

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held in the Pointe-a-la-Hache Courthouse Council Chambers, 18055 Highway 15, Pointe-a-la-Hache, Louisiana on Thursday, December 9, 2021, at 3:02 p.m., pursuant to notice to all members with a quorum present as follows:

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

Kim M. Toups, Secretary

ABSENT: Commissioner Carlton M. LaFrance, Sr.

Sandy Sanders, Paul Matthews, Christie Nielsen, Erica Brown and Donald Durr were present representing the Port.

The Prayer was said and the Pledge was recited.

The following items were withdrawn:

- 6d, “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 ROUSSELLE; and
- 6i, “An Ordinance to create the Legal Department and the position of Executive Counsel of the Plaquemine Port, Harbor and 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 NEWBERRY

Commissioner LaFrance joined the meeting at 3:03 p.m.

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 topics were addressed by Sandy Sanders:

- Budget Review meetings were held for the Commissioners;
- A management database for those wanting to compete for available jobs has been created with the understanding that locals will be the first considered for those jobs;
- There is continued work being done with UNO to update the Port Tariff;
- Many meetings have been held with PPG regarding the transfer of the Ferries to the Port;
- Stakeholder meetings continue for all parties associated with the Container Port. The design team will be at the next Port meeting to provide a report to the Commissioners;
- The Mississippi River Ship Channel Deepening project is moving forward;
- DOTD appears to be placing the Water Booster Station project in its Priority Program; and
- Paul Matthews was chosen to be the Executive Director of the Port of South Louisiana and he starts that job next year.

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

Sandy Sanders arranged for several individuals to report on various port projects. The following people were present to report on the following projects:

- Christian Amadee: NOLA Oil
- PLT: Tallgrass could not attend the meeting; however, they will be at the first meeting in January 2022.
- Paul Matthews: CHS Grain Terminal
- Chris Fetters: Railway Project

Agenda Item 7b, “PLT discussion and update” was addressed under the review of projects above.

Under Item 7c, “Insurance presentation and update by Mr. Verdin”, Ms. Addie Liebel addressed the Commissioners about the progress made stating no final numbers were received but there has been a \$68,000 decrease in the numbers.

There being no matters under Agenda 3a, “Financial Report/Budget to Actual” and no “Bids and Advertisements”, 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 the Plaquemines Port, Harbor & Terminal District’s 2022 Revenue & Operating Expenditure Budget; and otherwise to provide with respect thereto. COMMISSIONER BLINK
2. An Ordinance establishing ferry toll rates and providing for discounts and exemptions thereof; establishing ferry hours of operation; adopting policies and procedures for ferry operations; and otherwise to provide with respect thereto. COMMISSIONER BARTHELEMY
3. An Ordinance authorizing and directing the Plaquemines Port, Harbor and Terminal District (“Port”) Executive Director, Maynard J. “Sandy” Sanders, to negotiate and enter into a short-term lease agreement and a separate option for a long-term lease agreement, with Plaquemines Land Ventures, LLC (“PLV”), of approximately 523 acres of that certain Port property, described in *en globo* Exhibit A, upon terms and conditions approved by the Plaquemines Parish Council (the “Council”) as the sole governing authority of Plaquemines Port, Harbor and Terminal District; and otherwise to provide with respect thereto. COMMISSIONER NEWBERRY
4. A Resolution authorizing the Executive Director, Maynard "Sandy" Sanders, enter into an agreement with Mercury Public Affairs to provide consulting, advisory, and lobbying services regarding Port representation at the Federal and Regional level for a one-year term; and otherwise to provide with respect thereto. COMMISSIONER NEWBERRY

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

Commissioner Rousselle’s monitor was not working correctly; therefore, all votes from Commissioner Rousselle were verbal.

There were no items listed under 6a.

RESOLUTION NO. 21-280

On motion of Commissioner Newberry, seconded by Commissioner Arbourgh, and on roll call all members present and voting “YES”, except Commissioners LaFrance, Blink and Cognevich who voted “NO”, Commissioner Barthelemy who “ABSTAINED” and Commissioner Rousselle who was “PRESENT BUT NOT VOTING”, the following Resolution FAILED:

A Resolution electing the Plaquemines Port, Harbor & Terminal District Chairperson for 2022; and otherwise to provide with respect thereto.

