

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, August 27, 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 Keith Hinkley
Council Member Jerry Hodnett
Council Member Anthony L. Buras, Jr.
Council Member Burghart Turner
Council Member Marla Cooper

Melissa P. LeBlanc, Secretary

ABSENT: Council Member Stuart J. Guey
Council Member John J. Friedman

Mr. Billy Nungesser, Parish President, is absent.

Mrs. Janice Acosta, Director of Administration, Mr. Scott Lott, Director of Operations, and Mr. Byron Williams, Director of Public Services, are present representing Administration.

The Pledge of Allegiance was led by Council Member Anthony L. Buras, Jr.

RESOLUTION NO. 09-277

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

A Resolution authorizing the acceptance of bids for furnishing Water Meters with Flange to Flange Direct Read for a period of one year for use by the Water Department.

WHEREAS, after due advertisement bids were received on August 4, 2009 for furnishing Water Meters with Flange to Flange Direct Read for a period of one year for use by the Water Department as follows: USA Blue Book, 3781 Burwood Drive, Waukegon, IL 60085; Louisiana Utilities Supply, 901 S. Labarre Road Suite 206, Metairie, LA 70001; HD Supply Waterworks, 1925 L & A Road, Metairie, LA 70001; and A-T Specialties, LLC, 7280 Read Blvd, New Orleans, LA 70127, all bids on file in the Parish Purchasing Agent's Office and made a part hereof by reference to; and

WHEREAS, Mr. Byron Williams, Director of Public Services, recommends the acceptance of the low bid of HD Supply Waterworks, 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 on an as needed basis, to HD Supply Waterworks, 1925 L & A Road, Metairie, LA 70001, for the purchase of Water Meters with Flange to Flange Direct Read, for use by the Water Department, all in accordance with bid submitted by said vendor on August 4, 2009, on file in the Parish Purchasing Agent's Office.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that Billy Nungesser, Parish President, be and he is hereby authorized for and on behalf of the Plaquemines Parish Government, to enter into a contractual agreement with HD Supply Waterworks, for furnishing Water Meters with Flange to Flange Direct Read, for a period of one year, beginning September 10, 2009 through September 9, 2010.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Fiscal Officers to issue check in payment of materials 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.

Council member Banta moved to advance to Agenda Item 6-gg, "An Ordinance to amend the Five-Year Capital Improvements Plan for the Buras YMCA Building Asbestos Removal Project; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-190

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 Buras YMCA Building Asbestos Removal Project; and otherwise to provide with respect thereto.

WHEREAS, the Buras YMCA building was donated to Plaquemines Parish Government by the YMCA; and

WHEREAS, \$55,000 is needed for asbestos removal at the Buras YMCA Building; and

WHEREAS, amending the Five-Year Capital Improvements Plan, Buras YMCA Building Asbestos Removal Project by appropriating \$55,000, from the General Fund Unreserved/Undesignated Fund Balance 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 \$55,000 to the Buras YMCA Building Asbestos Removal 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 Beshel 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, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

Council Member Banta moved to advance to Agenda Item 6-k, "A Resolution indicating the intention of the Parish of Plaquemines, State of Louisiana, to proceed with a not to exceed \$40,000,000 financing through the Louisiana Local Government Environmental Facilities and Community Development Authority; and otherwise providing with respect thereto as provided by Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, as amended". Without objections, so ordered.

RESOLUTION NO.

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

A Resolution indicating the intention of the Parish of Plaquemines, State of Louisiana, to proceed with a not to exceed \$40,000,000 financing through the Louisiana Local Government Environmental Facilities and Community Development Authority; and otherwise providing with respect thereto as provided by Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, as amended.

WHEREAS, Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, as amended, comprised of La. R.S. 33:4548.1 through 33:4548.16, inclusive, is known as the Louisiana Local Government Environmental Facilities and Community Development Authority Act (the "Act"); and

WHEREAS, it is the purpose of the Louisiana Local Government Environmental Facilities and Community Development Authority (the "Authority"), a political subdivision established for public purposes under and pursuant to the Act, and other constitutional and statutory authority, to encourage public infrastructure and public works of all types, and to assist political subdivisions in constructing public works and in financing and refinancing the construction of public infrastructure and public works; and

WHEREAS, the Parish of Plaquemines, State of Louisiana (the "Parish") is eligible to and desires to become a participating political subdivision of the Authority in accordance with the Act; and

WHEREAS, pursuant to Section 4548.4 of the Act, the Parish desires to become a member of the Authority and to approve the appointment of a member to the board of directors of the Authority; and

WHEREAS, the Plaquemines Parish Council (the "Council") has determined that it is in the best interest of the Parish to request that the Authority to authorize, sell and issue not to exceed \$40,000,000 of the Authority's Revenue Bonds (Plaquemines Parish Debris Removal Project) in one or more series (the "Bonds") on behalf of the Parish and request that the Authority loan the proceeds from the sale thereof to the Parish for such purposes permitted under the Act and other applicable laws including, without limitation, the (i) financing the clean-up and removal of debris from hurricanes and other similar projects within the Parish, (ii) funding a reserve fund, if necessary, and (iii) paying the costs of issuance of the Bonds; and

WHEREAS, the Council on behalf of the Parish requests the loan of the proceeds of the Bonds pursuant to a loan agreement, to be entered into by and between the Parish and the Authority; and

WHEREAS, the Council on behalf of the Parish desires that application be made on its behalf to the State Bond Commission for approval of the Bonds and approval for the Parish to enter into the loan agreement with respect thereto;

NOW, THEREFORE:

BE IT RESOLVED, by the Parish Council of Plaquemines Parish, acting as governing authority thereof, that:

SECTION 1

Under the authority of Section 4548.4 of the Act, it is hereby declared to be the express intention of the Parish to become a participating political subdivision under the Act and member of the Authority. The Council approves the appointment of _____, in his capacity as _____, as a director of the Authority for a term of two (2) years from the date hereof.

SECTION 2

The Council hereby requests the Authority to authorize and issue the Bonds for the purpose of providing funds to be loaned to the Parish for the purpose providing funds, the proceeds of which shall be loaned to the Parish to enable the Parish to finance the clean-up and removal of debris from hurricanes and other similar projects within the Parish, the debt service on said Bonds to be paid from lawfully available funds of the Parish, including but not limited to sales tax and property tax receipts.

SECTION 3

Pursuant to the requirement of law, the Bonds shall be issued and sold by the Authority only as fully registered bonds in the denominations of \$5,000 or any integral shall bear interest at a fixed rate not to exceed _____ percent (_____%) per annum, all as provided in and subject to the terms and conditions of a Trust Indenture (the "Indenture") to be entered into between the Authority and commercial bank, acceptable to the Parish, acting as trustee (the "Trustee"). The Bonds are hereby authorized to be issued, but are not required to be issued, as draw down bonds under Section 149(e) and 150 of the Internal Revenue Code of 1986, as amended, and United States Treasury Regulations Section 1.150-1(c)(4).

SECTION 4

The proceeds of the Bonds will be loaned by the Authority to the Parish pursuant to a Loan Agreement by and between the Authority and the Parish (the "Loan Agreement"). The proceeds of the Bonds will be used by the Parish for such purposes permitted under the Act and other applicable laws including, without limitation, the (i) financing the clean-up and removal of debris from hurricanes and other similar projects within the Parish, (ii) funding a reserve fund, if necessary, and (iii) paying the costs of issuance of the Bonds.

SECTION 5

This Resolution evidence official intent of the Parish toward the issuance of bonds as contemplated herein in accordance with the laws of the State of Louisiana and the United States Treasury Regulations, Section 1.150-2(e), to reimburse itself for expenses incurred prior to the issuance of the bonds with respect to debris removal within the Parish.

