

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held in the Pointe-a-la-Hache Council Chambers, 18055 Hwy. 15, Pointe-a-la-Hache, Louisiana on Thursday, February 23, 2023, at 3:01 p.m., pursuant to notice to all members with a quorum present as follows:

PRESENT: Commissioner Stuart J. Guey, Chairman
Commissioner Tyrone Edwards
Commissioner Brian Champagne
Commissioner Chris Schulz
Commissioner Patricia McCarty
Commissioner Ronnie Newsom
Commissioner Carlton M. LaFrance, Sr.
Commissioner Mitch Jurisich
Commissioner Mark Cognevich

Kim M. Toups, Secretary

Charles Tillotson, Melissa Folse, Christie Nielsen and Jalen Brown were present representing the Port.

The Prayer was said and the Pledge was recited.

There being no matters to address under the following Agenda Item 2, "Executive Session", Commissioner Guey moved to Agenda Item 3, "Status Report by the Executive Port Director". Without objection, so ordered. The following was reported by Mr. Tillotson:

- A meeting was conducted with the Civil Service Board and the Port is now assessing the findings of the meeting and deciding on the next step;
- Some Board members went to Mobile for a tour of American Patriot Holdings;
- Final acceptance of the 2021 audited financials has taken place and the documents should be on the Port website today by the close of business;
- Tommy Serpas from R. Johnson is now assisting the Port and doing a deep dive into Port financials; and
- There is one candidate that is being interviewed for the Port Finance Director position;

Board Comments:

- Commissioner LaFrance asked who was conducting the interview and was told by Mr. Tillotson it would be Tommy Serpas and Christie Nielsen;
- Commissioner Edwards asked about the conclusions from the meeting with Civil Service and Mr. Tillotson told him it was good and potential solutions were discussed which would allow the Port to assist in screening candidates for employment;
- Commissioner LaFrance inquired as to if there was any report on the PALH Ferry Ramps and Mr. Tillotson told him not at this time; however, the RFP is going to the engineer for review; and
- Discussions were then held between the Port and some Commissioners regarding the possibility of building a new Ferry Landing in the central part of the Parish

There being nothing to report under Agenda Item 3a, "Financial Report/Budget to Actual", and no matters under Agenda Item 4, "Bids and Advertisements", Commissioner Guey moved to Agenda Item 5, "Introduction of Ordinances and Resolutions". Without objection, so ordered. The following legislation was introduced:

- 1) An Ordinance to amend the Plaquemines Port, Harbor & Terminal District's 2023 Revenue & Operating Expenditure Budget to reinstate the budgeted fee to complete all four phases of the Sustainability Partners (SP) contract; otherwise, to provide with respect thereto. COMMISSIONER GUEY
- 2) A Resolution authorizing Charles Tillotson, Executive Director of the Plaquemines Port, Harbor & Terminal District to seek a Motion to Dismiss the Petition for Declaratory Judgment, as well as the Amended and Supplemental Petition for Declaratory Judgment, entitled "Plaquemines Port, Harbor and Terminal District, et al vs. Sustainability Partners, LLC, et al, Docket No. 76739, Div. B, 25th Judicial District Court, Parish of Plaquemines, State of Louisiana"; and otherwise to provide with respect thereto COMMISSIONER GUEY

- 3) A Resolution authorizing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District to enter into a Professional Services Agreement with The Bridges Group International, LLC for Professional Services to offer advice, guidance and consulting services concerning the execution Public-Private- Partnerships; and otherwise to provide with respect thereto. COMMISSIONER GUEY
- 4) An Ordinance to appropriate funds to the Plaquemines Port, Harbor & Terminal District's 2023 Revenue & Operating Expenditure Budget, line-item Professional Services – General to onboard Rockwood Steel (RWS); and otherwise to provide with respect thereto. COMMISSIONER GUEY
- 5) An Ordinance to amend the Plaquemines Port, Harbor & Terminal District's 2023 Revenue Budget to add lease payments from Phylway Construction LLC; and otherwise to provide with respect thereto. COMMISSIONER GUEY
- 6) An Ordinance to amend, and as amended, readopt Ordinance No. 20-77 which established a policy of the Plaquemines Port, Harbor & Terminal District relative to the solicitation and receipt of proposals for professional services for the Port prior to employment; and otherwise to provide with respect thereto. COMMISSIONER GUEY
- 7) An Ordinance to amend, and as amended readopt, the Plaquemines Parish Code of Ordinances, Section 2-18, ARules for Transaction of Business Before the Council As the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District@, Chapter 1, AMeetings of the Plaquemines Parish Council As the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District@; and otherwise to provide with respect thereto. COMMISSIONER JURISICH
- 8) A Resolution approving and authorizing Dr. Stuart Guey Jr., Port Chairman, and Charles D. Tillotson, Port Executive Director to execute a Louisiana Compliance Questionnaire to Camnetar and Company, CPA's; and other wise to provide with respect thereto. COMMISSIONER SCHULZ
- 9) A Resolution of the Plaquemines Parish Council As the Sole Governing Authority of the Plaquemines Port, Harbor and Terminal District, authorizing and directing the initiation of litigation related to the proposed Belle Chasse Bridge Project; authorizing and directing the Port Chairman, Stuart J. Guey, to engage special counsel for such litigation; and otherwise to provide with respect thereto COMMISSIONER SCHULZ

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

There were no matters under Item 6a.