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 elects Council Member Trudy Newberry as Chairperson of the Parish Council in its capacity as the sole governing authority of the Plaquemines Port, Harbor & Terminal District to act as Port Chairperson in meetings of the Council as the Port and in all matters relative to the Port for the term of office effective January 1, 2022, ending at Midnight, December 31, 2022, or until her successor has been appointed.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PARISH 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.

MOTION FOR AMENDMENT

On motion of Commissioner Rousselle an amendment was offered to the Resolution entitled “A Resolution electing the Plaquemines Port, Harbor & Terminal District Vice-Chairperson for 2022; and otherwise to provide with respect thereto” to replace the name of Stuart Guey as Vice-Chairman of the Port with the name of Carlton M. LaFrance. The motion was seconded by Commissioner Cognevich and Commissioner Rousselle called for a question on the Amendment. On roll call, all members present voting “YES” except Commissioners Black, Arbourgh, Guey and Newberry who voted “NO”, the amendment passed with a vote of 5-4.

RESOLUTION NO. 21-281

On motion of Commissioner Newberry, seconded by Commissioner Black and on roll call, all members present voting “YES”, except Commissioners Black, Arbourgh, and Newberry who voted “NO”, the resolution was adopted:

A Resolution electing the Plaquemines Port, Harbor & Terminal District Vice-Chairperson for 2022; and otherwise to provide with respect thereto.

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PARISH PORT, HARBOR AND TERMINAL DISTRICT THAT it hereby elects Council Member Carlton M. LaFrance, as Vice-Chairperson of the Parish Council in its capacity as the sole governing authority of the Plaquemines Port, Harbor & Terminal District to act as Port Vice-Chairperson in meetings of the Council as the Port and in all matters relative to the Port for the term of office effective January 1, 2022, ending at Midnight, December 31, 2022, or until his successor had been appointed.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PARISH PORT, HARBOR AND TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and the 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.

ORDINANCE NO. 21-115

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

An Ordinance to amend and as amended readopt Ordinance No. 07-102, adopted May 10, 2007, to establish and initiate the collection of the Plaquemines Parish Port, Harbor & Terminal District Security Fees (Security Surcharges); and otherwise to provide with respect thereto.

WHEREAS Ordinance No. 07-102 was adopted by the Plaquemines Parish Council as the sole governing authority of the Plaquemines Parish Port, Harbor & Terminal District enabling the collection of Security Fees (Security Surcharges); and

WHEREAS, the Plaquemines Parish Port, Harbor & Terminal District is a member of the Gulf Seaports Marine Terminal Conference; and

WHEREAS, by a vote of the membership of the Gulf Seaports Marine Terminal Conference, of which the Plaquemines Parish Port, Harbor & Terminal District is a member, increasing Security Fees (Security Surcharges), effective January 1, 2022; and

WHEREAS the Security Surcharge will be assessed against vessels and barges as a percentage of total dockage charged, and as a tonnage fee against cargo, with the exception of containers which, will be assessed on a per unit basis. The Security Surcharges will be assessed in addition to all other fees which may be due under this tariff as follows:

Vessels and barges, 10.41 percent (10.41%) of total dockage assessed per Port call; Cargo (to be billed to the party paying dockage)

Break Bulk	\$0.22 per ton (212cents/ton)
Dry Bulk	\$0.049 per ton (4.9 cents/ton)
Liquid Bulk	\$0.049 per ton (4.9 cents/ton)
Containers	\$4.60 per box (4 dollars sixty cents/box)
Vehicles	\$1.03 per vehicle (1 dollar 3 cents/vehicle)
Passengers	\$1.03 per passenger (1 dollar 3 cents/passenger)

