

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 Building Chambers, 333 F. Edward Hebert Blvd., Bldg. 203, Belle Chasse, Louisiana on Thursday, March 11, 2021, at 3:00 p.m., pursuant to notice to all members with a quorum present as follows:

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

Barbara S. Marcotte, Assistant, Secretary

Sandy Sanders, Paul Matthews, Christie Nielsen and Chambrel Riley Williams were present to represent the Port.

The Prayer was said and the Pledge was recited.

There being no items for Executive Session, Commissioner Blink moved to Agenda Item 3, "Status Report by the Executive Port Director. Without objection, so ordered. The following was reported by Sandy Sanders:

- General Sanders stated that Vice Chair Newberry set up a meeting with Port staff, PPG staff, Venture Global and Inframark representatives to discuss the need for a water booster station to support the construction of the Venture Global LNG Project. It was erroneously stated by a Port employee that VG had previously been denied permits. This was addressed with the employee and expressed to Venture Global in a public forum. The cost of the booster station is between \$4-5 million. The Port staff is attempting to assist by applying for a Port Priority Program, fee funds, capital outlay funds and petition the Governor to grant these funds to the CARES Act.
- Met with Entergy executives to discuss short power services as we mature as a Port.
- Commenced our GIS process with ES Services, Inc. We immediately recognized where we can save money in both time and dollars with this process regarding to our tariff schedules impromptu payment. We also improved our methods to provide emergency response on the waters.
- Today you will hear a project update presentation by J.D. Russell and Associates who have been working on a procurement policy and will provide a power point.
- One of the Port Authority crews were performing maintenance on their vessel at the Empire Shipyard last week when they heard a cry from a nearby vessel and immediately responded to a situation where an individual was severely cut on his leg. This is where their training and equipment on hand took over. They stabilized the patient, called 911, field dressed the wound and kept him alert until the paramedics and EMS arrived. They commended our employees for saving his life and leg.

Mr. Vallee addressed Sandy Sanders regarding his public record request relative to the budget and how many vessels are coming in, how much revenue do we receive every month and did we do a comparative on all the projects over the last 8 years. Mr. Vallee handed out an update on the new intermodal terminal that will be going on down at Violet Dock Port. He asked that in the next meeting if the Port can report on these updates and if the Port will be reporting on their budget to actuals. Sandy Sanders stated that the Port had 72 hours to respond to his request.

Commissioner Blink asked General Sanders about the power situation. Sandy Sanders said they just wanted to give an early warning to Entergy about what their needs may be. In the next few weeks, Entergy will be providing a proposal and how they can advance that when needed.

Ms. Jade Brown Russell with J.D. Russell Consulting provided an update on procurement and other policies and procedures. The presentation consisted of Phase 1: Assessment, Analysis and Recommendations; Phase 2: Policy Development, Implementation and Compliance; and Phase 3: Training, Workshops and Initiatives.

Commissioner Newberry thanked Ms. Russell and provided an understanding to the Board on what is taking place with these policies; how they will improve the Port and get a better understanding between the board, administration and the public. A draft report from J.D. Russell Consulting will be provided to the Board. Meetings will be set up to review before adopting.

Commissioner Blink moved to Agenda Item 3b, "Financial Report/Budget to Actual". Without objection, so ordered. Ms. Williams stated that all Port Commissioners have been provided a 2021 total budget report and detailed budget report with actual expenditures shown as of January 31, 2021. As of January 1, 2021 the port completed 8% of the year and any categories with a 5% unfavorable variance would yield attention. There are no revenue variances of 3% or below; they are currently at 4%. Expenses with 87% or less remaining would yield attention; at this time, they have none. Personnel services have 94% remaining, financial services have 95% remaining, operational services have 97% remaining and capital outlay have 99% remaining. This only reflects one month of data and would normally give the report at the Pointe-a-la-Hache meeting and have more to report. Ms. Williams also asked that there be no financial report at the March 25, 2021 meeting so she can resume her normal reporting at the April 22nd meeting and will be able to provide a first quarter snapshot and can have more details and data to analyze.

