

06/13/2013

Mr. William Klink
Executive Director
Louisiana State Bond Commission
900 North 3rd ST, 3rd Floor
Baton Rouge, LA 70804

Re: Bennetti/CFBK vs City of Kenner, Yenni, Kenner City Council
24th JDC, Parish of Jefferson, Case 727358

Dear Mr. Klink:

Enclosed please find a copy of the attached case regarding the proposed sale by the City of Kenner of sales tax revenue bonds.

Sincerely,



Walter A. Bennetti
Plaintiff
3009 Illinois Avenue
Kenner, LA 70065

#415

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

CASE NO.: 727-358 SECTION: " " F DOCKET NO.:

CITIZENS FOR A BETTER KENNER, INC. and WALTER BENNETTI

FILED

VERSUS

The CITY OF KENNER, KENNER MAYOR MIKE YENNI, the KENNER CITY COUNCIL

MAY 24 2013 [Signature] DEPUTY CLERK

CODED

FILED: _____ DEPUTY CLERK

PETITION FOR PRELIMINARY AND PERMANENT INJUNCTIONS, and MANDAMUS

NOW INTO COURT, through undersigned counsel, comes the plaintiffs, who respectfully represents and seeks relief as follows:

SECTION I: PARTIES

1.

Plaintiff, THE CITIZENS FOR A BETTER KENNER, INC. (hereinafter "CFABK"), is a Louisiana Non Profit Corporation whose members are tax paying citizens of Kenner, Louisiana; and

Plaintiff, WALTER BENNETTI, is a tax paying citizen and resident of Kenner, Louisiana; and

Defendant, the CITY OF KENNER, is a political corporation of the State of Louisiana.

Defendant, the KENNER CITY COUNCIL (hereinafter "the Council"), is a seven-person body elected by the residents of the City of Kenner, which makes final determinations all ordinances.

Defendant, MAYOR MIKE YENNI (hereinafter "Yenni"), is the current elected Mayor of the City of Kenner as well as a resident of the city.

SECTION II: JURISDICTION AND VENUE

2.

IMAGED JUN 06 2013

IMAGED MAY 31 2013

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SECTION III: FACTS

3.

Upon presentation of Yenni of his 2030 plan, the Council proposed ordinance number 10,572 (Please see attached Exhibit '1') which called for not only renewing existing bonds, but authorizing the issuance of additional bonds "not to exceeding \$47,000,000, in one or more series..."

4.

This ordinance was passed on the 18th day of April, 2013 with a 6-1 vote, all Council members in favor, save Gregory Carroll. The matter was published on April 24th, 2013.

5.

Approving an ordinance which obligates tax payers to repay bonds (both refinanced debt and new money borrowed) cannot be done by vote of the Council. In fact, the Kenner City Charter specifically states in Section 6.12 that all proposals for the issuance of revenue bonds must be approved by a majority vote of the qualified electors of the City voting in referendum called for such purpose. Please see attached 'Exhibit 2'.

6.

The Council and Yenni have violated our Kenner City Charter by failing to bring this matter to a vote of the qualified electors, opting instead to borrow millions of dollars that the tax payers will ultimately have to pay back without giving us a voice in the decision as the Charter obligates them to do.

SECTION IV: RELIEF SOUGHT

7.

Considering the foregoing, your plaintiffs respectfully submits that the Council, Yenni, and the City having failed to follow its own Charter, will borrow millions of dollars at the peril of the tax payer, causing immediate and irreparable injury.

8.

Defendants arbitrarily, capriciously, and unreasonably failed to follow the City Charter.

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10.

Plaintiffs further request that the defendants, pursuant to a Writ of Mandamus, be made to follow the City Charter and, should it intend to make such ordinance law, bring it for a vote before the electorate.

11.

Plaintiff further request that the court declare this ordinance invalid.

WHEREFORE, the plaintiffs request that injunctions, both preliminary and permanent, issue ordering all defendants to cease and desist their efforts to enforce of Ordinance Number 10,572. Plaintiffs further request that the defendants, pursuant to a Writ of Mandamus, be made to follow the City Charter and, should it intend to make such ordinance law, bring it for a vote before the electorate. Plaintiff further request that the court declare this ordinance invalid.

Respectfully submitted,



Walter Bennetti
Individually and on behalf of CFABK
3009 Illinois Avenue
Kenner, La 70065

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24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

CASE NO.: 727358 SECTION: " " DOCKET NO.:

CITIZENS FOR A BETTER KENNER, INC.
and WALTER BENNETTI

VERSUS

The CITY OF KENNER, KENNER MAYOR MIKE YENNI,
the KENNER CITY COUNCIL

FILED: _____

DEPUTY CLERK

ORDER

Considering the foregoing:

IT IS HEREBY ORDERED, that the defendants show cause on the 27 day of August, 2013 @ 9am why preliminary injunctions, should not issue ordering all defendants to cease and desist their efforts to enforce of Ordinance Number 10,572, and why the defendants, pursuant to a Writ of Mandamus, should not be made to follow the City Charter and, should it intend to make such ordinance law, bring it for a vote before the electorate, and further why this court should not declare this ordinance invalid.

Gretna, Louisiana on this 31 day of May, 2013.

[Signature]
JUDGE

IMAGED JUN 06 2013

727358

3009 Illinois Ave
Kenner, LA 70065

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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™



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Mr. William Klink
Executive Director
Louisiana State Boro Commission
900 North 3rd St, 3rd floor
Baton Rouge, LA 70804