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

In addition to all other fees, charges and tariffs previously passed by the Plaquemines Parish Council and the Plaquemines Parish Port, Harbor & Terminal District, the following Security Fees (Security Surcharges), as to be described in this tariff item, in accordance with the notice filed with the Federal Maritime Commission by the Gulf Seaports Marine Terminal Conference shall be assessed against all vessels, barges and cargo interests using services or facilities of the Plaquemines Parish Port, Harbor & Terminal District as a percentage of total dockage charged, and as a tonnage fee against cargo, with the exception of containers, which will be assessed on a per unit basis as follows:

Vessels and Barges –10.41 percent (10.41%) total dockage assessed per Port call; cargo (to be billed to the party paying dockage)

Break Bulk	\$0.22 per ton (22 cents/ton)
Dry Bulk	\$0.049 per ton (4.9 cents/ton)
Liquid Bulk	\$0.049 per ton (4.9 cents/ton)
Containers	\$4.60per box (4 dollars sixty cents/box)
Vehicles	\$1.03 per vehicle (1 dollar 3 cents/vehicle)
Passengers	\$1.03 per passenger (1 dollar 3 cents/passenger)

SECTION 2

The effective date of the amended Security Fees (Security Surcharges) shall be January 1, 2022.

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 Cognevich 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 9th day of December, 2021.

RESOLUTION NO. 21-282

On motion of Commissioner Blink, seconded by Commissioner Cognevich and on roll call all members present voting “YES”, except Commissioners Rousselle, LaFrance and Cognevich who voted “NO”, the following resolution was adopted:

A Resolution authorizing Maynard J. “Sandy” Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District to extend the current agreement for Professional Services with Dwyer, Cambre and Suffern for the provision of legal counsel; and otherwise to provide with respect thereto.

WHEREAS, Resolution No. 20-288 authorized the Port Executive Director to enter into a contract for Professional Services with Dwyer, Cambre & Suffern in order to provide legal counsel and services for a period of one year, ending December 31, 2021; and

WHEREAS, the Plaquemines Port, Harbor & Terminal District is requesting an extension to the current agreement; and

WHEREAS, the current agreement is extended for one additional year with an effective date of January 1, 2022, ending December 31, 2022; and

WHEREAS, it is the desire of the Plaquemines Parish Council to contract for professional services regarding general legal work for the Plaquemines Port, Harbor & Terminal District with Dwyer, Cambre & Suffern from January 1, 2022, through December 31, 2022;

NOW, THEREFORE:

BE IT RESOLVED, BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TEMINAL DISTRICT THAT it hereby authorizes Maynard J. “Sandy” Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District to amend and extend the current agreement, with Dwyer, Cambre & Suffern to provide legal services for a period of one year ending on December 31, 2022, not to exceed adopted Legal Services budget, 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 & TEMINAL 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 Blink filled in the blanks in the following resolution:

RESOLUTION NO. 21-283

On motion of Commissioner Newberry, seconded by Commissioner Guey and on roll call, all members present voting “YES”, except Commissioner Blink who “ABSTAINED”, the following resolution was adopted:

A Resolution authorizing the acceptance of proposal for providing Grant and Program Management services for the Plaquemines Port, Harbor and Terminal District; and otherwise to provide with respect thereto.

WHEREAS, after solicitations proposals were received by December 3rd, 2021, for Grant and Program Management services for the Plaquemines Port, Harbor and Terminal District; and

WHEREAS, Maynard Sanders, Executive Director, recommends the acceptance of the proposal of Rostan Solutions, LLC;

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 Director, Maynard J. Sanders, to accept the proposal and enter into an agreement with Rostan Solutions, LLC for Grant and Program Management services to be performed for the Plaquemines Port Harbor & Terminal District.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT by the Secretary of the 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 Newberry handed out the CEA between the Port and PPG relative to Agenda Item 6h, the transfer of the ferries to the Port. A recess was taken at 4:54 p.m. for the Commissioners to review the CEA. The meeting resumed at 5:12. While in recess, the audio/visual and voting systems was rebooted. After the reboot, Commissioner Rousselle was still unable to vote and same was now happening with Commissioner Blink's monitor. From this point forward both Commissioners Blink and Rousselle made verbal votes.

