

Minutes of a meeting of the Plaquemines Parish Council held in the Plaquemines Parish Temporary Courthouse, 450 F. Edward Hebert Blvd., Belle Chasse, Louisiana, on Thursday, June 25, 2009, at 1:30 p.m. pursuant to notice to all members with a quorum present as follows:

PRESENT: Council Member Lynda G. Banta, Chairman  
Council Member Don Beshel, Vice-Chairman  
Council Member Jerry Hodnett  
Council Member Stuart J. Guey  
Council Member Anthony L. Buras, Jr.  
Council Member Burghart Turner  
Council Member Marla Cooper

Melissa P. LeBlanc, Secretary

ABSENT: Council Member Keith Hinkley  
Council Member John J. Friedman

Mr. Billy Nungesser, Parish President, is present representing Administration.

The Pledge of Allegiance was led by Ms. Kim Toups.

Council Member Banta moved to advance to Agenda Item 4a-1, "A Proclamation declaring June 25, 2009, as "GARY RAGAS DAY" in Plaquemines Parish. Without objections, so ordered.

### **PROCLAMATION**

On motion of Council Member Banta, seconded by All Council Members, and on roll call all members present voting "Yes", except Council Members Hinkley and Friedman, absent, the following Proclamation was adopted:

A Proclamation declaring June 25, 2009, as "GARY RAGAS DAY" in the Parish of Plaquemines.

WHEREAS, after 14 years of dedicated service, first as a Council Member of District 7, 1/1/1987 - 1/31/1990), then as Director of Administration (1/1/1999 to present), he has decided it is time to retire; and

WHEREAS, Gary has always been ready and willing to assist the elected Council Members, the Administration and the Department Heads in any task or job, no matter how big or small; and

WHEREAS, the most distinctive quality in Gary is that we can always depend on him to do the fiscally responsible thing, whether it was a popular decision or not; and

WHEREAS, words can not express his thoughtfulness, selflessness, and his untiring energy that he contributes to the workforce on a daily basis; and

WHEREAS, it is our privilege and honor as the Parish Council and Plaquemines Parish Government to have worked along side you for the past 14 years; and

WHEREAS, Gary will be deeply missed not only in the Council Meetings, but Parish wide, and we all join together to wish him great joy and happiness in his retirement;

NOW, THEREFORE:

BE IT PROCLAIMED by the Plaquemines Parish Council, by authority vested and represented by its duly authorized Chairman, Lynda G. Banta, attested by all Council Members and by concurrence of the Parish President, Billy Nungesser, representing the Plaquemines Parish Government, that it hereby declares June 25, 2009, as

### **"GARY S. RAGAS DAY"**

in the Parish of Plaquemines and would like to take this opportunity to extend our deepest and heartfelt thanks to Gary S. Ragas for his years of dedication to the people of Plaquemines Parish and all the past elected officials over the last 14 years representing Plaquemines Parish as Council Member and Director of Administration.

Given under my hand and the seal of the Parish of Plaquemines on this the 25<sup>th</sup> day of June, 2009.

/s/ Billy Nungesser  
BILLY NUNGESSER, PARISH PRESIDENT

/s/ Lynda G. Banta  
LYNDA G. BANTA, CHAIRMAN

RESOLUTION NO. 09-213

On motion of Council Member Banta, seconded by Council Member Turner, and on roll call all members present voting "Yes", except Council Member Hinkley, and Friedman, absent, the following Resolution was adopted:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby resolves itself into Executive Session for the purpose of hearing a report and recommendations and strategy advice for the management of litigation from its attorney concerning pending litigation entitled, "Judy Brandt Marshall vs. Parish of Plaquemines, Leon Duplessis & Sons Contractors, Inc., Hard Rock Construction Company and Darien Gibson, 25<sup>th</sup> JDC, 54-350, Div. "A", United States District Court, File No. 08-3510, Sec "C" MAG (3) - Mr. Mike Mullin, Attorney; it being the sense of the Plaquemines Parish Council and its attorney that hearing said reports, recommendations, and advice in open session would have a detrimental effect on the Plaquemines Parish Council's bargaining and litigating position.

The Council resolved itself into Executive Session at 1:45 p.m.

The Council came out of Executive Session at 1:55 p.m. with no final or binding action having been taken during Executive Session.

Council Member Banta moved to advance to Agenda Item 7-a, "Public discussion regarding District 8". Without objections, so ordered.

RESOLUTION NO. 09-214

On motion by Council Member Banta, seconded by Council Member Guey, and on roll call all members present voting "Yes", except Council Members Hinkley, and Friedman, absent, the following resolution was adopted:

A Resolution authorizing the acceptance of bids for furnishing Rollout Waste Containers.

WHEREAS, after due advertisement bids were received on May 5, 2009, for furnishing Rollout Waste Containers as follows: Ameri Kart, 8918 W. 21<sup>st</sup> Street, Suite 200, Wichita, Kansas 67205; Otto Environmental System, 12700 General Drive, Charlotte, NC 28273; Schaefer Systems Inter, 10021 Woodlake Drive, Charlotte, NC 28273; Rehrig Pacific Company, 4010 East 26<sup>th</sup> Street, Los Angeles, CA 90058; and Toter, Inc., P. O. Box 5338, Statesville, NC 28687; all bids on file in the Parish Purchasing Agent's Office and made a part hereof by reference; and

WHEREAS, Mr. Byron Williams, Director of Public Service, recommends the acceptance of the bid of Toter Inc., and the Council concurred in said recommendation;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Purchasing Agent to issue purchase orders to Toter, Inc., P. O. Box 5338, Statesville, NC 28687, for furnishing Rollout Waste Containers, all in accordance with bids submitted by said vendor on May 5, 2009, on file in the Parish Purchasing Agent's Office.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that William Nungesser, Parish President, be and hereby authorized for and on behalf of the Plaquemines Parish Government to enter into a contractual agreement with Toter, Inc., for furnishing Rollout Waste Containers, beginning with the adoption of this Resolution.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Fiscal Officers to issue check in payment of material, upon approval of invoices by Brenda L. Stanifer, Parish Purchasing Agent.

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. 09-215

On motion by Council Member Banta, seconded by All Council Members, and on roll call all members present voting "Yes", except Council Members Hinkley, and Friedman, absent, the following resolution was adopted:

A Resolution authorizing the acceptance of bids for furnishing Buras Library Furniture.

WHEREAS, after due advertisement bids were received on June 23, 2009, for furnishing Buras Library Furniture as follows: Library Interiors, Inc., 2801 Division Street, Metairie, LA, 70002; all bids on file in the Parish Purchasing Agent's Office and made a part hereof by reference; and

WHEREAS, Mr. Byron Williams, Director of Public Service, recommends the acceptance of the only bid of Library Interiors, Inc., and the Council concurred in said recommendation;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Purchasing Agent to issue purchase orders to Library Interiors, Inc., 2801 Division Street, Metairie, LA, 70002, for furnishing Buras Library Furniture, all in accordance with bids submitted by said vendor on June 23, 2009, on file in the Parish Purchasing Agent's Office.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that William Nungesser, Parish President, be and hereby authorized for and on behalf of the Plaquemines Parish Government to enter into a contractual agreement with Library Interiors, Inc., for furnishing Buras Library Furniture, beginning with the adoption of this Resolution.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Fiscal Officers to issue check in payment of material, upon approval of invoices by Brenda L. Stanifer, Parish Purchasing Agent.

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. 09-216

On motion of Council Member Hodnett, seconded by Council Member Buras, and on roll call all members present and voting "Yes", except Council Members Hinkley, and Friedman, absent, the following Resolution was adopted:

BE IT RESOLVED by the Plaquemines Parish Council that the following application for permit to engage in the sale of liquor and/or beer only in the Parish of Plaquemines for the year 2009 is hereby approved: Balestra's Food Center Inc, "Balestra's Food Center", 7902 Highway 23, Belle Chasse, Louisiana, 70037, package house-liquor; Morris H. Hartt, Jr., P.O. Box 415, Venice, Louisiana, 70091, "Hartt's Exxon", 42813 Highway 23, Venice, Louisian, 70091, package house-liquor.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Sheriff I. F. "Jiff" Hingle and the Plaquemines Parish Health Department as notice of approval of applications for permit.

Council Member Banta moved to advance to Agenda Items 6-ee, "An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget Telecommunications Department, various expenditure line item; and otherwise to provide with respect thereto" and 6-ff, "An Ordinance to amend the General Fund, 2009 Operating Expenditure Budgets, Telecommunication Department, expenditure line items; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO.

