

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held in the Belle Chasse Council Chambers, 333 F. Edward Hebert Blvd., Bldg. 203, Belle Chasse, Louisiana on Thursday, March 9, 2023, at 3:00 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 Ronnie Newsom
Commissioner Carlton M. LaFrance, Sr.
Commissioner Mitch Jurisich
Commissioner Mark Cognevich

Kim M. Toups, Secretary

ABSENT: Commissioner Patricia McCarty

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

The Prayer was said and the Pledge was recited.

Commissioner Guey moved to Agenda Item 7a, "Resolutions wherein suspension is being sought". Without Objection, so ordered.

A Motion to Suspend the Rules to add an item to today's agenda for consideration was offered by Commissioner Guey. The item added was an item for Executive Session, entitled, "Discussion of litigation in accordance with LRS 44:17(A)(2) in regard to Plaquemines Port Harbor & 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". The Motion was seconded by Commissioner Schulz, and on roll call, all members voting "YES", except Commissioner McCarty who was "ABSENT", the motion was adopted by a vote of 8-0.

Commissioner Guey reverted back to Agenda Item 2, "Executive Session". Without objection, so ordered.

RESOLUTION NO. 23-72

On motion of Commissioner Guey, seconded by Commissioner Schulz, and on roll call all members present and voting "YES" except Commissioner McCarty who was "ABSENT", 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 resolves itself into Executive Session at 3:04 p.m. for Discussion of litigation in accordance with LRS 44:17(A)(2) in regard to Plaquemines Port Harbor & 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.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby came out of Executive Session at 3:59 p.m. with no final or binding action taken.

Commissioner Guey moved to Agenda Item 3, "Status Report by the Executive Port Director". Without objection, so ordered. Mr. Tillotson reported the following:

- In the last couple of weeks the Port continued on the path of working with Mr. Tommy Serpas who is working on financials for 2023. They are almost at the point that the Finance Reports can resume being presented at the meetings;
- He did a ride along from the Port of New Orleans to Southwest Pass wherein he was able to get a water view of the entire Port region;
- He had a couple of other meetings with Venture Global which went really well; and

- Port employees had an extreme teambuilding trip with Council Member Cognevich who brought them to Fort St. Phillip.

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”. The following legislation was introduced:

1. An Ordinance authorizing Charles Tillotson, Executive Director of Plaquemines Port, Harbor and Terminal District to purchase land owned by Todd R. Lavalla; and otherwise to provide with respect thereto. COMMISSIONER GUEY
2. A Resolution to amend the Civil Service Job Description for the Port Director of Finance position as adopted by Resolution 19-121, by the Plaquemines Parish Council as the sole governing authority of the Plaquemines Port Harbor & Terminal District and the Plaquemines Parish Civil Service Commission; and otherwise to provide with respect thereto. COMMISSIONER GUEY
3. An Ordinance authorizing the Executive Director of the Plaquemines Port, Harbor and Terminal District ("Port"), Charles Tillotson to engage the legal services of Breazeale, Sachse & Wilson to explore and begin the process of transitioning the Port from Plaquemines Parish Civil Service to the Louisiana State Civil Service system; and otherwise to provide with respect thereto. COMMISSIONER GUEY
4. An Ordinance authorizing the Executive Director of the Port, Charles Tillotson to enter into and execute a contract with Mercury Public Affairs, Lobbyist, for a period of one year to represent the Plaquemines Port Harbor & Terminal District in any upcoming sessions of the Federal Government, or any other meetings, etc., deemed necessary to protect its interest in all matters; and otherwise to provide with respect thereto. COMMISSIONER GUEY
5. An Ordinance authorizing the Executive Director of the Port, Charles Tillotson to enter into and execute a contract with The Chesapeake Group, Lobbyist, for a period of one year to represent the Plaquemines Port Harbor & Terminal District in any upcoming sessions of the Louisiana State Legislature, or any other meetings, etc., deemed necessary to protect its interest in all matters; and otherwise to provide with respect thereto. COMMISSIONER GUEY

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

The following items were deferred:

- 6b, “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”;
- 6c, “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”;
- 6d, “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 of Public-Private- Partnerships; and otherwise to provide with respect thereto”; and
- 6e, “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”;

ORDINANCE NO. 23-22

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

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.

Digest: Phylway Construction currently leases property from the Port. Pursuant to the terms of their lease, they are currently leasing property on a month to month basis. This adjustment in rental income will be included in the 2023 Budget. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, amendments to the 2023 Revenue Budgets are necessary;

NOW, THEREFORE:

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

SECTION 1

The Plaquemines Port, Harbor & Terminal District’s 2023 Revenue Budget is amended to appropriate \$6,000 to the Unrestricted Fund Balance as follows:

FUND: 445 Plaquemines Port Harbor & Terminal District
DEPARTMENT: 000 Revenue
DIVISION: 0000 Revenue

<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>INC/DEC</u>	<u>AMENDMENT</u>
468.277	Rental/Leases	Phylway Inc	\$6,000

SECTION 2

The Port Chairman is hereby authorized and directed to amend the budget to include the additional rental payments from Phylway Construction into the 2023 Budget.

SECTION 3

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

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

Commissioner LaFrance seconded the motion to adopt the Ordinance.

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

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

NAYS: None

ABSENT: Commissioner Patricia McCarty

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 9th day of March, 2023.

ORDINANCE NO. 23-23

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

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.

