

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held at the Pointe-a-la-Hache Courthouse Council Chambers, 18055 Highway 15, Pointe-a-la-Hache, Louisiana on Thursday, August 25, 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 Nancy LaHaye
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, Chambrel Riley Williams and Christie Nielsen were present representing the Port.

The Prayer was said and the Pledge was recited.

Due to a technical issue, all of Commissioner Guey's votes were verbal.

There being no matters under 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:

- He welcomed Commissioner LaHaye to the Board;
- Major-General Holland from the Corps of Engineers provided approval for the design phase of the Baptiste Collette dredging project;
- The Parish received a grant to raise the PALH ferry ramp access road with a maximum match of funds in the amount of \$1,000,000;
- Commissioner Blink asked which entity was handling the permitting of the new ferry ramp on the Westbank and was told it was PPG; and
- Commissioner Barthelemy asked for an update on the ramps at the next meeting.

Commissioner Rousselle moved to Agenda Item 3a, "Financial Report/Budget to Actual". Without objection, so ordered. Mrs. Williams stated that all Port Commissioners have been provided with a 2022 Total Budget Report and Detailed Budget Report with actual expenditures as of July 31, 2022. Mrs. Williams then reviewed the highlights of subcategories of revenue and expenditures. There was a discussion between the Commissioner and the Port Administration regarding the little amount of ferry fees collected so far this year. The full presentation will be posted to the Port website.

There being no matters under Agenda Item 4, "Bids and Advertisements", Commissioner Rousselle advanced to Agenda Item 5, "Introduction of Ordinances and Resolutions". The following legislation was introduced.

1. An Ordinance authorizing Sandy Sanders, Executive Director of Plaquemines Port, Harbor and Terminal District to purchase land owned by Robert and Jan Surrency and otherwise to provide with respect thereto. COMMISSIONER ROUSSELLE

Commissioner Rousselle moved to Agenda Item 6, "Ordinances and Resolutions on second reading and final passage". Without objection, so ordered.

Agenda Item 6a(1), "An Ordinance authorizing Sandy Sanders, Executive Director of Plaquemines Port, Harbor and Terminal District to purchase land owned by M&S Adventures, LLC., through Deborah Ann White (collectively "White"); and otherwise to provide with respect thereto" was deferred.

ORDINANCE NO. 22-99

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

An Ordinance authorizing Sandy Sanders, Executive Director of Plaquemines Port, Harbor and Terminal District to purchase land owned by Venice Blue Crab, LLC; and otherwise to provide with respect thereto.

WHEREAS, through negotiations with White, a recommendation is being made to approve the acquisition of property owned by Venice Blue Crab, LLC., 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 \$135,000.00; and

WHEREAS the negotiations between Venice Blue Crab, LLC., and the Port recognize a total purchase price of said property for \$135,000.00 for Lot 4, Pointe Celeste Farms S/D, currently owned by Venice Blue Crab, LLC.;

NOW, THEREFORE

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL AS THE 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 Venice Blue Crab, LLC., 20981 Highway 23, Port Sulphur, LA 70083, more fully described by the legal description attached hereto as Exhibit "A."

SECTION 2

The acquisition shall be for a purchase price of \$135,000.00, plus closing cost for the transfer of ownership of the land at Lot 4. Pointe Celeste Farms S/D, currently owned by Venice Blue Crab, LLC., 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 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., Nancy LaHaye, Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25th day of August, 2022.

RESOLUTION NO. 22-197

On motion of Commissioner Rousselle, seconded by Commissioner Cognevich, and on roll call all members present and voting "YES", except Commissioners Arbourgh and Guey who voted

“NO” and Commissioner Newberry who was “PRESENT BUT NOT VOTING”, the following Resolution was adopted:

A Resolution authorizing and directing Council Attorney, Dannie P. Garrett, III, and Port Attorney, Melissa Folse-Oubre, to work in conjunction to file, on behalf of the Port, Harbor and Terminal District, a Petition for Declaratory Judgment in regard to the question of whether the contract between the Plaquemines Port, Harbor and Terminal District and Sustainability Partners, LLC is public debt that requires approval of the Louisiana State Bond Commission under LRS 39:1410.60, et seq or whether the provisions of Section 2.6, as modified by Item 9, of the contract serve as a valid non-appropriation clause; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Port, Harbor and Terminal District entered into a contract with Sustainability Partners, LLC in regard to the development of the Port; and

WHEREAS, there has been raised the question as to the impact of the Plaquemines Port, Harbor and Terminal District deciding to not appropriate the funding in support of the contract; and

