

ORDINANCE NO. 21-

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

2 An Ordinance to amend, and as amended to approve, the Plaquemines Port,
3 Harbor & Terminal District 2021 Operating Budget of Revenue and Expenditures;
4 and otherwise to provide with respect thereto.

5 WHEREAS, the Plaquemines Port, Harbor & Terminal District 2021 Operating Budget of
6 Revenue and Expenditures should be amended to reflect the funding of these services by
7 appropriating \$70,000 for Legal Counsel from the Port's unrestricted balance is requested;

8
9 NOW, THEREFORE:

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

13 style="text-align: center;">SECTION 1

14 Plaquemines Port, Harbor Terminal District 2021 Revenue and Expenditure Budget is hereby
15 amended by appropriating \$70,000 to Legal Support- General for Legal Counsel from the Port's
16 unrestricted balance.

17 style="text-align: center;">SECTION 2

18
19
20 The Secretary of this Council is hereby authorized and directed to immediately certify and
21 release this Ordinance and that Port employees and officials are authorized to carry out the
22 purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish
23 Council.
24

RESOLUTION NO. 21-

The following Resolution was offered by Commissioner LaFrance who moved its adoption:

1 A Resolution of the Plaquemines Parish Council, acting as the sole governing
2 authority of the Plaquemines Port, Harbor and Terminal District, authorizing and
3 directing the initiation of litigation related to the proposed Belle Chasse Bridge
4 Project; authorizing and directing the Port Chairman, Richie Blink, to engage
5 special counsel for such litigation; and otherwise to provide with respect thereto.
6

7 WHEREAS, the State of Louisiana, through the Department of Transportation and Development,
8 has entered into a contract with a private company, Plenary Infrastructure Belle Chasse, LLC, for
9 the removal of the existing Belle Chasse Bridge and Tunnel, the construction of a new Belle Chasse
10 Bridge, and the operation of the new Belle Chasse Bridge, also known as the State Project
11 H.004791; and
12

13 WHEREAS, the contract appears to fall under the authority for public-private partnerships found
14 in Chapter 30 of Title 48 of the Louisiana Revised Statutes, specifically LRS 48:2084.1 through
15 48:2084.15; and
16

17 WHEREAS, LRS 48:2084.15 specifically provides that when such a project is to be located within
18 the jurisdiction of a port, harbor and terminal district the written agreement of the affected port,
19 harbor and terminal district is required before the project is approved; and
20

21 WHEREAS, the proposed Belle Chasse Bridge project is located in Plaquemines Parish, which is
22 within the jurisdiction of the Plaquemines Port, Harbor and Terminal District; and
23

24 WHEREAS, the DOTD has not obtained the written approval of the Plaquemines Port, Harbor and
25 Terminal District as required under LRS 48:2084.15; and
26

27 WHEREAS, despite lacking the written approval of the Plaquemines Port, Harbor and Terminal
28 District, the DOTD has moved forward with executing agreements toward completing the project;
29 and
30

31 WHEREAS, the Plaquemines Port, Harbor and Terminal District will need to seek judicial
32 intervention to assert its authority under LRS 48:2084.15 and other law;
33

34 NOW, THEREFORE:

35
36 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE
37 GOVERNING AUTHORITY FOR THE PLAQUEMINES PORT, HARBOR AND TERMINAL
38 DISTRICT THAT, Richie Blink is authorized and directed to enter into a contract for legal services
39 with Dannie P. Garrett, III, Attorney at Law, LLC, to represent the Plaquemines Port, Harbor and
40 Terminal District in litigation related to the proposed Belle Chasse Bridge project.
41

42 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE
43 GOVERNING AUTHORITY FOR THE PLAQUEMINES PORT, HARBOR AND TERMINAL
44 DISTRICT THAT, after execution of such contract for legal services, the offices of Dannie P.
45 Garrett, III, Attorney at Law, LLC, is hereby authorized to initiate litigation on behalf of the
46 Plaquemines Port, Harbor and Terminal District to assert its rights related to the proposed Belle
47 Chasse Bridge project.
48