ORDINANCE NO. 21-116

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

An Ordinance authorizing and directing Port Executive Director, Maynard J. Sanders, to enter into a Cooperative Endeavor Agreement between the Plaquemines Parish Port, Harbor and Terminal District and Plaquemines Parish Government for the transfer of certain rights, obligations, liabilities, and assets related to ferry services; establishing a Ferry Department in the Plaquemines Parish Port, Harbor and Terminal District; accepting the transfer of employees from the Plaquemines Parish Government Ferry Department, all in accordance with Civil Service Rules; maintaining existing ferry schedules and rates; and otherwise to provide with respect thereto.

WHEREAS, pursuant to LRS 34:1360, the Plaquemines Port, Harbor and Terminal District is empowered to own and have charge of, to administer, construct, operate and maintain wharves, warehouses, landings, docks, sheds, belt and connection railroads, shipways, canals, channels, slips, basins, locks, elevators and other structures and facilities necessary and proper for the use and development of the business of such district, including buildings and equipment for the accommodation of passengers and those used in the handling, storage, transportation and delivery of freight, express and mail within the District; and

WHEREAS, there will be a significant benefit to the people, businesses and commerce of Plaquemines Parish if the Port were to enter in a Cooperative Endeavor Agreement to transfer certain rights, obligations, liabilities, and assets related to ferry services from Plaquemines Parish Government to the Plaquemines Port, Harbor and Terminal District; and

NOW, THEREFORE:

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

SECTION 1

It hereby authorizes and directs Port Executive Director, Maynard J. Sanders, to enter into a Cooperative Endeavor Agreement, attached hereto as Exhibit A, with the Plaquemines Parish Government for the transfer of certain rights, obligations, liabilities, and assets related to ferry services.

SECTION 2

It hereby establishes a Ferry Department within the Plaquemines Parish Port, Harbor and Terminal District.

SECTION 3

It hereby accepts the transfer of the Plaquemines Parish Ferry Department employees to the Plaquemines Parish Port, Harbor and Terminal District, all in accordance with Civil Service Rules. Said transfer shall become effective on January 1, 2022.

SECTION 4

The Plaquemines Port, Harbor and Terminal District shall not change any existing ferry schedules or rates without an adopted Ordinance by the Plaquemines Parish Council.

SECTION 5

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish officials and employees 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 Blink 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 9th day of December, 2021.

ORDINANCE NO. 21-117

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

An Ordinance adopting the Original Operating Budget of Revenues and Expenditures for the Plaquemines Port, Harbor & Terminal District for the fiscal year beginning January 1, 2022, and ending December 31, 2022; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Port, Harbor & Terminal District administration submitted to the Plaquemines Parish Council as the sole governing authority of the Plaquemines Port, Harbor & Terminal District, on October 28, 2021, a Proposed 2022 Operating Budget pursuant to Port Budget Policy; and

WHEREAS, the Plaquemines Parish Council as the sole governing authority of the Plaquemines Port, Harbor & Terminal District made available copies of the Proposed 2022 Operating Budget for public inspection, published a summary of the proposed budget in the Official Journal and advertised the time and place of public hearings; and

WHEREAS, the Plaquemines Parish Council as the sole governing authority of the Plaquemines Port, Harbor & Terminal District held public hearings on the proposed Operating Budget on December 6, 2021;

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

SECTION 1

The estimate of revenues and expenditures for the fiscal year beginning January 1, 2022, and ending December 31, 2022, is hereby adopted to serve as the Operating Budget for the Plaquemines Port, Harbor & Terminal District; copies of which are on file in the office of the Port Finance Director and in the office of the Plaquemines Parish Council Secretary.

SECTION 2

The Plaquemines Port, Harbor & Terminal District is authorized to spend budgeted funds in accordance with the Plaquemines Port, Harbor and Terminal District's Budget Policy adopted by the Plaquemines Parish Council as the sole governing authority of the Port.

SECTION 3

If any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given effect without the invalid provisions, items or applications; and to this end, the provisions of this Ordinance are hereby declared severable.

SECTION 4

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 Rousselle 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 9th day of December, 2021.

