

Minutes of a meeting of the Plaquemines Parish Council, held in the Pointe-a-la-Hache Council Chambers, 18055 Highway 15, Pointe-a-la-Hache, Louisiana on Thursday, October 22, 2020, at 4:01 p.m., pursuant to notice to all members with a quorum present as follows:

PRESENT: Council Member Carlton M. LaFrance, Sr., Chairman
Council Member John L. Barthelemy, Jr.
Council Member Stuart J. Guey
Council Member Benedict Rousselle
Council Member Trudy Newberry
Council Member Richie Blink
Council Member Mark Cognevich

Kim M. Toups Secretary

ABSENT: Council Member W. Beau Black
Council Member Corey Arbourgh

The Prayer and Pledge of Allegiance were dispensed with.

The President and Directors Todd Eppley, Crystal Taylor and Scott Rousselle were present representing the Administration.

The following items were deferred:

- Council Member Cognevich' s "Update by Civil Service open jobs" under the President's Status Report";
- 5a, "A Resolution authorizing the Purchasing Agent to advertise for and dispose of surplus vehicles and equipment on an as is basis through public auction conducted by Henderson Auctions";
- 9a(3), "An Ordinance to rescind, annul and set aside Ordinance No. 403, adopted December 8, 1982; rescind, annul and set aside Section 6 and Section 7 of Ordinance No. 40, adopted April 9, 1964; establish Article IX to be titled "Mosquito Control" of Chapter 13 of the Parish Code of Ordinances; establish a user fee for Mosquito Control in order to continue to abate, control, eradicate, and study mosquitoes and other arthropods of public health importance and all activities incidental thereto; and otherwise to provide with respect thereto" was offered, seconded, discussed and then deferred;
- 9b, "A Resolution appointing _____ as the Registrar of Voters for the Parish of Plaquemines; and otherwise to provide with respect thereto";
- 9c, "An Ordinance to amend, and as amended readopt Plaquemines Parish Code of Ordinances, Section 2-17 ARules for Transaction of Business Before Council@, Chapter II, Rule 19(a); and otherwise to provide with respect thereto";
- 9d, "An Ordinance authorizing and directing the Parish President, or his designee, to include a "Right to Audit" clause in all Parish contracts; and otherwise to provide with respect thereto";
- 9f, "A Resolution electing the Chairperson of the Plaquemines Parish Council for the year 2021; and otherwise to provide with respect thereto";
- 9g, "A Resolution electing the Vice-Chairperson of the Plaquemines Parish Council for the year 2021; and otherwise to provide with respect thereto";
- 9h, "An Ordinance pursuant to Article III, Plaquemines Parish Boat Harbors, Section 6-41, to set the rental rates for boat slips at the Port Eads Boat Harbor; and otherwise to provide with respect thereto";
- 9j, "An Ordinance to amend the 2020 Operating Revenue Budget; and otherwise to provide with respect thereto"; and
- 10d, "District 1 update".

The following items were withdrawn:

- 9a(1), "An Ordinance to amend and amended to readopt Section IV of Ordinance No. 142, the Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana, as amended, and the "Comprehensive Zoning District Map" therein adopted by reference and which is paraphed thereto, with reference to Application No. 2020-442, dated June 30, 2020; and otherwise to provide with respect thereto";

- 9a(2), “An Ordinance to amend and, as amended, readopt Subsection 12 of Section VIII Exceptions and Modifications of Ordinance No. 142, The Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana; and otherwise to provide with respect thereto”;
- 9q, “An Ordinance authorizing and establishing a policy and procedure for payment of outstanding final legal judgements and unpaid settlements against Plaquemines Parish Government; and otherwise to provide thereto”; and
- 10f, “District 5 Update”, item 2) “Status of Engineers Road Drainage Project”.

Council Member LaFrance moved to Agenda Item 2, “Executive Session”. Without objection, so ordered.

RESOLUTION NO. 20-260

On motion of Council Member LaFrance, seconded by Council Member Cognevich, and on roll call all members present and voting “YES”, except Council Members Black and Arbourgh who were “ABSENT”, the following Resolution was adopted:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT AS THE SOLE GOVERNING AUTHORITY OF THE PLQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby resolves itself into Executive Session at 4:03 p.m. for the purpose of: Executive Session pursuant to LRS 42:17(A)(10) to receive attorney-client privileged information with regard to the ownership and land rights to Coast Guard Road-Attorney Rennie S. Buras, II.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby came out of Executive Session at 4:23 p.m. with no final or binding action taken.

Council Member LaFrance advanced to agenda item 9k and offered it with changes.

RESOLUTION NO. 20-261

On motion of Council Member LaFrance, seconded by Council Member Blink, and on roll call all members present and voting “YES”, except Council Members Black and Arbourgh who were “ABSENT”, the following Resolution was adopted:

A Resolution to provide employees’ group insurance coverages consisting of medical, vision, dental and life for the policy period January 1, 2021, through December 31, 2021, on an employer/employee contributory basis of 72%/28%; and otherwise to provide with respect thereto.