SECTION 6

The Authority is hereby requested to take all actions necessary to issue and sell the Bonds, including, but not limited to, hiring the firm of Jones, Walker, Waechter, Poitevent, Carrere & Denegre, L.L.P., as bond counsel in connection with the issuance of the Bonds, making application to the Louisiana State Bond Commission for approval of the issuance of the Bonds and approval of the entering into of the Loan Agreement by and between the Authority and the Parish and taking all other action necessary or appropriate in connection therewith.

SECTION 7

It has been determined that a real necessity exists for the employment of a financial advisor to the Parish in connection with the loan authorized herein and therefore the firm of Government Consultants of Louisiana is hereby hired by the Parish to advise the Parish connection therewith. The fee to be paid for such services shall be in an amount agreed upon by the Parish.

SECTION 8

It has been determined that a real necessity exists for the employment of an underwriter in connection with the issuance of the Bonds authorized herein and therefore the firm of Crews & Associates is hereby hired by the Parish to underwrite the issuance of the Bonds. The fee to be paid for such services shall be in an amount agreed upon by the Parish.

SECTION 9

The Parish President and Chairman of the Council are hereby authorized and directed to do any and all things necessary and incidental to carry out the provisions of this Resolution and to assist the Authority in carrying out its functions in connection with the financing, including obtaining the approval of the Louisiana State Bond Commission and all other approvals necessary in connection with such financing.

SECTION 10

The provisions of this Resolution shall supersede any prior Resolutions of the Council with respect to the transactions contemplated hereby to the extent they are inconsistent with the provisions hereof.

Council Member Banta moved to advance to Agenda Item 6-s, "A Resolution conditionally approving a plan of resubdivision of Portion of Tract 3-D-1 of Belle Chasse Plantation, as shown on The Parks of Plaquemines, Phase I, being a Subdivision of a part of Section B, Belle Chasse Plantation, Belle Chasse, La. By Hugh McCurdy III, PLS, dated May 31, 2008, amended March 16, 2009, without cost to the Plaquemines Parish Government or the Parish of Plaquemines". Without objections, so ordered.

RESOLUTION NO. 09-278

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

A Resolution conditionally approving a plan of resubdivision of Portion of Tract 3-D-1 of Belle Chasse Plantation, as shown on The Parks of Plaquemines, Phase I, being a Subdivision of a part of Section B, Belle Chasse Plantation, Belle Chasse, La. By Hugh McCurdy III, PLS, dated May 31, 2008, amended March 16, 2009, without cost to the Plaquemines Parish Government or the Parish of Plaquemines.

WHEREAS, Parks of Plaquemines, LLC, is the owner of property herein described:

A CERTAIN PARCEL OF GROUND, together with all improvements thereon, and all rights, ways, privileges, servitudes, appurtenances, and advantages thereunto belonging and appertaining, situated in Township 14 South, Range 24 East, Section 2 and Township 14 South, Range 25 East, Section 9, Plaquemines Parish, Louisiana, on the west bank of the Mississippi River, being a portion of Tract 3-D-1 of Belle Chasse Plantation, and more fully described as follows: BEGINNING the point of intersection of the easterly or riverside line of the Cutoff-Belle Chasse (Woodland) Highway with the southerly right of way line of the Planters Canal said intersection having a 1983 Louisiana South Zone Coordinate of X=3,705,119.58 feet and Y=506,453.77 feet; Thence North 58 degrees 55 minutes 17 seconds East, along the southerly line of the Planters Canal right of way, for a distance of 2896.50 feet to the point of intersection with the southwesterly line of Old Cutoff Road; Thence South 57 degrees 34 minutes 17 seconds East, along the southwesterly line of Old Cutoff Road, for a distance of 736.24 feet to the point of intersection with the westerly line of the property of Paula Ewing, or assigns; Thence South 25 degrees 35 minutes 58 seconds West, along the westerly line of the Paula Ewing, or assigns property, for a distance of 1512.15 feet to a point; Thence South 86 degrees 21 minutes 00 seconds West for a distance of 1183.66 feet to a point; Thence South 79 degrees 05 minutes 17 seconds West for a distance of 1314.03 feet to the point of intersection with the riverside right of way line of the Cutoff-Belle Chasse (Woodland) Highway; Thence North 2 degrees 04 minutes 47 seconds East, along the riverside right of way line of the Cutoff-Belle Chasse (Woodland) Highway, for a distance of 559.91 feet to a point; Thence North 4 degrees 56 minutes 52 seconds East, along the riverside line of the Cutoff-Belle Chasse (Woodland) Highway, for a distance of 27.97 feet and the POINT OF BEGINNING.

WHEREAS, Parks of Plaquemines, LLC, as owner of the above described property, plans to subdivide said property into 150 lots as shown on plans by Hugh McCurdy III, PLS, dated May 31, 2008, March 16, 2009; made part hereof by reference; and

WHEREAS, the design of all public utilities, services and facilities to be provided in the subdivision according to said plans have been approved by all Department Superintendents or Boards charged with the responsibility of maintaining and inspecting said public utilities, services and facilities; and

WHEREAS, The Parks of Plaquemines, LLC, shall complete the drainage canal within its three hundred foot servitude in favor of Plaquemines Parish Government upon the occurrence of the following circumstances:

On or before sixteen (16) months from the date that the first phase of lots developed on Tract 3-D-1 receives conditional approval, PPLLC shall plan, engineer, design and construct a storm water detention facility upon the Servitude Property substantially in accordance with Exhibit "B-1" and "B-2" attached hereto. PPLLC will dig the North/South drainage canal on the property covered by this subdivision application on or before sixteen (16) months from the completion of the first phase of the property. PPLLC will install two 10'X10' culverts under the Parks access road to handle the drainage of the North/South canal. The culverts are to be installed at the time the access road is constructed.

WHEREAS, an agreement is required by Plaquemines Parish Council Ordinance No. 96-41 between the Plaquemines Parish Government and the owner of said subdivision, which shall require the owner to comply with the provisions of Plaquemines Parish Council Ordinance No. 96-41 and such conditions and modifications as the Plaquemines Parish Government shall approve or require;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that the aforesaid plan of The Parks of Plaquemines, Phase I, being a Subdivision of a part of Section B, Belle Chasse Plantation, Belle Chasse, La, into Lots 1 through 150 inclusive be conditionally approved.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the President of the Plaquemines Parish Government be and is hereby authorized to execute any and all instruments or documents with the owner for said conditional approval and the agreement of subdivision.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that The Parks of Plaquemines, LLC, shall complete the drainage canal within its three hundred foot servitude in favor of Plaquemines Parish Government upon the occurrence of the following circumstances:

On or before sixteen (16) months from the date that the first phase of lots developed on Tract 3-D-1 receives conditional approval, PPLLC shall plan, engineer, design and construct a storm water detention facility upon the Servitude Property substantially in accordance with Exhibit "B-1" and "B-2" attached hereto. PPLLC will dig the North/South drainage canal on the property covered by this subdivision application on or before sixteen (16) months from the completion of the first phase of the property. PPLLC will install two 10'X10' culverts under the Parks access road to handle the drainage of the North/South canal. The culverts are to be installed at the time the access road is constructed.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the conditional approval of the plans and the said agreement shall be authority for the owner of the subdivision only to proceed with the construction and installation of the improvements and work in order to comply with the requirements of Ordinance No. 96-41, and shall not authorize said owner to sell any lot, building site or building in the proposed subdivision.

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 7-g, "Update on District 6". Without objections, so ordered.

Council Member Friedman arrived at 2:20 p.m.