49 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE
50 GOVERNING OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT
51 THAT the Secretary of this Council is hereby authorized and directed to immediately certify and
52 release this Resolution and that Port employees and officials are authorized to carry out the
53 purposes of this Resolution, both without further reading and approval by the Plaquemines Parish
54 Council.
55

RESOLUTION NO. 21-

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

1 A Resolution of the Plaquemines Parish Council to issue a summons, under the
2 authority of Section 4.02(B) of the Charter for Local Self Government; and to
3 provide for related matters.
4

5 WHEREAS, Section 4.02(B) of the Charter for Local Self-Government for Plaquemines Parish,
6 Louisiana (“the Charter”) provides, in pertinent part: *The parish council may conduct*
7 *investigations and may issue ... summonses to compel the attendance of witnesses and their*
8 *examination under oath to secure data and information helpful in the adoption of ordinances to*
9 *carry out the objects and purposes of this Charter; and*
10

11 WHEREAS, the attendance of witnesses representing Plenary Infrastructure Belle Chasse, LLC
12 will be helpful in the adoption of ordinances related to the construction and operation of the Belle
13 Chasse Bridge in Plaquemines Parish and the welfare of the residents of Plaquemines Parish; and
14

15 WHEREAS, the attendance of witnesses representing the Department of Transportation and
16 Development, State of Louisiana will be helpful in the adoption of ordinances related to the
17 construction and operation of the Belle Chasse Bridge in Plaquemines Parish and the welfare of
18 the residents of Plaquemines Parish; and
19

20 WHEREAS, the attendance of witnesses representing _____ will be helpful
21 in the adoption of ordinances related to the construction and operation of the Belle Chasse Bridge
22 in Plaquemines Parish and the welfare of the residents of Plaquemines Parish; and
23

24 WHEREAS, the above referenced witnesses should appear before a duly called meeting of the
25 Plaquemines Parish Council to testify under oath therein;
26

27 NOW, THEREFORE:

28
29 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the following are
30 hereby summoned to appear before the Plaquemines Parish Council on the 22nd day of July, 2021
31 at its meeting located in the Council Chambers located at 18039 Hwy 15, Pointe-a-la-Hache,
32 Louisiana, at 3:00 PM CT to provide testimony under oath in regard to the Belle Chasse Bridge &
33 Tunnel Replacement Public-Private Partnership Project, Plaquemines Parish, State Project No.
34 H.004791:
35

- 36 • A representative of Plenary Infrastructure Belle Chasse, LLC;
- 37 • A representative of the State of Louisiana, Department of Transportation and
38 Development; and
- 39 • A representative of _____
40

41 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT this
42 Resolution is and shall be deemed a SUMMONS TO APPEAR AND PROVIDE TESTIMONY
43 UNDER OATH as to the persons identified herein.
44

45 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
46 Council Secretary shall, within the seven (7) days of the approval of this Resolution, place into the
47 U.S. Mail, certified, a copy of this summons to each of the following:
48

- 49 • Plenary Infrastructure Belle Chasse, LLC;
- 50 • State of Louisiana, Department of Transportation and Development; and
- 51 • _____
52

53 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
54 Secretary of this Council is hereby authorized and directed to immediately certify and release this
55 Resolution and that Parish officials and employees are authorized to carry out the purposes of this
56 Resolution, both without further reading and approval by the Plaquemines Parish Council.
57

RESOLUTION NO. 21-

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

1 A Resolution of the Plaquemines Parish Council, specifically authorizing and
2 tasking Council Special Counsel, Dannie P. Garrett, III, Attorney at Law, LLC to
3 initiate and litigate a petition for declaratory judgment related to Chapter 18, Article
4 V of the Plaquemines Parish Code of Ordinances and prior agreements related
5 thereto; and otherwise to provide with respect thereto.
6

7 WHEREAS, the Plaquemines Parish Council has previously engaged Dannie P. Garrett, III,
8 Attorney at Law, LLC as Special Counsel, as provided in Plaquemines Parish Home Rule Charter
9 Section 5.02(C); and
10

11 WHEREAS, in the past there have been disputes about the extent of the applicability of the Chapter
12 18, Article V of the Plaquemines Parish Code of Ordinances; and
13