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

An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget Telecommunications Department, various expenditure line item; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Parish Government is in need of a more reliable communication system that is owned and maintained by the parish, allowing all users within Plaquemines Parish infrastructure complete and total sharing of information; and

WHEREAS, this system will provide centralized access to calendars, contacts, and e-mails; and

WHEREAS, amending the General Fund, 2009 Operating Expenditure Budget by appropriating \$61,550 to the Telecommunications Department, various expenditure line items is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The General Fund, 2009 Operating Expenditure Budget is amended by appropriating \$61,550 to Telecommunications Department, various expenditure line items as follows:

FUND GENERAL 01

DEPARTMENT/DIVISION Telecommunication Dept-General 725-0001

<u>OBJECT</u>	<u>DESCRIPTION</u>	<u>AMENDMENT</u>	<u>NEW TOTAL</u>	
52800	PROFESSIONAL SERVICES	INCREASE BY	\$28,040.00	\$148,190.00
56515	COMPUTER SOFTWARE	INCREASE BY	7,500.00	10,000.00
56517	COMPUTER HARDWARE	INCREASE BY	26,010.00	26,010.00

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

Council Member Guey seconded the motion to adopt the Ordinance.

Council Member Banta moved to defer the proposed Ordinance.

ORDINANCE NO. 09-136

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

An Ordinance to amend the General Fund, 2009 Operating Expenditure Budgets, Telecommunication Department, expenditure line items; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Parish Government has been awarded a grant to provide reliable communications for the entire first responder community within the State of Louisiana; and

WHEREAS, funds are to be reimbursed on a monthly basis for all approved equipment expenditures up to a maximum amount of \$34,010; and

WHEREAS, amending the General Fund, 2009 Operating Revenue & Expenditure Budgets by appropriating \$34,010 to revenue line item Fed Reimb-GOHSEP, and to the Telecommunication Department, expenditure line item Communication Equipment is requested;

NOW, THEREFORE:

ORDINANCE NO. 09-136

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

An Ordinance to amend the General Fund, 2009 Operating Expenditure Budgets, Telecommunication Department, expenditure line items; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Parish Government has been awarded a grant to provide reliable communications for the entire first responder community within the State of Louisiana; and

WHEREAS, funds are to be reimbursed on a monthly basis for all approved equipment expenditures up to a maximum amount of \$34,010; and

WHEREAS, amending the General Fund, 2009 Operating Revenue & Expenditure Budgets by appropriating \$34,010 to revenue line item Fed Reimb-GOHSEP, and to the Telecommunication Department, expenditure line item Communication Equipment is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The General Fund, 2009 Operating Revenue and Expenditure Budgets are amended by appropriating \$34,010 for the State Department of Homeland Security and Emergency Preparedness Grant as follows:

FUND	DEPARTMENT	DIVISION	OBJECT	AMENDMENT	NEW TOTAL
01 GENERAL			43438 FED REIMB - GOHSEP	INCREASE BY \$34,010.00	\$34,010.00
01 GENERAL	725 Telecommunication	0001 General	56550 Communication Equip.	INCREASE BY \$34,010.00	\$34,010.00

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

Council Member Guey seconded the motion to adopt the Ordinance.

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

YEAS: Council Members Don Beshel, Keith Hinkley, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25<sup>th</sup> day of June, 2009.

Council Member Banta moved to advance to Agenda Items 6-x, "A Resolution authorizing the Parish President to execute those documents and agreements required in the submission of the application for the construction of Empire Shipyard, as provided under the Community Development Block Grant-Disaster Recovery Fisheries Infrastructure Program and certifying that the "Urgent Need" national policy objective is met", 6-y, "A Resolution Authorizing the Parish President to execute those documents and agreements required in the submission of the application for the construction of Phase I of the Empire Fisheries Complex, as provided under the Community Development Block Grant-Disaster Recovery Fisheries Infrastructure Program and certifying that the "Urgent Need" national policy objective is met", 6-cc, "A Resolution Authorizing the Parish President to execute those documents and agreements required in the submission of the application for the construction of Phase I of the Empire Fisheries Complex, as provided under the Community Development

Block Grant-Disaster Long Term Recovery Program and certifying that the “Urgent Need” national policy objective is met”, and 6-gg, “A Resolution Authorizing the Parish President to execute a Cooperative Endeavor Agreement and related documents with the State of Louisiana, Division of Administration, Office of Community Development, for the grant for implementation of the Parish’s Disaster Recovery Program under the CDBG-Disaster Recovery Program; and otherwise to provide with respect thereto”. Without objections, so ordered.

RESOLUTION NO. 09-217

On motion of Council Member Banta, seconded by Council Member Hodnett, and on roll call all members present voting “Yes”, except Council Members Hinkley, and Friedman, absent, the following Resolution was adopted:

A Resolution authorizing the Parish President to execute those documents and agreements required in the submission of the application for the construction of Empire Shipyard, as provided under the Community Development Block Grant-Disaster Recovery Fisheries Infrastructure Program and certifying that the “Urgent Need” national policy objective is met.

WHEREAS, the Plaquemines Parish Government is submitting an application for funding under the Community Development Block Grant Disaster Recovery (CDBG-DR) Fisheries Infrastructure Program from the Louisiana Office of Community Development-Disaster Recovery Unit to secure funding for the construction of the Empire Shipyard Complex; and

WHEREAS, in order to apply for such grant, the Parish must submit its CDBG-Fisheries infrastructure application package in compliance with HUD program regulations; and

WHEREAS, such regulations require that the Plaquemines Parish Government provide, as part of such package, a certified copy of a resolution which authorizes submission of the application and designates the Parish President, as the authorized representative of the Parish, to sign all application documents and certifications; and

WHEREAS, such regulations further require that the Plaquemines Parish Government certify that the activity for which CDBG-Disaster Recovery Fisheries Infrastructure funds are being requested to undertake the project are urgently needed to alleviate conditions which pose a serious and immediate threat to the health or welfare of the Parish; and which were a direct result of the damages sustained in the Hurricane; and

WHEREAS, with no other funding source, the monies to undertake the project would have to be derived from the Parish Operations and Maintenance Budget resulting in a critical reduction in revenues for programs and operations of the Parish Government;.

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that the submission of the CDBG-Fisheries Infrastructure application package is hereby authorized, with the proceeds from such grant to be used to undertake the construction of Empire Shipyard.

BE IT FURTHER RESOLVED that the Parish President, being the Chief Elected Official of the Plaquemines Parish Government, is the authorized representative for the project, and as such is authorized to file an application and any amendments thereto for a CDBG-Disaster Recovery Fisheries Infrastructure Program Grant on behalf of the Plaquemines Parish Government with full authority to execute all documents pertaining to the project.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby certifies that the funding being requested under the CDBG-Disaster Recover Fisheries Infrastructure Program will be used to undertake the construction of the Empire Shipyard—a project which is urgently needed to alleviate conditions which pose a serious and immediate threat to the health or welfare of the Parish as a result of the damages sustained in the Hurricane; and, with no other funding source, the monies to undertake the project would have to be derived from the Parish Operations and Maintenance Budget resulting in a critical reduction in revenues for programs and operations of the Parish.

BE IT FURTHER RESOLVED that the Plaquemines Parish Council hereby certifies that there are no other sources of funding available to undertake this urgently needed project.

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. 09-218

On motion of Council Member Banta, seconded by Council Member Hodnett, and on roll call all members present voting "Yes", except Council Members Hinkley, and Friedman, absent, the following Resolution was adopted:

A Resolution Authorizing the Parish President to execute those documents and agreements required in the submission of the application for the construction of Phase I of the Empire Fisheries Complex, as provided under the Community Development Block Grant-Disaster Recovery Fisheries Infrastructure Program and certifying that the "Urgent Need" national policy objective is met.

WHEREAS, the Plaquemines Parish Government is submitting an application for funding under the Community Development Block Grant Disaster Recovery (CDBG-DR) Fisheries Infrastructure Program from the Louisiana Office of Community Development-Disaster Recovery Unit to secure funding for the construction of Phase I of the Empire Fisheries Complex; and

WHEREAS, in order to apply for such grant, the Parish must submit its CDBG-Fisheries infrastructure application package in compliance with HUD program regulations; and

WHEREAS, such regulations require that the Plaquemines Parish Government provide, as part of such package, a certified copy of a resolution which authorizes submission of the application and designates the Parish President, as the authorized representative of the Parish, to sign all application documents and certifications; and

WHEREAS, such regulations further require that the Plaquemines Parish Government certify that the activity for which CDBG-Disaster Recovery Fisheries Infrastructure funds are being requested to undertake the project are urgently needed to alleviate conditions which pose a serious and immediate threat to the health or welfare of the Parish; and which were a direct result of the damages sustained in the Hurricane; and

WHEREAS, with no other funding source, the monies to undertake the project would have to be derived from the Parish Operations and Maintenance Budget resulting in a critical reduction in revenues for programs and operations of the Parish Government;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that the submission of the CDBG-Fisheries Infrastructure application package is hereby authorized, with the proceeds from such grant to be used to undertake the construction of Phase I of the Empire Fisheries Complex.