Council Member Banta moved to advance to Agenda Item 6a-5, "An Ordinance to approve the partial assignment of an undivided forty-eight (48%) percent of working interest from Romere

Pass Acquisition L.L.C., a Delaware limited liability company, as Assignor, unto Badger Oil Corporation, a Louisiana corporation, as Assignee, in and to Parish Tract 04-1, covering lands situated in portions of Sections 10 & 11, Township 20 South, Range 19 East, Grand Prairie Levee District, Plaquemines Parish, Louisiana, estimated to contain approximately 85.00 acres, more or less; Grand Prairie Levee District, Plaquemines Parish, Louisiana; to authorize the Parish President to execute documents of approval; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-191

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

An Ordinance to approve the partial assignment of an undivided forty-eight (48%) percent of working interest from Romere Pass Acquisition L.L.C., a Delaware limited liability company, as Assignor, unto Badger Oil Corporation, a Louisiana corporation, as Assignee, in and to Parish Tract 04-1, covering lands situated in portions of Sections 10 & 11, Township 20 South, Range 19 East, Grand Prairie Levee District, Plaquemines Parish, Louisiana, estimated to contain approximately 85.00 acres, more or less; Grand Prairie Levee District, Plaquemines Parish, Louisiana; to authorize the Parish President to execute documents of approval; and otherwise to provide with respect thereto.

WHEREAS, by lease dated December 9, 2004, as recorded in COB 1089, folio 375, March 22, 2005, the Plaquemines Parish Government, as governing authority of Grand Prairie Levee District, as lessor, leased to Romere Pass Acquisition, L.L.C., a subsidiary of Clayton Williams Energy, Inc., as lessee, a portion of Grand Prairie Levee District properties comprising approximately 85.00 acres, more or less, situated above and North of the Leiter boundary line in portions of Sections 10 & 11, Township 20 South, Range 19 East, Grand Prairie Levee District, Plaquemines Parish, Louisiana, and identified as Parish Tract 04-1; and

WHEREAS, there was an amendment to Parish Tract 04-1, which extended the primary term of the lease as approved by Parish Council Ordinance No. 07-261, adopted October 25, 2007, and recorded in COB 1165, folio 385 on November 21, 2007; and

WHEREAS, by letter dated July 22, 2009, Romere Pass Acquisition, L.L.C. requested Plaquemines Parish Government's approval of a partial assignment of an undivided forty-eight (48%) percent working interest unto Badger Oil Corporation in and to Parish Tract 04-1; and

WHEREAS, the Mineral Office and the Plaquemines Parish President have reviewed such request and have recommended approval of the partial assignment;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Parish Council hereby approves of the Partial Assignment of an individual forty-eight (48%) percent working interest by Romere Pass Acquisition, L.L.C., as Assignor, unto Badger Oil Corporation, as Assignee, of that mineral lease identified as Parish Tract 04-1, between the Plaquemines Parish Government, as lessor, and Romere Pass Acquisition, L.L.C., as lessee, a subsidiary of Clayton Williams Energy, Inc., situated above and North of the Leiter boundary line located in portions of Sections 10 & 11, Township 20 South, Range 19 East, Grand Prairie Levee District, Plaquemines Parish, Louisiana, estimated to contain approximately 85.00 acres, more or less; Grand Prairie Levee District, Plaquemines Parish, Louisiana, which lease was recorded in the records of Plaquemines Parish on March 22, 2005, in COB 1089, folio 375; and amended in COB 1165, folio 385, on November 21, 2007.

SECTION 2

The Parish President and Plaquemines Parish Council approve of the Partial Assignment of Parish Tract 04-1, between Romere Pass Acquisition, L.L.C., unto Badger Oil & Gas, comprising Plaquemines Parish's Grand Prairie Levee District properties leased to Romere Pass Acquisition, L.L.C., a subsidiary of Clayton Williams Energy, Inc. effective December 9, 2004, as recorded in COB 1089, folio 375, March 22, 2005; and amended by Parish Council Ordinance No. 07-261, adopted October 25, 2007, amending the primary term of the lease as recorded in COB 1165, folio 385, on November 21, 2007; upon the following conditions:

This approval is expressly granted and accepted subject to certain conditions in the absence of which conditions approval of said instrument would not have been given:

1. That all terms and conditions of the base lease will be fulfilled, including but not limited to the full payment of rentals and royalties, regardless of the division of leasehold interest resulting from the instrument.
2. That failure to comply with the terms and conditions of the base lease by the original lessee, or by any assignee, sublessor or sublessee, prior or subsequent hereto, shall not be deemed waived by the approval of said instrument by the Council, for the Government does not recognize said instrument as creating a novation as regards any right or interest of the Government.
3. In the event ownership of the interest transferred is or becomes vested in two or more lessees, sublessee or assignees responsible to the lessor for compliance with all of the indivisible obligation of the lease, then said lessees, sublessee or assignee shall designate in writing to the President of the Government the lessee, sublessee or assignee representing the joint account (representative) of all such persons or corporations who shall be accountable to the Government for discharge of individuals obligations under the lease for all lessees, sublessees or assignees or for release in lieu of compliance therewith, and for the receipt of notices or demands on behalf of all lessee, sublessee or assignee and provided that in the event of failure of said lessees, sublessees or assignees to comply with such conditions, then the Government may withhold approval of and thereby deny validity to any pending or future transfer of an interest in the lease or take any appropriate action, and, provided further, that if any lessee, sublessee or assignee should agree to release the lease or any segregated portion thereof in lieu of complying with an indivisible lease obligation to maintain the lease and no other lessee, sublessee or assignee desires to assume and undertake the indivisible obligation within ninety (90) days, then all lessees, sublessees or assignees agree to join in a release or to otherwise execute a similar release of their rights to lessor, absent of such signature of all parties, the lessees, sublessees or assignees hereby authorize the representative or any other lessee, sublessee or assignee to execute the release on their behalf, without recourse against the representative or any others who do sign the release.
4. This approval is given merely for the purpose of validating the transfer, but by giving its approval, the Government does not recognize the validity of any other instrument referred to therein that has not also been considered and approved by the Government in its entirety nor of any descriptions nor adopt any of the terms and conditions in the assignment or transfer, including but not limited to any election shall not be effective until written notice thereof is given to the President and an assignment or transfer of such working interest in recordable form is presented for approval and approved by the Government, and furthermore, that this approval may not operate as the Government's approval of any sales contract, which may have been entered into by the parties to the transfer, in as much as the Government specifically reserves the right to take its royalty oil, gas and other minerals in kind; and
5. For purposes of recordation and notice, certified copies of this Resolution be attached to all copies of the instrument approved hereby.
6. Nothing herein shall be construed as approval for any assignment, sublease or transfer to or from any individual, partnership, corporation or other legal entity who has filed bankruptcy proceedings unless such status is specifically recognized in this Resolution.
7. Assignor, assignee, sublessor, or transferor is not relieved of any obligations undertaken or agreed to under that oil, gas and mineral lease identified as Plaquemines Parish Tract 04-1, effective December 9, 2004, as recorded in COB 1089, folio 375, March 22, 2005; and amended by Parish Council Ordinance No. 07-261, adopted October 25, 2007, amending the primary term of the lease as recorded in COB 1165, folio 385, on November 21, 2007.

SECTION 3

It hereby authorizes the Parish President to execute a statement authorizing approval of the assignment of an undivided forty-eight (48%) percent working interest in and to that mineral lease designated as Parish Tract 04-1, as amended.

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, Keith Hinkley, Jerry Hodnett, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Stuart J. Guey

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

Council Member Banta moved to advance to Agenda Item 4a-10, "Construction Permits". Without objections, so ordered.

RESOLUTION NO.

The following Resolution was offered by Council Member Beshel for its adoption:

BE IT RESOLVED by the Plaquemines Parish Council that the following application for construction permits in the Parish of Plaquemines is hereby approved: Lynn Perkins Perez, Application No. O-2009-184, dated August 10, 2009, to install 12-inch PVC supply line, repair levee around existing ponds; excavate two new ponds and install 2-foot levee around ponds, 12-inch PVC supply lines, docks, fish habitat, backdown ramps; and excavate two lakes/borrow pits, 4349 Highway 39, Braithwaite, Louisiana.

Council Member Buras seconded the motion to adopt the Resolution.

Council Member Banta moved a recess at 3:10 p.m.

The Meeting came back to order at 3:25 p.m., with all members present except Council Member Guey, absent.