14 WHEREAS, there were agreements entered related to various permittees holding prior and expired
15 permits under Chapter 18, Article V of the Plaquemines Parish Code of Ordinances; and
16

17 WHEREAS, there have recently and will be in the near future new permits that are to be considered
18 for award by the Plaquemines Parish Council under Chapter 18, Article V of the Plaquemines
19 Parish Code of Ordinances; and
20

21 WHEREAS, there is confusion as to the applicability of Chapter 18, Article V of the Plaquemines
22 Parish Code of Ordinances to the recently issued and future permits;
23

24 NOW, THEREFORE:

25
26 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT Dannie P. Garrett, III,
27 Attorney at Law, LLC is authorized and directed, under the terms of the existing contract between
28 Dannie P. Garrett, III, Attorney at Law, LLC and the Plaquemines Parish Council, to initiate and
29 litigate a petition for declaratory judgment related to Chapter 18, Article V of the Plaquemines
30 Parish Code of Ordinances and prior agreements related thereto to resolve the questions of law
31 related thereto.
32

33 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT Dannie
34 P. Garrett, III, Attorney at Law, LLC is authorized and directed to include as party defendants to
35 such matter parties with pending permit applications and those awarded a permit on or after
36 January 1, 2020.
37

38 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
39 Secretary of this Council is hereby authorized and directed to immediately certify and release this
40 Resolution and that Parish officials and employees are authorized to carry out the purposes of this
41 Resolution, both without further reading and approval by the Plaquemines Parish Council.
42

ORDINANCE NO. 21-

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

1 An Ordinance to amend the 2021 Operating Revenue Budget and to designate all
2 American Rescue Plan funding; and otherwise to provide with respect thereto.

3 WHEREAS, Plaquemines Parish Government has been awarded funding from the American
4 Rescue Plan Act of 2021 in the amount of \$4,505,745; and

5 WHEREAS, the funding will be received in two payments; one-half following the enactment
6 (received June 28, 2021) and one-half 12 months following the receipt of the first payment; and

7 WHEREAS, it is the desire of the Parish President and the Parish Council to designate all
8 revenues received from the American Rescue Plan and to restrict all appropriations of the
9 American Rescue Plan funds to only those expenditures eligible under the plan guidelines; and

10 WHEREAS, amending the 2021 Operating Revenue Budget, is requested;

11 NOW, THEREFORE:

12 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

14 The 2021 Operating Revenue Budget is amended as follows:

Fund: 001 General Fund			
Dept/Div: 000-0000 Revenues			
Object	Description	Inc/Dec	Amendment
426.001	American Rescue Act Plan	Inc	2,252,872.50

SECTION 2

22 The Parish Council hereby designates the amount of \$2,252,872.50 to the Fund Balance
23 Designated for the American Rescue Plan.

SECTION 3

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

RESOLUTION NO. 21-

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

1 A Resolution of the Plaquemines Parish Council authorizing and directing the
2 initiation of litigation related to the proposed Belle Chasse Bridge Project;
3 authorizing and directing the Chairman, Mark Cognevich to engage special counsel
4 for such litigation; and otherwise to provide with respect thereto.

5
6 WHEREAS, the State of Louisiana, through the Department of Transportation and Development,
7 has entered into a contract with a private company, Plenary Infrastructure Belle Chasse, LLC, for
8 the removal of the existing Belle Chasse Bridge and Tunnel, the construction of a new Belle Chasse
9 Bridge, and the operation of the new Belle Chasse Bridge, also known as the State Project
10 H.004791; and

11
12 WHEREAS, the contract appears to fall under the authority for public-private partnerships found
13 in Chapter 30 of Title 48 of the Louisiana Revised Statutes, specifically LRS 48:2084.1 through
14 48:2084.15; and

15
16 WHEREAS, the proposed Belle Chasse Bridge project is located in Plaquemines Parish, which is
17 within the jurisdiction of the Plaquemines Parish Council; and

18
19 WHEREAS, the DOTD has not obtained the written approval of the Plaquemines Parish Council
20 as required under LRS 48:2084.15; and

21
22 WHEREAS, despite lacking the written approval of the Plaquemines Parish Council, the DOTD
23 has moved forward with executing agreements toward completing the project; and

24
25 WHEREAS, the Plaquemines Parish Council will need to seek judicial intervention to assert its
26 authority under LRS 48:2084.15 and other law;

27
28 NOW, THEREFORE:

29
30 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT Mark Cognevich is
31 authorized and directed to enter into a contract for legal services with Dannie P. Garrett, III,
32 Attorney at Law, LLC, to represent the Plaquemines Parish Council in litigation related to the
33 proposed Belle Chasse Bridge project.