WHEREAS, the Attorney General was requested to opine on the impact of such non-appropriation, but declined to render an opinion on the obligations as provided in the contract; and

WHEREAS, it has been suggested a Declaratory Judgment will be an effective and efficient means of clarifying the obligations of the parties in the event of a non-appropriation of funds by the Plaquemines Port, Harbor and Terminal District;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT it hereby authorizes and directs Council Attorney, Dannie P. Garrett, III, and Port Attorney, Melissa Folse-Oubre, to work in conjunction to file, on behalf of the Port, Harbor and Terminal District, a Petition for Declaratory Judgment in regard to the question of whether the contract between the Plaquemines Port, Harbor and Terminal District and Sustainability Partners, LLC is public debt that requires approval of the Louisiana State Bond Commission under LRS 39:1410.60, et seq or whether the provisions of Section 2.6, as modified by Item 9, of the contract serve as a valid non-appropriation clause.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY 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 Rousselle offered 6c with changes to the contract.

RESOLUTION NO. 22-198

On motion of Commissioner Rousselle, seconded by Council Member LaFrance 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 enter into a Consulting agreement with Latter & Blum Holding, LLC; and other wise to provide with respect thereto.

WHEREAS, the Executive Director is authorized to enter into a Consulting Agreement with Latter & Blum Holding LLC to provide consulting services with regards to commercial and other real estate for a period of one year with the option to renew for an additional year; and

WHEREAS, the Administration of the Plaquemines Port Harbor & Terminal District has determined that commercial real estate services are needed; 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 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 enter into a Consulting Agreement with Latter & Blum Holding, LLC., to provide acquisition assistance and consulting with regards to commercial and other real estate services for the period of one year with the option to renew for an additional 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 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. 22-100

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

An Ordinance to amend the Five-Year Capital Improvements Plan, B-3 Relocation Project; and otherwise, to provide with respect thereto.

WHEREAS, Resolution No. 22-181 authorized Maynard “Sandy” Sanders, as Executive Director of the Plaquemines Port, Harbor & Terminal District (PORT) to enter into a Cooperative Endeavor Agreement (CEA) with Port Ship Service, Inc (PSS) and Bear Associates, Inc (BEAR) for the Lot B-3 Relocation project; and

WHEREAS, Infinity Engineering provided a Total Opinion of Probable Construction cost for the Lot B-3 Relocation project in the total amount of \$7,638,427; and

WHEREAS, a review of the Five Year Capital Improvements Plan was performed and an amendment is necessary;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Five-Year Capital Improvements Plan is amended by appropriating \$7,638,427 to the B-3 Relocation Project from the Port Fund; funding year, 2022.

SECTION 2

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 Guey 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., Nancy LaHaye, Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance and Mark Cogevich

NAYS: Commissioner Richie Blink

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25th day of August, 2022.

Commissioner Barthelemy offered 6e with changes.

RESOLUTION NO. 22-199

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

A Resolution establishing a policy of the Plaquemines Port, Harbor and Terminal District that ferry tolls shall be collected by deposit in a collection receptacle without any of the ferry department employees being required to handle the money; and otherwise to provide with respect thereto.

WHEREAS, the ferries operated by the Plaquemines Port, Harbor and Terminal District charge tolls, paid in cash; and

WHEREAS, currently the policy is that Ferry Department employees physically collect the toll payments; and

WHEREAS, the better policy is for the toll payments to be deposited by the users of the ferry into a secure receptacle, thus avoiding the handling of the money by the Ferry employees;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT that the policy of the Plaquemines Port, Harbor and Terminal District is for the toll payments to be deposited by the users of the ferry into a secure receptacle, thus avoiding the handling of the money by the Ferry employees.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT the Executive Director of the Plaquemines Port, Harbor and Terminal District is directed to ensure compliance with the toll collection policy set forth herein and to authorize a Port employee, excluding deckhands, to remove the payments deposited by the public from the secure receptacle.

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

There were no items for suspension under 7a.

Under 7b, Mr. Tim Schotsch addressed the Commissioners stating he attended the LA23 public meeting about the rail and terminal projects and he found the meeting to be informative and easy to understand. He further stated that he believes more public meetings should be held regarding Port projects.

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

RESOLUTION NO. 22-200

On motion of Commissioner Barthelemy seconded by Commissioner LaFrance, 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 August 11, 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 Arbourgh, and on roll call all members present voting "YES", the meeting adjourned at 4:39 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.