

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held in the Belle Chasse Council Chambers, 333 F. Edward Hebert Blvd., Bldg. 203, Belle Chasse, Louisiana on Thursday, February 10, 2022, at 3:00 p.m., pursuant to notice to all members with a quorum present as follows:

PRESENT: Commissioner Benedict Rousselle, Chairman
Commissioner John L. Barthelemy, Jr.
Commissioner W. Beau Black
Commissioner Corey Arbourgh
Commissioner Stuart J. Guey
Commissioner Trudy Newberry
Commissioner Carlton M. LaFrance, Sr.
Commissioner Richie Blink
Commissioner Mark Cognevich

Kim M. Toups, Secretary

Sandy Sanders and Chambrel Riley-Williams were present representing the Port.

The Prayer was said and the Pledge was recited.

Agenda Item 9a(1), "An Ordinance establishing ferry toll rates and providing for discounts and exemptions thereof; establishing ferry hours of operation; adopting policies and procedures for ferry operations; and otherwise to provide with respect thereto" was offered and seconded. A discussion was held and then the item was withdrawn.

There being no matters to address under the following Agenda Item 2, "Executive Session", Commissioner Rousselle moved to Agenda Item 3, "Status Report by the Executive Port Director". Without objection, so ordered. The following topics were addressed by Sandy Sanders:

- The Port & Parish staff had a TEAMS meeting with Phillips 66 officials in regard to the possible land donation from Phillips 66 for land designated for the water booster station. A survey is being done and once it has been completed, talks regarding the property acquisition can begin;
- The Port continues to meet with DOTD to talk about the Container Terminal and the eventual moving of Hwy. 23;
- The Port met with the Port of Jacksonville to observe the LNG bunkering of vessels. Also in attendance was members from APM Terminals, Devco23, Crowley Marine Logistic and Eagle LNG. The Port reviewed general operations and safety and emergency responses, along with a demonstration of the bunkering operation utilizing LNG. The members of Port in attendance were also coached on procedures and interactions with the USCG;
- The Port spoke with Matthew Kegg from Tallgrass to see if there have been any prospects in commercialization efforts in the Plaquemines Liquid Terminal. Mr. Kegg said that there were none.
- The Port talked about levee protection and the Point Celeste Pump Station.
- The Port, along with Chris Fetters, had a meeting with some of the residents from Ironton in regard to relocation and other alternatives on Sunday, February 6, 2022;
- Lastly, the Port reported that they met with some of the Board members to discuss some specific details of the SP Project. The topics of discussion included budget, schedule and vendor database.

Mr. Chris Fetters provided a PowerPoint presentation to provide an update on the LGGT Mainline Extension and Mr. Vic LaFont provided a PowerPoint presentation on the vendor management on the Mainline Extension Project.

Commissioner Rousselle moved to Agenda Item 3a, "Financial Report/Budget to Actual". Without objection, so ordered. Chambrel Riley Williams reported:

- The Port's year to date totals are as follows: Revenue is at \$10,617,745; Expenses are \$11,162,607; which leaves the year-to-date Net Revenue of the Port at -\$544,862;
- The Port Tariff revenues are 7% above budget from 2021, and 12% from 2020;

- The Port's overall Total Revenues are 2% below budget mostly due to WRDDA (grant) Revenue;
- The Port's Personal Services are 4% below budget, and the Financial Services are 31% below budget due to year end non-cash items and 4th quarter interagency fees that were unrecorded;
- Lastly, the Port's overall total Operation Expenses are 21% below budget. This is due to being 13% under budget in Rentals/Leases, 42% under budget in Maintenance, and 31% under budget for Professional, Consulting & Technical Services and Employee Expenses.

There being no matters under Agenda Item 4, "Bids and Advertisements" and no items for introduction under Agenda Item 5, "Introduction of Ordinances and Resolutions", Council Member Rousselle moved to Agenda Item 6, "Ordinances and Resolutions on second reading and final passage". Without objection, so ordered.

