

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held in the Percy Griffin Community Center, 15577 Hwy. 15, Davant, Louisiana, on Thursday, March 28, 2019, at 1:03 p.m., pursuant to notice to all members with a quorum present as follows:

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

Kim M. Toups, Secretary

General Sandy Sanders, Paul Matthews, and Chambrel Riley were present to represent the Port.

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

- The members of the NAS Command staff were briefed on the business plan the Port is preparing for the Navy regarding joint use of the NAVY's assets in an effort to introduce commercial air cargo delivery on the JRB NAS.
- General Sanders met with a company that specializes as a Skilled Service provider whose mission is to recruit local labor for companies such as VG and PLT. It was stressed the importance of hiring locally.
- State Rep. Chris Leopold introduced a bill on behalf of the Port that would provide \$500.00 additional pay to Port employees on the water. This money would come directly from the State.
- The Port will be hosting a night out with the Baby Cakes and more information will be sent out shortly.

Eric Sunstrum then provided an update on HB 87 which gives \$500/month extra to vessel workers who go through LSU firefighting training. Mr. Sunstrum will provide the council will a full list of proposed bills sometime next week. Commissioner Rousselle said that he applauds Mr. Sunstrum and Representative Leopold's efforts; however, typically when there is supplement State pay to be paid, a Resolution is needed by the Council. Eric Sunstrum said the previous Port Board was aware of the bill. Commissioner Rousselle asked him to please clarify the policy with Representative Leopold.

Commissioner Barthelemy advanced to Agenda Item 7b, "Presentation by DC Lobbyist David Vitter and Mercury Affairs". Without objection, so ordered. David Vitter reported the following:

- He has been working to find funds available for projects in the Parish;
- In a little over a year major victories have happened at the Federal level:
 - \$12.9M identified to supplement CORPS dredging work in the lower Mississippi Region;
 - Full funding was found for Baptiste Collette which was included in the last Water Resources Bill passed last year
 - \$50M of Donor & Transfer Port Funding was found for the American Association of Port of which Plaquemines Port may receive \$1M.

Kyle Ruchert reported:

- Work was done on the federal level to obtain \$1.2M for the Port Sulphur Water Treatment Plant project;
- Senators Kennedy and Cassidy have sent letters to the USACE in support of the liquefied terminal project;
- Work was done with the delegation to locate money for the Boothville Community Center and Ft. Jackson repairs;
- Work has been done on the study for the Railroad relocation project;

- Work is being done relative to the improper insurance reductions during Hurricane Katrina;
- Work has been done regarding the NFIP renewal; and
- Meetings have been held with Congressional members and the Waterways Committee on Port issues.

David Vitter said that he is organizing a trip to DC to meet with CORPS Officials and delegates possible during May when Congress is in Session. He will be in touch regarding these meetings. Mr. Vitter also reminded the Commissioners that he is always available via phone, email or texts. Commissioner Rousselle asked if the language for partial adoption of flood maps were in the Discussion Drafts of the renewal was still in progress and he was told they are working with Senator Kennedy's Office on this matter.

The Prayer said and the Pledge was received.

There being no Bids or Advertisements, Commissioner Barthelemy moved to Agenda Item 5, "Introduction of Ordinances and Resolutions". Without objection, so ordered. The following was introduced:

1. A Resolution for the establishment of an Account with Regions Bank for Payments in Lieu of Taxes receipts; and otherwise to provide with respect thereto. COMMISSIONER BARTHELEMY
2. An Ordinance to amend and as amended to readopt the Plaquemines Parish Code of Ordinances, Chapter 2, Section 2-18, *Rules for Transaction of Business Before the Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District*, Rule 19(a); and otherwise to provide with respect thereto. COMMISSIONER BARTHELEMY

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

Agenda Item 6b, "A Resolution adopting the amendments to the Plaquemines Port, Harbor & Terminal District's (the Port) Accounting Policies and Procedures manual" was deferred.

RESOLUTION NO. 19-99

On motion of Commissioner Guey, seconded by Commissioner Black, and on roll call all members present and voting "YES", except Commissioners Rousselle, LaFrance and Cognevich voting "NO" and Commissioner Barthelemy who "ABSTAINED", the following Resolution was adopted:

A Resolution authorizing and directing Maynard Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District (the "Port") to have the Port's legal counsel file a petition seeking a final declaratory judgment from the appropriate court as to the legal source of the Port's jurisdictional, organizational, and governance authority, and whether such source emanates from the Louisiana Constitution, and La. R.S. 34:1351, et seq., or from the Plaquemines Parish Charter for Self-Government.

