

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 Building Chambers, 333 F. Edward Hebert Blvd., Bldg. 203, Belle Chasse, Louisiana on Thursday, August 12, 2021, at 3:02 p.m., pursuant to notice to all members with a quorum present as follows:

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

Kim M. Toups, Secretary

ABSENT: Commissioner John L. Barthelemy, Jr.

Sandy Sanders, Paul Matthews and Christie Nielsen 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 Blink moved to Agenda Item 3, "Status Report by the Executive Port Director". Without objection, so ordered. The following was reported by Sandy Sanders:

- Port Administration met with Director Todd Eppley, Hilda Lott and John Helmers and the Nictakis Group regarding possible grants for both the Port and PPG Administrations;
- The Port received a Letter of Support from Senator Cassidy for the CHS grant;
- Paul Matthews provided a report on the CHS grant and where we are on the engineering of the Booster Station;

Commissioner Barthelemy joined the meeting at 3:07 p.m.

- There was a meeting this past Monday between the Port Administration, the Port Chairman & Vice-Chair in which many topics were discussed, including an in-house Port Attorney;
- David Vitter provided an update to the Port on Baptiste Collette dredging as well as for Tiger Pass;
- 7 Port employees from the crew boats who tested positive for COVID 19 so the Port is running on a skeleton crew in order to maintain a security crew. Also an immediate quarantine has been ordered for all who have possibly been exposed and they will be allowed back to work after 5 days with a negative COVID test;
- Chris Fetters made a brief presentation regarding the immediate steps, long term goals, objectives and timeframes of his engagement by the Port. He also provided a reporting time table for other meetings

Commissioners asked the following questions:

- Commissioner Cognevich asked if the boats and facilities were being cleaned due to the COVID outbreak and he was told that the areas are disinfected daily. He also offered his help on his days off if the Port is in need of a boat Captain;
- Commissioner Newberry commented that the "schedule" within the documents sent to all Commissioners by Chris Fetters was not big enough to read. Mr. Fetters will make sure in the future to make the items larger;
- Commissioner Rousselle questioned Mr. Fetters' reference to Service Project Group and asked what job they are doing. He was told by Mr. Fetters that they were the administrative group on the vendor side of the project. Commissioner Rousselle asked if there were any other sub-contractors and was told yes. The next question by Commissioner Rousselle was if the Board approved the sub-contractors and Fetter said no but they could have input;
- Commissioner Rousselle then asked if the new CHS dock was north or south of the existing dock and was told by Mr. Matthews that he could not tell from the documents he had with

him but he would let Commissioner Rousselle know. Mr. Matthews did say that the dock was on CHS's property.

There were no "Financial Report/Budget to Actual" or any "Bids and Advertisements", therefore, Commissioner Blink moved to Agenda Item 5, "Introduction of Ordinances and Resolutions". Without objection, so ordered. The following legislation was introduced:

1. An Ordinance to amend and as amended the Plaquemines Parish Port, Harbor & Terminal District 2021 Operating Budget of Revenue and Expenditures; and otherwise to provide with respect thereto. COMMISSIONER BLINK
2. A Resolution swapping the locations of the two regularly scheduled October meetings 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 BLINK
3. An Ordinance to create the Legal Department and the position of Executive Counsel of the Plaquemines Port, Harbor & Terminal District; to amend the 2021 General Fund, Manpower Structure and Operating Expenditure Budget to provide for the Legal Department; and otherwise to provide with respect thereto. COMMISSIONER BLINK
4. An Ordinance to amend, and as amended to approve, the Plaquemines Parish Port, Harbor & Terminal District 2021 Operating Budget of Revenue and Expenditures; and otherwise to provide with respect thereto. COMMISSIONER BLINK

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

There was no legislation under Item 6a.

Agenda Item 6b, "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, Richie Blink, to engage special counsel for such litigation; and otherwise to provide with respect thereto" was offered by Commissioner LaFrance and seconded by Commissioner Cognevich. The item was opened to the public for comment wherein several members of the public addressed the Council, as well as, Shawn Wilson, Secretary for the Louisiana Department of Transportation and Development. After discussions were held the resolution was put to a vote.

RESOLUTION NO. 21-201

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

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, Richie Blink, to engage special counsel for such litigation; and otherwise to provide with respect thereto.

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, Richie Blink 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 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. 21-202

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

A Resolution of the Plaquemines Parish Council, as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, to amend, and as amended readopt Resolution No. 21-158 authorizing and directing the Executive Director to engage the Miller Nictakis Group; and otherwise to provide with respect thereto.

WHEREAS, Resolution No. 21-158 was adopted at the June 10, 2021, meeting of the Plaquemines Parish Council as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District; and

WHEREAS, it is the desire of this Council to amend Resolution No. 21-158 to include the correct not to exceed monthly amount to be paid to Miller Nictakis Group;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE GOVERNING AUTHORITY FOR THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT Maynard J. "Sandy" Sanders is authorized and directed to enter into a contract for professional services with the Miller Nictakis Group, for consulting and grant research and writing services, under terms not to exceed \$3,500 per month.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING 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 officials and employees are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Commissioner Blink moved to Agenda Item 7, "New Business". Without objection, so ordered.

There were no items for suspension under Agenda Item 7a.

Under Agenda Item 7b, "Presentation and discussion by Plenary in regard to the Belle Chasse Bridge". Several representatives from Plenary provided a Power Point presentation and addressed the Council regarding their roles in the project.

Present were: Dale Bonner Executive Chairman of Plenary Americas
Dennis Covington who deals with Project Delivery
Christian Guevara V.P. of Operations and Assets
David VanHeeswijk Project Manager for the Bridge and Tunnel Project
Terry Ostrom V.P. of Project Delivery

The representatives explained their roles in the project, reviewed certain aspects of their responsibilities and of the project itself. Leatrice Dupre, PIO for the Belle Chasse Bridge and Tunnel Replacement Project, addressed the Council regarding an upcoming job fair. Commissioner LaFrance asked for the information on the job fair and Ms. Dupre said she would send all of the information to him.

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

RESOLUTION NO. 21-203

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

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby approves the minutes of the July 22, 2021, regular Port Meeting, as recorded by the Secretary of this 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 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 LaFrance, seconded by Commissioner Blink and on roll call all members present voting "YES", the meeting adjourned at 5:43 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.