ORDINANCE NO. 22-5

The following Ordinance was offered by Commissioner Rousselle who moved its adoption:

An Ordinance authorizing Sandy Sanders, Executive Director of the Plaquemines Port, Harbor and Terminal District, to purchase land owned by Brian and Vanessa Fisher (the Fishers); and otherwise to provide with respect thereto.

WHEREAS, through negotiations with the Fishers, a recommendation is being made to approve the acquisition of property owned by the Fishers, contiguous to property currently owned by Plaquemines Port, Harbor and Terminal District; and

WHEREAS, the property has been appraised, and the fair market value has been calculated to be \$ 392,000; and

WHEREAS, the negotiations between the Fishers and the Port recognize a total purchase price of said property for \$ 392,000 (three hundred ninety-two thousand) for Lot 8, Pointe Celeste Farms S/D, currently owned by Brian and Vanessa Fisher;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT:

SECTION 1

It hereby authorizes and directs Maynard Sanders, Executive Director of the Plaquemines Port, Harbor and Terminal District, to acquire the land owned by Brian and Vanessa Fisher, more fully described by the legal description attached hereto as Exhibit "A."

SECTION 2

The acquisition shall be for a purchase price of \$ 392,000 (three-hundred ninety-two thousand dollars) plus closing cost for the transfer of ownership of the land at Lot 8 Pointe Celeste Farms S/D, currently owned by Brian and Vanessa Fisher, to the Plaquemines Port, Harbor and Terminal District.

SECTION 3

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Port employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Commissioner Cognevich seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Commissioners John L. Barthelemy, Jr., W. Beau Black, Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Sr., Richie Blink and Mark Cognevich

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 10th day of February, 2022.

Commissioner Blink offered a substitute to 9b.

MOTION FOR AMENDMENT

Commissioner Blink offered an amendment to the ordinance entitled, “An Ordinance to amend the Plaquemines Port, Harbor & Terminal District’s 2022 Revenue & Operating Expenditure Budget; and otherwise to provide with respect thereto”. Commissioner Rousselle seconded the motion and on roll call, all members present voting “YES”, except Commissioners Black and Arbourgh voting “NO”, the following amendment was adopted by a vote of 7-2:

Line 34 which read as follows was removed

“2460 Gen-Oper 557.830 Oth Chrg-Rail Usage Fee Inc 717,266”

ORDINANCE NO. 22-6

The following Ordinance was offered by Commissioner Blink who moved its adoption:

An Ordinance to amend the Plaquemines Port, Harbor & Terminal District’s 2022 Revenue & Operating Expenditure Budget; and otherwise to provide with respect thereto.

WHEREAS, various amendments to the 2022 Revenue & Operating Expenditure Budgets are necessary;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY FOR THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT:

SECTION 1

The Plaquemines Port, Harbor & Terminal District’s 2022 Revenue Budget is amended as follows:

445 Plaquemines Port, Harbor & Terminal District Fund
000 Revenues

0000 Revenues 468.258 Rents & Leases-VG-Parcel 3 Inc 6,979,934

SECTION 2

The Plaquemines Port, Harbor & Terminal District’s 2022 Operating Expenditure Budget is amended by appropriating \$1,206,613 from the Unrestricted Fund Balance as follows:

445 Plaquemines Port, Harbor & Terminal District Fund
490 PPHTD

2460	Gen – Oper	536.105	Fire/Wind/Collision	Inc	751,424
2460	Gen - Oper	531.001	Legal Support - General	Inc	25,000
2460	Gen - Oper	533.001	General Services-General	Dec	(60,000)
2460	Gen - Oper	533.002	General Svcs-Janitorial	Inc	15,000
2460	Gen - Oper	533.003	General Svcs-Payroll	Inc	10,000
2460	Gen - Oper	533.004	General Svcs-Marketing	Inc	15,000
2460	Gen - Oper	533.005	General Svcs-Study	Inc	15,000
2460	Gen - Oper	533.006	General Svcs-Emp Exp	Inc	5,000