ORDINANCE NO. 21-118

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

An Ordinance adopting the Original Capital Improvement Budget for the Plaquemines Port, Harbor & Terminal District for the five-year period beginning January 1, 2022, and ending December 31, 2026; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Port, Harbor & Terminal District administration submitted to the Plaquemines Parish Council serving as the sole governing authority of the Plaquemines Port,

Harbor and Terminal District, on October 28, 2021, the Proposed Capital Improvement Budget pursuant to Port Budget Policy; and

WHEREAS, the Plaquemines Parish Council serving as the sole governing authority of the Plaquemines Port, Harbor & Terminal District made available copies of the Proposed Capital Improvement Budget for public inspection, published a summary of the proposed budget in the Official Journal and advertised the time and place of public hearings; and

WHEREAS, the Plaquemines Parish Council serving as the sole governing authority of the Plaquemines Port, Harbor & Terminal District held public hearings on the proposed Capital Improvement Budget on December 6, 2021;

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

SECTION 1

It hereby adopts the Plaquemines Port, Harbor & Terminal District Capital Improvement Budget covering the period of five years beginning January 1, 2022, and ending December 31, 2026; copies of which are on file in the office of the Port Finance Director and in the office of the Plaquemines Parish Council Secretary.

SECTION 2

The Plaquemines Port, Harbor & Terminal District is authorized to spend budgeted funds in accordance with the Plaquemines Port, Harbor and Terminal District's Budget Policy adopted by the Plaquemines Parish Council as the sole governing authority of the Port.

SECTION 3

If any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given effect without the invalid provisions, items or applications; and to this end, the provisions of this Ordinance are hereby declared severable.

SECTION 4

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 Rousselle 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 9th day of December, 2021.

RESOLUTION NO. 21-284

On motion of Commissioner Blink, seconded by Commissioner Cognevich and on roll call all members present voting "YES", the following resolution was adopted:

A Resolution to provide insurance for the Plaquemines Port, Harbor and Terminal District for the Ferry Boats and Assets for a period of January 1, 2022, through December 31, 2022; and otherwise to provide with respect thereto.

WHEREAS, the best quotes were received and reviewed for the Port's insurance needs and, it is the recommendation of the Executive Director of the Port that the Council authorize acceptance of the following insurance coverages;

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 acceptance of the quote of:

Canopious on behalf of State National Ins. for Hull and Machinery, at a cost of \$ 36,543.00;

Canopious on behalf of State National Ins. for Protection & Indemnity, at a cost of \$21,655.00;

Starr Ind. Ins. Co., Ascot Ins. Co. and Beazley Ins. Co. for Bumbershoot Liabilities, at a cost of \$59,500.00;

Ascot Insurance Co., Canopious on behalf of State National Ins. Co., XL Specialty Ins. Co. and Endurance Am.Ins.Co. for Excess Liability Insurance, at a cost of \$48,000.00;

Great American Ins. Co. for Vessel Pollution Insurance, at a cost of \$6,200.00;

Canopious on behalf of State National Ins. Co. for General Liability Insurance, at a cost of \$20,000.00;

LWCC for Worker's Compensation Insurance, for an estimated cost of \$10,000.00;

Houston Specialty Ins. Company for Commercial Automobile Insurance, at an estimated cost of \$52,425.00;

Amrisc and Travelers for Commercial Property, at a cost of \$500.00; and

Wright Flood Insurance for Flood Insurance, at a cost of \$11,828.00.

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.

RESOLUTION NO. 21-285

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

A Resolution to provide Port employee's group coverages consisting of Health, Dental, Vision and Life for the policy period of January 1, 2022, through December 31, 2022; and otherwise to provide with respect thereto.

WHEREAS, the best quotes were received and reviewed for the Port's Health Insurance needs and it is the recommendation of the Executive Director of the Port that the Council authorize acceptance of the following insurance coverages;

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 acceptance of the recommended quote of:

Blue Cross Blue Shield of Louisiana for Medical Insurance at a cost of \$97,701.44 per month or \$1,172,417.28 per year;

Blue Cross Blue Shield of Louisiana for Dental Insurance at a cost of \$4,100.10 per month or \$49,201.20 per year;

Blue Cross Blue Shield of Louisiana for Vision Insurance at a cost of \$853.64 per month or \$ 10,243.68 per year;
Southern National Life/Blue Cross Blue Shield of Louisiana for Life Insurance at a cost of \$516.90 per month or \$ 6,202.80 per year.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT it hereby authorizes the acceptance of Blue Cross of Louisiana for health, vision and dental insurance coverage and SNL/Blue Cross of Louisiana for life insurance coverage to provide the group insurance for the policy period January 1, 2022, to December 31, 2022, on an employer/employee contributory basis of 83%/17% respectively for health, dental, vision and life coverage.