34
35 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT, after
36 execution of such contract for legal services, the offices of Dannie P. Garrett, III, Attorney at Law,
37 LLC, is hereby authorized to initiate litigation on behalf of the Plaquemines Parish Council to
38 assert its rights related to the proposed Belle Chasse Bridge project.

39
40 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the Secretary of this
41 Council is hereby authorized and directed to immediately certify and release this Resolution and
42 that Parish employees and officials are authorized to carry out the purposes of this Resolution,
43 both without further reading and approval by the Plaquemines Parish Council.

44

ORDINANCE NO. 21-

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

1 An Ordinance to amend the 2021 General Fund, Manpower Structure and
2 Operating Expenditure Budget; and otherwise to provide with respect thereto.

3 WHEREAS, after a review of the manpower needs of the Flood Control Department, it has been
4 recommended to create and fund two full-time Heavy Equipment Operator I positions;

5 NOW, THEREFORE:

6 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

8 The 2021 Manpower Structure, is amended by creating and funding two full-time Heavy
9 Equipment Operator I positions in the Flood Control-General Department.

SECTION 2

11 The 2021 General Fund, Operating Expenditure Budget, is amended as follows:

Fund: 001 General Fund			
Dept/Div: 770-4500 Flood Control-Gen Department			
Object	Description	Inc/Dec	Amendment
510.005	Salaries & Wages-Regular	Inc	19,780
515.005	FICA Taxes	Inc	280
516.105	Retirement PERS	Inc	2,420
517.005	Group Insurance Health	Inc	11,260

Fund: 001 General Fund			
Dept/Div: 482-2445 Economic Dev/Tourism Department			
Object	Description	Inc/Dec	Amendment
510.005	Salaries & Wages-Regular	Dec	(33,740)

SECTION 3

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

ORDINANCE NO. 21-

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

1 An Ordinance to amend the 2021 Library Services Fund, Operating Expenditure
2 Budget, Libraries General Department; and otherwise to provide with respect
3 thereto.

4 WHEREAS, after a review of the operating expenditure budget for the Library Department, an
5 amendment is necessary;

6 NOW, THEREFORE:

7 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

9 The 2021 Library Services Fund, Operating Expenditure Budget, Libraries General Department,
10 is amended by appropriating \$15,000 from the Library Services Fund Unreserved/Undesignated
11 Fund Balance as follows:

Fund: 006 Library Services Fund			
Dept/Div: 675-4240 Libraries General Department			
Object	Description	Inc/Dec	Amendment
568.505	Property-Major Repairs	Inc	15,000

SECTION 2

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

ORDINANCE NO. 21-

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

1 An Ordinance to amend the Five Year Capital Improvements Plan, Land Acquisition-
2 F. Edward Hebert Blvd Project; authorize the Parish President to do all things necessary
3 and proper to either acquire by public auction or private sale the property known as
4 Tract B, on the Map of Division, Property of the State of Louisiana, Department of
5 Health and Hospitals, Belle Chasse, LA by Hugh McCurdy, III, LA PLS Number 4647,
6 dated December 8, 2009, containing 18.67 acres, more or less, across F. Edward Hebert
7 Blvd. from the Plaquemines Parish Government Complex; and otherwise to provide
8 with respect thereto.

9 WHEREAS, a review of the Five Year Capital Improvements Plan was performed and an amendment
10 is necessary; and

11
12 WHEREAS, the Plaquemines Parish Council desires to acquire for public purposes the property known
13 as Tract B, on the Map of Division, Property of the State of Louisiana, Department of Health and
14 Hospitals, Belle Chasse, LA by Hugh McCurdy, III, LA PLS Number 4647, dated December 8, 2009,
15 containing 18.67 acres, more or less, across F. Edward Hebert Blvd. from the Plaquemines Parish
16 Government Complex.

