

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, June 13, 2019, at 1:05 p.m., pursuant to notice to all members with a quorum present as follows:

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

Kim M. Touns, Secretary

ABSENT: Commissioner Stuart J. Guey

General Sandy Sanders, Paul Matthews, Chambrel Riley, Christie Nielsen were present to represent the Port.

The Prayer said and the Pledge was recited.

There being no items for Executive Session, Commissioner Barthelemy moved to Agenda Item 3, "Status Report by the Executive Port Director ". Without objection, so ordered. Sandy Sanders reported the following:

- Sandy Sanders met with the leadership of CPRA to review future projects. He expressed his desire to partner with CPRA to stretch Port budget money by integrating any phases of Port projects with their Master Plan and to get their buy in and design criteria that will promote Coastal Restoration;
- He met with Daimia Jackson and Darrel Broussard of the USACE regarding two projects. The Port can team up with the Parish to combine the dredging of Tiger Pass and, through BUDMAT, it can provide coastal restoration and protection to areas in the Venice Port Complex area;
- Information was sent this morning to the Council Members regarding the good news about Venture Global and their commercialization efforts with regards to Poland.

The floor was then given to the USACE representatives, Daimia Jackson and Darrel Broussard who provided a slide presentation regarding coastal restoration projects at Tiger Pass and open water cells around the Wagon Wheel. The projects' \$1.6M study and design phase will be based on a 75-25% cost share, with the Port's portion set at about \$400,000. Commissioner Rousselle asked if the areas of land that will be rebuilt were for environmental purposes, or could it be used for industrial purposes. He was told by Mr. Broussard the agreement with the Port states it is intended to remain a marsh area and it is not to be developed. Commissioner Rousselle also inquired as to where the \$400,000 would come from and was told by Sandy Sanders from the Port tariff. Commissioner Rousselle asked President Lepine if there would be two coastal restoration programs, one Port and one Parish. President Lepine stated that first there will be a Port program and when the Parish has a program in order, they will come to the Council. President Lepine further stated that the Parish is leaning on the Port because they do not have funding for restoration projects. Commissioner Blink asked that the Port come to the Commission, especially him because he is very interested in Coastal Restoration, with information very early when a project is initially conceived and not at the last minute.

Representative Chris Leopold then came before the Commission regarding the most recent Legislative Session. He was happy to say they were able to get supplemental pay for Port employees. He further said that with the help of Eric Sunstrum and the resolution of support from the Council, we all worked together and got the bill passed. Rep. Leopold also spoke regarding the Belle Chasse Bridge/Tunnel replacement project. He stated that the concept was derived through the Administration and DOTD and the project was announced to him and his colleagues just a year and a half ago. Since then he has tried to be very forthcoming through social media.

He had a meeting at his office last Monday and said follow up meetings will be held also. Rep. Leopold explained that this is a P3 process which is a new process and we are guinea pigs. He spoke to Mr. Cortez, the Chairman of the Joint Committee, and he has assured Rep. Leopold there will be another joint meeting of the Transportation Committee prior to the execution of a contract. He explained that what the public has seen so far is just a proposal. Rep. Leopold went on to say that, through our meetings, we are gathering points of contention and questions. He encourages all to reach out to his office and said he will have a town hall meeting prior to the Transportation Committee meeting.

Eric Sunstrum provided a report to the Commissioners stating HB 87 is one of the most important personal victories he has had and a great victory for the Port also to be able to bring home supplement pay for some of its employees. Also, any increase in subsequent years will also be given to Port employees Mr. Sunstrum said there are some things he is watching in the Capital Outlay Bill. An email was sent to the Commissioners regarding the report over the weekend. According to Mr. Sunstrum he is just waiting for the signatures on that bill. Mr. Sunstrum also noted that in October there will be about a 40% turn over in the State Legislature