Commissioner Blink stated that Mr. Vallee could come up and this would include Agenda Item 7b, "Discussion regarding the March 6, 2021 Public Records Request sent to the Port, Harbor & Terminal District by Mr. Donald Vallee, and the budget to actual financials which were to be presented and discussed at the last three Port Meetings". Mr. Vallee stated that we continue to hear about this report, but the public never sees it and he had to submit a FOIA to obtain it. Commissioner Blink commented that this is a public agency, and the books are a matter of public record but there are proprietary things the Port works on and are usually not in the budget. He also said it should be available for the public to see. The Commission receives a detailed report, but it is not available to the public. It will tell you what's going on with the Port, what are we doing with the Port and where is the business for the Port. Mr. Vallee reiterated about the report he provided on the Violet Port and that the Parish spent a lot of money and doesn't have anything to show for it. He also commented that the public is not seeing any reports of the status of Venture Global, the container terminal, what's going on with bids, ships in the river and that we've spent 10-12 years on this project and don't have anything to show for it. He also said we can't get anything without infrastructure and the Port killed that by telling them let's build the bridge with a toll put through because we'll never see Walker Road put through. Walker Road is a vital part to the development of the Port.

Commissioner Rousselle asked what the Administration's intention on the public records request. Ms. Nielsen said she sent an email to Mr. Vallee acknowledging receipt of this request and are following the State law. Ms. Nielsen also said that he provides a money order to the Port before they can fulfill his request. Commissioner Blink said some of this can be avoided if this could be on the website. Ms. Williams said that the agreed upon procedures is to provide a report monthly, whether it is detailed or summarized to the Board. When they receive a request from the public they send it to the Director of Administration, which is their policy.

There being no Bids or Advertisements and no Introductions, Commissioner Blink moved to Agenda Item 6, "Ordinances and Resolutions on second reading and final passage". Without objection, so ordered.

There were no items listed under 6a, "Ordinances and Public Hearings pursuant to Article 6, Section 6.01E of the Parish Charter.

RESOLUTION NO. 21-70

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

A Resolution affirming support for continued efforts towards construction of a container terminal within the jurisdiction of the Plaquemines Port, Harbor and Terminal District; and otherwise to provide with respect thereto.

WHEREAS, there is a need on the lower Mississippi River for a container terminal which can accommodate up to 20,000 TEU class vessels with a 50 foot river draft, unobstructed air clearance, and room for future expansion; and

WHEREAS, numerous studies have identified in the jurisdiction of the Plaquemines Port, Harbor and Terminal District on the east and west bank of Plaquemines Parish on the Mississippi River; and

WHEREAS, worldwide interest from shippers, terminal operators, beneficial cargo owners and investors have shown that the concept is sound and due diligence should continue; and

WHEREAS, Plaquemines Port, Harbor and Terminal District has an exclusive agreement with American Patriot Holdings to utilize their patented container on vessel movement of containers to the Midwest utilizing water transport, the lowest cost of shipping available; and

WHEREAS, developing a container port will provide high-paying jobs and educational opportunities for our residents, as well as much needed revenues for our governmental agencies; and

WHEREAS, Port Districts throughout the heartland of the United States have signed Memorandums of Understanding and letters of support for the project; and

WHEREAS, rail relocations/improvements and additional highway capacity can be accomplished through private investment, without costing taxpayers or governmental agencies capital resources pledged to provide services but providing benefits for all; and

WHEREAS, a successful project will provide economic benefits to Plaquemines Parish, the State of Louisiana and the United States of America;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT IT concurs, supports and agrees that all effort to explore all opportunities to accomplish the goals of constructing a container terminal within the jurisdiction of the Plaquemines Port, Harbor District should continue and proceed expeditiously and without delay.

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 Blink filled in the blanks for Agenda Item 6c.

RESOLUTION NO. 21-71

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

A Resolution authorizing the acceptance of proposal for providing Actuarial services for the Plaquemines Port, Harbor and Terminal District for a period of one year with the option to renew for two (2) additional terms; and otherwise to provide with respect thereto.

WHEREAS, after solicitations proposals were received on March 1st, 2021 for Actuarial services for the Plaquemines Port, Harbor and Terminal District; and

WHEREAS, Maynard Sanders, Executive Director, recommends the acceptance of the proposal of Fontenot Benefits & Actuarial Consultants;

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 the Executive Director, Maynard J. Sanders, to accept the proposal and enter into an agreement with Fontenot Benefits & Actuarial Consultants for Actuarial services to be performed for the Plaquemines Port Harbor & Terminal District, for the period of one year with the option to renew for two (2) additional terms .

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of the 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 Newberry offered the contract for Agenda Item 6d with changes.

RESOLUTION NO. 21-72

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

A Resolution authorizing Maynard “Sandy” Sanders, as Executive Director of the Plaquemines Port, Harbor & Terminal District, to extend the current Consulting agreement with Latter & Blum; and otherwise to provide with respect thereto.