17 NOW, THEREFORE:

18 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

19
20 The Five Year Capital Improvements Plan is amended by appropriating \$_____ to the Land
21 Acquisition-332 F. Edward Hebert Blvd Project from the Fund Balance Designation for the BP
22 Settlement; funding year, 2021.

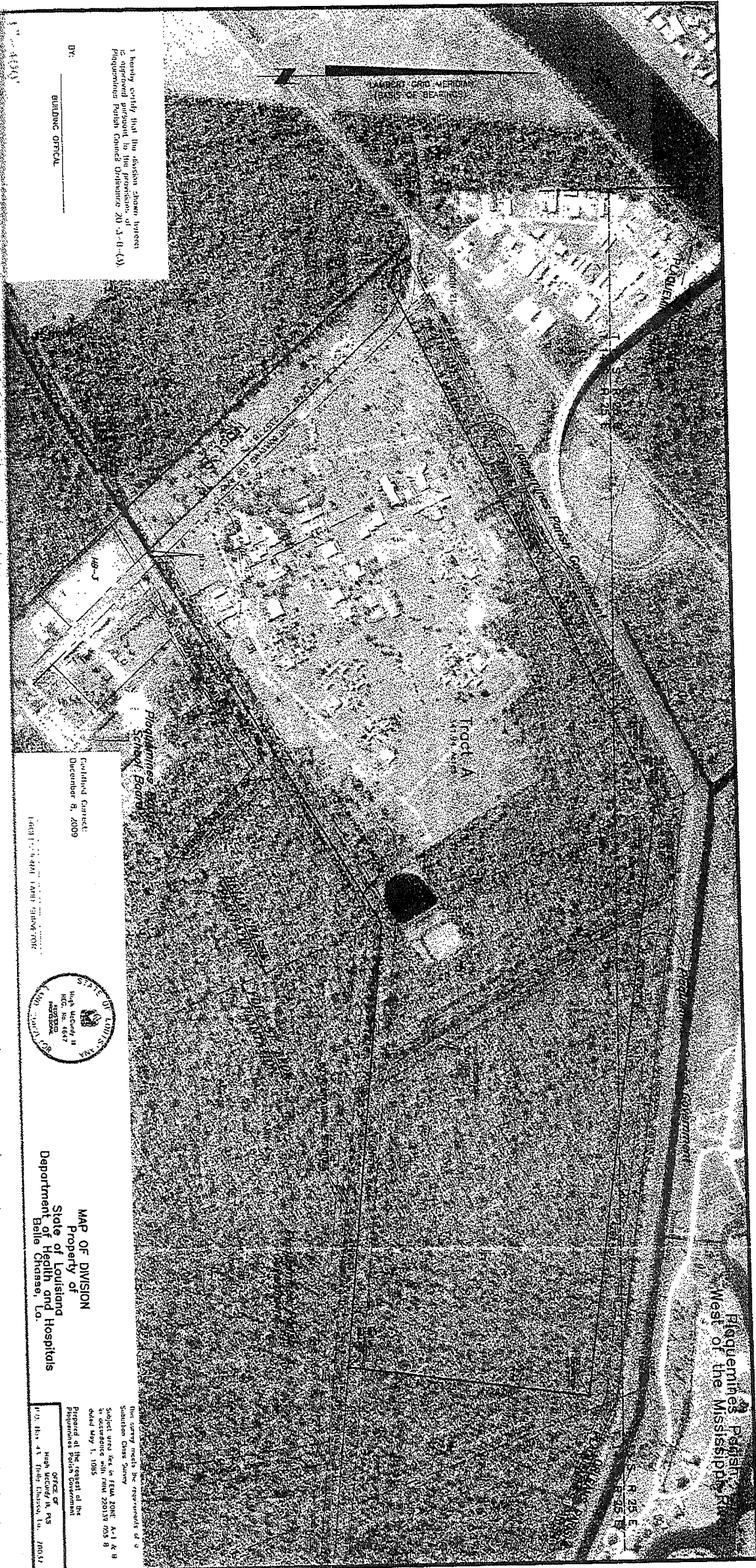
SECTION 2

23
24 The Parish President is hereby authorized to do all things necessary and proper to either acquire at
25 public auction or private sale the property known as Tract B, on the Map of Division, attached hereto
26 as Exhibit A, Property of the State of Louisiana, Department of Health and Hospitals, Belle Chasse,
27 LA by Hugh McCurdy, III, LA PLS Number 4647, dated December 8, 2009, containing 18.67 acres,
28 more or less, across F. Edward Hebert Blvd. from the Plaquemines Parish Government Complex.

SECTION 3

29
30 The Secretary of this Council is hereby authorized and directed to immediately certify and release this
31 Ordinance and that Parish employees and officials are authorized to carry out the purposes of this
32 Ordinance, both without further reading and approval by the Plaquemines Parish Council.

Exhibit A



I hereby certify that the division shown herein
 is in accordance with the provisions of
 the Louisiana Parish Census Ordinance 20 3-B-(4)

BY:

BUILDING OFFICIAL

Couillard Corbett
 December 9, 2009

LEGISLATIVE MAP DIVISION



MAP OF DIVISION
 Property of
 State of Louisiana
 Department of Health and Hospitals
 Belle Chasse, La.

This survey was made in accordance with the provisions of
 Louisiana Civil Code, Article 3331, and the provisions of
 the Louisiana Parish Census Ordinance 20 3-B-(4) and
 is in accordance with the provisions of the Louisiana
 Parish Census Ordinance 20 3-B-(4) and is in accordance
 with the provisions of the Louisiana Parish Census
 Ordinance 20 3-B-(4) and is in accordance with the
 provisions of the Louisiana Parish Census Ordinance
 20 3-B-(4) and is in accordance with the provisions
 of the Louisiana Parish Census Ordinance 20 3-B-(4)

RESOLUTION NO. 21-

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

1 A Resolution authorizing the Plaquemines Parish Government’s President to enter