Commissioner Guey moved to Item 6b.

ORDINANCE NO. 23-20

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

An Ordinance to amend and as amended to readopt the Plaquemines Parish Code of Ordinances, Chapter 2, Section 2-18, *Rules governing the transaction of business before the Council as the sole governing authority of the Plaquemines Parish Port, Harbor and Terminal District*, Rules 18(a), 18(b), Rule 19.1(a)(9); and otherwise to provide with respect thereto.

Digest—An Ordinance to amend the Board Rules of Procedure to comply with the Louisiana Open Meetings Law as it relates to public comment period. The law states that public comment must take place before the governing body takes any action. Action is defined as board discussion or resulting motions on the item so once the item is offered and receives a second the public comment period for that agenda item begins. This is not a question and answer period but a time to hear public comment on the subject before Board discussion commences. The intent of the law is that public comments should inform and direct the Board's decision. Included in the

body of this resolution are guidelines for informing the public of the agenda items and their intent by posting on the Parish website. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, Louisiana Open Meetings Law dictates that a public comment period is allowed at any point in the meeting prior to action on an agenda item upon which a vote is to be taken; and

WHEREAS, it is incumbent for the Board to comply with this Law in order for said body to hear public comment prior to any discussion on the agenda item; and

WHEREAS, the intent of the law is for public comment to inform and direct the Board's decisions; and

WHEREAS, efforts to establish protocol to ensure the public has access to information that can formulate informed public comment must be in place; and

WHEREAS, both the draft and final agendas will include not only the preamble, but also a digest for each ordinance and resolution;

NOW, THEREFORE:

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

SECTION 1

The Plaquemines Parish Code of Ordinances, Chapter 2, Section 2-18, *Rules governing the transaction of business before the Council as the sole governing authority of the Plaquemines Parish Port, Harbor and Terminal District*, Rule 18(a) is hereby amended to read as follows:

"Any person shall be entitled to a reasonable hearing on any proposed ordinance or resolution. Public Comment shall take place after the preamble of each piece of legislation is read and before the floor is open to the Board members to take action."

SECTION 2

The Plaquemines Parish Code of Ordinances, Chapter 2, Section 2-18, , *Rules governing the transaction of business before the Council as the sole governing authority of the Plaquemines Parish Port, Harbor and Terminal District*, Rule 18(b) is hereby amended to read as follows:

"The person recognized shall speak only on the subject being discussed and shall use proper and respectable language. Any person who after having been called to order again varies from the subject being discussed shall be required to take his/her seat and shall not be permitted to speak further. No person shall speak more than once on any proposed ordinance or resolution except as provided in Rule 11, [and] each speaker shall be limited to five (5) minutes; however, the time allotted may be extended by a majority vote of the Board members present and voting."

SECTION 3

The Plaquemines Parish Code of Ordinances, Chapter 2, Section 2-18, , *Rules governing the transaction of business before the Council as the sole governing authority of the Plaquemines Parish Port, Harbor and Terminal District*, Rule 19.1(a)(6) is hereby amended to read as follows:

"(6) Ordinances and resolutions on second reading and final passage will now also contain digests of the legislation on the agenda."

SECTION 4

The Plaquemines Parish Code of Ordinances, Chapter , Section 2-18, *Rules governing the transaction of business before the Council as the sole governing authority of the Plaquemines Parish Port, Harbor and Terminal District*, Rule 2 is hereby amended to read as follows:

“Rule 2. Notice and agendas for all said meetings shall be given in accordance with the applicable provisions of chapter I of title 42 of the Louisiana Revised Statutes as they now exist or may hereafter be amended. Draft and final agendas shall include not only the preamble, but also the digest for each piece of legislation. Draft agendas will be posted on the Port and Parish website on the Friday before the regularly scheduled Board meeting and final agendas will be posted on the Port and Parish website on no later than 24 hours prior to the scheduled meeting.”

SECTION 5

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Port employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

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

Commissioner Newsom seconded the motion to adopt the Ordinance.

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

YEAS: Commissioners Tyronne Edwards, Brian Champagne, Chris Schulz, Stuart J. Guey, Patricia McCarty, Ronnie Newsom, Carlton M. LaFrance, Sr., Mitch Jurisich and Mark Cognevich

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of February, 2023.

There were no matters under Agenda Item 7, “New Business”; therefore, Commissioner Guey moved to Agenda Item 8, “Approval of Minutes”. Without objection, so ordered.

RESOLUTION NO. 23-52

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

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby approves the minutes of February 9, 2023, regular Port Meeting, as recorded by the Secretary of this Council.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Port employees and officials are authorized to carry out the purposes of this Resolution.

There being no further business to come before this Council, on motion Commissioner Cognevich, seconded by Commissioner McCarty, and on roll call all members present voting "YES", the meeting adjourned at 4:01 p.m.

Chairman

Secretary

For a full transcript of discussions and presentations a video of this meeting is available for viewing on the Parish website www.plaqueminesparish.com or on YouTube.