WHEREAS, the best quote for total employees’ medical was BLUE CROSS OF LA at \$474,259 per month or \$5,691,113 per year; the best quotes for vision was BCBSLA at \$4,218 per month or \$50,614 per year; the best quote for dental was BCBSLA at \$23,828 per month or \$285,941 per year; the best quote for life was Sun Life at \$13,497 per month or \$161,964 per year; and

WHEREAS, on insurance for which the Parish pays a portion of the premium on an employer/employee basis of 72%/28% on a calendar basis, and the equal monetary amount for those who select the premium medical; and

WHEREAS, after a total detailed evaluation, it is recommended to the Parish Council with concurrence of the Parish President, Kirk Lepine, that the quote for medical, vision, dental and life coverage be accepted to provide the aforementioned employee and early retiree group insurance;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby authorizes the acceptance of BCBSLA (Blue Cross of LA) for medical coverage, BCBSLA for vision and dental coverage, and Sun Life for life insurance coverage to provide the employee group insurance for the policy period January 1, 2021, to December 31, 2021, on an

employer/employee contributory basis of 72%/28% respectively for HMO, Dental and Life coverage and the equal monetary amount that those who select the premium medical.

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 Resolution and Plaquemines Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Council Member LaFrance reverted back to Agenda Item 3, "Proclamations". Without objection, so ordered.

Council Member LaFrance, offered a Proclamation declaring "The Month of October 2020 as Breast Cancer Awareness Month" in the Parish of Plaquemines. It was unanimously seconded and on roll call, all members present voting "YES", except Council Members Black and Arbourgh who were "ABSENT", the proclamation was adopted by a vote of 7-0.

Council Member LaFrance moved to Agenda Item 4, "Status Report by the Parish President". Without objection, so ordered. President Lepine reported the following:

- As of today 11,000 Plaquemines were tested; 884 positive cases and 19 deaths with the last one being on July 31st;
- The state is currently in Phase 3 and will continue to be in this phase until at least November 6th;
- The National Guard will be providing free COVID test to Plaquemines Parish Government employees Monday, Tuesday and Wednesday at the Belle Chasse Primary School and Thursday and Friday at South Plaquemines High School;
- October is Breast Cancer Awareness month and the Parish continues to support research and cure efforts;
- Plaquemines Medical Center will hold a Trunk or Treat on October 23rd from 4-6 p.m.;
- The Buras Fire Department will hold a Trunk or Treat on October 31st from 6-9 p.m.;
- There will be Haunted Trail in the Jesuit Bend Park on October 31st from 5-8:30 p.m.; and
- The Orange Festival Golf Tournament will be held October 23rd at Stone Bridge with lunch at noon and Tee-off at 1:00 p.m.

Under Agenda Item 4a, "Update by Charter Directors", Council Member LaFrance asked Director Crystal Taylor about the change in date for the competition of the Port Sulphur Library and was told that due to the storms and COVID the completion date is now somewhere in December or January. Council Member Newberry asked if the permit fees goes into the General Fund or if it stays in Permits and Zoning. Todd Eppley said it stays in the Permits and Zoning department.

Council Member Rousselle asked if the Sheriff's Office would be blocking Good News for Halloween. Director Taylor said she is waiting for the Sheriff to let her know.

There being no beer and liquor licenses Council Member LaFrance moved to Agenda item 7, "Building Permits". Without objection, so ordered.

Agenda Items 7a(1) and 7a(2) were taken *en globo*:

RESOLUTION NO. 20-262

On motion of Council Member Barthelemy, seconded by Council Member Blink, and on roll call all members present and voting "YES", except Council Member Cognevich who "ABSTAINED" and Council Members Black and Arbourgh who were "ABSENT", the following Resolution was adopted:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the following applications for construction permits in the Parish of Plaquemines are hereby approved: Hilcorp Energy Company, Application No. 2020-398, dated June 2, 2020, prop-wash, install pile clusters, drill the Shimano Prospect and install well head protector, 6-inch flowline and 3-inch gas lift line, Lake Grand Ecaille; Time Energy, L.L.C., Application No. 2020-713, dated October

5, 2020, removal of the Cox Bay loading dock, walkway, pipe rack, pipeline, mooring pilings, boat dock and original loading, Cox Bay Field.

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 Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Agenda Items 7b and 7c were taken *en globo*:

RESOLUTION NO. 20-263

On motion of Council Member LaFrance, seconded by Council Member Blink and on roll call all members present and voting “YES”, except Council Members Black and Arbourgh who were “ABSENT” the following resolution was adopted:

A Resolution approving the issuance of a special permit to Jennifer Messa for the placement of a RV camper trailer on property located in a FP (Flood Plain) Zoning District on Parcel #1620351, Port Sulphur, Louisiana, all in accordance with Application No. 2020-753, dated October 16, 2020.

WHEREAS, Jennifer Messa applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. 2020-753, dated October 16, 2020) for the placement of a RV camper trailer on Parcel #1620351, Port Sulphur, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby approves the issuance of a special permit to Jennifer Messa for the placement of a RV camper trailer on property located in a FP (Flood Plain) Zoning District on Parcel #1620351, Port Sulphur, Louisiana, all in accordance with Application No. 2020-753, dated October 16, 2020.