Commissioner Barthelemy suggested to the Executive Director that thanks be sent to all those who supported HB 87. Commissioner Black said the Port staff, Representative Leopold and Eric Sunstrum deserve credit for their hard work done on HB 87. He then went on to say that he is somewhat disappointed with 578 and is still looking to see how that went through without any money coming to this area. Commissioner Black said that we are somewhat disturbed in 578 and how that all went over. Representative Leopold explained that he took the floor during debate and questioned the author as to if he knew where the most damage occurred. The author of the bill said he did not, so Representative Leopold reminded him it was Plaquemines Parish. This bucket of money was for economic loss and it was eligible to go across the entire State. When the bill came back there were projects added from the other side and none were in Plaquemines Parish. Representative Leopold then voted no. He questioned the author of the bill again about \$20,000,000 to Cameron for a ferry and said he thought the State was out of the Ferry Dept. Rep. Leopold also spoke to Rep Jay Morris, from Northeast LA , who also voted no and there is a huge issue with that bill up there too. There are \$40,000,000 allocations for the next 5 years which will be made available for eligible areas which stand on rural roads which Rep. Leopold thinks Plaquemines may possibly be able to get. Commissioner Black stated that the biggest disappointment was that he saw the Port of New Orleans was given \$20,000,000 to purchase two cranes. He is proud of the fact that our Port is not looking for handouts from the State at this time. Commissioner Black further stated the \$20,000 given to Cameron Ferry was like a slap in the face when there is a \$3.9M deficit annually in our Ferry Department and our ferry services three parishes, Plaquemines, Orleans and St. Bernard. There is a need here for that money.

Under Item 3b, "Financial Report", Chambrel Riley said there was nothing to report; however, Commissioner Rousselle had a question regarding a Mercury invoice to the Parish listed on the Port's current contract list. He inquired as to whether or not the Port was paying invoices for the Parish and he was told they were not by Port Comptroller, Chambrel Riley. Commissioner Rousselle then asked if Mercury believes they have a contract with the Parish and was told by Parish Attorney, Rennie Buras that the contract was cancelled. There is no funding in the budget for payment of a contract, they have received no invoices and they will not pay any invoice sent. Commissioner Black asked for copies of contracts with Mercury, Eric Sunstrum and any other lobbying contracts that may exist to see who we have entered into contracts with. He also asked for blank resolutions in order for the Council to separate the Port contracts and PPG contracts.

There being no Bids or Advertisement, Commissioner Barthelemy moved to Agenda Item 5, "Introduction of Ordinances and Resolution". Without objection, so ordered. The following was introduced:

1. A Resolution to change locations for the August, 2019 Port, Harbor & Terminal District Meetings; and otherwise to provide with respect thereto. COMMISSIONER BARTHELEMY
2. A Resolution authorizing Maynard J. "Sandy" Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District (PPHTD) to enter into a Cooperative Endeavor Agreement

with Greater Baton Rouge Port Commission (GBRPC) for the utilization of the GBRPC's Maritime Security Operations Center; and otherwise to provide with respect thereto. COMMISSIONER BARTHELEMY

3. A Resolution authorizing Maynard J. "Sandy" Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District (the Port) to enter into a Memorandum of Agreement with U.S. Army Engineer, New Orleans District concerning the provision of funds pursuant to the section 2106 of the Water Resources Reform and Development Act of 2014; and otherwise to provide with respect thereto. COMMISSIONER BARTHELEMY
4. A Resolution authorizing Maynard J. "Sandy" Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District to enter into a design agreement with U.S. Army Engineers, New Orleans District regarding BUDMAT Mississippi River Outlet at Venice; and otherwise to provide with respect thereto. COMMISSIONER BARTHELEMY

Commissioner Barthelemy moved to Item 6, "Ordinances and Resolutions on Second Reading and Final Passage". Without objection, so ordered. There were no items listed under 6a.

Item 6b, "A Resolution to amend Plaquemines Port, Harbor and Terminal District's Accounting and Procedures Manual, to require execution of a written cooperative endeavor agreement, with regards to any task, work, or service provided by any public entity for Plaquemines Port, Harbor and Terminal District, and to require the same regarding any task, work, or service provided by Plaquemines Port, Harbor and Terminal District for any public entity" was deferred.

RESOLUTION NO. 19-161

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

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.

WHEREAS, the Plaquemines Gazette is the only newspaper that meets the qualifications outlined in Louisiana Revised Statute §43:142; and

WHEREAS, Louisiana Revised Statute §43:147 limits the rate of compensation of the newspaper for printing the Official Journal; and

WHEREAS, *The Plaquemines Gazette* has submitted a proposal to be selected as the official journal for the Plaquemines Port Harbor and Terminal District for a period of one year beginning June 1, 2019 and ending May 31, 2020;

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 selects Official Journal of the Plaquemines Port, Harbor & Terminal District.

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT Maynard J. Sanders. for and on behalf of the Plaquemines Port, Harbor & Terminal District, is hereby authorized and directed to accept Plaquemines Newspaper Publishing, Inc. publishers of *The Plaquemines Gazette* as the Official Journal of the Plaquemines Port, Harbor & Terminal District, which is on file with the Secretary of the Council and under such other terms and conditions as he deems to be in the best interest of the Plaquemines Port, Harbor & Terminal District.