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 officials and employees are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 21-286

On motion of Commissioner Blink, seconded by Commissioner Cognevich and on roll call all members present voting "YES", the following resolution was adopted:

A Resolution to provide insurance for the Plaquemines Port, Harbor and Terminal District for the Port Rescue Boats and Assets for a period of January 1, 2022, through December 31, 2022; and otherwise to provide with respect thereto.

WHEREAS, the best quotes were received and reviewed for the Port's insurance needs and, it is the recommendation of the Executive Director of the Port that the Council authorize acceptance of the following insurance coverages;

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 acceptance of the quote of:

Lloyd's Underwriters thru Blades Marine for Hull and Machinery, at a cost of \$ 101,821.93;
Lloyd's Underwriters thru Blades Marine for Protection & Indemnity, at a cost of \$126,134.55;
XL Specialty Insurance/Endurance for Excess Liability Insurance, at a cost of \$79,200.00;
Great American Ins. Company for Vessel Pollution Insurance, at a cost of \$3,905.00;
Lloyd's Underwriters thru Blades Marine for General Liability Insurance, at a cost of \$18,873.00;
AGCS Marine Insurance Company for Equipment Floater, at a cost of \$17,030.00;
LWCC for Worker's Compensation Insurance, for an estimated cost of \$9,412.00;
Houston Specialty Ins. Co. for Commercial Automobile Insurance, at a cost of \$62,861.50;
Lloyd's Underwriters for Commercial Property Insurance, at a cost of \$5,992.18; and
Lloyd's Underwriters for Terrorism Coverage, at a cost of \$6,720.89.

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.

RESOLUTION NO. 21-287

On motion of Commissioner Blink, seconded by Commissioner Cognevich and on roll call all members present voting “YES”, except Commissioner Blink who voted “NO”, the following resolution was adopted:

A Resolution authorizing the Executive Director of the Plaquemines Port, Harbor & Terminal District to exercise the option to extend the audit services agreement for an additional two years adopted by Resolution No. 19-25 for the providing of independent financial auditing services for the Plaquemines Port, Harbor and Terminal District for a period of January 1, 2022, through December 31, 2023; and otherwise to provide with respect thereto.

WHEREAS, Resolution No. 19-25 authorized the acceptance of bids for providing independent financial auditing services for the Port for years ended December 31, 2018, 2019, and 2020, with the option to renew for an additional two years; and

WHEREAS, the Executive Director is authorized to exercise the option to extend the audit services for an additional two year period, for the years ending December 31, 2021 and 2022, the audit fee for these years would not exceed \$30,200;

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 authorizes the exercise of the option to extend the audit services agreement to two additional years for financial auditing services to be performed for the Plaquemines Port, Harbor & Terminal District, for the period of January 1, 2022, through December 31, 2023.

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 officials and employees are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 21-288

On motion of Commissioner Black, seconded by Commissioner Guey and on roll call all members present voting “YES”, except Commissioners Rousselle “ABSTAINED”, the following resolution was adopted:

A Resolution approving the final form of and authorizing the execution of a Cooperative Endeavor Agreement between the Plaquemines Port, Harbor and Terminal and CHS Inc., and any and all additional documents and certificates deemed necessary in connection therewith; and providing for other matters with respect to the foregoing; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Port, Harbor and Terminal District was created as a public corporation and political subdivision of the State of Louisiana and was ratified and approved as a port, harbor and terminal district pursuant to Section 31 of Article XIV of the Constitution of the State of Louisiana for the year 1921, and whose powers and authority are further defined in La. R.S. 34:1351, *et seq*; and