BE IT FURTHER RESOLVED that the Parish President, being the Chief Elected Official of the Plaquemines Parish Government, is the authorized representative for the project, and as such is authorized to file an application and any amendments thereto for a CDBG-Disaster Recovery Fisheries Infrastructure Program Grant on behalf of the Plaquemines Parish Government with full authority to execute all documents pertaining to the project.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby certifies that the funding being requested under the CDBG-Disaster Recover Fisheries Infrastructure Program will be used to undertake the construction of Phase I of the Empire Fisheries Complex– a project which is urgently needed to alleviate conditions which pose a serious and immediate threat to the health or welfare of the Parish as a result of the damages sustained in the Hurricane; and, with no other funding source, the monies to undertake the project would have to be derived from the Parish Operations

and Maintenance Budget resulting in a critical reduction in revenues for programs and operations of the Parish.

BE IT FURTHER RESOLVED that the Plaquemines Parish Council hereby certifies that there are no other sources of funding available to undertake this urgently needed project.

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. 09-219

On motion of Council Member Banta, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Members Hinkley, and Friedman, absent, the following Resolution was adopted:

A Resolution Authorizing the Parish President to execute those documents and agreements required in the submission of the application for the construction of Phase I of the Empire Fisheries Complex, as provided under the Community Development Block Grant-Disaster Long Term Recovery Program and certifying that the "Urgent Need" national policy objective is met.

WHEREAS, the Plaquemines Parish Government is submitting an application for funding under the Community Development Block Grant Disaster Recovery (CDBG-DR) Long Term Recovery Program from the Louisiana Office of Community Development-Disaster Recovery Unit to secure funding for the construction of Phase I of the Empire Fisheries Complex; and

WHEREAS, in order to apply for such grant, the Parish must submit its CDBG-Long Term Recovery Program application package in compliance with HUD program regulations; and

WHEREAS, such regulations require that the Plaquemines Parish Government provide as part of such package a certified copy of a resolution which authorizes submission of the application and designates the Parish President, as the authorized representative of the Parish, to sign all application documents and certifications; and

WHEREAS, such regulations require that the Plaquemines Parish Government certify that the activity for which CDBG-Disaster Long Term Recovery Program funds are being requested to undertake the project are urgently needed to alleviate conditions which pose a serious and immediate threat to the health or welfare of the Parish; and, which were a direct result of the damages sustained in the Hurricane; and

WHEREAS, with no other funding source, the monies to undertake the project would have to be derived from the Parish Operations and Maintenance Budget resulting in a critical reduction in revenues for programs and operations of the Parish Government;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that the submission of the CDBG-Long Term Recovery Program application package is hereby authorized, with the proceeds from such grant to be used to undertake the construction of Phase I of the Empire Fisheries Complex.

BE IT FURTHER RESOLVED that the Parish President, being the Chief Elected Official of the Plaquemines Parish Government, is the authorized representative for the project, and as such is authorized to file an application and any amendments thereto for a CDBG-Disaster Long Term Recovery Program Grant on behalf of the Plaquemines Parish Government with full authority to execute all documents pertaining to the project.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby certifies that the funding being requested under the CDBG-Disaster Long Term Recovery Program will be used to undertake the construction of Phase I of the Empire Fisheries Complex— a project which is urgently needed to alleviate conditions which

pose a serious and immediate threat to the health or welfare of the Parish as a result of the damages sustained in the Hurricane; and, with no other funding source, the monies to undertake the project would have to be derived from the Parish Operations and Maintenance Budget resulting in a critical reduction in revenues for programs and operations of the Parish.

BE IT FURTHER RESOLVED that the Plaquemines Parish Council hereby certifies that there are no other sources of funding available to undertake this urgently needed project.

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. 09-220

On motion of Council Member Banta, seconded by Council Member Buras, and on roll call all members present voting “Yes”, except Council Members Hinkley, and Friedman, absent, the following Resolution was adopted:

A Resolution Authorizing the Parish President to execute a Cooperative Endeavor Agreement and related documents with the State of Louisiana, Division of Administration, Office of Community Development, for the grant for implementation of the Parish’s Disaster Recovery Program under the CDBG-Disaster Recovery Program; and otherwise to provide with respect thereto.

WHEREAS, Article VII, Section 14(c) of the Constitution of the State of Louisiana provides, “For the public purpose, the State and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation, or individual”; and

WHEREAS, in the aftermath of Hurricanes Gustav and Ike, the United States Congress, through Public Law 110-329, appropriated funds to the U.S. Department of Housing and Urban Development (“HUD”) Community Development Block Grant (“CDBG”) Program for use through the State of Louisiana for disaster recovery; and

WHEREAS, the Office of Community Development (“OCD”), on behalf of the State of Louisiana (the “State”), administers the State’s CDBG disaster recovery program (the “CDBG Disaster Recovery Program”), which is subject to the Federal statutes and regulations governing CDBG grants, as modified by exceptions and waivers previously granted and which may hereinafter be granted by HUD; and

WHEREAS, Grantee is the unit of local government of the State of Louisiana responsible for the rebuilding and recovery of the Parish of Plaquemines (the “Parish”). Recovery and rebuilding efforts of Grantee involve efforts to address damage caused by Hurricanes Gustav and Ike; and

WHEREAS, Hurricanes Gustav and Ike caused significant damage to the Parish and based on damage estimates prepared by the Federal Emergency Management Agency and the United States Small Business Administration, the Parish is one of the most heavily impacted parishes of the State; and

WHEREAS, on March 19, 2009, HUD approved Louisiana’s Initial Action Plan for the utilization of CDBG Funds in response to Hurricanes Gustav and Ike (the “Action Plan”), which proposed using CDBG disaster recovery funds for parish-implemented recovery programs designed to address the needs of the most heavily impacted parishes of the State relating to housing (the “Housing Program”), infrastructure (the “Infrastructure Program”) and/or economic recovery and revitalization recovery (the “Recovery Program”). Action Plan Amendment Number 1, which has been submitted to HUD and is currently awaiting approval, details the specific framework for the Parish-Implemented Recovery Program; and

WHEREAS, Grantee has applied for, or plans to apply for, assistance from the CDBG Disaster Recovery Program through the Parish-Implemented Recovery Program for damages suffered by the Parish as a result of Hurricanes Gustav and Ike; and

WHEREAS, the public purpose to be derived from this Agreement is the expeditious and effective recovery of the Parish as part of the CDBG Disaster Recovery Program through the Parish-Implemented Recovery Program; and

WHEREAS, the actions of the OCD and Grantee will result in a public benefit described in detail in this Agreement not disproportionate to the consideration in this Agreement;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that the Parish President, being the chief executive official of the Plaquemines Parish Government, is the authorized representative for the project and as such is authorized to file an application and any amendments thereto for a CDBG-Disaster Recovery Grant for use in the Parish's Disaster Recovery Program with full authority to execute all documents pertaining to the project.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby certifies that the funding being requested under the CDBG-DR Program will be used in the Parish's Disaster Recovery Program- a project which is urgently needed to alleviate conditions which pose a serious and immediate threat to the health or welfare of the Parish as a result of the damages sustained in Hurricanes Gustav and Ike that hit Plaquemines Parish; and, with no other funding source, the monies to undertake the project would have to be derived from the Parish Operations and Maintenance Budget resulting in a critical reduction in revenues for programs and operations of the Parish.

BE IT FURTHER RESOLVED that the Plaquemines Parish Council hereby certifies that there are no other sources of funding available to undertake this urgently needed project.

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.

Council Member Banta moved to advance to Agenda Item 6-bb, "An Ordinance to amend the Road Maintenance Fund, 2009 Manpower Structure, PROWM Department; and otherwise to provide with respect thereto". Without objections, so ordered.

#### ORDINANCE NO.

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

An Ordinance to amend the Road Maintenance Fund, 2009 Manpower Structure, PROWM Department; and otherwise to provide with respect thereto.

WHEREAS, amending the Road Maintenance Fund, 2009 Manpower Structure by deleting one full-time Foreman and adding two full-time Tractor Driver II positions is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

#### SECTION 1

The Road Maintenance Fund, 2009 Manpower Structure, PROWM Department is amended by deleting one full-time Foreman position and adding two full-time Tractor Driver II positions, by appropriating \$5,850.00 the General Fund Unreserved/Undesignated Fund Balance.

