternate mean of disposal.

**SECTION IV.** That the Parish Council request that the President takes the steps necessary to recovery from the vessel owner the funds association with the Professional Disposal Services contract or the funds expended in association with any other means by which the Parish may have the vessel disposed of.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: HOGAN, CLULEE, WOODRUFF  
NAYS: BENEDETTO, WILSON, GIBBS, BELLOCK, FLETCHER,  
FISHER-PERRIER  
ABSENT: NONE

PROPOSED ORDINANCE FAILED FOR LACK OF A FAVORABLE MAJORITY ON FEBRUARY 15, 2016.