RESOLUTION NO. 09-279

The following Resolution was offered by Council Member Beshel for its adoption:

BE IT RESOLVED by the Plaquemines Parish Council that the following application for construction permits in the Parish of Plaquemines is hereby approved: Lynn Perkins Perez, Application No. O-2009-184, dated August 10, 2009, to install 12-inch PVC supply line, repair levee around existing ponds; excavate two new ponds and install 2-foot levee around ponds, 12-inch PVC supply lines, docks, fish habitat, backdown ramps; and excavate two lakes/borrow pits, 4349 Highway 39, Braithwaite, Louisiana.

Council Member Buras seconded the motion to adopt the Resolution.

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

YEAS: Council Members Keith Hinkley, and Anthony L. Buras,

NAYS: Don Beshel, Jerry Hodnett, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

ABSENT: Council Member Stuart J. Guey

PRESENT BUT NOT VOTING: None

And the Resolution FAILED on this the 27th day of August, 2009.

Council Member Banta moved to advance to Agenda Item 6a-7, "An Ordinance of the Plaquemines Parish Council, authorizing Billy Nungesser, Parish President, for and on behalf of Plaquemines Parish Government, to authorize the expropriation of lands required in connection with the utility relocations for the Jesuit Bend Sewer Line Phase I". Without objections, so ordered.

ORDINANCE NO. 09-192

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

An Ordinance of the Plaquemines Parish Council, authorizing Billy Nungesser, Parish President, for and on behalf of Plaquemines Parish Government, to authorize the expropriation of lands required in connection with the utility relocations for the Jesuit Bend Sewer Line Phase I.

WHEREAS, plans and specifications have been completed for the construction of the Jesuit Bend Sewer Line Phase I; and

WHEREAS, before the construction of the Jesuit Bend Sewer Line Phase I can commence the Plaquemines Parish Government has to acquire all the necessary immovable property required for said construction; and

WHEREAS, the Plaquemines Parish Government may not be able to amicably acquire said immovable property, and it is necessary for the public to benefit and use the judicially acquire same through expropriation procedures;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby authorizes and directs Billy Nungesser, Parish President, if he deems necessary, to proceed with expropriation proceedings for the acquisition of land and property which is needed for public use, pursuant to Louisiana R.S. 19:1, etc and Article I, Section 4 of the Louisiana Constitution of 1974, for land necessary for the Jesuit Bend Sewer Line Phase I.

SECTION 2

It further authorizes and directs Billy Nungesser, Parish President, if he deems necessary, to take whatever action necessary to protect the interest of Plaquemines Parish in any law suits resulting from said expropriation.

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.

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

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

NAYS: None

ABSENT: Council Member Stuart J. Guey

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

Council Member Banta moved to advance to Agenda Item 6-r, A Resolution approving a Cooperative Endeavor Agreement with the Plaquemines Parish Sheriff and Law Enforcement District to incorporate the 911 System into the EOC/Government Complex; authorizing the Parish President to negotiate and execute those documents and agreements with the Sheriff and the Law Enforcement District; and otherwise to provide with respect thereto.”. Without objections, so ordered.

RESOLUTION NO. 09-280

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

A Resolution approving a Cooperative Endeavor Agreement with the Plaquemines Parish Sheriff and Law Enforcement District to incorporate the 911 System into the EOC/Government Complex; authorizing the Parish President to negotiate and execute those documents and agreements with the Sheriff and the Law Enforcement District; and otherwise to provide with respect thereto.

WHEREAS, there are funds appropriated for the initial architectural/engineering work to prepare the Master Conceptual Plan for the EOC/Government Complex in the 2009 Budget; and

WHEREAS, the Parish President and the Plaquemines Parish Sheriff have suggested incorporating the 911 system into the EOC/Government Complex planning; and

WHEREAS, Art. VII, Sec. 14(c) authorizes political subdivisions of the State to engage in Cooperative Endeavor Agreements for a bona fide public purpose; and

WHEREAS, the 911 system and the EOC/Government Complex are bona fide public programs benefitting the citizens of the Parish;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves of the formation of a Cooperative Endeavor Agreement between the Plaquemines Parish Government and the Plaquemines Parish Sheriff and Law Enforcement District to incorporate the 911 system into the EOC/Government Complex.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes the Parish President, William "Billy" Nungesser, to negotiate and execute a Cooperative Endeavor Agreement with the Plaquemines Parish Sheriff and Law Enforcement District to incorporate the 911 system into the EOC/Government Complex on terms and conditions that are in the best interest of the Parish of Plaquemines and the Plaquemines Parish Government with full authority to execute all associated documents pertaining to the 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.

ORDINANCE NO.

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

An Ordinance authorizing the Parish President, William H. Nungesser, to give temporary permits for the placement of temporary trailers; to be removed thirty days after the construction is complete in District 5; and otherwise to provide with respect thereto.

WHEREAS, Administration has requested the Council to authorize the Parish President to allow the placement of temporary trailers in District 5 due to the current work being done on Walker Road; and

WHEREAS, the temporary trailers will be provided for the workers who are currently working in District 5 due to the limited housing resources in Plaquemines Parish; and

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby authorizes the Parish President, William H. Nungesser, to give temporary permits for the placement of temporary trailers; to be removed thirty days after the construction is complete in District 5.

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 Buras seconded the motion to adopt the Ordinance.

Council Member Hinkley moved to defer the proposed Ordinance.

ORDINANCE NO.

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

An Ordinance to amend the Sewer System Improvements Parishwide Fund Capital Improvements Budget; and otherwise to provide with respect thereto.

WHEREAS, a transfer of \$2,257,830 from the Rehabilitation-Boothville/Buras Waste Water Treatment Plant Project to the Rehabilitation-Belle Chasse Waste Water Treatment Plant Project is requested; and

WHEREAS, the Federal Emergency Management Agency (FEMA) is the funding source for these Hurricane Katrina related projects; and

WHEREAS, the Federal Emergency Management Agency will reimburse expenditures related to the Rehabilitation of the Boothville/Buras Waste Water Treatment Plant;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Sewer System Improvements Parishwide Fund 2009 Budget is amended by transferring \$2,257,830 from the Rehabilitation-Boothville/Buras Waste Water Treatment Plant Project to the Rehabilitation-Belle Chasse Waste Water Treatment Plant Project.

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 Hodnett moved to defer the proposed Ordinance.

Council Member Banta moved to advance to Agenda Item 6a-3, An Ordinance to increase the compensation of the Council Members for the Plaquemines Parish Government from \$28,100.00 per year to \$35,000.00 per year, effective January 1, 2011; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-193

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

An Ordinance to increase the compensation of the Council Members for the Plaquemines Parish Government from \$28,100.00 per year to \$35,000.00 per year, effective January 1, 2011; and otherwise to provide with respect thereto.

WHEREAS, Section 4.07 of Article 4 of the Charter for Local Self-Government for Plaquemines Parish, Louisiana, provides for the compensation of the Council Members for the Plaquemines Parish Government; and

WHEREAS, such section provides that the Parish Council may periodically review the compensation paid to the Council Members and may change by Ordinance; provided, however, that no Ordinance changing any compensation shall be passed during the last year of a term and further provided that a change shall not become effective during the current term of the Parish Council Members adopting the Ordinance; and

WHEREAS, the compensation for the Parish Council has not been addressed in many years, and it is the opinion of this Council that the compensation for the Parish Council Members should be increased;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The annual compensation paid to the Parish Council shall be \$35,000.00 payable monthly.

SECTION 2

The provisions herein shall become effective on 12:01 a.m. January 1, 2011.

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.

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

YEAS: Council Members Jerry Hodnett, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: Council Members Keith Hinkley, and Anthony L. Buras

ABSENT: Council Member Stuart J. Guey

PRESENT BUT NOT VOTING: Council Member Don Beshel (Abstained)

And the Ordinance was adopted on this the 27th day of August, 2009.