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

Council Member Banta seconded the motion to adopt the Ordinance.

Council Member Hodnett moved to temporarily pass over the proposed Ordinance.

Council Member Banta moved to advance to Agenda Item 6-hh, "An Ordinance to amend the Five-Year Capital Improvements Plan for the Rebuild-District 8 Council Bldg Project; and otherwise to provide with respect thereto.". Without objections, so ordered.

ORDINANCE NO. 09-137

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Rebuild-District 8 Council Bldg Project; and otherwise to provide with respect thereto.

WHEREAS, an additional \$6,120 is needed to complete the District 8 Council Building; and

WHEREAS, additional professional engineering services are required due to unforeseen circumstances, which require shifting the location of the new District 8 Council Building; and

WHEREAS, amending the Five-Year Capital Improvements Plan by appropriating \$6,120 to the Rebuild-District 8 Council Bldg Project is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Five-Year Capital Improvements Plan is amended by appropriating \$6,120 to the Rebuild-District 8 Council Bldg Project; funding source, General Fund; funding year, 2009.

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

Council Member Hodnett seconded the motion to adopt the Ordinance.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Keith Hinkley, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25<sup>th</sup> day of June, 2009.

Council Member Banta moved to advance to Agenda Item 6-ii, "A Resolution confirming the recommendation of the President of the Parish of Plaquemines, William H. Nungesser, of the designation of Janice Acosta as the Director of the Department of Administration, pursuant to Article 5, Section 5.01 of the Charter for Local Self-Government for the Parish of Plaquemines; and otherwise to provide with respect thereto". Without objections, so ordered.

RESOLUTION NO. 09-221

On motion by Council Member Banta, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Member Hinkley, and Friedman, absent, the following Resolution was adopted:

A Resolution confirming the recommendation of the President of the Parish of Plaquemines, William H. Nungesser, of the designation of Janice Acosta as the Director of the Department of Administration, pursuant to Article 5, Section 5.01 of the Charter for Local Self-Government for the Parish of Plaquemines; and otherwise to provide with respect thereto.

WHEREAS, Article 5, Section 5.01 of the Charter for Local Self-Government for the Parish of Plaquemines established the Department of Administration to be headed by a Director having general management and control over all matters related to the areas of local government assigned to that department; and

WHEREAS, the President for the Parish of Plaquemines, William H. Nungesser, in accordance with Article 3.10(F) of Section 3 of the Charter for Local Self-Government for the Parish of Plaquemines has recommended the appointment of Janice Acosta as the Director of the Department of Administration and the Council concurs in said recommendation;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it does hereby ratify and confirm the recommendation of the President of the Parish of Plaquemines, William H. Nungesser, appointing Janice Acosta as the Director of the Department of Administration for the Parish of Plaquemines.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the duties, responsibilities and benefits established in the Plaquemines Parish Government Position Control System, all in accordance with established Plaquemines Parish employment policies shall remain the same.

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.

Council Member Banta moved to advance to Agenda Item 6-s, "A Resolution to amend, and as amended, readopt Resolution No. 09-139, adopted April 23, 2009, to clarify the scope of employment of the Law Firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, L.L.P., to represent the Plaquemines Parish Council for such advices it deems necessary, including but not limited to review of Charter Amendments, attendance at public hearings and legal representation before any parish or state board or committee and any court of law; and otherwise to provide with respect thereto". Without objections, so ordered.

#### RESOLUTION NO. 09-222

The following Resolution was offered by Council Member Hodnett who moved its adoption:

A Resolution to amend, and as amended, readopt Resolution No. 09-139, adopted April 23, 2009, to clarify the scope of employment of the Law Firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, L.L.P., to represent the Plaquemines Parish Council for such advices it deems necessary, including but not limited to review of Charter Amendments, attendance at public hearings and legal representation before any parish or state board or committee and any court of law; and otherwise to provide with respect thereto.

WHEREAS, Resolution No. 09-139 was adopted on April 23, 2009, wherein the Plaquemines Parish Council retained the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, L.L.P., to represent the Plaquemines Parish Council relative to the proposed Charter Amendments; and

WHEREAS, the Louisiana Attorney General has approved said engagement of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, L.L.P.; and

WHEREAS, the Plaquemines Parish Council now wishes to amend, and as amended, readopt Resolution No. 09-139 to clarify the scope of employment of the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, L.L.P., for such advices it deems necessary, including but not limited to review of Charter Amendments, attendance at public hearings and legal representation before any parish or state board or committee and any court of law;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby amends, and as amended readopts Resolution No. 09-139 to clarify the scope of employment of the Law

Firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, L.L.P., to represent the Plaquemines Parish Council for such advices it deems necessary, including but not limited to review of Charter Amendments, attendance at public hearings and legal representation before any parish or state board or committee and any court of law.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes William H. Nungesser to execute any and all documents necessary and proper to carry out the intents and purposes of this Resolution.

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 the 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.

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

Council Member Beshel seconded the motion to adopt the Resolution.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: Council Members Stuart J. Guey, and Anthony L. Buras

ABSENT: Council Members Keith Hinkley, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Resolution was adopted on this the 25<sup>th</sup> day of June, 2009.

Council Member Banta moved to advance to Agenda Item 6-w, "An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget, Coastal Zone-Land Department, line item Professional Services-Levee Manager; and otherwise with respect thereto." Without objections, so ordered.

#### ORDINANCE NO. 09-138

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

An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget, Coastal Zone-Land Department, line item Professional Services-Levee Manager; and otherwise with respect thereto.

WHEREAS, funding is necessary to provide for levee management services critical to the successful operation of the Coastal Zone-Land Department, which includes the management of levee projects, coordination with other governmental entities, and other duties related to levee management; and

WHEREAS, amending the General Fund, 2009 Operating Expenditure Budget, Coastal Zone-Land Department, by appropriating \$50,000 to line item Professional Services-Levee Manager from the Fund Balance Designated for Parish wide Sewer Projects is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The General Fund, 2009 Operating Expenditure Budget, is amended by appropriating \$50,000 from the Fund Balance Designated for Parish wide Sewer Projects, as follows:

FUND	<u>GENERAL</u>		<u>01</u>
DEPARTMENT/DIVISION	<u>Coastal Zone-Land-General</u>		<u>450-0001</u>
<u>OBJECT</u>	<u>DESCRIPTION</u>	<u>AMENDMENT</u>	<u>NEW TOTAL</u>
52871	PROF SVCS-LEVEE MANAGER	INCREASE BY \$50,000.00	\$85,000.00

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.

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

Council Member Banta seconded the motion to adopt the Ordinance.

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

- YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper
- NAYS: None
- ABSENT: Council Members Keith Hinkley, and John J. Friedman
- PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25<sup>th</sup> day of June, 2009.

RESOLUTION NO. 09-223

On motion by Council Member Turner, seconded by Council Member Banta, and on roll call all members present voting “Yes”, except Council Members Hinkley, Hodnett, and Friedman, absent, the following resolution was adopted:

A Resolution approving the issuance of a special permit to Wilfred McAnespy for the raising of an existing residence on property located in a FP (Flood Plain) Zoning District at 150 West Shirley Road, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-296, dated May 5, 2009.

WHEREAS, Wilfred McAnespy applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-296, dated May 5, 2009) for a

permit to raise an existing residence on property located at 150 West Shirley Road, Port Sulphur, Louisiana.

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Wilfred McAnespy for the raising of an existing residence on property located in a FP (Flood Plain) Zoning District at 150 West Shirley Road, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-296, dated May 5, 2009.

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. 09-224

On motion by Council Member Turner, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Members Hinkley, Hodnett, and Friedman, absent, the following resolution was adopted:

A Resolution approving the issuance of a special permit to Mazil L. Provost for the construction of a modular home on property located in a FP (Flood Plain) Zoning District at 152 Landry Lane, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-316, dated May 11, 2009.

WHEREAS, Mazil L. Provost applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-316, dated May 11, 2009) for a permit to construct a modular home on property located at 152 Landry Lane, Port Sulphur, Louisiana.

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Mazil L. Provost for the construction of a modular home on property located in a FP (Flood Plain) Zoning District at 152 Landry Lane, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-316, dated May 11, 2009.

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. 09-225

On motion by Council Member Banta, seconded by Council Member Beshel, and on roll call all members present voting "Yes", except Council Members Hinkley, Hodnett, and Friedman, absent, the following resolution was adopted:

A Resolution approving the issuance of a special permit to Jeryd Zito for the installation of a fireworks stand on property located in a C-2 (General Commercial) Zoning District at 28572 Highway 23, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-370, dated June 11, 2009.