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 20-264

On motion of Council Member LaFrance, seconded by Council Member Blink and on roll call all members present and voting “YES”, except Council Members Black and Arbourgh who were “ABSENT” the following resolution was adopted:

A Resolution approving the issuance of a special permit to Marion Prest for the placement of a RV camper trailer on property located in a FP (Flood Plain) Zoning District on Parcel #1620351, Port Sulphur, Louisiana, all in accordance with Application No. 2020-754, dated October 16, 2020.

WHEREAS, Marion Prest applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. 2020-754, dated October 16, 2020) for the placement of a RV camper trailer on Parcel #1620351, Port Sulphur, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby approves the issuance of a special permit to Marion Prest for the placement of a RV camper trailer on property located in a FP (Flood Plain) Zoning District on Parcel #1620351, Port Sulphur, Louisiana, all in accordance with Application No. 2020-754, dated October 16, 2020.

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and

that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 20-265

On motion of Council Member Newberry, seconded by Council Member Blink, and on roll call all members present and voting “YES”, except Council Members Black and Arbourgh who were “ABSENT”, the following Resolution was adopted:

A Resolution approving a trailer park renewal for 52 spaces for Live Oak Grove Properties, LLC for the operation of existing trailer park (Live Oak Grove Properties, LLC) located in an A-2 (Rural or Agriculture) Zoning District on 11797 Highway 23, Belle Chasse, Louisiana, all in accordance with Application No. 2020-607, dated August 11, 2020.

WHEREAS, to Live Oak Grove Properties, LLC applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. 2020-607, dated August 11, 2020) for a trailer park renewal for 52 spaces for an existing trailer park (Live Oak Grove Properties, LLC) located on 11797 Highway 23, Belle Chasse, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby approves the issuance of a trailer park permit to Live Oak Grove Properties, LLC for a trailer park renewal for 52 spaces for the operation of an existing trailer park (Live Oak Grove Properties, LLC) located in an A-2 (Rural or Agriculture) Zoning District 11797 Highway 23, Belle Chasse, Louisiana, all in accordance with Application No. 2020-607, dated August 11, 2020.

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Council Member LaFrance moved to Agenda Item 8, “Introduction of Ordinances and Resolutions”. Without objection, so ordered. The following legislation was offered.

1. An Ordinance approving a plan of re-subdivision of the property of the Plaquemines Parish Government, Plaquemines Parish, Louisiana, as shown on the Map of Resubdivision, Property of the Plaquemines Parish Government (Formerly Angelina Ban) Buras Louisiana into Tracts E-1 and E-2, by Bryant Hammett and Associates, certified by Hugh Mc Curdy, III, P.L.S., dated September 17, 2020, having met all the requirements of the Subdivision and Re-subdivision Ordinance of the Parish of Plaquemines; and, further declaring Tract E-1 as surplus land; and otherwise to provide with respect thereto. COUNCIL MEMBER COGNEVICH
2. An Ordinance to amend the 2020 Operating Revenue and Expenditure Budgets; to accept a donation from the Empire South Pass Tarpon Rodeo; and otherwise to provide with respect thereto. COUNCIL MEMBER BLINK
3. An Ordinance authorizing the Parish President or his designee to enter into a contract with Intrado to provide VIPER as a service (VaaS) to the Plaquemines Parish Communications District; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
4. An Ordinance to amend and, as amended, readopt Section VI (Zoning Districts Regulations), Subsection C (The Regulations in the RS-1, RS-2, R-1A, R-1AA, R-1AB, R-1B and R-1C, Single Family Residential Zoning Districts), Paragraph 1 (Permitted Uses) of Ordinance No.

142, The Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE

5. An Ordinance to amend and amended to readopt Section IV of Ordinance No. 142, the Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana, as amended, and the “Comprehensive Zoning District Map” therein adopted by reference and which is paraphrased thereto, with reference to Application No. 2020-447, dated September 8, 2020. COUNCIL MEMBER LAFRANCE
6. A Resolution approving the issuance of a second two year extension commencing upon the expiration of the current two year extension period to Woodland Borrow Pits, LLC for the existing sand pit on property located in a FP (Flood Plan) Zoning District at 22441 Highway 23, Port Sulphur, Louisiana, all in accordance with Application No. 2014-4771, dated January 7, 2013. COUNCIL MEMBER LAFRANCE
7. An Ordinance to amend the 2020 Five Year Capital Improvements Plan various projects; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
8. An Ordinance to amend the 2020 Operating Revenue and Expenditure Budgets, various funds, various departments, various line items; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
9. An Ordinance establishing a policy of budgetary control for the Operating Budget of Expenditures for the Plaquemines Parish Government for the fiscal year beginning January 1, 2021, and ending December 31, 2021; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
10. An Ordinance adopting the Original Capital Improvement Budget for the Plaquemines Parish Government for the five-year period beginning January 1, 2021, and ending December 31, 2025; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
11. An Ordinance adopting the Original Operating Budget of Revenues and Expenditures for the Plaquemines Parish Government for the fiscal year beginning January 1, 2021, and ending December 31, 2021; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
12. A Resolution conditionally approving the plan of Resubdivision of a portion of Tract 5-E, Section B of Belle Chasse Plantation into Cypress Park Subdivision, Phase 2, the subdivision to be constructed in two Phases; Phase 2A containing Lots 121 through 169 and Lots 185 through 210 and Phase 2B containing Lots 170 through 184 and Lots 211 through 240, all without cost to the Plaquemines Parish Government or the Parish of Plaquemines; and otherwise to provide with respect thereto. COUNCIL MEMBER BLACK
13. An Ordinance to amend and amended to readopt Section IV of Ordinance No. 142, the Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana, as amended, and the “Comprehensive Zoning District Map” therein adopted by reference and which is paraphrased thereto, with reference to Application No. 2020-442, dated June 30, 2020. COUNCIL MEMBER BLACK
14. An Ordinance to amend and, as amended, readopt Subsection 12 of Section VIII Exceptions and Modifications of Ordinance No. 142, The Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana; and otherwise to provide with respect thereto. COUNCIL MEMBER BLACK

