

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held in the Percy Griffin Community Center, 15577 Hwy. 15, Davant, Louisiana, on Thursday, February 28 2019, at 1:00 p.m., pursuant to notice to all members with a quorum present as follows:

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

Kim M. Toups, Secretary

ABSENT: Commissioner John L. Barthelemy, Jr.
Commissioner Trudy Newberry

The prayer was said and the Pledge of Allegiance was recited.

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

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

RESOLUTION NO. 19-71

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

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT AS THE SOLE GOVERNING AUTHORITY OF THE PLQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby resolves itself into Executive Session at 1:06 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 legal issues as pertains to Plaquemines Port, Harbor & Terminal District, its creation and governance. (La. Const. LRS 42:17(A)(10))-Attorneys J. Kendall Rathburn and Dannie Garrett.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby came out of Executive Session at 1:48 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. The following was reported by Sandy Sanders:

- A meeting was held with Venture Global to give an update on the status of the FERC permit;
- David Vitter has offered to assist with rail relocation projects; and
- Port projects were presented to the Crescent Pilots Association at their quarterly meeting.

There being no "Bids and Advertisements", Commissioner Guey moved to Item 5, "Introduction of Ordinances and Resolutions". Without objection, so ordered. The following was introduced:

1. A Resolution authorizing and directing Maynard Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District (the "Port") to have the Port's legal counsel file a petition seeking a final declaratory judgment from the appropriate court as to the legal source of the Port's jurisdictional, organizational, and governance authority, and whether such source

emanates from the Louisiana Constitution, and La. R.S. 34:1351, et seq., or from the Plaquemines Parish Charter for Self-Government. COMMISSIONER GUEY

2. An Ordinance to amend and as amended re-adopt Rule 1 in Chapter I of Section 2-18 of the Code of Ordinances for Plaquemines Parish relative to the Plaquemines Port, Harbor & Terminal District; and otherwise to provide with respect thereto. COMMISSIONER ROUSSELLE

Commissioner Guey moved to Item 6, “Ordinances and Resolutions on Second Reading and Final Passage”. Without objection, so ordered.

Item 6a (1) was offered and seconded, a discussion was had and during the discussion, Commissioner LaFrance requested a 5 minute recess. The recess was taken at 2:07 p.m. and the meeting resumed at 2:13 p.m.

ORDINANCE NO. 19-22

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

An Ordinance approving, authorizing and directing Maynard Sanders, Executive Director of Plaquemines Port, Harbor & Terminal District (“PPHTD”) to purchase certain land owned by Woodland Borrow Pits, LLC, and which is desirable for the continued development of PPHTD; and otherwise to provide with respect thereto.

WHEREAS, Woodland Borrow Pits, LLC is the owner of certain property described on attached Ex. “A”; and

WHEREAS, said property is part of the properties both desirable and necessary for PPHTD’s planned development of the Port; and

WHEREAS, the Plaquemines Parish Council as the sole governing authority of the Plaquemines Port, Harbor and Terminal District desires to allow Plaquemines Port, Harbor and Terminal District, through Maynard Sanders, Executive Director to purchase that land, more fully described in attached Exhibit A, and currently owned by Woodland Borrow Pits, LLC; and

WHEREAS, an appraisal of the fair market value of the subject property, currently owned by Woodland Borrow Pits, LLC, has been conducted; and

WHEREAS, the purchase price shall be for One Hundred Twenty Thousand One Hundred Sixty and no/100 DOLLARS (\$120,000.00), below the fair market value for the property, as reflected in Exhibit A attached to this Ordinance, currently owned by Woodland Borrow Pits, LLC.;

NOW, THEREFORE:

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

SECTION 1

It hereby approves, authorizes and directs the Executive Director to purchase the land owned by Woodland Borrow Pits, LLC, as more fully described in attached Exhibit A for One Hundred Twenty Thousand and no/100 DOLLARS (\$120,000.00).

