

2021-0336

INTRODUCED BY: MATTHEW JEWELL, PARISH PRESIDENT
(DEPARTMENT OF LEGAL SERVICES)

ORDINANCE NO. 22-1-6

An ordinance to authorize the Parish President to make full and final settlement in the matters entitled "*Industrial and Mechanical Contractors, Inc. vs. St. Charles Parish*", 29th Judicial District Court of St. Charles Parish, Docket No. 84,056 consolidated with "*St. Charles Parish vs. Industrial and Mechanical Contractors, Inc., et al*", 29th Judicial District Court of St. Charles Parish, Docket No. 84,689.

WHEREAS, St. Charles Parish entered into a construction project with Industrial and Mechanical Contractors, Inc. (IMC) for the improvements to the Mimosa area drainage system, Project No. P090904; and,

WHEREAS, St. Charles Parish and IMC became engaged in litigation involving the project; and,

WHEREAS the litigation eventually involved IMC's subcontractor, IMC's bonding company and Bucharth Horn, Inc., the engineering firm; and,

WHEREAS, the litigation resulted in claims by and between IMC and St. Charles Parish, St. Charles Parish and IMC and its surety, Travelers Casualty and Surety Company of America; and,

WHEREAS, the project was eventually completed by St. Charles Parish; and,

WHEREAS, all parties have agreed to resolve all claims with St. Charles receiving a total of \$240,000.00 from Bucharth Horn, Inc and IMC's subcontractors, and paying IMC the sum of \$109,000.00, in full and final settlement by, between and among the parties.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That full Release, Indemnity and Settlement of the litigation entitled "*Industrial and Mechanical Contractors, Inc. vs. St. Charles Parish*", 29th Judicial District Court of St. Charles Parish, Docket No. 84,056 consolidated with "*St. Charles Parish vs. Industrial and Mechanical Contractors, Inc., et al*", 29th Judicial District Court of St. Charles Parish, Docket No. 84,689 is hereby approved and accepted.

SECTION II. That the Parish President is hereby authorized to execute a Release, Indemnity and Settlement Agreement.

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

YEAS: BILLINGS, FONSECA, DARENSBOURG GORDON, CLULEE, BELLOCK, FISHER

NAYS: NONE

ABSENT: GIBBS, DUFRENE, FISHER-PERRIER

And the ordinance was declared adopted this 24th day of January, 2022, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: Bob Fisher

SECRETARY: Michelle Spadato

DLVD/PARISH PRESIDENT: January 25, 2022

APPROVED: DISAPPROVED:

PARISH PRESIDENT: Math Jewell

RETD/SECRETARY: January 25, 2022

AT: 2:15 pm RECD BY: (Signature)