WHEREAS, Resolution No. 15-255 authorized the Executive Director to enter into a Consulting Agreement with Latter & Blum to provide consulting services with regards to commercial and other real estate for a period of one year; and

WHEREAS, the Administration of the Plaquemines Port, Harbor & Terminal District has determined that additional services are required; and

WHEREAS, the Plaquemines Parish Council as the sole governing authority of the Plaquemines Port, Harbor & Terminal District desires to explore continued growth;

NOW, THEREFORE:

BE IT FURTHER RESOLVED, BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT Maynard J. Sanders, Executive Director, is hereby authorized to extend the current Consulting Agreement with Latter & Blum, Inc., to provide acquisition assistance and consulting with regards to commercial and other real estate services for the period of one year from the date of this Resolution.

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.

After the preamble was read for Agenda Item 6e, “A Resolution of the Plaquemines Parish Council, acting as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, authorizing and directing the initiation of litigation related to the proposed Belle Chasse

Bridge Project; authorizing and directing the Port Chairman, Richie Blink, to engage special counsel for such litigation; and otherwise to provide with respect thereto” was read, there was a lengthy discussion with the members of the public, the business sector and Commissioners voicing their opinions both against and in favor of the new toll bridge.

RESOLUTION NO. 21-73

On motion of Commissioner Rousselle, seconded by Commissioner Cognevich and on roll call all members present and voting “YES”, except Commissioners Black, Arbourgh, Guey and Newberry who voted “NO”, and Commissioner Barthelemy who “ABSTAINED”, the following Resolution FAILED.

A Resolution of the Plaquemines Parish Council, acting as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, authorizing and directing the initiation of litigation related to the proposed Belle Chasse Bridge Project; authorizing and directing the Port Chairman, Richie Blink, to engage special counsel for such litigation; and otherwise to provide with respect thereto.

WHEREAS, the State of Louisiana, through the Department of Transportation and Development, has entered a contract with a private company, Plenary Infrastructure Belle Chasse, LLC, for the removal of the existing Belle Chasse Bridge and Tunnel, the construction of a new Belle Chasse Bridge, and the operation of the new Belle Chasse Bridge, also known as the State Project H.004791; and

WHEREAS, the contract appears to fall under the authority for public-private partnerships found in Chapter 30 of Title 48 of the Louisiana Revised Statutes, specifically LRS 48:2084.1 through 48:2084.15; and

WHEREAS, LRS 48:2084.15 specifically provides that when such a project is to be located within the jurisdiction of a port, harbor and terminal district the written agreement of the affected port, harbor and terminal district is required before the project is approved; and

WHEREAS, the proposed Belle Chasse Bridge project is located in Plaquemines Parish, which is within the jurisdiction of the Plaquemines Port, Harbor and Terminal District; and

WHEREAS, the DOTD has not obtained the written approval of the Plaquemines Port, Harbor and Terminal District as required under LRS 48:2084.15; and

WHEREAS, despite lacking the written approval of the Plaquemines Port, Harbor and Terminal District, the DOTD has moved forward with executing agreements toward completing the project; and

WHEREAS, the Plaquemines Port, Harbor and Terminal District will need to seek judicial intervention to assert its authority under LRS 48:2084.15 and other law;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE GOVERNING AUTHORITY FOR THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT, Richie Blink is authorized and directed to enter into a contract for legal services with Dannie P. Garrett, III, Attorney at Law, LLC, to represent the Plaquemines Port, Harbor and Terminal District in litigation related to the proposed Belle Chasse Bridge project;

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE GOVERNING AUTHORITY FOR THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT, after execution of such contract for legal services, the offices of Dannie P. Garrett, III, Attorney at Law, LLC, is hereby authorized to initiate litigation on behalf of the Plaquemines Port, Harbor and Terminal District to assert its rights related to the proposed Belle Chasse Bridge project.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING OF THE PLAQUEMINES PORT, HARBOR AND 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 Blink moved to Agenda Item 8, "Approval of the Minutes". Without objection, so ordered.

RESOLUTION NO. 21-74

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

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby approves the minutes of the February 25, 2021, regular Port Meeting, as recorded by the Secretary of this Council.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT 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.

There being no further business to come before this Council, on motion Commissioner Blink, seconded by Commissioner Cognevich and on roll call all members present voting "YES, the meeting adjourned at 5:12 p.m.

Chairman

Assistant Secretary