SECTION 2

The Plaquemines Port, Harbor and Terminal District “2019 5 Year Capital Improvement Budget” is hereby amended by appropriating \$120,000.00 for the purchase, and real estate closing costs, of

the Woodland Borrow Pits, LLC, Property; the \$120,000.00 will be from the Port Land Purchase Fund.

SECTION 3

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 Guey seconded the motion to adopt the Ordinance.

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

YEAS: Commissioners W. Beau Black, Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Carlton M. LaFrance. Sr., Richie Blink and Mark Cognevich

NAYS: None

ABSENT: Commissioners John L. Barthelemy, Jr., and Trudy Newberry

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 28th day of February, 2019.

Item 6b, “An Ordinance revoking an abandoned Right-of-Way for the building and maintenance of a street, granted on January 30, 1937 to the Plaquemines Parish Police Jury” was withdrawn.

Item 6c, “A Resolution adopting the amendments to the Plaquemines Port, Harbor & Terminal District’s (the Port) Accounting Policies and Procedures manual” was deferred.

RESOLUTION NO. 19-72

On motion of Commissioner LaFrance, seconded by Commissioner Guey, and on roll call all members present and voting “YES”, except Commissioners Barthelemy and Newberry who were “ABSENT”, the following Resolution was adopted.

A Resolution approving and authorizing John Barthelemy, Port Chairman; Maynard J. Sanders, Port Executive Director; and Chambrel Riley-Williams, Port Comptroller to execute a Louisiana Compliance Questionnaire to Camnetar and Company, CPA’s; and otherwise to provide with respect thereto.

WHEREAS, in connection with the audit of financial statements as of December 31, 2018, 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 John Barthelemy, Port Chairman; Maynard J. Sanders, Port Executive Director; and Chambrel Riley, Port Comptroller; to execute a Louisiana

Compliance Questionnaire to Camnetar & Co., CPA's, in connection with the audit of financial statements as of December 31, 2018, and for the year then ended.

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.

RESOLUTION NO. 19-73

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

A Resolution authorizing Maynard J. "Sandy" Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District to enter into an agreement for Information Technology Services with Intelligent Transportation Systems LLC for the provision of IT services; and otherwise to provide with respect thereto.

WHEREAS, professional services related to design, installation, and maintenance of the Plaquemines Port, Harbor & Terminal District's security system to include hardware, software, network communications, and other IT tasks are needed; and

WHEREAS, the agreement is for one year and shall not exceed \$125,000.000; and

WHEREAS, the current agreement will be in accordance with state contracts #4400007102 and #4400004785; and

WHEREAS, it is the desire of the Plaquemines Port, Harbor & Terminal District to contract for professional services regarding IT services with Intelligent Transportation Systems LLC from January 1,2019 through December 31,2019;

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 Maynard J. "Sandy" Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District enter into an agreement, Intelligent Transportation Systems LLC to provide IT services for a period of one year ending on December 31,2019, not to exceed \$125,000.00, without prior approval of the Plaquemines Parish Council as the sole governing authority of the Plaquemines Port, Harbor and Terminal District.

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, both without further reading and approval by the Plaquemines Parish Council.

Commissioner Guey revered back to the "Status Report by the Executive Port Director" wherein General Sanders introduced Eric Sunstrum to the new members of the Commission and he explained what he does for the Port.

There being no items under "New Business" Commissioner Guey moved to Item 8, "Approval of the minutes". Without objection, so ordered.

RESOLUTION NO. 19-74

On motion of Commissioner Guey, seconded by Commissioner Rousselle, and on roll call all members present and voting "YES", except Commissioners Barthelemy and Newberry who were "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 January 24, 2019 meeting as recorded by the Secretary of this Council.

There being no further business to come before this Council, on motion Commissioner Rousselle, seconded by Commissioner Black, and on roll call all members present and voting "Yes", except Commissioners Barthelemy and Newberry who were "ABSENT, the meeting adjourned at 2:33 p.m.

Chairman

Secretary