Council Member LaFrance moved to Agenda Item 6, “Ordinances and Resolutions on Second Reading and Final Passage”. Without objection, so ordered.

Council Member LaFrance filled in the blanks for Item 9e.

RESOLUTION NO. 20-266

On motion of Council Member LaFrance, seconded by Council Member Blink, and on roll call all members present and voting “YES”, Council Members Black and Arbourgh who were “ABSENT”, the following Resolution was adopted:

A Resolution establishing the dates, times and places of public hearings on the proposed 2021 Operating Budget and on the proposed Capital Improvements Budget covering a period of at least five years as submitted by the Parish President; to authorize the Council Secretary to place the necessary Public Notice in the Plaquemines Gazette pursuant to Section 7.02 A and Section 7.05 C of the Charter for Local Self-Government, Parish of Plaquemines; and otherwise to provide with respect thereto.

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT in accordance with Section 7.02 A of the Charter for Local Self-Government, Parish of Plaquemines, it hereby establishes budget hearings on the proposed 2021 Operating Budget for the Parish of Plaquemines and the proposed Capital Improvement Budget for the years 2021, 2022, 2023, 2024 and 2025 for the Parish of Plaquemines on November 16, 2020, at 9:00 a.m. at the Belle Chasse Council Building Chambers, 333 F. Edward Hebert Blvd., Bldg. 203, and that said Budget Hearings shall continue, thereafter, until the Budget Hearings are canceled or concluded, on November 18, 2020.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the proposed Operational Budget for the year 2021 and the proposed Capital Improvements Budget covering a period of at least five years as submitted by the Parish President will be available for public inspection at all Parish Public Libraries beginning October 26, 2020 and at the Parish Finance Office, 333 F. Edward Hebert Blvd., Building 102, Belle Chasse, Louisiana, between the hours of 8:30 a.m. and 4:00 p.m. from October 26, 2020 through November 18 2020.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby authorizes and directs the Secretary of this Council to place the necessary advertisement in the Parish Official Journal in accordance with Section 7.02 A and Section 7.05 C of the Charter for Local Self-Government for the Parish of Plaquemines.

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 Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 20-267

On motion of Council Member LaFrance, seconded by Council Member Barthelemy, and on roll call all members present and voting “YES”, Council Members Black and Arbourgh who were “ABSENT”, the following Resolution was adopted:

A Resolution authorizing the Plaquemines Parish Government, represented by the Parish President, to do all things necessary and proper to negotiate, perfect, and execute a Cooperative Endeavor Agreement with the Plaquemines Parish Assessor’s Office for the cost-sharing of professional services for the collection of data and the valuation of certain oil and gas personal property located in Plaquemines Parish for the 2021 ad valorem tax year; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Council, in consultation with the Administration, has determined that it is in the best interest of the Plaquemines Parish Government to enter into a Cooperative Endeavor Agreement with the Plaquemines Parish Assessor's Office as doing so will result in the verification of ad valorem property tax revenues paid to the Plaquemines Parish Government as a tax recipient body; and

WHEREAS, the people of Plaquemines Parish would benefit from the collection of ad valorem property taxes to be used in protecting and maintaining the public health, safety, and welfare of the citizens of Plaquemines Parish;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the Plaquemines Parish Government, represented by its Parish President, is hereby authorized to negotiate, sign, perfect, and enforce a Cooperative Endeavor Agreement with the Plaquemines Parish Assessor's Office for the cost-sharing of professional services for the collection of data and the valuation of certain oil and gas personal property located in Plaquemines Parish for the 2021 ad valorem tax year.

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 Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

R E S O L U T I O N N O. 20-268

On motion of Council Member LaFrance, seconded by Council Member Cognevich, and on roll call all members present and voting "YES", Council Members Black and Arbourgh who were "ABSENT", the following Resolution was adopted:

A Resolution authorizing the Parish President, on behalf of the Plaquemines Parish Council, to certify to the Louisiana Department of Transportation and Development that the Plaquemines Parish Government has complied with all FHWA/DOTD requirements in 2020 relative to bridges located in Plaquemines Parish under the Plaquemines Parish Government's jurisdiction; and otherwise to provide with respect thereto.

