

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held at the Pointe-a-la-Hache Courthouse Council Chambers, 18055 Highway 15, Pointe-a-la-Hache, Louisiana on Thursday, April 28, 2022, at 3:00 p.m., pursuant to notice to all members with a quorum present as follows:

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

Kim M. Toups, Secretary

Sandy Sanders and Christie Nielsen were present representing the Port.

The Prayer was said and the Pledge was recited.

Commissioner Rousselle moved to Agenda Item 2, "Executive Session". Without objection, so ordered.

RESOLUTION NO. 22-106

On motion of Commissioner Rousselle, seconded by Commissioner LaFrance, 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 resolves itself into Executive Session at 3:03 p.m. for the purpose of hearing a report and recommendations and strategy advice for the management of litigation from its attorney concerning: Receipt and discussion of attorney-client privileged communications in regard to potential and proposed acquisition of Pointe Celeste Farms properties, and the methodology to be employed. (LRS 42:17(A)(10))-Attorney J. Kendall Rathburn.

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 3:33 p.m. with no final or binding action taken.

Commissioner Rousselle advanced to Agenda Item 5, "Introduction of Ordinances and Resolutions". The following legislation was introduced:

1. A Resolution authorizing the Port Executive Director, Maynard J. Sanders, for and on behalf of the Plaquemines Port, Harbor & Terminal District to name and accept the proposal of the Plaquemines Gazette, as the Official Journal for the Plaquemines Parish Council, as the sole governing authority of the Plaquemines Port, Harbor & Terminal District; and otherwise to provide with respect thereto. COMMISSIONER ROUSSELLE
2. An Ordinance to amend the Plaquemines Port, Harbor & Terminal District's 2022 Revenue & Operating Expenditure Budget; and otherwise to provide with respect thereto. COMMISSIONER GUEY
3. A Resolution authorizing Maynard "Sandy" Sanders, as Executive Director of the Plaquemines Port, Harbor & Terminal District, to accept the Work Production Acceptance which closes Phase 1, and the Certificate of Acceptance which opens Phase 2, per the MUSA contract obligations with Sustainability Partners; and otherwise to provide with respect thereto. COMMISSIONER GUEY

Commissioner Rousselle reverted back to Agenda Item 3, “Status Report by the Executive Port Director”. Without objection, so ordered. The following topics were addressed by Sandy Sanders:

- He met with AP Moeller Terminal personnel involved in Port and cargo automation and put them together with the Port people pursuing IT security grants. There will be more information to follow; and
- The Port met with Civil Service about the inability to hire and keep ferry deckhands and rescues boat engineers. They are strained with 16 vacancies in those two department. There is legislation to be voted on today to increase the step and pay rate.

The following was asked of Mr. Sanders:

- Commissioner Cognevich inquired as to who had the keys to the gate to get to the back of the Tall Grass property. Sanders said he would coordinate with the Marine Inspectors to get the gate opened.
- Asked for an update on PLT for the next Port meeting.

Commissioner Rousselle moved to Agenda Item 3a, “Financial Report/Budget to Actual”. Without objection, so ordered. There was no report to be made.

There were no matters under Agenda Item 4, “Bids and Advertisements”; therefore, Commissioner Rousselle moved to Agenda Item 6, “Ordinances and Resolutions on second reading and final passage”. Without objection, so ordered.

Commissioner Rousselle offered 6a with changes.

ORDINANCE NO. 22-46

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

An Ordinance to approve the amended Civil Service Pay Plan and Classification Schedule adopted by the Civil Service Commission on March 23, 2022, reallocating the classifications of Rescue Boat Engineer and Deckhand; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Port, Harbor & Terminal District requested a study be completed on two classifications used by the Port. Research of surrounding parishes and of the State positions was conducted. Further, information was gathered by the Archer Company looking at updating the Pay Scale for Parish employees. This information was reviewed by the Commission at the Civil Service meeting held on March 23, 2022. The Port requested pay increases to enable it to hire new personnel and to retain current personnel; and

WHEREAS, the Civil Service Commission approved the request; and

WHEREAS, The Archer Company conducted a study and provided their recommendations; however, the Port made a different pay request and the Civil Service Commissioners reviewed and made a recommendation which was voted to reallocate the classifications of Rescue Boat Engineer from Pay Grade 11 to Pay Grade 16 and the Deckhand from Pay Grade 9 to Pay Grade 14; and

WHEREAS, after careful consideration the Civil Service Commission on March 23, 2022, amended the Pay Plan and Classification Schedule to reallocate the classification of Rescue Boat Engineer from Pay Grade 11 at the minimum salary of \$25,732.00 to Pay Grade 16 at the minimum salary of \$32,857.00; and to reallocate the classification of Deckhand from Pay Grade 9 at the minimum salary of \$22,882.00 to Pay Grade 14 at the minimum salary of \$30,006.00;

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 Council finds that the amendments to the Pay Plan is necessary to maintain or improve the Ferry Services for the Parish and hereby approves the amended Pay Plan and Classification Schedule adopted by the Civil Service Commission on March 23, 2022 reallocating the classification of Rescue Boat Engineer from Pay Grade 11 to Pay Grade 16; and reallocating the classification of Deckhand from Pay Grade 9 to Pay Grade 14.