WHEREAS, the Plaquemines Parish Council as the sole governing authority of the Plaquemines Port, Harbor and Terminal District desires to authorize and direct the Plaquemines Port, Harbor and Terminal District, through Maynard Sanders, Executive Director to have its legal counsel file the appropriate suit for declaratory judgment, in order the have a final determination by the court(s) of competent jurisdiction, declaring whether the Port's jurisdictional, organizational, and governance authority emanates from the Louisiana Constitution, and La. R.S. 34:1351, et seq., or instead from the Plaquemines Parish Charter for Self-Government;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT the Plaquemines Parish Council, as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, hereby to authorizes and directs the Plaquemines Port, Harbor and Terminal District, through Maynard Sanders, Executive Director to have its legal counsel file the appropriate suit for declaratory judgment, in order the have a final determination by the court(s) of competent jurisdiction, declaring whether the Port's jurisdictional, organizational, and governance authority emanates from the Louisiana Constitution, and La. R.S. 34:1351, et seq., or instead from the Plaquemines Parish Charter for Self-Government.

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.

ORDINANCE NO. 19-37

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

An Ordinance to amend and as amended re-adopt Rule 1 in Chapter I of Section 2-18 of the Code of Ordinances for Plaquemines Parish relative to the Plaquemines Port, Harbor & Terminal District; and otherwise to provide with respect thereto.

WHEREAS, currently Rule 1 of Section 2-18 in Chapter I of the Code of Ordinances provides for the Plaquemines Parish Council as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District to meet once a month at a certain location; and

WHEREAS, it is the desire of this Council to hold meetings of the Plaquemines Parish Council as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District twice a month at set locations;

NOW, THEREFORE:

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

SECTION 1

Rule 1 of Chapter I of Section 2-18 of the Code of Ordinances for Plaquemines Parish, LA shall be amended and, as amended, re-adopted to read as follows:

“Rule 1. The council, as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, shall meet at 1:00 p.m., or immediately before the regularly scheduled council meeting, or whichever comes first, on the second and fourth Thursdays of each month. On the second Thursday of each month the meeting will be held in the Belle Chasse Council Chambers located at 333 F. Edward Hebert Blvd., Bldg. 203, Belle Chasse, LA 70037. On the fourth Thursday of each month the meeting will be held in Percy Griffin Community Center, located at 15577 Hwy. 15, Davant, LA 70040. When the Pointe-a-la-Hache Courthouse is completed and ready for occupancy the meetings on the fourth Thursday of each month will be held in the Courthouse located at 18039 Highway 15, Pointe-a-la-Hache, LA 70082. The Port Chairman, or the Port Vice-Chairman in his absence or incapacity, shall have the authority to call special meetings of the Council as the sole governing authority of the Plaquemines Port, Harbor and Terminal District. It is further provided that a two-thirds (2/3) majority of the members of the council as the sole governing authority of the Plaquemines Port, Harbor and Terminal District shall have the authority, by written message to the council secretary, to issue a call for a special meeting of the council as the sole governing authority of the Plaquemines Port, Harbor and Terminal District. The council as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, may meet at such other sites, times and days

within the boundaries of the parish as it may desire provided notice is given in accordance with all applicable portions of R.S. 42:7.”

SECTION 2

The two meetings a month schedule will be implemented beginning the month of April, 2019.

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 Black 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 28th day of March, 2019.

Commissioner Barthelemy moved to Agenda Item 7c, “Port Financial Report”. Without objection, so ordered. Paul Matthews stated that State Statutes call for a report to be made and the Internal Auditor recommended having a Financial Report done at each Port meeting. The document will be sent to the Commissioners the Friday before the meeting and they are asked to have any questions to the Port by the Tuesday before the meeting. The questions asked will then be addressed at the meeting. He went on to say that this practice started in late 2017 with financial reports given at the Committee meetings. Commissioner Rousselle stated that an annual report is also required by State Statute.

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

RESOLUTION NO. 19-100

On motion of Commissioner Barthelemy, seconded by Commissioner Guey, 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 February 28, 2019 meeting as recorded by the Secretary of this Council.

There being no further business to come before this Council, on motion Commissioner Guey, seconded by Commissioner Arbourgh, and on roll call all members present and voting “Yes”, the meeting adjourned at 1:59 p.m.

Chairman

Secretary