2 into a Cooperative Endeavor Agreement with the Coastal Protection Restoration
3 Authority (CPRA) for the Reach C Culvert Closure-Phoenix to Bohemia Project;
4 and otherwise to provide with respect thereto.

5 WHEREAS, the Coastal Protection Restoration Authority (CPRA) has pledged funding in the
6 amount of \$2,300,000 to Plaquemines Parish Government for the Reach C Culvert Closure-
7 Phoenix to Bohemia project; and

8 WHEREAS, the Plaquemines Parish Council feels it is in the best interest of Plaquemines Parish
9 Government to enter into a Cooperative Endeavor Agreement with the Coastal Protection
10 Restoration Authority (CPRA) for the Reach C Culvert Closure-Phoenix to Bohemia project;

11 NOW, THEREFORE:

12 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT Plaquemines Parish
13 Government’s President, Kirk Lepine, is hereby authorized to enter into the Cooperative
14 Endeavor Agreement with the Coastal Protection Restoration Authority (CPRA) for the Reach
15 C Culvert Closure-Phoenix to Bohemia Project.

16 BE IT FURTHER RESOLVE BY THE PLAQUEMINES PARISH COUNCIL THAT the
17 Secretary of this Council is hereby authorized and directed to immediately certify and release
18 this Resolution and that Parish employees and officials are authorized to carry out the purposes
19 of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 21-

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

1 An Ordinance to amend the 2021 General Fund, Operating Expenditure Budget,
2 Swimming Pools-Davant Department; and otherwise to provide with respect
3 thereto.

4 WHEREAS, upon review of the 2021 Operating Expenditure Budget, an amendment to the
5 Swimming Pools-Davant Department is necessary;

6 NOW, THEREFORE:

7 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

9 The 2021 General Fund, Operating Expenditure Budget, Swimming Pools-Davant Department, is
10 amended by appropriating \$15,100 from _____ as follows:

Fund: 001 General Fund			
Dept/Div: 655-4147 Swimming Pools-Davant Department			
Object	Description	Inc/ Dec	Amendment
528.510	Maintenance-Property & Equipment	Inc	15,100

SECTION 2

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