SECTION 2

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 Barthelemy seconded the motion to adopt the Ordinance.

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

YEAS: Commissioners John L. Barthelemy, Jr., W. Beau Black, Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 28th day of April, 2022.

RESOLUTION NO. 22-107

On motion of Commissioner Rousselle, seconded by Commissioner LaFrance, and on roll call all members present and voting “YES”, except Council Member Black who “ABSTAINED”, the following Resolution was adopted:

A Resolution requesting an Attorney General’s Opinion in regard to issues related to the contractual relationship between Sustainability Partners and the Plaquemines Port, Harbor and Terminal District; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Council (“Council”), as the sole governing authority of the Plaquemines Port, Harbor and Terminal District (the “Port), wishes to request that a formal written opinion be issued by the office of Attorney General Jeff Landry on issues related to the contractual relationship between the Port and Sustainability Partners; and

WHEREAS, the Port seeks formal written response to the following question:

Does the contract between the Port and Sustainability Partners create “public debt” such that it is subject to the provisions of LRS 39:1410.60?

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT Attorney General Jeff Landry is hereby requested to provide a formal written opinion on the matter set forth herein pertaining to the contractual relationship between Sustainability Partners and the Plaquemines Port, Harbor and Terminal District.

BE IT FURTHER RESOLVED BY THE PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT Council Attorney, Dannie P. Garrett, III, is hereby authorized and directed to submit a request for a written opinion to Attorney General Jeff Landry, as set forth herein.

BE IT FURTHER RESOLVED BY THE 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 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.

Commissioner Rousselle offered 6d with changes.

RESOLUTION NO. 22-108

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

A Resolution authorizing the Executive Port Director to enter any and all State/Entity Agreements between the Plaquemines Port, Harbor & Terminal District and the Louisiana Department of Transportation and Development and/or Federal Highway Administration which are, or will be, necessary to secure state and federal funding for the Ferry Ramp Replacement Project; and otherwise to do all things necessary and proper to sign, perfect, perform, and enforce those agreements; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Port, Harbor & Terminal District must enter into State/Entity Agreement with the Louisiana Department of Transportation and Development/Federal Highway Administration from time to time in order receive much needed state and federal funding; and

WHEREAS, The Louisiana Department of Transportation and Development/Federal Highway Administration requires a new resolution for the Executive Port Director to act on behalf of the Plaquemines Port, Harbor & Terminal District for the Ferry Ramp Replacement Project which will be formally recognized; and

WHEREAS, such State/Entity Agreement are mutually beneficial to the parties, and allow the Plaquemines Port, Harbor & Terminal District to fulfill policy goals in the Five-Year Capital Improvements Plan as adopted and amended by this Council; and

WHEREAS, on April 12, 2022, the Regional Planning Commission's Transportation Committee adopted a Resolution authorizing the transfer of Direct Receipt Status from Plaquemines Parish to Plaquemines Port, Harbor & Terminal District, as well as all the regulatory responsibilities assigned by the FTA to holders of this status;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby authorizes the Executive Port Director to do all things necessary and proper to sign, perfect, perform, and enforce State/Entity Agreement and associated documents with the Louisiana Department of Transportation and Development/Federal Highway Administration to facilitate the receipt of funding from Louisiana Department of Transportation and Development or Federal Highway Administration funds for the Ferry Ramp Replacement Project along with transportation infrastructure construction, maintenance, or repair for this project. Nothing in this Resolution should be interpreted as in any way diluting the Plaquemines Parish Council's power of the purse; and matching funds for joint projects shall continue to require Council appropriation before said funds may be extended.

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 officials and employees are authorized to carry

out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Agenda Item 6e, “A Resolution acknowledging climate change as a threat to both Plaquemines Parish residents and the Parish’s economic interests; expressing the Plaquemines Parish Council’s intent to take measures to enhance community resilience to hurricanes and storms through the

support of coastal restoration and hazard risk mitigation programs; expressing the Plaquemines Parish Council’s support and incentivizing the development of solar and wind projects as part of the Parish’s broader economic development plans; and otherwise to provide with respect thereto” was offered by Commissioner Blink, seconded by Commissioner Rousselle, a discussion was held and then the matter was deferred.

Commissioner Rousselle moved to Agenda Item 7, “New Business”. Without objection, so ordered. There were no items listed under “New Business”.

Commissioner Rousselle moved to Agenda Item 8, “Approval of the Minutes”. Without objection, so ordered.

RESOLUTION NO. 22-109

On motion of Commissioner Rousselle, seconded by Commissioner Arbourgh and on roll call all members present 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 the April 14, 2022, 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 Newberry, and on roll call all members present voting “YES”, the meeting adjourned at 4:11 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.