WHEREAS, Jeryd Zito applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-370, dated June 11, 2009) for a permit to install a fireworks stand on property located at 28572 Highway 23, Port Sulphur, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Jeryd Zito for the installation of a fireworks stand on property located in a C-2 (General Commercial) Zoning District at 28572 Highway 23, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-370, dated June 11, 2009.

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. 09-226

On motion by Council Member Turner, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Members Hinkley, Hodnett, and Friedman, absent, the following resolution was adopted:

A Resolution approving the issuance of a special permit to Jerry Daigle for the raising of an existing residence on property located in a FP (Flood Plain) Zoning District at 133 Deer Road, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-376, dated June 17, 2009.

WHEREAS, Jerry Daigle applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-376, dated June 17, 2009) for a permit to raise an existing residence on property located at 133 Deer Road, Port Sulphur, Louisiana.

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Jerry Daigle for the raising of an existing residence on property located in a FP (Flood Plain) Zoning District at 133 Deer Road, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-376, dated June 17, 2009.

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. 09-227

On motion by Council Member Turner, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Members Hinkley, Hodnett, and Friedman, absent, the following resolution was adopted:

A Resolution approving the issuance of a special permit to Shafter and Charlotte St. Cyr for the placement of a manufactured home on property located in a FP (Flood Plain) Zoning District at 162 Giraud Street, Port Sulphur, Louisiana, all in accordance with Application No. T-2009-294, dated June 17, 2009.

WHEREAS, Shafter and Charlotte St. Cyr applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. T-2009-294, dated June 17, 2009) for a permit to place a manufactured home on property located at 162 Giraud Street, Port Sulphur, Louisiana.

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Shafter and Charlotte St. Cyr for the placement of a manufactured home on property located in a FP (Flood Plain) Zoning District at 162 Giraud Street, Port Sulphur, Louisiana, all in accordance with Application No. T-2009-294, dated June 17, 2009.

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. 09-228

On motion by Council Member Turner, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Members Hinkley, Hodnett, and Friedman, absent, the following resolution was adopted:

A Resolution approving the issuance of a special permit to Ronald Parks for the construction of a modular home on property located in a FP (Flood Plain) Zoning District at 558 Martin Lane, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-384, dated June 22, 2009.

WHEREAS, Ronald Parks applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-384, dated June 22, 2009) for a permit to construct a modular home on property located at 558 Martin Lane, Port Sulphur, Louisiana.

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Ronald Parks for the construction of a modular home on property located in a FP (Flood Plain) Zoning District at 558 Martin Lane, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-384, dated June 22, 2009.

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. 09-229

On motion by Council Member Hodnett, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Members Hinkley, and Friedman, absent, the following resolution was adopted:

A Resolution approving the issuance of a special permit to Edward Couvillion for the installation of a fireworks stand on property located in a C-2 (General Commercial) Zoning District at 8220 Highway 23, Belle Chasse, Louisiana, all in accordance with Application No. B-2009-385, dated June 23, 2009.

WHEREAS, Edward Couvillion applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-385, dated June 23, 2009) for a permit to install a fireworks stand on property located at 8220 Highway 23, Belle Chasse, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Edward Couvillion for the installation of a fireworks stand on property located in a C-2 (General Commercial) Zoning District at 8220 Highway 23, Belle Chasse, Louisiana, all in accordance with Application No. B-2009-385, dated June 23, 2009.

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.

Council Member Banta moved to revert to Agenda Item 6-bb, "An Ordinance to amend the Road Maintenance Fund, 2009 Manpower Structure, PROWM Department; and otherwise to provide with respect thereto". Without objections, so ordered.

#### ORDINANCE NO. 09-139

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

An Ordinance to amend the Road Maintenance Fund, 2009 Manpower Structure, PROWM Department; and otherwise to provide with respect thereto.

WHEREAS, amending the Road Maintenance Fund, 2009 Manpower Structure by deleting one full-time Foreman and adding two full-time Tractor Driver II positions is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

#### SECTION 1

The Road Maintenance Fund, 2009 Manpower Structure, PROWM Department is amended by deleting one full-time Foreman position and adding two full-time Tractor Driver II positions, by appropriating \$5,850.00 the General Fund Unreserved/Undesignated Fund Balance.

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

Council Member Banta seconded the motion to adopt the Ordinance.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Keith Hinkley, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25<sup>th</sup> day of June, 2009.

Council Member Banta moved to revert to Agenda Item 4-a, "Construction Permits". Without objections, so ordered.

#### RESOLUTION NO. 09-230

On motion of Council Member Guey, seconded by Council Member Banta, and on roll call all members present and voting "Yes", except Council Members Hinkley, Buras, and Friedman, absent, the following Resolution was adopted:

BE IT RESOLVED by the Plaquemines Parish Council that the following application for construction permits in the Parish of Plaquemines is hereby approved: Texas Eastern Transmission LP, Application No. O-2009-101, dated May 15, 2009, to lower existing 24" pipeline, Main Pass Area Blocks 45 & 54; Helis Oil & Gas Company, L.L.C., Application No. O-2009-103, dated May 18, 2009, for the installation of 2" gas lift line and 4" flowline, Southeast Black Bay Field; Hilcorp Energy Company, Application No. O-2009-106, dated May 20, 2009, for the installation of 2" and 4" pipelines, South Pass Block 24 Field; Helis Oil & Gas Company, L.L.C., Application No. O-2009-108, dated May 22, 2009, for the installation of 2" gas lift line and 4" flowline, Southeast Black Bay Field; Eustis Engineering, Application No. O-2009-111, dated June 3, 2009, to drill two soil borings, Empire; Eustis Engineering Services, Application No. O-2009-112, dated June 3, 2009, to drill soil borings and cone penetrometer test, Eastbank Back Levee; Hilcorp Energy Company, Application No. O-2009-113, dated June 3, 2009, to install 4" pipeline to replace an existing pipeline, Venice Dome Field; Hilcorp Energy Company, Application No. O-2009-117, dated June 30, 2009, to prop-wash channel and slip, install pile clusters, drill the J.E. Duff well no. 6, lower existing pipeline and install well head protector, South Pass Block 24 Field; Texas Petroleum Investment Co., Application No. O-2009-123, dated June 10, 2009, to prop-wash, for removal of pile clusters, boat dock, concrete barge, walkway & piping, Romere Pass Field; Louisiana State Gas, LLC, Application No. O-2009-124, dated June 10, 2009, to lower existing exposed 12" pipeline in seven areas along its alignment, Bastian Bay Area.

#### Introduction of Ordinances and Resolutions.

- a. An Ordinance to amend the Public Health Fund, 2009 Operating Expenditure Budget; and otherwise to provide with respect thereto. COUNCIL MEMBER COOPER
- b. An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget, Legal-Judgments Department, line item Judgements & Damages-Marshall, Judy; and otherwise to provide with respect thereto. COUNCIL MEMBER COOPER
- c. A Resolution authorizing Plaquemines Parish Government to settle the matter entitled, Judy Brandt Marshall vs Plaquemines Parish Government, et al, USDC No. 08-3510, Sec "C" (25<sup>th</sup> JDC, No. 54-350, Div. "A"); and otherwise to provide with respect thereto. COUNCIL MEMBER COOPER
- d. An Ordinance approving a plan of resubdivision of the property of the Heirs of Caroline Jourdan, Plaquemines Parish, Louisiana, as shown on the Map of Resubdivision, Tracts 8 and 9, Jourdan Division, Naomi Plantation, by Hugh McCurdy, III, P.L.S., dated April 6, 2009, the owners having fulfilled all of the requirements of the Subdivision and Resubdivision Ordinance of the Parish of Plaquemines, without cost to the Plaquemines Parish Government or the Parish of Plaquemines. COUNCIL MEMBER BURAS
- e. An Ordinance to amend the General Fund, 2009 Operating Revenue & Expenditure Budgets, Homeland Sec/Emer Prep-Grants Department, revenue line item Federal Reimbursement-Urban Area Security Initiative (UASI FY05) and various expenditure line items; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS
- f. An Ordinance to amend the General Fund, 2009 Operating Revenue & Expenditure Budgets, Homeland Sec/Emer Prep-Grants Department, revenue line item Federal Reimbursement-Urban Area Security Initiative (UASI FY06) and various expenditure line items; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS
- g. An Ordinance to amend the General Fund, 2009 Operating Revenue & Expenditure Budgets, Homeland Sec/Emer Prep-Grants Department, revenue line item Federal Reimbursement-State Homeland Security Program (SHSP FY05) and various expenditure line items; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS

- h. An Ordinance to amend the General Fund, 2009 Operating Revenue & Expenditure Budgets, Homeland Sec/Emer Prep-Grants Department, revenue line item Federal Reimbursement-State Homeland Security Program (SHSP FY06) and various expenditure line items; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS
- i. An Ordinance authorizing and directing the Parish President, William H. Nungesser, to execute and sign a contract with Professional Engineering & Environmental Consultants for the engineering, design, and other related matters for the Jesuit Bend Drainage Project; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS
- j. An Ordinance approving a plan of resubdivision of the property of Berkley Properties, LLC, Plaquemines Parish, Louisiana, as shown on Map of Resubdivision, Remaining Portion of Tract 24C, South of Harvey Boulevard, Belle Chasse, Louisiana, by Hugh McCurdy, III, P.L.S., dated February 13, 2009, amended May 12, 2009, the owners having fulfilled all of the requirements of the Subdivision and Resubdivision Ordinance of the Parish of Plaquemines, without cost to the Plaquemines Parish Government or the Parish of Plaquemines. COUNCIL MEMBER BURAS
- k. An Ordinance authorizing the Parish President, Billy Nungesser, to enter into and execute a drainage servitude agreement with Cedar Lands 2, L.L.C., extending from La. Highway 23 to Oak Tree Road, Belle Chasse, Louisiana; and otherwise to provide with respect thereto. COUNCIL MEMBER HODNETT
- l. A Resolution to rescind, annul and set aside Resolution No. 07-466, adopted December 13, 2007, which authorized William H. Nungesser, Parish President, to enter into a Servitude Agreement with Belle Chasse Plantation, L.L.C. and The Parks of Plaquemines L.L.C. for use of their property for ponding and drainage of storm water; and otherwise to provide with respect thereto. COUNCIL MEMBER HODNETT
- m. A Resolution authorizing the Parish President to execute Supplemental Agreement No. 1 to the Cooperative Endeavor Agreement between the Parish of Plaquemines and the Parish of Jefferson for the construction of the extension of Harvey Boulevard in Jefferson Parish to Engineers Road in Plaquemines Parish, State Project No. 742-26-0044, Public Works Project No. 2000-053-RB. COUNCIL MEMBER HODNETT
- n. An Ordinance to amend the Five-Year Capital Improvements Plan for the Coastal Storm Surge and Barrier Protection Project; and otherwise to provide with respect thereto. COUNCIL MEMBER BESHEL
- o. An Ordinance to amend the General Fund, 2009 Operating Revenue and Expenditure Budget and to designate funds for payment of attorney's fees due Plaquemines Parish Government attorney as a result of compromise and settlement agreement entered into between Plaquemines Parish Government and Chevron U.S.A., Inc., in lawsuit entitled, Plaquemines Parish Government vs. Chevron U.S.A., Inc., et al, 25<sup>th</sup> JDC, No. 53-387; and otherwise to provide with respect thereto. COUNCIL MEMBER BESHEL
- p. An Ordinance authorizing the Parish President, Billy Nungesser, to enter into negotiations with the owners for the acquisition of the property upon which the Lake Hermitage Fire Station is presently located for the price and sum of \$65,000.00 cash. The Parish Finance Department is authorized to issue a check to cover the cost of acquisition thereof and any other cost including registration cost of said act and survey cost. The said Parish President is further authorized to execute any and all documents necessary and proper, the authority to obtain a survey of said property and further authorized to do any and all things necessary and proper to carry out the intents and purpose of this ordinance. COUNCIL MEMBER TURNER
- q. An Ordinance to appropriate funds to various projects from Disaster Recovery Funds through a Louisiana Community Development Block Grant (CDBG); and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA

- r. An Ordinance to prohibit the parking of vehicles on the Median on Cazezu Drive, Buras, Louisiana; to establish a penalty for the violation thereof; to authorize the Parish President to have “No Parking” signs installed; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA

ORDINANCE NO.

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Drainage Improvements-Main Street/Avenue G Project; and otherwise to provide with respect thereto.

WHEREAS, because of the reoccurring flooding in the area of Main Street and Avenue G in Belle Chasse, \$1,100,000 was appropriated to the Drainage Improvement-Main Street Project; and

WHEREAS, the estimated cost for construction and engineering is \$2,000,000; and

WHEREAS, an additional appropriation of \$900,000 is requested for a total project appropriation of \$2,000,000; and

WHEREAS, the Five Year Capital Improvements Plan, Drainage Improvements-Main Street/Avenue G Project is amended by appropriating \$900,000 from the General Fund Unreserved/Undesignated Fund Balance;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Five Year Capital Improvements Plan, is amended by appropriating \$900,000 to the Drainage Improvements-Main Street/Avenue G Project; funding source, General Fund Unreserved/Undesignated Fund Balance; funding year, 2009.

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

Council Member Buras seconded the motion to adopt the Ordinance.

Council Member Hodnett moved to defer the proposed Ordinance

ORDINANCE NO. 09-140

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

An Ordinance approving a plan of resubdivision of Lot 2 of the property of Anh M. Vo, wife of/and Hai Van Tong into Lot 2-A and Lot 2-B, Buras, Plaquemines Parish, Louisiana, as shown on Map of Resubdivision, Lot 2, Vo-Tong Division, Buras, Louisiana, by Hugh McCurdy, III, P.L.S., dated July 25, 2008, amended on December 4, 2008, amended on April 21, 2009, and amended on May 26, 2009, the owners having fulfilled all of the requirements of the Subdivision and Resubdivision Ordinance of the Parish of Plaquemines without cost to the Plaquemines Parish Government or the Parish of Plaquemines.

WHEREAS, Anh M. Vo, wife of /and Hai Van Tong, as owners of property situated in the Parish of Plaquemines, State of Louisiana, as shown on Map of Resubdivision, Lot 2, Vo-Tong Division, Buras, Louisiana, by Hugh McCurdy, III, P.L.S., dated July 25, 2008, a copy whereof is annexed hereto and made a part hereof; and

WHEREAS, Anh M. Vo, wife of/and Hai Van Tong, as the owners of said property have proposed the resubdivision of Lot 2 into Lot 2-A and Lot 2-B, as more fully shown on said map; and

WHEREAS, all streets, utilities, drainage structures and other improvements shown on the aforementioned map of survey are in place;

NOW, THEREFORE:

BE IT ORDAINED by the Plaquemines Parish Council for the Parish of Plaquemines, Louisiana, that the aforesaid Map of Resubdivision, Lot 2, Vo-Tong Division, Buras, Louisiana, by Hugh McCurdy, III, P.L.S., dated July 25, 2008, amended on December 4, 2008, amended on April 21, 2009, and amended on May 26, 2009, a copy of whereof is annexed hereto and made a part hereof, be approved, and that the approval of the Parish President, Directors and all appropriate Parish department heads of the aforesaid map of survey ratified.

BE IT FURTHER ORDAINED by the Plaquemines Parish Council of the Parish of Plaquemines, Louisiana, that the Parish President be and is hereby authorized to execute any and all acts and documents necessary and proper in the premises to give full force and effect to the aforesaid Ordinance.

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

Council Member Buras seconded the motion to adopt the Ordinance.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey,  
Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Keith Hinkley, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25<sup>th</sup> day of June, 2009.

#### RESOLUTION NO. 09-231

On motion by Council Member Hodnett, seconded by Council Member Banta, and on roll call all members present voting "Yes", except Council Members Hinkley and Friedman, absent, the following resolution was adopted:

A Resolution authorizing representatives of the Plaquemines Parish Government to invest funds of the Plaquemines Parish Government.

BE IT RESOLVED by the Plaquemines Parish Council that the following named individuals are hereby authorized as representatives of the Plaquemines Parish Government to invest funds of the Plaquemines Parish Government in any and all investment accounts in accordance with all applicable laws and regulations governing the investment of the local government funds:

William Nungesser, Parish President  
Janice Acosta, Director of Administration  
Lori L. Meyers, Finance Manager  
Thomas J. Serpas, Assistant Finance Manager

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that investors are hereby authorized to recognize requests from the above named individuals in accordance with the provisions herein, unless and until expressly notified in writing to the contrary by resolution of the Plaquemines Parish Council certified by the Secretary of the Plaquemines Parish Council and bearing the seal of the same.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that all other resolutions in conflict herewith are hereby repealed.

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. 09-232

On motion by Council Member Hodnett, seconded by Council Member Banta, and on roll call all members present voting "Yes", except Council Members Hinkley and Friedman, absent, the following resolution was adopted:

A Resolution authorizing signatories for accounts of the Plaquemines Parish Government in Regions Bank.