Council Member Banta moved to advance to Agenda Item 6-mm, "An Ordinance authorizing and directing the Parish Administration to increase the annual salary of the Plaquemines Parish Council Secretary and the Parish Council Administrative Assistants by \$2,000.00; and to increase the Assistant Council Secretary's annual salary by \$3,000.00; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-194

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

An Ordinance authorizing and directing the Parish Administration to increase the annual salary of the Plaquemines Parish Council Secretary and the Parish Council Administrative Assistants by \$2,000.00; and to increase the Assistant Council Secretary's annual salary by \$3,000.00; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Council wishes to adjust the salary of the Plaquemines Parish Council Secretary and the Plaquemines Parish Council's 9 Administrative Assistants by \$2,000.00 and to increase the Assistant Council Secretary's annual salary by \$3,000.00;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby authorizes and directs the Parish Administration to increase the annual salary of the Plaquemines Parish Council Secretary and the Plaquemines Parish Council Administrative Assistants by \$2,000.00 and the Assistant Council Secretary's annual salary by \$3,000.00, to be funded from the General Fund/Unreserved/Undesignated Fund Balance, effective immediately.

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.

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

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

NAYS: None

ABSENT: Council Members Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

Council Member Banta moved to advance to Agenda Item 6-nn, "An Ordinance authorizing and directing the Parish Administration to increase the annual salary of the Plaquemines Parish Council Paralegal assigned to the Council Attorney's Department by \$3,000.00; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-195

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

An Ordinance authorizing and directing the Parish Administration to increase the annual salary of the Plaquemines Parish Council Paralegal assigned to the Council Attorney's Department by \$3,000.00; and otherwise to provide with respect thereto.

WHEREAS, the probationary period has expired for the Paralegal Position in the Council Attorney's Department and the job performance of said position has been excellent; and

WHEREAS, the Plaquemines Parish Council wishes to adjust the salary of the Plaquemines Parish Council Paralegal assigned to the Council Attorney's Department by \$3,000.00;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby authorizes and directs the Parish Administration to increase the annual salary of the Plaquemines Parish Council Paralegal assigned to the Council Attorney's Department by \$3,000.00 to be funded from the General Fund/Unreserved/Undesignated Fund Balance, effective immediately.

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 Beshel 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, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

Council Member Banta moved to advance to Agenda Item 6-00, "An Ordinance authorizing and directing the Parish Administration to increase the annual salary of the Plaquemines Parish Council Attorney by \$6,000.00; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-196

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

An Ordinance authorizing and directing the Parish Administration to increase the annual salary of the Plaquemines Parish Council Attorney by \$6,000.00; and otherwise to provide with respect thereto.

WHEREAS, the probationary period has expired for the Council Attorney's Position and the job performance of said position has been excellent; and

WHEREAS, the Plaquemines Parish Council wishes to adjust the salary of the Plaquemines Parish Council Attorney by \$6,000.00;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby authorizes and directs the Parish Administration to increase the annual salary of the Plaquemines Parish Council Attorney by \$6,000.00, to be funded from the General Fund/Unreserved/Undesignated Fund Balance, effective immediately.

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 Beshel 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, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

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

ORDINANCE NO. 09-197

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 from the General Fund Unreserved/Undesignated Fund Balance to Telecommunications Department, various expenditure line items as follows:

FUND	<u>GENERAL</u>		<u>01</u>	
DEPARTMENT/DIVISION	<u>Telecommunication Dept-General</u>			<u>725-0001</u>
<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 Beshel 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, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

Council Member Banta moved to revert to Agenda Item 1b, "Status Report by the Parish President". Without objections, so ordered.

RESOLUTION NO. 09-281

On motion of Council Member Hodnett, seconded by Council Member Banta, and on roll call all members present voting "Yes", except Council Members Guey, 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: Darrell J. Domingue, P.O. Box 354, Pointe-a-la-Hache, Louisiana, 70082, "DJ's One Stop", 18013 Highway 15, Pointe-a-la-Hache, Louisiana, 70082, package house-liquor; Grace Palmisano, 910 Jason Dr., Belle Chasse, Louisiana, 70037, "Lady Grace Seafood", 9052 Highway 23, Belle Chasse, Louisiana, 70037, retail saloon-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.

RESOLUTION NO. 09-282

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

A Resolution approving the issuance of a special permit to Conrad Lawrence for the raising of an existing residence on property located in a FP (Flood Plain) Zoning District at 128 Zebal Lane, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-453, dated August 10, 2009.

WHEREAS, Conrad Lawrence applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-453, dated August 10, 2009) for a permit to raise an existing residence on property located at 128 Zebal 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 Conrad Lawrence for the raising of an existing residence on property located in a FP (Flood Plain) Zoning District at 128 Zebal Lane, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-453, dated August 10, 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.

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 officially objecting and vigorously opposing the back levee alignment proposed by the United States Army Corps of Engineers relative to the levee setback in the Myrtle Grove Area and in the Myrtle Grove Marina; and otherwise to provide with respect thereto".

Council Member Beshel seconded the motion to suspend the rules.

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

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

NAYS: None

ABSENT: Council Members Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Motion was adopted on this the 27th day of August, 2009.

RESOLUTION NO. 09-283

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

A Resolution officially objecting and vigorously opposing the back levee alignment proposed by the United States Army Corps of Engineers relative to the levee setback in the Myrtle Grove Area and in the Myrtle Grove Marina; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Council adopted Resolution No. 09-164, on May 14, 2009, requesting and urging the United States Army Corps of Engineers to consider installing a flood gate in the Wilkinson Canal at Myrtle Grove Marina; and

WHEREAS, it is still the recommendation of the Plaquemines Parish Council and the Parish President, William H. Nungesser, to request and urge the United States Army Corps of Engineers to consider installing a flood gate in the Wilkinson Canal at the Myrtle Grove Marina;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby officially opposing and objecting to the back levee alignment proposed by the United States Army Corps of Engineers relative to the levee setback in the Myrtle Grove Area and in the Myrtle Grove Marina.

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 4a, Construction Permits". Without objections, so ordered.

RESOLUTION NO. 09-284

On motion of Council Member Banta, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Members Hodnett, Guey, 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: Century Exploration N.O., Inc., Application No. O-2009-147, dated July 14, 2009, to install pile clusters and shell pad, drill the Saturn loc. No. 1 and install Caisson sleeve structure, Breton Sound Area, Block 45; Harvest Oil & Gas, LLC, Application No. O-2009-149, dated July 15, 2009, to dredge existing slip, install pile clusters, workover barge to workover the Grand Prairie Levee District well no. A-77 and install timber well head protector, Grand Bay Field; AT&T, Application No. O-2009-150, dated July 15, 2009, to replace one-fifty pair copper cable with a two-hundred pair copper by boring and trenching, Braithwaite; AT&T, Application No. O-2009-153, dated July 15, 2009, to replace one 100 pair copper cable with a 200 pair copper cable by boring and

trenching, Braithwaite; DII, Application No. O-2009-171, dated July 30, 2009, to remove and replace valves, pumps, raw water house, walkway, platform and site work, water plant road, Braithwaite; Apache Corporation, Application No. O-2009-174, dated August 3, 2009, for removal of 4" gas bulk pipeline, Main Pass Block 77 Field; Apache Corporation, Application No. O-2009-175, dated August 3, 2009, for removal of 6" gas bulk pipeline, Main Pass Area, Block 7 & 6; Helis Oil & Gas Company, L.L.C., Application No. O-2009-176, dated August 3, 2009, for after-the-fact-application: install high pressure clamp on existing 8-inch pipeline and jet to replace 500 feet of existing 8-inch pipeline, Southeast Black Bay Field; Wayne Juneau, Application No. O-2009-180, dated August 10, 2009, to install boathouse and deck, 103 Deer Range Lane, Myrtle Grove; Matt J. Bennett, Application No. O-2009-192, dated August 19, 2009, to install a ten slip boat dock, Venice Area;

Introductions of Ordinances and Resolutions.