WHEREAS, CHS, founded in 1929, is a diversified global agribusiness cooperative owned by farmers and local cooperatives across the United States, and who employs more than 10,000 dedicated people around the globe who provide customers with a strong, efficient supply chain, access to global markets, and products and services for agricultural businesses and rural communities; and

WHEREAS, Article VII, §14(c) of the Louisiana Constitution of 1974 and La. R.S. 33:9031 provide that, for a public purpose, political subdivisions of the State may, such as the Port, can engage in agreements with any private association, corporation or individual; and

WHEREAS, CHS has informed the Port that it plans to develop (in the first phase of this project) an approximate \$36.5 million industrial development project on approximately 30 acres of undeveloped or underdeveloped property owned by CHS (as further defined below, the “Property”). CHS will construct on the Property a new dock and barge unloading system and an independent conveyance for barge unloading (as further defined below, the “Project”). The Project will expand the facility export capability by approximately 30%. This equates roughly to an additional 1,200 barges unloaded and 46 vessels loaded per year. The increase in capacity – 2,540,000 metric tons of product – results in an estimated \$1 billion in additional U.S. agricultural products will move through the Project for international markets; and

WHEREAS, as objectively provided for in Appendix G of the PIDP Grant Application, the Project is estimated to generate a net present value of all economic, environmental and safety benefits is \$264,872,000 over a twenty-year period. The project is anticipated to generate 80 construction jobs, 4 terminal jobs and anticipated 176 indirect jobs as a result of the first two phases of the planned expansion project; and

WHEREAS, the Port is a bulk port, coextensive with Plaquemines Parish, located at the mouth of the Mississippi River in Plaquemines Parish, Louisiana. Its strategic location provides water access to 33 states. The port is ideally located to serve expanding global markets for oil & gas, grain, coal, and chemicals; and

WHEREAS, during the course of this Agreement, the Property shall be required to be solely used for maritime commerce that directly benefits the Port in terms of direct and indirect revenues; and

WHEREAS, on July 30, 2021, the Port submitted an application to the U.S. Department of Transportation for MARAD’s Port Infrastructure Development Program Grant (“PIDP Grant Application”); and

WHEREAS, the PIDP Grant Application requests \$21,879,673 for the Project; and

WHEREAS, the PIDP Grant Application requires CHS to make an initial investment of \$14,586,449 and to deliver the Project; and

WHEREAS, the Project will be owned by the Port during the duration of the term of this Agreement, at which time the Project will be transferred from CHS to the Port under La. R.S. 33:4712.2; and

WHEREAS, La. R.S. 33:4712.2 authorizes the Port to transfer property for industrial inducement purposes to CHS, by suitable and appropriate contract. This statute authorizes the Port, in determining the consideration for this transfer, to consider the potential value of the public economic impact of the enterprise being induced to locate within or adjoining the Port; and

WHEREAS, the Port has evaluated the potential risks and rewards for the Port's participation and investment in the Project and has determined that under this Agreement and the other Transaction Documents, along with the Public Benefit Economist Report attached hereto, the Port reasonably expects the public economic impact to be more than equivalent value and benefit for the transfer of the Property to CHS for an industrial inducement purpose;

NOW, THEREFORE:

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

SECTION 1

Approval of Cooperative Endeavor Agreement. Plaquemines Port, Harbor and Terminal District hereby gives final approval to a Cooperative Endeavor Agreement (“CEA”) providing for the necessary agreements for a public-private partnership to construct, maintain and operate the Project.

Final approval of the CEA is conditioned on the fact that CHS shall produce an economic impact analysis that satisfies the applicable statutory and constitutional requirements under Louisiana law.

SECTION 2

Negotiation, Execution and Delivery of Documents. The Chairman, Vice-Chairman and President/CEO of the Plaquemines Port, Harbor and Terminal District, or any one of them acting independently, are hereby authorized and directed for, on behalf of, and in the name of the Plaquemines Port, Harbor and Terminal District to negotiate, execute and deliver any and all documents described herein, including, without limitation, the CEA, and such other instruments, documents, consents, acknowledgements and certificates in addition to the foregoing that are deemed by such officers upon the advice of counsel to be necessary, convenient, appropriate or desirable. The signatures of the said officers upon documents specifically described herein together with any documents and certificates as may be otherwise required for necessary, convenient, appropriate or desirable related to matters described in this resolution, are deemed to be conclusive evidence of their due exercise of the authority vested in them hereunder.