BE IT RESOLVED by the Plaquemines Parish Council that Regions Bank is hereby authorized to honor checks, drafts, and orders of the Plaquemines Parish Government when signed with any two signatures, of which at least one signature must be the handwritten original signature, and the other signature may be an authorized machine facsimile signature, of Parish President, William Nungesser; Director of Public Service, Byron Williams, Jr.; Director of Administration, Janice Acosta; or the Plaquemines Parish Council Chairman, only if provisions of Section 3.07A of Article 3 of the Plaquemines Parish Charter are made effective and are implemented as to the Council Chairman; for the following bank accounts:

Account Name

Bond Indebtedness Fund (0906)  
CDBG for Disaster Recovery Funds Projects  
Conveyors-Boat Harbor Upgrade (9992)  
DWI Court Administered Fund (0431)  
General Pooled (0242)  
General Obligation Bond Issue (8785)  
Indigent Defender Fund (0374)  
Infrastructure Recovery Projects (9976)  
Oil, Gas & Mineral Escrow (4569)  
Oyster Processing Ameripure Fisheries (9984)  
Parish Wide Sewer Projects Fund (3732)  
Plaquemines Gov Sales Tax and Bond Fund (1122)  
Plaquemines Gov Sales Tax Bon & Sinking Fund (1149)  
Plaquemines Gov Sales Tax Bond Reserve Fund (1157)  
Port Authority Escrow (0857)  
Port Harbor Escrow (0067)  
Port, Harbor & Terminal District (0597)  
PPG Community Disaster Loan (0158)  
Sales Tax Escrow (0180)  
Sales Tax Division (0627)  
Series 2005 Revenue Bonds (1864)  
Series 2009 Revenue Bonds (9755)  
Series 2004 Revenue Bonds (1254)

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that Regions Bank is hereby authorized to honor checks, drafts and orders of the Plaquemines Parish Government when signed with any two signatures, either the handwritten original signatures or the authorized machine facsimile signatures of Parish President, William Nungesser; Director of Public Service, Byron Williams, Jr.; Director of Administration, Janice Acosta; or the Plaquemines Parish Council Chairman, only if provisions of Section 3.07A of Article 3 of the Plaquemines Parish Charter are made effective and are implemented as to the Council Chairman; for the following bank account:

Account Name

Payroll Fund (0250)

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the only authorized machine facsimile signatures shall be those machine facsimile signatures of Parish President, William Nungesser; Director of Public Service, Byron Williams, Jr.; Director of Administration, Janice Acosta; which facsimiles shall appear upon the bank's signature cards accompanied with the original signatures of those individuals attested to by the original signature of the Secretary of the Plaquemines Parish Council and may be utilized as specified above, unless and until Regions Bank is expressly notified in writing to the contrary by resolution of the Plaquemines Parish Council and that Regions Bank shall be fully protected in recognizing as such officers the persons

named in this resolution certified to by the Secretary of the Plaquemines Parish Council and bearing the seal of the same. All other resolutions in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that certified copies of this Resolution be forwarded to Regions Bank to be kept on file in such bank as evidence of the authority as outlined in the name of the Plaquemines Parish Government on the above named account with Regions Bank.

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.

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

An Ordinance to amend the 2009 Operation Expenditure Budget, Various Funds, Vacancy Funding Department; and otherwise with respect thereto.

WHEREAS, funds have been depleted in Various Funds, Vacancy Funding Department; and

WHEREAS, many positions remain vacant; and

WHEREAS, amending the 2009 Operating Expenditure Budget, Various Funds, Vacancy Funding Department, by appropriating \$525,750 to line item Salaries & Wages-Vacancy Funding is requested;

NOW , THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The 2009 Operating Expenditure Budget, Various Funds, Vacancy Funding Department are amended by appropriating \$525,750 as follows:

General Fund Designated for Sewer Projects	\$500,000
911 Services Unreserved/Undesignated Fund Balance	\$ 25,750

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.

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

The proposed Ordinance died for lack of a second.

ORDINANCE NO. 09-141

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

An Ordinance to amend the General Fund, 2009 Manpower Structure, Buildings Department; and otherwise to provide with respect thereto.

WHEREAS, amending the General Fund, 2009 Manpower Structure by deleting one vacant Custodian/Janitor-Lead position and adding one Custodian/Janitor position is requested; and

WHEREAS, the annual funding requirement for the Custodian/Janitor-Lead position is \$17,708 plus benefits and for the Custodian/Janitor position is \$16,352 plus benefits;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The General Fund, 2009 Manpower Structure, Buildings Department is amended by deleting one vacant Custodian/Janitor-Lead position and adding one Custodian/Janitor position.

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

Council Member Banta seconded the motion to adopt the Ordinance.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Lynda G. Banta and Marla Cooper

NAYS: Council Member Burghart Turner

ABSENT: Council Members Keith Hinkley, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25<sup>th</sup> day of June, 2009.

ORDINANCE NO.

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

An Ordinance to amend the General Fund, Manpower Structure, President's Department; and otherwise to provide with respect thereto.

WHEREAS, removing the funding and deleting the Executive Assistant Position in the President's Department has been requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Manpower Structure is hereby amended by deleting the position of Executive Assistant in the President's Office.

SECTION 2

The General Fund, 2009 Manpower Structure, President's Department, is amended by unfunding the Executive Assistant Position effective July 1, 2009.

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 Cooper seconded the motion to adopt the Ordinance.  
Council Member Banta offered a substitute to the proposed Ordinance.

ORDINANCE NO.

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

An Ordinance to amend the General Fund, Manpower Structure, President's Department; and otherwise to provide with respect thereto.

WHEREAS, decreasing the salary of the Executive Assistant's Position by \$6,700.00, and increasing the salary of the two (2) Secretary's Position by \$2,000.00 in the President's Office is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The General Fund, 2009 Manpower Structure, President's Department, is amended by decreasing the salary of the Executive Assistant's Position by \$6,700.00, and increasing the two (2) Secretary's Position by \$2,000.00.

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.

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

Council Member Cooper seconded the motion to adopt the Ordinance.

A M E N D M E N T

The following Amendment was offered by Council Member Hodnett who moved its adoption:

BE IT RESOLVED by the Plaquemines Parish Council that the following Amendment to the "Proposed Ordinance" of the Plaquemines Parish Council "amending the General Fund, Manpower Structure, President's Department", is hereby adopted:

On Line 3 delete the amount of \$6,700.00 and insert the amount of "\$8,700.00".

On Lines 3 and 4 delete the following words in its entirety "and increasing the salary of the two (2) Secretary's Position by \$2,000.00 in the President's Office is requested".

On Line 9 delete the amount of \$6,700.00 and insert the amount of "\$8,700.00".

On Lines 9 and 10 delete the following words in its entirety "and increasing the salary of the two (2) Secretary's Position by \$2,000.00 in the President's Office is requested".

Council Member Turner seconded the motion to adopt the Amendment.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Anthony L. Buras and Burghart Turner

NAYS: Council Members Stuart J. Guey and Lynda G. Banta

ABSENT: Council Members Keith Hinkley and John J. Friedman

PRESENT BUT NOT VOTING: Council Member Marla Cooper (Abstained)

And the Amendment FAILED on this the 25<sup>th</sup> day of June, 2009.

ORDINANCE NO. 09-142

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

An Ordinance to amend the General Fund, Manpower Structure, President's Department; and otherwise to provide with respect thereto.

WHEREAS, decreasing the salary of the Executive Assistant's Position by \$6,700.00, and increasing the salary of the two (2) Secretary's Position by \$2,000.00 in the President's Office is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The General Fund, 2009 Manpower Structure, President's Department, is amended by decreasing the salary of the Executive Assistant's Position by \$6,700.00, and increasing the two (2) Secretary's Position by \$2,000.00.

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.

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

Council Member Guey seconded the motion to adopt the Ordinance.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner and Lynda G. Banta

NAYS: Council Member Marla Cooper

ABSENT: Council Members Keith Hinkley and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25<sup>th</sup> day of June, 2009.

ORDINANCE NO. 09-143

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Hazard Mitigation Wind Retrofit Project; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Parish Government has been awarded funds under the Hazard Mitigation Grant Program through the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) through the Federal Emergency Management Agency (FEMA); and

WHEREAS, the approximate total project cost of \$2,755,310 will be 100% reimbursable through the federal grant and global match funds; and

WHEREAS, amending the Five-Year Capital Improvements Plan is requested by appropriating \$2,755,310 to the Hazard Mitigation Wind Retrofit Project, funding provided by the federal grant and global match funds;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Five-Year Capital Improvements Plan is amended by appropriating \$2,755,310 to the Hazard Mitigation Wind Retrofit Project; funding source, federal funds; funding year, 2009.