445 Plaquemines Port, Harbor & Terminal District Fund
490 PPHTD

2462	Rescue Boats	517.005	Group Ins-Health	Inc	38,233
2462	Rescue Boats	536.105	Ins. Fire/Wind/Collision	Dec	(400,000)

445 Plaquemines Port, Harbor & Terminal District Fund
490 PPHTD

2468	Land Acq	531.001	Legal Support – General	Inc	120,000
------	----------	---------	-------------------------	-----	---------

445 Plaquemines Port, Harbor & Terminal District Fund
491 PPHTD-Ferries

2463	Ferries	516.105	Retirement PERS	Dec	(40,000)
2463	Ferries	517.005	Group Ins-Health	Inc	19,690
2463	Ferries	548.105	Fuel - Gasoline	Inc	25,000
2463	Ferries	536.205	Deductibles – Ferries	Inc	150,000
2463	Ferries	536.105	Ins-Fire/Wind/Collision	Dec	(200,000)

SECTION 3

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Commissioner Rousselle seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Commissioners John L. Barthelemy, Jr., Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Sr., Richie Blink and Mark Cognevich

NAYS: Commissioner W. Beau Black

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 10th day of February, 2022.

RESOLUTION NO. 22-21

On motion of Commissioner Rousselle, seconded by Commissioner Cognevich, and on roll call all members present and voting “YES”, except Commissioner Blink who voted “NO”, the following Resolution was adopted:

A Resolution authorizing Maynard J. “Sandy” Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District to execute an agreement with Evalve IQ, LLC; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Port, Harbor & Terminal District (the “Port”) has a need for port improvements; and

WHEREAS, the Port has a need for a vulnerability assessment, cyber security and respond plan review; and

WHEREAS, the Port has applied for Port Cyber Security grants funds to apply for said assessment needs;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby authorizes Maynard J. “Sandy” Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District, to execute an agreement with Evalve IQ, LLC for Cyber Security Assessment and Network Vulnerability Assessment.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Port employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 22-7

The following Ordinance was offered by Commissioner Rousselle who moved its adoption:

An Ordinance establishing the policy for Plaquemines Port, Harbor and Terminal District in regard to mandatory terms to be included in all port contracts for professional and other services and all contracts that extend beyond a single fiscal year; establishing the policy for Plaquemines Port, Harbor and Terminal District in regard to submitting all signed contracts to the Council Secretary within two weeks of the document being executed; otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Council (“Council”) as the sole governing authority of the Plaquemines Port, Harbor and Terminal District (the “Port), is authorized to establish the policy of the Plaquemines Port, Harbor and Terminal District; and

WHEREAS, the Executive Director of the Port is obligated to abide by and enforce the policies adopted by the Council; and

WHEREAS, contracts that bind the Port to make payments in the future may be deemed to create public debt, initiating approval by the State Bond Commission, unless such contracts contain appropriate language in regard to termination for convenience and/or termination for non-appropriation; and

WHEREAS, to avoid potential conflicts in the interpretation of contracts, the Council deems it necessary to establish a policy directing the inclusion in all Port contracts of certain language to clarify, for all parties thereto, how those contracts are to be interpreted; and

WHEREAS, in order for the Council Secretary’s Office to maintain accurate records, it is necessary to create a policy wherein copies of signed contracts shall be emailed to the Council Secretary withing two weeks from the date of execution;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT (“PORT”) THAT:

SECTION 1

It shall be the policy of the Port that all contracts for professional or other services that are for a term of one year or less and which are paid monthly shall include the following language:

- The compensation paid shall be due in the month following the month after the services are rendered, upon the submission of an invoice from the Contractor to the Port.
- This contract may be terminated, with or without cause, by the Port, by action of the Council, upon at least 30 days written notice to the Contractor, which notice may be by email, facsimile or other means. In the event the termination takes effect during a month, the monthly compensation shall be pro-rated.