SECTION 3

Authorization. The Chairman, Vice-Chairman and President/CEO of the Plaquemines Port, Harbor and Terminal District, or any one of them, upon the advice of counsel, shall each be further authorized to negotiate, execute and deliver any future servitudes, easements, mortgages, rights-of-way, releases, conveyances or other instruments with respect to the Property described in the CEA, or such additions thereto, as may be required by or provided for in the CEA, or as may be requested by the CHS, or as may otherwise be required for or necessary, convenient or appropriate to the Project, the payments described in the CEA, and which have been reviewed and approved by the Plaquemines Port, Harbor and Terminal District's special counsel.

SECTION 4

Effective Date. This resolution shall take effect immediately.

SECTION 5

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 further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 21-289

On motion of Commissioner Blink, seconded by Commissioner Barthelemy and on roll call all members present voting "YES", the following resolution was adopted:

A Resolution authorizing Plaquemines Port, Harbor and Terminal District's Executive Director, Maynard "Sandy" Sanders, to request that the 276.6 acre parcel of Port-owned property known as Tract DR-2A1 be designated as a magnet site in connection with the Port's application for a Foreign-Trade Zone ("FTZ") grant of authority; and authorizing the Executive Director to apply for a FTZ grant of authority for the Plaquemines Parish service area; and otherwise to provide with respect thereto.

WHEREAS, the Foreign-Trades Zone Act ("FTZ Act"), approved June 18, 1934, provides for the establishment, operation and maintenance of foreign-trade zones in ports of entry of the United States to expedite and encourage foreign commerce; and

WHEREAS, foreign-trade zones ("FTZs") are widely recognized in the port industry as a beneficial economic development activity; and

WHEREAS, Louisiana Revised Statute 51:62 authorizes the Port to make application to the FTZ Board for the purpose of establishing, operating, and maintaining a foreign-trade zone; and

WHEREAS, the Port is the owner of a 276.6 acre parcel in Plaquemines Parish known as Tract DR-2A1, as shown on the Map of Resubdivision, Tract DR-2A into Tracts DR-2A1 and DR-2A2, Property of Woodland Borrow Pits, LLC, by Hugh McCurdy, III, P.L.S., dated January 28, 2016, as amended, a copy of which is annexed and made part hereof; and

WHEREAS, the Port seeks to have Tract DR-2A1 designated as a magnet site for FTZ usage, which would allow qualified businesses to take advantage of FTZ incentives and cost-savings benefits within the magnet site upon activation with U.S. Customs and Border Patrol;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT Plaquemines Port, Harbor and Terminal District's Executive Director, Maynard "Sandy" Sanders, is authorized to request that the Foreign-Trade Zone Board designate Tract DR-2A1 as a magnet site, and further authorizing the Executive Director to include this requested designation in the Port's application to the FTZ Board for a grant of authority for a service area coextensive with the territorial limits of Plaquemines Parish.

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.

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

There were no items for suspension under 7a.

Under Item 7c, "Public Hearing with respect to the issuance of Plaquemines Port, Harbor and Terminal District Dock and Wharf Facilities Revenue Bonds (NOLA Oil Terminal, LLC Project) Series 2022 in one or more series, in an aggregate face amount not to exceed \$300,000,000 outstanding at any time" the floor was open to any public comments. However, no persons from the general public were present at the public hearing to express their views concerning the issuance of the Bonds or the projects being financed by the Bonds, and no objections had been filed with the Council or the District regarding the Bonds or the projects being financed by the Bonds.

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

RESOLUTION NO. 21-290

On motion of Commissioner Rousselle, seconded by Commissioner Blink, 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 November 4, 2021, regular Port Meeting and the November 29, 2021, special 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 Cognevich seconded by Commissioner Rousselle and on roll call all members present voting "YES", the meeting adjourned at 5:39 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.