- a. An Ordinance authorizing the Parish President to execute those documents and agreements required in granting the U.S. Corps of Engineers the ingress and egress to conduct surveys, soil & borrow borings, environmental and cultural resource investigations, and HTRW investigations in connection with the Mississippi River levees, Grand Prairie Levee District, B/L stations 0+00 to 8+60, Plaquemines Parish, Louisiana. COUNCIL MEMBER BESHEL
- b. An Ordinance of the Plaquemines Parish Council authorizing Billy Nungesser, Parish President, to grant right of entry to the Lake Borgne Levee District and United States Corps of Engineers to perform multiple Pile Load Tests, Lake Ponchartrain and Vicinity (LPV), LPV 149, St. Bernard and Plaquemines Parishes, Louisiana. COUNCIL MEMBER BESHEL
- c. An Ordinance authorizing the Parish President, Billy Nungesser, to enter into a Cooperative Endeavor Agreement between the Plaquemines Parish Government and Woodlands Trail and Park, Inc.; and otherwise to provide with respect thereto. COUNCIL MEMBER HINKLEY
- d. An Ordinance declaring it unlawful for any person to commit the crime of lewd conduct; to establish the penalty for the violation therefore; and otherwise to provide with respect thereto. COUNCIL MEMBER HINKLEY
- e. An Ordinance authorizing the Parish President to execute those documents and agreements required in granting the U.S. Corps of Engineers the ingress and egress to conduct surveys, soil & borrow borings, environmental and cultural resource investigations, and HTRW investigations in connection with the Mississippi River Levees, Westbank Levee District, B/L stations 0+00 to 280+00, stations 280+00 to 560+00, stations 560+00 to 840+00, and stations 840+00 to 946+00, Plaquemines Parish, Louisiana. COUNCIL MEMBER HINKLEY
- f. An Ordinance authorizing the Parish President to execute those documents and agreements required in granting the U.S. Corps of Engineers the ingress and egress to deliver and stockpile crushed stone on the Mississippi River Batture, right descending bank, on private property near river mile 77.8 AHP, Belle Chasse, Louisiana, Plaquemines Parish. COUNCIL MEMBER HINKLEY
- g. An Ordinance to amend and adopt as amended the Plaquemines Parish Code of Ordinances, Animals and Fowls, Chapter 5, Article 3, dogs and other animals; to provide for limitations on the tethering of horses, donkeys and mules; and otherwise to provide with respect thereto. COUNCIL MEMBER HINKLEY
- h. An Ordinance approving a plan of resubdivision of the property of Denise Poole, Plaquemines Parish, Louisiana, as shown on Map of Resubdivision, Lots 70 and 70A into Lot 70B, The Woodlands, Belle Chasse, La., by Hugh McCurdy, III, P.L.S., dated 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 HODNETT

- i. A Resolution to appoint John Banquer as the District 4 Representative of the Economic Development District Board whose term expires on December 31, 2011, filling the vacancy left by the late Robin Nichols; and otherwise to provide with respect thereto. COUNCIL MEMBER GUEY
- j. A Resolution to elect the Vice-Chairman of the Plaquemines Parish Council and to fix the term of office; and otherwise to provide with respect thereto. COUNCIL MEMBER HODNETT
- k. A Resolution to elect the Chairman of the Plaquemines Parish Council and to fix the term of office; and otherwise to provide with respect thereto. COUNCIL MEMBER HODNETT
- l. A Resolution ordering and calling a special election to be held in the Parish of Plaquemines, State of Louisiana, to authorize the levy of a sales and use tax therein; making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith. COUNCIL MEMBER HODNETT

Council Member Banta moved a recess at 4:40 p.m.

The Meeting came back to order at 4:50 p.m., with all members present except Council Members Guey and Friedman, absent.

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

- m. A Resolution approving the issuance of permits by the Department of Permits, Planning & Zoning for the use of temporary construction trailers and/or buildings in the Flood Plain District, located within the area bounded by Jump Basin Road, Tidewater Road, Grand Pass, Tiger Pass, and Tidewater Access Canal, with the approval of the Council Chairman, pending the adoption of Ordinance No. _____ to amend Section VI, Paragraph M of Ordinance No. 142 of the Comprehensive Zoning Ordinance of Plaquemines Parish. COUNCIL MEMBER HODNETT
- n. An Ordinance authorizing the Parish President to execute those documents and agreements required in granting the U.S. Corps of Engineers the ingress and egress to conduct surveys, soil borings, environmental and cultural resource investigations, HTRW investigations, and install piezometers in connection with the Mississippi River levees, Chevron Oronite Plant Seepage repair, station 457+47 to station 510+00, Plaquemines Parish, Louisiana. COUNCIL MEMBER BURAS
- o. A Resolution granting permission to and urging the United States Army Corps of Engineers to work as needed on a seven day per week, twenty-four hour per day basis to expedite all work on Project WBV-90, the Western Closure Complex, Walker Road/E. Bayou Road; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS
- p. An Ordinance to amend and as amended re-adopt Ordinance No. 09-129, to waiver the restriction on the placement of trailers, mobile homes and manufactured homes in residentially zoned areas of Plaquemines Parish, except Citrus City Subdivision in Buras, from West Pointe a la Hache south, as long as applicant makes application before **June 1, 2010**, the applicant has had to own the property prior to Katrina, or was a resident of Plaquemines Parish in a devastated area wishing to relocate to the area between West Pointe a la Hache south, and the applicant will maintain the single family status of the property. COUNCIL MEMBER TURNER
- q. An Ordinance to include any full time employee of the Plaquemines Parish Public Defender's Office in the Plaquemines Health Insurance Plan; and to provide reasonable office space for the Plaquemines Parish Public Defender's Office; and to provide a vehicle for the Plaquemines Parish Public Defender's Office. COUNCIL MEMBER TURNER

- r. An Ordinance to amend the 2009 General Fund, Manpower Structure, FEMA Management Department; and otherwise to provide with respect thereto. COUNCIL MEMBER TURNER
- s. A Resolution authorizing and directing the Council Attorney, or his designee, to take any and all legal action against the Office of the Parish President for violations of Article 3 Section 3.01 et seq. and Article 5 Sections 5.01 and 5.02 of the Plaquemines Parish Charter for Local Self Government; and otherwise to provide with respect thereto. COUNCIL MEMBER TURNER
- t. An Ordinance authorizing the Parish President to appropriate funds for and enter into an agreement for Plaquemines Off Road ATV Park, Phase I. COUNCIL MEMBER COOPER
- u. An Ordinance authorizing the Parish President to appropriate funds for and enter into an agreement for South Plaquemines Off Road ATV Park; and otherwise to provide with respect thereto. COUNCIL MEMBER COOPER
- v. An Ordinance authorizing and directing the Parish President to enter into an Act of Donation with the Louisiana Road Home Program to obtain ownership of the property located at 109 Williams Avenue, Boothville, Louisiana; and otherwise to provide with respect thereto. COUNCIL MEMBER COOPER
- w. A Resolution approving and authorizing Lynda Banta, Council Chairperson; William Nungesser, Parish President; and Lori L. Meyers, Finance Manager, to execute a Louisiana Compliance Questionnaire to Kolder, Champagne, Slaven & Company, LLP; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA
- x. An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget, Legal-Judgments Department, line item Judgments & Damages-Duplesis, J./Harvey, P.; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA
- y. A Resolution authorizing Plaquemines parish Government to settle and compromise the written demand for payment of Couvillion Group, LLC; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA
- z. A Resolution authorizing the Parish President to execute those documents and agreements required in the submission of the application for funding to complete the Seafood Processing Infrastructure Project, as provided under the Community Development Block Grant-Disaster Recovery Infrastructure Program and certifying that the “Urgent Need” National Policy Objective is being met. COUNCIL MEMBER BANTA
- aa. An Ordinance authorizing the Parish President to execute those documents and agreements required in granting the U.S. Corps of Engineers the ingress and egress to perform surveys, stone repairs and articulated concrete mattress repair work in connection with revetments located along the Mississippi River, Plaquemines Parish, Louisiana. COUNCIL MEMBER BANTA
- bb. An Ordinance to rename “Cosse Lane” in Pointe-a-la-Hache, Louisiana, to “Luke Harvey Lane”; and otherwise to provide with respect thereto. COUNCIL MEMBER BESHEL

ORDINANCE NO. 09-198

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

The Ordinance to prohibit any vehicle which has a gross vehicle weight exceeding 10,000 pounds on New Street and Burmaster Street, Belle Chasse, Louisiana; to establish a penalty therefore; and otherwise to provide with respect thereto.