BE IT 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 Parish 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. 19-162

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

A resolution rescinding a resolution adopted on June 28, 2018 in connection with a preliminary agreement between the Plaquemines Parish Port, Harbor and Terminal District and Plaquemines Liquids Terminal LLC, to finance acquiring land and constructing dock, wharf, and rail improvements, pipeline and pumping infrastructure, blending/storage facility improvements, and any additional improvements related thereto but retaining the right to reimburse Plaquemines Liquid Terminal LLC with proceeds of limited obligation revenue bonds in the future; and providing for other matters in connection with the foregoing.

WHEREAS, the Plaquemines Parish Port, Harbor and Terminal District (the "Issuer") adopted a resolution entitled "A resolution authorizing the Executive Director of the Plaquemines Port, Harbor and Terminal District to execute a preliminary agreement between the Plaquemines Parish Port, Harbor and Terminal District and Plaquemines Liquids Terminal LLC, to finance acquiring land and constructing dock, wharf, and rail improvements, pipeline and pumping infrastructure, blending/storage facility improvements, and any additional improvements related thereto; approving the form and authorizing the publication of a Notice of Public Hearing and a Notice of Intention to Sell Bonds; making application to the State Bond Commission for approval of said Bonds; and providing for other matters in connection with the foregoing" on June 28, 2018 pursuant to the provisions of Section 39:991.2, et seq. of the Louisiana Revised Statutes of 1950, as amended (the "Act"), and other constitutional and statutory authority to encourage the location of port facilities within the geographical area of the Issuer; and

WHEREAS, Plaquemines Liquids Terminal LLC, a Delaware limited liability company (the "Company") had requested that the Issuer finance the cost of (i) acquiring land and constructing dock, wharf, and rail improvements, pipeline and pumping infrastructure, blending/storage facility improvements, and any additional improvements related thereto, (ii) funding one or more reserve funds, including, without limitation, debt service reserve fund, operating expense reserve, major maintenance reserve, and such other reserve funds determined to be necessary by the underwriters, (iii) funding capitalized interest, and (iv) paying costs of issuance (collectively, the "Project"), through the issuance of not exceeding \$650,000,000 of the Issuer's Port Facilities Revenue Bonds (Plaquemines Liquids Terminal LLC Project), or such other appropriate designation, in one or more series (the "Bonds"), pursuant to a Trust Indenture (the "Indenture") between the Issuer and a trustee bank to be designated by the Company; and

WHEREAS, the Company has not pursued the issuance of the Bonds; and

WHEREAS, the Issuer desires to rescind the authorization for the issuance of the Bonds: however, the Issuer recognizes that the Company may desire to have the Issuer issue Bonds in the future so the Issuer desires to acknowledge the declaration of intent pursuant to the laws of the State of Louisiana and the Internal Revenue Code of 1954, as amended, and applicable regulation which would permit reimbursement to the Company for the expenditure of its own funds prior to the issuance of the Bonds to pay a portion of the costs of the Project in an amount not exceeding \$10,000,000, and the Issuer acknowledges that the Company intends to reimburse itself from proceeds of the Bonds for expenditures for the Project paid 60 days prior to June 28, 2018;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the Original Resolution is hereby rescinded provided that the declaration of intent to reimburse in accordance with the law of the State of Louisiana and the United States Treasury Regulations, §1.150-2 remains operative and in full force and effect. Notwithstanding said declaration of intent, the Issuer affirmatively resolves that prior to the issuance of any Bonds, the Company must seek all new approvals from this public entity prior to any steps being taken to issue any Bonds.

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT this resolution shall become effective immediately.

There being no matters under Item 7, "New Business", Commissioner Barthelemy moved to Agenda Item 8, "Approval of the Minutes". Without objection, so ordered.

RESOLUTION NO. 19-163

On motion of Commissioner Barthelemy, seconded by Commissioner Black, and on roll call all members present and voting "YES", except Commissioner Guey 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 May 23, 2019 meeting as recorded by the Secretary of this Council.

There being no further business to come before this Council, on motion Commissioner Barthelemy, seconded by Commissioner LaFrance, and on roll call all members present and voting "Yes", except Commissioner Guey who was "ABSENT", the meeting adjourned at 1:34 p.m.

Chairman

Secretary