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

Council Member Guey seconded the motion to adopt the Ordinance.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Keith Hinkley, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25<sup>th</sup> day of June, 2009.

ORDINANCE NO. 09-144

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Hazard Mitigation Popich Building Wind Retrofit Project, and otherwise with respect thereto.

WHEREAS, Plaquemines Parish Government has been awarded funds under the Hazard Mitigation Grant Program through the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) through the Federal Emergency Management Agency (FEMA); and

WHEREAS, the approximate total project cost of \$259,750 will be 100% reimbursable through the federal grant and global match funds; and

WHEREAS, amending the Five-Year Capital Improvements Plan is requested by appropriating \$259,750 to the Hazard Mitigation Popich Building Wind Retrofit Project, funding provided by the federal grant and global match funds;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Five-Year Capital Improvements Plan is amended by appropriating \$259,750 to the Hazard Mitigation Popich Building Wind Retrofit Project; funding source, federal funds; funding year, 2009.

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

Council Member Buras seconded the motion to adopt the Ordinance.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey,  
Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Keith Hinkley, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25<sup>th</sup> day of June, 2009.

ORDINANCE NO. 09-145

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Hazard Mitigation Backflow Prevention Retrofit Project, and otherwise with respect thereto.

WHEREAS, Plaquemines Parish Government has been awarded funds under the Hazard Mitigation Grant Program through the State of Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) through the Federal Emergency Management Agency (FEMA); and

WHEREAS, the approximate total project cost of \$201,560 will be 100% reimbursable through the federal grant and global match funds; and

WHEREAS, amending the Five-Year Capital Improvements Plan is requested by appropriating \$201,560 to the Hazard Mitigation Backflow Prevention Retrofit Project, funding provided by the federal grant and global match funds;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Five-Year Capital Improvements Plan is amended by appropriating \$201,560 to the Hazard Mitigation Backflow Prevention Retrofit Project; funding source, federal funds; funding year, 2009.

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

Council Member Buras seconded the motion to adopt the Ordinance.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey,  
Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 25<sup>th</sup> day of June, 2009.

ORDINANCE NO.

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

An Ordinance to approve the amended Pay Plan and Classification Schedule adopted by the Civil Service Commission on May 5, 2009, to

create a new classification of Levee/Flood Control Manager; and otherwise to provide with respect thereto.

WHEREAS, a new classification of “Levee/Flood Control Manager” was created and funded in the 2009 Budget as an unclassified position; and

WHEREAS, the Louisiana State Constitution, Article X, Part I, Subpart 2. Classified and Unclassified Service, states (A) Classified Service. The State and City Civil Service is divided into the unclassified and the classified service. Persons not included in the unclassified service are in the classified service; and

WHEREAS, the Levee/Flood Control Manager is not included in one of the categories defined in Subpart 2. (B) Unclassified Service; and

WHEREAS, after careful consideration and discussion the Civil Service Commission on May 5, 2009 amended their Pay Plan and Classification Schedule to add the Classification of Levee/Flood Control Manager on Pay Grade 37;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

#### SECTION 1

It hereby approves the amended Pay Plan and Classification Schedule adopted by the Civil Service Commission on May 5, 2009 which adds the new classification of Levee/Flood Control Manager on Pay Grade 37.

#### 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.

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

Council Member Guey seconded the motion to adopt the Ordinance.

Council Member Guey withdrew his second to the proposed Ordinance.

The Proposed Ordinance died for lack of a second.

#### SUSPENSION OF RULES

Council Member Turner moved to suspend any and all rules necessary to add to the Agenda and to consider at today’s meeting a Resolution entitled, “A Resolution authorizing and directing Amos J. Cormier, III, Plaquemines Parish Council Attorney, to file a Mandamus against William H. Nungesser, in his capacity as Plaquemines Parish President and Chief Executive Officer of Plaquemines Parish to enforce Section 18-1 of the Plaquemines Parish Code of Ordinances; and otherwise to provide with respect thereto”.

Council Member Hodnett seconded the Motion.

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

YEAS: Council Members Don Beshel, Jerry Hodnett, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: Council Member Stuart J. Guey

ABSENT: Council Members Keith Hinkley and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Motion FAILED on this the 25<sup>th</sup> day of June, 2009.

Council Member Banta moved to revert to Agenda Item 5, "Introduction of Ordinances and Resolutions". Without objections, so ordered.

- a. A Resolution authorizing and directing Amos J. Cormier, III, Plaquemines Parish Council Attorney, to file a Mandamus against William H. Nungesser, in his capacity as Plaquemines Parish President and Chief Executive Officer of Plaquemines Parish to enforce Section 18-1 of the Plaquemines Parish Code of Ordinances; and otherwise to provide with respect thereto. COUNCIL MEMBER TURNER

RESOLUTION NO. 09-233

On motion of Council Member Hodnett, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Members Beshel, Hinkley, and Friedman, absent, the following Resolution was adopted:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the minutes of the May 14, 2009 Council Meeting, and the May 14, 2009 Special Port Meeting of the Plaquemines Parish Council as recorded by the Secretary of this Council.

There being no further business to come before this Council, on motion of Council Member Hodnett, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Members Beshel, Hinkley and Friedman, absent, the meeting adjourned at 4:55 p.m.

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Chairman

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Secretary

Minutes of a meeting of the Plaquemines Parish Council, as the sole governing authority of the Plaquemines Parish Port, Harbor and Terminal District, held in the Plaquemines Parish Temporary Courthouse, 450 F. Edward Hebert Blvd., Belle Chasse, Louisiana, on Thursday, June 25, 2009, at 5:10 p.m. pursuant to notice to all members with a quorum present as follows:

PRESENT: Council Member Lynda G. Banta, Chairman  
Council Member Jerry Hodnett  
Council Member Stuart J. Guey  
Council Member Anthony L. Buras  
Council Member Burghart Turner  
Council Member Marla Cooper

Melissa P. LeBlanc, Secretary

ABSENT: Council Member Don Beshel, Vice-Chairman  
Council Member Keith Hinkley  
Council Member John J. Friedman

Mr. Billy Nungesser, Parish President is absent.

The Pledge of Allegiance was dispensed with.

#### RESOLUTION NO.

On motion of Council Member Friedman, seconded by Council Member Turner, the following Resolution was offered for adoption:

A Resolution authorizing and directing the Parish President, Billy Nungesser, to obtain a credit card solely for the use of the Plaquemines Parish Council, as the sole governing authority of the Plaquemines Port, Harbor & Terminal District; and otherwise to provide with respect thereto.

WHEREAS, in the past, a Parish credit card was used by both the Plaquemines Parish Council and the Plaquemines Parish Administration through the Finance Department to reserve plane reservations, convention registrations, etc., for Port related functions; and

WHEREAS, at the present time, the Plaquemines Parish Council does not have access to a Parish credit card; and

WHEREAS, a Plaquemines Parish Council credit card is essential for many reasons, one of which is to obtain convention and meeting reservations, etc.;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes and directs the Parish President to obtain a credit card through the Plaquemines Parish Government, solely for use by the Plaquemines Parish Council, as the governing authority of the Plaquemines Port, Harbor & Terminal District.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that each Council Member shall have access to said credit card.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes the Parish Finance Department to issue checks in payment of credit card bills after submission of receipts and upon approval of the Council Member.

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.

Council Member Friedman moved to defer the proposed Resolution.

ORDINANCE NO.

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

An Ordinance to hire a firm to conduct a Marketing Analysis for a facility located North of Stolthaven, Braithwaite, Louisiana to determine a potential port site; and otherwise to provide with respect thereto.

WHEREAS, it is important for an experienced firm to conduct a Marketing Analysis so the Council can be confident that the potential site will be a good fit for a port site;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby authorizes and directs the Council Chairman, Lynda Banta, to hire a firm to conduct a Marketing Analysis for a facility located North of Stolthaven, Braithwaite, Louisiana to determine a potential port site.

SECTION 2

It hereby authorizes and directs the Council Chairman, Lynda Banta, to execute any and all documents necessary to enter into an agreement with said firm for the purpose of conducting a Marketing Analysis.

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 Banta seconded the motion to adopt the Ordinance.

Council Member Turner moved to defer the proposed Ordinance.

There being no further business to come before this Council, sitting as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, on motion of Council Member Hodnett, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Members Beshel, Hinkley and Friedman, absent, the meeting adjourned at 5:20 p.m.

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Chairman

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Secretary