WHEREAS, the United States Congress enacted the Code of Federal Regulations which mandates that all structures defined as bridges located on all public roads shall be inspected, rated for safe load capacity and posted in accordance with the National Bridge Inspection Standards and that each state maintain a current inventory of said bridges; and

WHEREAS, it is the responsibility of Plaquemines Parish to inspect, rate and load and post those bridges under its jurisdiction in accordance with the standards delegated to Plaquemines Parish by the Louisiana Department of Transportation and Development;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby authorizes the Parish President, on behalf of the Plaquemines Parish Council, to certify to the Louisiana Department of Transportation and Development that the Plaquemines Parish Government has complied with all FHWA/DOTD requirements in 2020 relative to bridges located in Plaquemines Parish under the Plaquemines Parish Government's jurisdiction.

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 Resolution and that Parish 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. 20-103

The following Ordinance was offered by Council Member LaFrance who moved its adoption:

An Ordinance to amend the Library Services Fund, 2020 Operating Revenue and Operating Budgets, Libraries Department; and otherwise to provide with respect thereto.

WHEREAS, Ordinance 20-72 appropriated \$6,562 to the Operating Revenue Budget, Libraries Department from monies awarded from the Library Cares Act Fund; and

WHEREAS, Plaquemines Parish Government has been awarded additional funding in the amount of \$213 from the Library Cares Act Fund; and

WHEREAS, amending the Library Services Fund, 2020 Operating Revenue and Expenditure Budgets, Libraries Department is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Library Services Fund, 2020 Operating Revenue Budget, Libraries Department is amended as follows:

Fund: 006 Library Services Fund			
Dept/Div: 000-0000 Revenues			
Object	Description	Inc/Dec	Amendment
425.015	CARES Act – Libraries	Inc	213

SECTION 2

The Library Services Fund, 2020 Operating Expenditure Budget, Libraries-General Department is amended as follows:

Fund: 006 Library Services Fund			
Dept/Div: 675-4240 Libraries-General Department			
Object	Description	Inc/Dec	Amendment
563.110	Computer Hardware	Inc	6,775

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.

Council Member Cognevich seconded the motion to adopt the Ordinance.

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

YEAS: Council Members John L. Barthelemy, Jr., Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: Council Member W. Beau Black and Corey Arbourgh

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22nd day of October, 2020.
Council Member Cognevich offered 9n with changes.

RESOLUTION NO. 20-269

On motion of Council Member Cognevich, seconded by Council Member Blink, and on roll call all members present and voting “YES”, Council Members Black and Arbourgh who were “ABSENT”, the following Resolution was adopted:

A Resolution to adopt the Plaquemines Parish Government Priority List of Projects for the proceeds from the Harbor Maintenance Trust Fund Energy and Donor Port; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Government has entered into a Cooperative Endeavor Agreement (CEA) with the Plaquemines Port, Harbor and Terminal District for the Harbor Maintenance Trust Fund Energy and Donor Port monies received; and

WHEREAS, the Administration has prepared a proposed list of priority projects to be approved by the Plaquemines Parish Council to be funded with the monies received through the Harbor Maintenance Trust Fund Energy and Donor Port; and

WHEREAS, the following is the prioritized list of projects for approval by the Plaquemines Parish Council to be funded with the monies received through the Harbor Maintenance Trust Fund Energy and Donor Port:

- 1) Buras Boat Harbor – dredge and remove obstruction and use dredge material at the best and lowest cost location as required by USACE
- 2) Pointe ala Hache Boat Harbor – dredge and remove obstruction and use dredge material at the best and lowest cost location as required by USACE
- 3) Fort Jackson – dredge and remove obstruction and use dredge material at the best and lowest cost location as required by USACE
- 4) Ostrica Waterway – dredge the outside of the pass allowing commerce to access the Empire waterway industrial area
- 5) Empire Boat Harbor & Shipyard – dredge and remove obstruction and use dredge material at the best and lowest cost location as required by USACE
- 6) Port Eads Channel – dredge from Pass to fuel dock facility to allow access to the harbor and put back in commerce. This will be pending the start of the dredging of South Pass once awarded by USACE (this could be late next year all bids were rejected for South Pass);

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby adopts the Approved Projects for the proceeds from the Harbor Maintenance Trust Fund Energy and Donor Port.

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 Resolution and that Parish 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. 20-104

The following Ordinance was offered by Council Member Cognevich who moved its adoption:

An Ordinance to amend the Five Year Capital Improvements Plan, Dredging Maintenance-Boat Harbors Project; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Port has access to proceeds from the Harbor Maintenance Trust Fund in its capacity as an Energy Transfer Port in the amount of \$2,717,720; 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 \$2,717,720 to the Dredging Maintenance-Boat Harbors Project from the Harbor Maintenance Trust Fund Energy and Donor Port; funding year, 2020.

