



# St. Tammany Parish Government **EMERGENCY OPERATIONS CENTER**

## *Executive Proclamation*

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*Emergency Operations Center Contact: 985-898-2359*

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**EXECUTIVE PROCLAMATION DECLARING A STATE OF EMERGENCY PERSUANT TO THE LOUISIANA HOMELAND SECURITY AND EMERGENCY ASSISTANCE AND DISASTER ACT, LA. REV. STAT. 29:721, *ET SEQ.*, AND THE LOUISIANA PUBLIC BID LAW, LA. REV. STAT. 38:2211, *ET SEQ.*, AS TO THE FAILURE OF THE TIMBER BRANCH WELL.**

**WHEREAS**, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. Rev. Stat. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana and parish presidents emergency powers to prepare and cope with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations will be adequate to cope with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana; and

**WHEREAS**, La. Rev. Stat. 29:723 provides that an “emergency” includes any natural or man-made event which results in an interruption in the delivery of utility services to any consumer of such services and which affects the safety, health, or welfare of a Louisiana resident, or in which a utility’s property is damaged and such damages create a dangerous condition to the public; and

**WHEREAS**, when the Parish President determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. Rev. Stat. 29:727 empowers him to declare a state of emergency by executive order or proclamation; and

**WHEREAS**, the Louisiana Public Bid Law, 38:2211, *et seq.*, defines an “emergency” as an unforeseen mischance bringing with it destruction or injury of life or property or the imminent threat of such destruction or injury, where the mischance will not admit of the delay incident to advertising as required by the Louisiana Public Bid Law; and

**WHEREAS**, La. Rev. Stat. 38:2212(P) provides that the Louisiana Public Bid Law shall not apply in cases of such public emergencies, when the emergency has been certified to by the public entity and notice of such public emergency is published in the official journal of the public entity within ten days thereof; and

**WHEREAS**, it was determined that the Tammany Utilities Timber Branch well located at the east end of Bootlegger Road near Highway 21 in Covington was malfunctioning on or about February 27, 2020, and the magnitude of the failure was discovered on March 4, 2020; and

**WHEREAS**, the failure of the Timber Branch well has resulted in a loss of capacity of over 1200 gallons of water per minute; and

**WHEREAS**, Fire Protection District No. 13 of St. Tammany Parish reports that the loss of capacity due to the failure of the Timber Branch well endangers the public and property in that fire suppression systems in the area will be adversely affected in the event of a fire in the well’s service area; and



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**WHEREAS**, as a result of the dangerous conditions caused by the failure of the Timber Branch well, Michael B. Cooper, as Parish President of St. Tammany Parish, heretofore invokes the rights and duties afforded him under La. Rev. Stat. 29:721, *et seq.*, 29:727(D), and 38:2212(P) and other applicable statutes and regulations, until further notice; and

**WHEREAS**, St. Tammany Parish Government, through Michael B. Cooper, as Parish President, is empowered to take all necessary measures to ensure the continued safety, health and welfare of the citizens of St. Tammany Parish, as per law; and,

**WHEREAS**, the effect of the emergency upon St. Tammany Parish's people and property requires action by St. Tammany Parish Government to offset and/or prevent damages caused by the failure of the Timber Branch well; and

**WHEREAS**, the need to repair the Timber Branch well is emergent and cannot be postponed in order to advertise pursuant to the Louisiana Public Bid Law requirements.

**IT IS ORDERED** that pursuant the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. Rev. Stat. 29:721, *et seq.*, specifically La. Rev. Stat. 29:727 (D), and 38:2212(P), a state of emergency is declared in the service area of the Timber Branch well as a result of the failure of same, which has created emergency conditions that threaten the safety of the citizens of this Parish and their property; and

**IT IS FURTHER ORDERED** that the Office of the Parish President invokes the right to make emergency procurements afforded it under Louisiana Revised Statutes; and

**IT IS FURTHER ORDERED** that the state of emergency shall remain in effect until terminated by Executive Proclamation.

At Mandeville, Louisiana, this 5<sup>th</sup> day of March 2020 at 2:20 p.m.

Michael B. Cooper  
Parish President

NOTICE POSTED AT:  
St. Tammany Parish web-page: stpgov.org  
and  
21490 Koop Drive, Mandeville, La.  
and  
510 E. Boston Street, Covington, La.



**ANGEL L. BYRUM**  
Notary Public  
Notary ID No. 132455  
Orleans Parish, Louisiana

Sworn and subscribed before me,

(Notary Public)

On this 5 day of March 2020.