WHEREAS, there has been an increase in trucks, truck trailers and other heavy vehicles on the above mentioned streets in the community of Belle Chasse, Louisiana, which is damaging the streets; and

WHEREAS, the residents of the above mentioned streets are concerned for the safety of the community;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby prohibits any vehicle which has a gross vehicle weight exceeding 10,000 pounds on New Street and Burmaster Street, Belle Chasse, Louisiana, except for Parish garbage or trash trucks, school buses, emergency vehicles or vehicles providing services to residents during appropriate business hours, located in the community of Belle Chasse, Louisiana, and request the Parish Administration post the necessary signs.

SECTION 2

Any person found violating the provisions of this Ordinance by a court of competent jurisdiction shall be fined not more than One Hundred (\$100.00) Dollars or imprisoned for not more than ten (10) days in the Parish Jail or both fined and imprisoned at the discretion of the Court.

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 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, Keith Hinkley, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Jerry Hodnett, Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

ORDINANCE NO. 09-199

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

An Ordinance to amend section 22-9(1)(e) of chapter 22, "Water, Sewer and Refuse", of the Plaquemines Parish Code of Ordinances; to provide for an increase in the "Floating Meter Deposit"; and otherwise to provide with respect thereto.

WHEREAS, the deposit for a floating meter is now \$843.75, and the manufacturer/supplier has increased the cost to the Parish of the Badger Floating meters to \$945.00 per meter; and

WHEREAS, to avoid loss of revenue in the replacement cost of the floating meters, the deposit required by Section 22-9(1)(e) of Chapter 22 of the Plaquemines Parish Code of Ordinances, should be raised to the amount of \$945.00 per meter to reflect the rate increase to the Parish;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby amends, and as amended, reenacts section 22-9(1)(e) of Chapter 22-“Water, Sewer and Refuse”, of the Code of Ordinance for Plaquemines Parish as follows:

Chapter 22-Water, Sewer and Refuse

“Sec. 22-9. Water tap-on and service connection charges.

(1) (e) Floating meter deposit \$945.00”

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 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, Keith Hinkley, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Jerry Hodnett, Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

ORDINANCE NO.

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

An Ordinance to amend the General Fund 2009 Manpower Structure and Operating Revenue and Expenditure Budgets by funding a Drug Court Administrator position and creating a Drug Court Division within the Judge’s Department; and otherwise to provide with respect thereto.

WHEREAS, it has been requested by the Judge’s Department to fund a Drug Court Administrator position and create a Drug Court Division that will be partially funded through a grant from the United States Department of Justice administered by the Louisiana Supreme Court; and

WHEREAS, the purpose of this division is to provide both economic and non-economic benefits to the community by reducing drug dependency among non-violent criminal offenders, thus restoring families, increasing employment and productivity, achieving improved public health, and reducing the costs of incarceration; and

WHEREAS, this grant will fund 90% of the cost of the Drug Court Administrator position in the Judge Division “B” Department and 90% of the operating costs in the Drug Court Division;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The General Fund 2009 Manpower Structure is amended by creating a Drug Court Administrator position in the Judge’s Department, Division “B”.

SECTION 2

The 2009 Operating Revenue and Expenditure Budgets are amended by creating and funding a Drug Court Division within the Judge's Department, funding source, Federal Grant and General Fund, funding year 2009 as follows:

FUND	DEPARTMENT	DIVISION	OBJECT	AMENDMENT	NEW TOTAL
01 GENERAL			43447 FED REIMB-DRUG COURT PROG	INCREASE BY \$49,950.00	\$49,950.00
01 GENERAL			43448 FED REIMB-Drug Court Adm / Div "B"	INCREASE BY 26,250.00	26,250.00
01 GENERAL	310 JUDGES	2115 Division "B"	51210 SALARIES & WAGES-REGULAR	INCREASE BY \$24,000.00	\$657,380.00
01 GENERAL	310 JUDGES	2115 Division "B"	51510 FICA	INCREASE BY \$350.00	\$11,360.00
01 GENERAL	310 JUDGES	2115 Division "B"	51521 RETIREMENT	INCREASE BY \$2,940.00	\$76,080.00
01 GENERAL	310 JUDGES	2115 Division "B"	51530 GROUP INSURANCE	INCREASE BY \$1,880.00	\$44,910.00
01 GENERAL	310 JUDGES	2120 Drug Court	52800 PROFESSIONAL SERVICES	INCREASE BY \$40,300.00	\$40,300.00
01 GENERAL	310 JUDGES	2120 Drug Court	53100 SUPPLIES	INCREASE BY \$10,480.00	\$10,480.00
01 GENERAL	310 JUDGES	2120 Drug Court	56517 COMPUTER HARDWARE	INCREASE BY \$4,000.00	\$4,000.00
01 GENERAL	310 JUDGES	2120 Drug Court	54110 MILEAGE	INCREASE BY \$720.00	\$720.00

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 Hinkley offered a substitute to the proposed Ordinance

ORDINANCE NO. 09-200

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

An Ordinance to amend the General Fund 2009 Manpower Structure and Operating Revenue and Expenditure Budgets by funding a Drug Court Administrator/Clerk position and creating a Drug Court Division within the Judge's Department; and otherwise to provide with respect thereto.

WHEREAS, it has been requested by the Judge's Department to fund a Drug Court Administrator/Clerk position and create a Drug Court Division that will be partially funded through a grant from the United States Department of Justice administered by the Louisiana Supreme Court; and

WHEREAS, the purpose of this division is to provide both economic and non-economic benefits to the community by reducing drug dependency among non-violent criminal offenders, thus restoring families, increasing employment and productivity, achieving improved public health, and reducing the costs of incarceration; and

WHEREAS, this grant will fund 90% of the cost of the Drug Court Administrator/Clerk position, and 90% of the operating costs in the Drug Court Division;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The General Fund 2009 Manpower Structure is amended by creating a Drug Court Administrator position in the Judge's Department, Drug Court Division.

SECTION 2

The 2009 Operating Revenue and Expenditure Budgets are amended by creating and funding a Drug Court Division within the Judge's Department, funding source, Federal Grant and General Fund, funding year 2009 as follows:

FUND	DEPARTMENT	DIVISION	OBJECT	AMENDMENT	NEW TOTAL
01 GENERAL			43447 FED REIMB-DRUG COURT PROG	INCREASE BY \$76,200.00	\$76,200.00
01 GENERAL	310 JUDGES	2120 Drug Court	51210 SALARIES & WAGES-REGULAR	INCREASE BY \$24,000.00	\$24,000.00
01 GENERAL	310 JUDGES	2120 Drug Court	51510 FICA	INCREASE BY \$350.00	\$350.00
01 GENERAL	310 JUDGES	2120 Drug Court	51521 RETIREMENT	INCREASE BY \$2,940.00	\$2,940.00
01 GENERAL	310 JUDGES	2120 Drug Court	51530 GROUP INSURANCE	INCREASE BY \$1,880.00	\$1,880.00
01 GENERAL	310 JUDGES	2120 Drug Court	52800 PROFESSIONAL SERVICES	INCREASE BY \$40,300.00	\$40,300.00
01 GENERAL	310 JUDGES	2120 Drug Court	53100 SUPPLIES	INCREASE BY \$10,480.00	\$10,480.00
01 GENERAL	310 JUDGES	2120 Drug Court	56517 COMPUTER HARDWARE	INCREASE BY \$4,000.00	\$4,000.00
01 GENERAL	310 JUDGES	2120 Drug Court	54110 MILEAGE	INCREASE BY \$720.00	\$720.00

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

Council Member Beshel 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, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Jerry Hodnett, Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

RESOLUTION NO. 09-285

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

A Resolution stating Plaquemines Parish Council's endorsement of Environmental Safety & amp: Health Consulting Services, Inc., to participate in the benefits of the Louisiana Enterprise Zone Program.