SECTION 2

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.

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.

Council Member Rousselle seconded the motion to adopt the Ordinance.

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

YEAS: Council Members John L. Barthelemy, Jr., Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: Council Members W. Beau Black and Corey Arbourgh

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22nd day of October, 2020.

ORDINANCE NO. 20-105

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

An Ordinance to establish and adopt a policy with regard to final judgments for money damages and establish the procedure for the settlement of such judgments; and otherwise to provide thereto.

WHEREAS, Plaquemines Parish Government has been cast in judgment for money damages in various matters, the full payment of which, when combined, would create great stress upon the government's ability to provide essential services to people of Plaquemines Parish; and

WHEREAS, it is likely that more judgments for money damages may be rendered against Plaquemines Parish Government in the future; and

WHEREAS, judgments for money damages are not subject to execution against the assets of Plaquemines Parish Government pursuant to LA Const. Art. 12, Section 10 and such judgments are payable only from funds appropriated therefor by the Plaquemines Parish Council; and

WHEREAS, there are US Constitutional equal protection issues with regard appropriating for the payment of some, but not all, final judgments for money damages; and

WHEREAS, many parishes and municipalities in Louisiana have opted to cease appropriating funds to pay final judgments for money damages; and

WHEREAS, some of the parishes and municipalities that have opted not to appropriate funds to pay final judgments for money damages have established policies providing for a process to uniformly allow for the settlement of such judgments, which policies had been affirmed by the federal courts on the US Constitutional equal protection issue; and

WHEREAS, there is a need to provide for a method for balancing the fiscal needs of the Plaquemines Parish Government with the general desire to provide for a mechanism through which judgment creditors may seek resolution of outstanding judgments for money damages;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT

SECTION 1

There is hereby established the following policy and procedure with regard to final judgments for money damages and the compromise of final judgment for money judgments; which is also hereby codified and added to the Plaquemines Parish Code of Ordinances, to wit:

The Plaquemines Parish Code of Ordinances is hereby amended by enacting Chapter 23, Sections 23-1, et seq.; which shall read as follows:

Chapter 23. Judgments for Money Damages.

Section 23-1. Definitions.

The following terms, as used in this Chapter, shall have the following meanings:

“final judgment” shall mean a judgment of a state court or other Louisiana quasi-judicial entity which has become final and unappealable under Louisiana law, for which the Parish is afforded the protections of Article XII, Section 10 of the Louisiana Constitution of 1974 or La. R.S. 13:5109.

“judgment creditor” shall mean a person in whose favor a final judgment for money damages has been awarded, including any heir or assignee of such person.

“money damages” shall mean an order to pay money, including but not limited to money related to wages, medical bills, profits, expenses, other general, special or punitive damages, court costs, and attorney fees.

“participating judgment creditor” shall mean a judgment creditor that has executed the standard agreement to participate in the Judgment Settlement Process;

“Plaquemines Parish Government” shall mean Plaquemines Parish Government and any governmental unit, department, office thereof, including any officer or employee thereof when the underlying claim pertains to actions for which the Plaquemines Parish Government is subject to vicarious liability, as provided under Louisiana law and jurisprudence.

“Parish” shall mean Plaquemines Parish Government and Plaquemines Parish Council.

Section.23-2. Policy on the Payment of Judgments for Money Damages

- a) The Parish shall cease appropriating funds for the payment of all final judgments for money damages against Plaquemines Parish Government, unless the appropriation is sufficient to pay 100% of the value of all outstanding final judgments in effect on the effective date of the appropriation.*
- b) Nothing in this Section shall prohibit or govern the appropriation of funds for the settlement of claims against the Parish for money damages prior to such claims being subject to a final judgment.*
- c) There shall be created within the Operating Budget for Plaquemines Parish Government a fund entitled, “Judgment Settlement Fund”, which fund shall be appropriated in the manner as any other fund in the budget. Nothing herein shall mandate any minimum or maximum appropriation to such fund.*

Section 23-3. Judgment Settlement Process

- a) The Judgment Settlement Process shall be the process of settling final judgments for money damages.*
- b) Any final judgment creditor may participate in the Judgement Settlement Process as follows:
 - 1. The judgment creditor shall execute a standard agreement promulgated by Plaquemines Parish Government which agreement shall contain the following components:
 - i. The judgement creditor agrees to execute a Notice of Satisfaction of Judgment to be filed with the court or quasi-judicial entity that issued the judgment once the settlement amount has been paid to the judgement creditor;*
 - ii. The judgment creditor agrees to accept a settlement amount, which equals 50% of the amount of the final judgment, exclusive of judicial interest and court costs.*
 - iii. The judgment creditor agrees to accept payment of the settlement amount in partial payments that may extend over multiple fiscal years; in accordance with the other provisions of this Section;*
 - iv. Once a judgment creditor executes the standard agreement such agreement shall continue and remain effective from year to year until the settlement amount has been paid in full;*
 - v. The judgment creditor agrees that the Plaquemines Parish Government may file the executed Notice of Satisfaction of Judgment previously executed once the final payment of the settlement amount has been paid.**
 - 2. Plaquemines Parish Government agrees to pay judgment creditors who have executed the standard agreement as follows, which terms shall be included in such standard settlement agreement:**