DIGEST – Whereas, Ordinance No. 15-138 established a professional services policy with respect to seeking, including but not limited to legal, engineering, consulting and architectural services exceeding \$50,000. Ordinance No. 20-77 amended Ordinance No. 15-138, removing the ability for the Executive Director to approve any emergency contracts with prior consent of the Council at the discretion of the Executive Director. This Ordinance will allow the Executive Director the immediate opportunity and ability to act in the best interest of the Port when an emergency arises. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, there is a need to amend Ordinance No. 20-77 to re-establish a professional services proposal limit to the policy;

NOW, THEREFORE:

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

SECTION 1

It hereby establishes the following policy regarding seeking professional services, including but not limited to legal, engineering, consulting and architectural services exceeding \$50,000:

1. The Port Administration shall submit the entire proposal package to the Council Secretary for review by the Council.
2. The Port Administration shall solicit proposals from at least (3) three firms, companies or individuals providing the desired services prior to employment. The Executive Director, Charles Tillotson, may then, at his discretion, select the most qualified.
3. Agreements for professional services, above \$50,000, shall not be signed until legislation is adopted by the Council authorizing the Executive Port Director to execute the contract.

SECTION 2

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

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

Commissioner Champagne 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, Ronnie Newsom, Carlton M. LaFrance, Sr., Mitch Jurisich and Mark Cognevich

NAYS: None

ABSENT: Commissioner Patricia McCarty

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 9th day of March, 2023.

Agenda Item 6h was offered by Commissioner Jurisich for discussion only. It was seconded, a discussion was held and then the matter was deferred.

RESOLUTION NO. 23-73

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

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 otherwise to provide with respect thereto.

Digest: The Louisiana Compliance Questionnaire is a required part of a financial audit of Louisiana and state and local government agencies. This Questionnaire must be approved by means of a formal Resolution in accordance with the Louisiana Open Meetings Law. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, in connection with the audit of financial statements as of December 31, 2022, the Office of the Legislative Auditor of the State of Louisiana has requested Plaquemines Port Harbor & Terminal District complete and adopt a Louisiana Compliance Questionnaire; and

WHEREAS, the Port Administration has assured the Parish Council as the governing authority of the Plaquemines Port, Harbor & Terminal District that the Louisiana Compliance Questionnaire has been completed in accordance with law and that all answers are true and correct to the best of its belief and knowledge;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT it hereby approves and authorizes Dr. Stuart Guey, Jr., Port Chairman and Charles D. Tillotson, Port Executive Director, to execute a Louisiana Compliance Questionnaire to Camnetar & Co., CPAs, in connection with the audit of financial statements as of December 31, 2022, and for the year then ended.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Port employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 23-74

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

A Resolution of the Plaquemines Parish Council, acting 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.

DIGEST: The State of Louisiana began a project to remove the existing Bridge and Tunnel and construct a new bridge in LA HWY23. The contract for this project falls under the authority for a

Public-Private-Partnership. State law provides that since the project is in the geographic jurisdiction of the Port, then DOTD must obtain written approval of the Port. DOTD contends that the written approval from the Port was not needed so the project moved forward. This resolution will authorize the Port Chairman to engage special counsel to the Court to review the law and determine if the project requires the written approval of the Port. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, the State of Louisiana, through the Department of Transportation and Development, has entered into a contract with a private company, Plenary Infrastructure Belle Chasse, LLC, for the removal of the existing Belle Chasse Bridge and Tunnel, the construction of a new Belle Chasse Bridge, and the operation of the new Belle Chasse Bridge, also known as the State Project H.004791; and

WHEREAS, the contract appears to fall under the authority for public-private partnerships found in Chapter 30 of Title 48 of the Louisiana Revised Statutes, specifically LRS 48:2084.1 through 48:2084.15; and

WHEREAS, LRS 48:2084.15 specifically provides that when such a project is to be located within the jurisdiction of a port, harbor and terminal district the written agreement of the affected port, harbor and terminal district is required before the project is approved; and

WHEREAS, the proposed Belle Chasse Bridge project is located in Plaquemines Parish, which is within the jurisdiction of the Plaquemines Port, Harbor and Terminal District; and

WHEREAS, the DOTD has not obtained the written approval of the Plaquemines Port, Harbor and Terminal District as required under LRS 48:2084.15; and

WHEREAS, despite lacking the written approval of the Plaquemines Port, Harbor and Terminal District, the DOTD has moved forward with executing agreements toward completing the project; and

WHEREAS, the Plaquemines Port, Harbor and Terminal District will need to seek judicial intervention to assert its authority under LRS 48:2084.15 and other law;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE GOVERNING AUTHORITY FOR THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT, Stuart J. Guey is authorized and directed to enter into a contract for legal services with Dannie P. Garrett, III, Attorney at Law, LLC, to represent the Plaquemines Port, Harbor and Terminal District in litigation related to the proposed Belle Chasse Bridge project.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE GOVERNING AUTHORITY FOR THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT, after execution of such contract for legal services, the offices of Dannie P. Garrett, III, Attorney at Law, LLC, is hereby authorized to initiate litigation on behalf of the Plaquemines Port, Harbor and Terminal District to assert its rights related to the proposed Belle Chasse Bridge project.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Port employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

There were no matters under Agenda Item 7, "New Business".

Commissioner Guey moved to Agenda Item 8, "Approval of Minutes". Without objection, so ordered.

RESOLUTION NO. 23-75

On motion of Commissioner Cognevich, seconded by Commissioner Schulz, and on roll call all members present and voting “YES”, except Commissioner McCarty who was “ABSENT”, 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 the February 23, 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 Newsom, and on roll call all members present voting “YES”, except Council Member McCarty who was “ABSENT”, the meeting adjourned at 4:34 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.