WHEREAS, the Louisiana Enterprise Zone Act, La. R.S. 51:1781-1791 offers significant incentives for economic development in the State; and

WHEREAS, the business is located within Census Tract 502, Block Group 2; and

WHEREAS, the Plaquemines Parish Council states this endorsement is in agreement with the Comprehensive Economic Development Strategy for their area; and

WHEREAS, the Enterprise Zone Map on file in the Plaquemines Parish Council Secretary's Office has been marked to shown the location of the business being endorsed; and

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements Plaquemines Parish Council agrees:

- a) To participate in the Enterprise Zone Program.
- b) To assist the Department in evaluating progress make in any Enterprise Zone within its jurisdiction.

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council, in regular and legal session convened on this 13th day of August, 2009, endorses Environmental Safety & amp: Health Consulting Services, Inc., Enterprise Zone Application No. 2009-0887, to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that all resolutions or parts thereof 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.

ORDINANCE NO. 09-201

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Woodland Bridge Clean-up Project; and otherwise to provide with respect thereto.

WHEREAS, \$10,000 is needed for cleaning debris from under the Woodland Bridge; and

WHEREAS, amending the Five-Year Capital Improvements Plan, Woodland Bridge Clean-up Project by appropriating \$10,000, from the General Fund Unreserved/Undesignated Fund Balance 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 \$10,000 to the Woodland Bridge Clean-up 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 Beshel 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, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Jerry Hodnett, Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

RESOLUTION NO. 09-286

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

A Resolution appointing Andree Schaubhut as a member of the Board of Commissioners, Hospital Service District No. 1, representing Council District 5, to replace Mrs. Danica Ansardi; and otherwise to provide with respect thereto.

WHEREAS, in accordance with Article 3, Section 3 10.G, Council Member Anthony L. Buras, Jr., recommends the appointment of Andree Schaubhut as a member of the Board of Commissioners, Hospital Service District No. 1, representing Council District 5;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby appoints Andree Schaubhut to serve as a member of the Board of Commissioners, Hospital Service District No. 1, representing Council District 5, whose term shall expire on December 31, 2010, to replace Mrs. Danica Ansardi, who resigned on August 25, 2008.

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. 09-202

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

An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget, Solid Waste Department, line item Trash/Garbage Cans; and otherwise to provide with respect thereto.

WHEREAS, approximately \$30,000 is needed to purchase additional garbage cans for Solid Waste I and Solid Waste II; and

WHEREAS, amending the General Fund, 2009 Operating Expenditure Budget, Solid Waste Department, by appropriating \$30,000 to line item Trash/Garbage Cans from the General Fund Unreserved/Undesignated Fund Balance 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 \$30,000 from the General Fund Unreserved/Undesignated Fund Balance as follows:

FUND	<u>SOLID WASTE FUND</u>	<u>05</u>		
DEPARTMENT/DIVISION	<u>Solid Waste District I</u>	<u>630-4310</u>		
<u>OBJECT</u>	<u>DESCRIPTION</u>	<u>AMENDMENT</u>	<u>NEW TOTAL</u>	
56340	TRASH/GARBAGE CANS	INCREASE BY \$15,000.00	\$30,000.00	

FUND	<u>SOLID WASTE FUND</u>	<u>05</u>		
DEPARTMENT/DIVISION	<u>Solid Waste District II</u>	<u>630-4320</u>		
<u>OBJECT</u>	<u>DESCRIPTION</u>	<u>AMENDMENT</u>	<u>NEW TOTAL</u>	
56340	TRASH/GARBAGE CANS	INCREASE BY \$15,000.00	\$30,000.00	

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, Keith Hinkley, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Jerry Hodnett, Stuart J. Guey, and John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 27th day of August, 2009.

RESOLUTION NO. 09-287

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

A Resolution authorizing the Plaquemines Parish Community Action Agency to prepare the necessary application to the Louisiana Department of Labor receiving the Community Services Block grant Funds for the Program Year 2010 and authorizing the President of the Plaquemines Parish Government to sign and submit said application and contract.

WHEREAS, the Louisiana Department of Labor, through the Community Services Block Grant Act, has designated the eligible entity for administering the funds for the program year 2010 within the Parish of Plaquemines; and

WHEREAS, the Plaquemines Parish Community Action Agency has received federal and state recognition as the eligible entity within the Parish of Plaquemines for receiving and administering Community Services Block Grant Funds;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby designates and authorizes the Plaquemines Parish Community Action Agency to prepare the necessary application to the Louisiana Department of Labor for receiving and administering the Community Services Block grant Funds for the Program Year 2010.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes the President of the Plaquemines Parish Government sign said application and contract pursuant to contract form on file in the Office of the Secretary of the Council.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this 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. 09-288

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

A Resolution authorizing the Parish President to execute an Agreement and related documents with Volkert & Associates, Inc., for professional engineering services for the community center parking lots; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Government’s submittal to the Louisiana Recovery Authority (“LRA”) for funding for community center parking lots under the Community Development Block Grant Disaster Recover (CDBG-DR) Program/Hurricanes Katrina and Rita from the Louisiana Office of Community Development-Disaster Recovery Unit has been approved; and

WHEREAS, the firm of Volker & Associates, Inc. has been approved by the LRA and Hunt, Guillot & Associates, L.L.C. for professional engineering services in connection with the community center parking lots disaster recovery project; and

WHEREAS, such regulations require that the Plaquemines Parish Government certify that the activity for which CDBG-DR 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 Hurricanes; 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 it hereby authorizes the Parish President, William “Billy” Nungesser, to negotiate and execute a contract for professional engineering services with Volkert & Associates, Inc., for preparation of the plans and specifications for the community center parking lots project on terms and conditions that are in the best interest of the Parish of Plaquemines and the Plaquemines Parish Government with full authority to execute all associated documents pertaining to the 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 revert to Agenda Item 5, “Introduction of Ordinances and Resolutions”. Without objections, so ordered.

- a. A Resolution authorizing Plaquemines Parish Government to settle the matter entitled, Jonie Dulessis and Patricia Harvey vs. Plaquemines Parish Government and Albert Palestina, 24th JDC Case No. 662506, Division “T”, and US Agencies vs.

Plaquemines Parish Government et al, 25th JDC Case No. 56264, Division “B”; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA

There being no further business to come before this Council, on motion of Council Member Beshel, seconded by Council Member Hinkley, and on roll call all members present voting “Yes”, except Council Members Hodnett, Guey, Buras and Friedman, absent, the meeting adjourned at 5:40 p.m.

Chairman

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, August 27, 2009, at 5:41 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 Keith Hinkley
Council Member Anthony L. Buras
Council Member Burghart Turner
Council Member Marla Cooper

Melissa P. LeBlanc, Secretary

ABSENT: Council Member Jerry Hodnett
Council Member Stuart J. Guey
Council Member John J. Friedman

Mr. Billy Nungesser, Parish President is absent.

The Pledge of Allegiance was dispensed with.

Council Member Banta moved to Agenda Item 3, "Status Report by the Port Director". Without objections, so ordered.

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 Beshel, seconded by Council Member Hinkley, and on roll call all members present voting "Yes", except Council Members Hodnett, Guey, Buras and Friedman, absent, the meeting adjourned at 5:45 p.m.

Chairman

Secretary