- i. *On or before January 15th of each year the Parish Attorney shall certify to the Director of Finance a listing of all outstanding participating judgement creditors.*
 - ii. *Only those judgment creditors that have become a participating judgment creditor on or before January 1st shall be included in the annual calculation and thus eligible for participation in budget year in which the calculation of the proportionate share is calculated.*
 - iii. *The aggregate amount of settlement amounts of all participating judgment creditors, as certified by the Parish Attorney, shall be calculated by the Finance Department on or before January 31st of each budget year.*
 - iv. *The amount of each such settlement amounts shall be the numerator and the aggregate amount of all settlement amounts outstanding shall be the proportionate share of each participating judgment creditor for that budget year.*
 - v. *The annual payment to each the participating judgement creditor shall equal its proportionate share of the appropriation.*
 - vi. *The payments to each participating judgment creditor shall be made on a quarterly basis, on or before March 1st, June 1st, September 1st, and December 1st of each year.*
 - vii. *Each quarterly payment to each participating judgment creditor shall be 25% of the proportionate share of each participating judgment creditor.*
- c) *In the event that the appropriation to the Judgment Settlement Fund is either increased or decreased during the budget year, the Finance department shall recalculate the proportionate share annual amount and adjust the payment due to each participating judgment creditor, such change to be reflected in the next regularly scheduled quarterly payment after the effective date of the budget amendment effecting the change in the appropriation to the Judgment Settlement Fund. However, in no event shall a judgment creditor be required to refund any payment made prior to the effective date of such budget amendment. Such adjustment could result in no further payments in that budget year.*
- d) *The Director of Finance shall maintain a record of the outstanding settlement amount for each participating judgement creditor and shall certify to the Parish Attorney when the amount due to a participating judgment creditor is less than \$1,000.00; At such time the Director of Finance shall pay the full amount owed to such participating judgment creditor on or before January 31st of the next budget year, which payment shall be from the Judgment Settlement Fund before the calculation of the payments due to other participating judgment creditors in that budget year. This payment obligation shall be subject to there being a sufficient appropriation to pay all participating judgement creditors falling within the under \$1,000.00 category. If there is insufficient appropriation, no such payments shall be made and such participating judgment creditors shall be paid as otherwise provided herein.*

SECTION 2

This Ordinance shall have a special effective date and shall become effective on the date that the Parish President approved the Ordinance by signature or upon the expiration of the tenth calendar day of receipt by the President, or upon the date of the affirmative date of at least two-thirds of the entire membership of the Council following the disapproval by the President in accordance with the Charter for Local Self-Government.

SECTION 3

The Secretary of this Council is hereby authorized and directed to deliver this Ordinance to the Parish President as provided in the Charter for Local Self-Government under 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.

SECTION 4

The Secretary of this Council is hereby authorized and directed to deliver to the official journal for publication as required by the Charter for Local Self-Government.

SECTION 5

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.

Council Member Cognevich seconded the motion to adopt the Ordinance.

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

YEAS: Council Members John L. Barthelemy, Jr., Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: Council Members W. Beau Black and Corey Arbourgh

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22nd day of October, 2020.

Council Member LaFrance moved to Agenda Item 10, "New Business". Without objection, so ordered.

Council Member Cognevich made a motion to add an item to the agenda for consideration at today's meeting entitled, "A Resolution urging the Louisiana Department of Transportation and Development (LADOTD), to do emergency repairs to the culverts on Highway 23, from Empire to Venice in Plaquemines Parish; and otherwise to provide with respect thereto". The motion was seconded by Council Member Blink and on roll call, all members present and voting "YES", except Council Members Black and Arbourgh who were "ABSENT", the motion passed by a vote of 7-0.

Council Member Cognevich then offered the resolution with changes.

RESOLUTION NO. 20-270

On motion of Council Member Cognevich, seconded by Council Member Blink and on roll call all members present voting "YES", except Council Members Black and Arbourgh, the following Resolution was adopted:

A Resolution urging the Louisiana Department of Transportation and Development (LADOTD), to do emergency repairs to the culverts on Highway 23, from Port Sulphur to Venice in Plaquemines Parish; and otherwise to provide with respect thereto.

WHEREAS, the culverts on Highway 23, from Port Sulphur to Venice, are rusting and caving in; and

WHEREAS, the deplorable conditions are causing a health and safety issue by causing road hazards, flooding when there are rain storms and improper drainage of the ditches and roadways; and

WHEREAS, the Plaquemines Parish Council is urging LADOTD to make the emergency repairs needed to fix said culverts;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby urges the Louisiana Department of Transportation and Development to make emergency repairs to the culverts on Highway 23, from Port Sulphur to Venice, in Plaquemines Parish.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the Council Secretary is hereby authorized and directed to send certified copies of this Resolution to the Secretary Shawn Wilson of the Louisiana Department of Transportation and Development LADOTD and State Representative Mack Cormier.