SECTION 2

It shall be the policy of the Port that all contracts for professional or other services that are for a term that extends beyond a single fiscal year shall include the following language:

- This contract is not intended to create public debt of which the Port is the obligor.
- This contract may be terminated, with or without cause, by the Council, and upon at least 30 days written notice to the Contractor, which notice may be by email, facsimile or other means, except as otherwise provided for herein. The compensation provided for herein that would have been due within the fiscal year in which the contract was terminated shall be pro-rated based upon the number of days into the fiscal year as of the effective date of the termination.
- The adoption of the Operating Budget of the Port that fails to appropriate funding available for the contract or the explicit exclusion of the contract from the Budget shall effect a termination of the contract without the requirement the written notice otherwise required for the termination of the contract. The contract will terminate on at the end of the last day of the fiscal year for which funding was Budgeted, except as otherwise provided herein.
- The adoption of an amendment to the Operating Budget of the Port that removes the funding available for the Contract or provides for the explicit exclusion of the contract from the Budget, shall effect a termination of the contract without the requirement the written notice otherwise required for the termination of the contract. The contract will terminate upon the effective date of the amendment. The compensation provided for herein that would have been due within the fiscal year in which the contract was terminated shall be pro-rated based upon the number of days into the fiscal year as of the effective date of the termination.

SECTION 3

It shall be the policy of the Port that all signed contracts are sent to the Council Secretary’s Office within two weeks of execution.

SECTION 4

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Commissioner LaFrance seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Commissioners John L. Barthelemy, Jr., W. Beau Black, Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Sr., Richie Blink and Mark Cognevich

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 10th day of February, 2022.

RESOLUTION NO. 22-22

On motion of Commissioner Rousselle, seconded by Commissioner Guey, and on roll call all members present and voting "YES", the following Resolution was adopted:

A Resolution authorizing Maynard J. "Sandy" Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District, to execute a reimbursement agreement with LA DOTD; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Port, Harbor & Terminal District (the "Port") has a need for port improvements; and

WHEREAS, the Port has reviewed the application for Alliance Water Booster Station and Feed Lines Upgrades and agrees with said agreement; and

WHEREAS, the Port is a political body duly organized and existing under the laws of the State of Louisiana and is eligible to apply for funds under said Statute; and

WHEREAS, currently, no funds have been made available by the State for construction of the project; and

WHEREAS, the Sponsor desires to utilize its own funds for the construction of the Project and to be reimbursed by the Port Construction and Development Priority Program once funding becomes available, in accordance with R.S. 34:3457, et seq;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby authorizes Maynard J. "Sandy" Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District, to execute a reimbursement agreement with LA DOTD.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the Port acknowledges that an application was submitted to the Louisiana Port Construction and Development Priority Program.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT at the appropriate time and prior to commencement of work on the project, the Port agrees to execute a Project Agreement and a Statement of Sponsorship pursuant to the Statute and hereby authorizes and empowers Maynard J. "Sandy" Sanders to enter into and execute said agreement with the Louisiana Department of Transportation and Development.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT Maynard J. “Sandy” Sanders is hereby the Authorized Representative for the Plaquemines Port, Harbor and Terminal District to represent the Port with regards to the receipt of funds from the Louisiana Port Construction and Development Priority Program for a port improvement project.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Port employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Commissioner Rousselle moved to Agenda Item 7, “New Business”. Without objection, so ordered.

Agenda Item 7b, “PLT discussion and update” was addressed under the Executive Director’s report.

Agenda Item 7c, “Presentation by the CORPS Of Engineers on the NOV levee alignment” was deferred.

Commissioner Rousselle moved to Agenda Item 8, “Approval of the Minutes”. Without objection, so ordered.

RESOLUTION NO. 22-23

On motion of Commissioner Newberry, seconded by Commissioner Rousselle, and on roll call all members present and voting “YES”, the following Resolution was adopted:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby approves the minutes of the January 13, 2022, regular Port Meeting as recorded by the Secretary of this Council.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Port employees and officials are authorized to carry out the purposes of this Resolution.

There being no further business to come before this Council, on motion Commissioner LaFrance seconded by Commissioner Cognevich, and on roll call all members present voting “YES”, the meeting adjourned at 4:35 p.m.

Chairman

Secretary

For a full transcript of discussions and presentations a video of this meeting is available for viewing on the Parish website www.plaqueminesparish.com or on YouTube.