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 Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Under Item 10b, "District 9 update", Council Member Cognevich discussed the following:

- 1) Fort Jackson clean-up: He thanked the Administration and everyone who participated. The Fort looks good and at the end of the day there were 30 visitors coming from as far away as San Francisco.
- 2) Garbage Cans: Council Member Cognevich said some companies use five to ten garbage cans so wouldn't it be better to give them a dumpster. Director Scott Rousselle said businesses are charged a commercial rate for their garbage cans and the Parish does not have commercial dumpsters.

Under Item 10c, "District 8 update", Council Member Blink discussed the following:

- 1) Jesuit Bend Levee update: He thanked Director Todd Eppley and Ken Dugas for having a meeting with him and Council Member Newberry to update them on this matter. He also asked that they continue to move forward and hold some public meetings to keep the residents informed of the progress.
- 2) Empire Tidal Gate update: Council Member Blink said he has been meeting with constituents and trying to get either an artist rendering or videos on what would be needed in the Empire Harbor. The gates are closed about 100 days of the year and it almost needs some sort of locking systems so the boats could continue to work. He would like to seek federal funds for the tidal gate.

Under Item 10e, "District 7 update", Council Member LaFrance discussed the following:

- 1) Diamond Park concession stand: He said they are still getting quotes because it seems like it will take more money than they first thought.
- 2) Ditches and potholes: Council Member LaFrance asked if potholes were filled with bags of asphalt and was told by Director Scott Rousselle that it depends on what the road is made from. Director Rousselle was also asked what department handles the potholes and he responded that it was PROWM. Council Member Cognevich asked how many bags were left; however, Scott Rousselle did not know off hand. He said for the Council Members to let him know the locations of the potholes and he would take care of them.
- 3) Discussion on grading the road schedule. Council Member LaFrance asked if Grand Bayou Road was finished today and Mr. Rousselle said it was. The Council Member asked if we still needed a new grader and he said yes but questioned as to whether or not there was enough funds in the budget. Council Member LaFrance then pointed out that a grader not only needs to be used on certain roads, but also on the sides of roads in places along Highway 11 in Buras where the shoulders of the roads are higher than the road which leads to flooding. Council Member Barthelemy also stated that grading needs to be done on the Eastbank too.

Under Item 10f, "District 5 update", Council Member Rousselle discussed the following:

- 1) Discussion of Medal of Honor Park Drainage Pond and Sluice Gate by Mr. Wilson Hilderbrand & Update and discussion of the fort Saint Leon Drainage project were addressed at the same time. Council Member Rousselle sent email an email to Engineering asking to be updated on the engineering and design on these projects. He knows a surveying firm is putting stakes on Barrier Road but , he doesn't know if the work requests which have been on the books for 4-5 years are being included in the drainage repair plan. There was a change in Administration two years ago so he would like to make sure we are addressing the request by residents to be incorporate the design of the projects. Ken Dugas assured Council Member Rousselle that he would be invited to meetings to discuss where the project is and how pending work requests are being worked in. President Lepine said he will have Ken Dugas contact Council Member Rousselle tomorrow.
- 2) Discussion and update on 2020 Census: Crystal Taylor said there is a 56.4% reply rate which is about the same as in 2010. The deadline to complete the census is October 31, 2020. Council Member Newberry asked for signs to be put throughout the parish for people who don't follow social media.
- 3) Update and discussion on Todd Eppley's efforts on Inframark's contract: Director Eppley said he met with Aquametric and received a quote on about 100 meters and it would cost approximately \$41,000 to purchase them. In addition, he found out that the software for the meters may not work correctly on the fringes of the Parish. He is also working on the chemicals. Council Member Rousselle said more discussions could be held in Budget Hearings.

Under Item 10g, "Update by Mike Metcalf regarding the adoption of flood maps: Council Member Rousselle said he knew there was a conference call that Mr. Metcalf participated in regarding the Letter of Map Amendment and Letter of Map Revision process. He asked if the Parish will inform the residents through public meetings or social media about the flood maps and rates. He was told by Todd Eppley that they will hold town hall meetings prior to the adoption of the maps.

Under Item 10h, "Presentation of the 2021 Proposed Budget", Director Crystal Taylor presented the budget books stating that if the Council Members have suggestions regarding the budget or amendments to request that they do so before the Budget Hearings being held on November 16 through 18, 2020.

Council Member LaFrance moved to Agenda Item 11, "Approval of the Minutes". Without objection, so ordered.

RESOLUTION NO. 20-271

On motion of Council Member LaFrance, seconded by Council Member Rousselle, and on roll call all members present and voting "YES", except Council Members Black and Arbourgh who were "ABSENT", the following Resolution was adopted:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby approves the minutes of the October 13, 2020, special meeting minutes as recorded by the Secretary of this Council.

There being no further business to come before this Council, on motion Council Member Rousselle, seconded by Council Member Cognevich and on roll call all members present and voting "Yes", except Council Members Black and Arbourgh who were "ABSENT", the meeting adjourned at 5:41 p.m.

Chairman

Secretary