

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 Chambers, 333 F. Edward Hebert Blvd., Bldg. 203, Belle Chasse, Louisiana on Thursday, April 14, 2022, at 3:02 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 Corey Arbourgh
Commissioner Stuart J. Guey
Commissioner Trudy Newberry
Commissioner Carlton M. LaFrance, Sr.
Commissioner Richie Blink
Commissioner Mark Cognevich

Kim M. Toups, Secretary

ABSENT: Commissioner W. Beau Black

Sandy Sanders, Chambrel Riley-Williams and Christie Nielsen were present representing the Port.

The Prayer was said and the Pledge was recited.

There being no matters to address under the following Agenda Item 2, "Executive Session", Commissioner Rousselle moved to Agenda Item 3, "Status Report by the Executive Port Director". Without objection, so ordered. The following topics were addressed by Sandy Sanders:

- The Port continues to work with Becky Nictakis in seeking out grants; and
- Port Administration participated in the 5th Annual Dallas Inland Port Symposium.

Commissioner Black joined the meeting at 3:06 p.m.

A presentation was made by Volkert, Inc. Mr. Sam Matheny provided a Power Point presentation on the Rail Project.

Commissioner Barthelemy left the meeting at 3:12 p.m.

The floor was then opened for questions and comments from the Board as follows:

- Commissioner Guey questioned if the access road mentioned by Mr. Matheny was for the entire project. He was told by Mr. Matheny that it is only for selected areas and those areas would not be definite until after the 30% design was completed;
- Commissioner Rousselle stated that in documentation sent to him from Mr. Fetters, there has been \$3.1 million billed for the project so far. He asked how much has been billed for the track and terminal and was told by Sam Matheny about \$700,000. However, when questioned about details of the invoices for the \$700,000 spent, Mr. Matheny could not provide details; therefore, Commissioner Rousselle asked that detailed invoices be sent to him;
- Commissioner LaFrance asked Mr. Sanders when he was planning to hold meetings in the Southern end of the Parish regarding the Rail and Terminal Projects and was told he would set meetings once the final alignment was determined. Council Member LaFrance asked Sanders if it would be too late for public input after the final alignment was determined and that public input should be done prior to final alignment. He told Mr. Sanders to set up a meeting as soon as possible.
- Commissioner Blink asked questions regarding the Geotechnical work on the Rail Project. He said it seems like Geotechnical work will be done after the alignment is selected. He would think that the Geotechnical work, along with input from the public would influence which alignment is chosen. Mr. Matheny said the USACE already had Geotechnical information for the areas around both alignments and both would be an acceptable choice. Council Member Blink then asked Mr. Matheny how much it would cost for Volkert to develop preliminary plans for a highway overpass at Hwy. 23, if that route was selected. Matheny he could not estimate the cost, but he can get the answer to that question

- Commissioner Rousselle then thanked Sam Matheny for his presentation and also to provide the Council Secretary with his contact information in order for a final amount on the work Volkert has done on this project can be sent to him.

Luke Labat from Volkert provided a Power Point presentation on the Terminal Project. The floor was then opened for questions and comments from the Board as follows:

- Commissioner Rousselle asked what the Notice to Proceed was dependent upon, and was told by Mr. Labat that it was dependent on having a terminal operator signed on for the project. He then asked if they have billed any invoices up to date. He was told by Mr. Labat that there was no contract as of yet and they are working on good faith. Council Member Rousselle asked if they will be paid in the future and the response was yes. Commissioner Rousselle asked if any soil borings had been done to date and was told no, they have used historical soil borings from the USACE. Commissioner Rousselle then asked if he had an amount of time into the project in dollars. Mr. Labat said he did not have a good answer off the top of his head. Commissioner Rousselle asked who Mr. Labat's contract will be with and he was told LA23.
- Commissioner Blink asked which capacity, in TEUs, were they designing the terminal for and he was told that Mr. Labat didn't have that number off the top of his head. Commissioner Blink then posed the same question to Mr. Fetters who stated that Phase I is anticipated to be between 1.1 and 1.5 million TEUs of capacity but, the expected construction level will be about 850,000. Commissioner Blink then asked Mr. Labat to talk about the expected split on the onward movement of cargo. Labat stated that the terminal will be a rail and marine based terminal with the split being 50% rail, 40% water, and less 10% truck.
- Commissioner Rousselle stated that he participated in the stakeholders' meeting and he found it to be very productive. He learned what the stakeholders are doing and now knows the players at the table. He stated that he has been attending meetings since January and has been trying to wrap his head around the project, the way it is being financed, and the way it is being handled. Commissioner Rousselle explained that from day, he has been pursuing accountability of the first \$3.2 million spent on this project. Until today, he had not really gotten a good, detailed expenditure of the funds. Today he found out that out of the \$3.2 million, \$700,000 went to the largest effort he has seen. He thinks Volkert is on the right track to get where we need to be. However, due to the lack of transparency he is still looking for the accountability of the rest of the \$3.2 million. When he pushed this issue he received a booklet from Sustainability Partners and a jump drive. After spending days reviewing the jump drive and book, he still could not determine what the details of the expenditures are. Commissioner Rousselle said he cannot support spending another \$3 million until he knows where the first \$3.2 million has gone. Furthermore, what concerns him about Sustainability Partners, is that their contract states that they are not responsible or liable, under any circumstances or legal theory, for the performance of provider nor, the quality, sufficiency or delivery of the work product developed by provider. Because of this clause Commissioner Rousselle takes it, as the Port Chairman, that he is responsible for the oversight. He is requesting responses in order to shed some light on the \$3.2 million expenditure. A discussion was then held on how the payments on the \$3.2 are being paid out of the General Operating Budget. Commissioner Rousselle said he would like to know what line item the payments are made from because there are no appropriations in the budget.
- Commissioner Blink stated that 150,000 containers moving through Belle Chasse is a significant change to quality of life in the Parish. He then asked Sandy Sanders what happens if terminal operators fail. No one responded to this question, except for Sanders apologizing for being involved in another conversation and asked for Commissioner Blink to ask the question again.
- Commissioner Blink then explained that his comments were pretty muted today and that he is not going as hard as he usually does do for fear of legal retribution. He said he was sent a letter demanding that he cease and desist and as a duly elected member of this Council, he finds it disturbing that anybody could try to compromise what is being said up here. He went on to say that we are trying to look out for the best interest of the people, the quality of life here and he thinks everybody up here wants to see good, responsible Port development and the details matter. The way this is being done, it needs to be, in his opinion, ran through the Port and not outside entities. Commissioner Blink ended by say that with all this being said, he is glad that some of the things we say up here are being acknowledged by the public.

There being nothing to report under Agenda Item 3a, “Financial Report/Budget to Actual”, and no matters under Agenda Item 4, “Bids and Advertisements”, Commissioner Rousselle moved to Agenda Item 5, “Introduction of Ordinances and Resolutions”. The following legislation was introduced:

1. 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. COMMISSIONER ROUSSELLE
2. 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 on-going transportation related projects, and otherwise to do all things necessary and proper to sign, perfect, perform, and enforce those agreements; and otherwise to provide with respect thereto. COMMISSIONER ROUSSELLE
3. 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. COMMISSIONER BLINK

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

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

ORDINANCE NO. 22-36

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

An Ordinance approving two documents, each entitled Amendment and Restated Right-of-Way Instrument (one the “Transmission Amendment”, and one the “Distribution Amendment”, and collectively the “Amendments”), between Plaquemines Port, Harbor and Terminal District, and Entergy Louisiana, LLC (“Entergy”), and authorizing and directing Maynard Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District (the “Port”), to execute the Amendments whereby land owned by the Port will be subject to two servitudes, the first which is more fully described in the Transmission Amendment, and its exhibits, an *en globo* copy of which is attached as Exhibit 1, and the second which is more fully described in the Distribution Amendment, and its exhibits, an *en globo* copy of which is attached as Exhibit 2; and otherwise to provide with respect thereto.

WHEREAS, the Port is the owner of property, all as more fully described in Exhibit B to each of the Amendments, upon which the Port seeks approval to grant Entergy the amended rights-of-way, in order to reasonably accommodate the development by the Port’s tenant, Venture Global Plaquemines LNG, LLC (“VG Plaquemines”) of its project, which reasonable accommodation is expressly contained within the terms of the long-term lease between the Port and VG Plaquemines; and

WHEREAS, the granting of approval for the Port to enter into the Amendments is without monetary consideration between the parties, but is for a public purpose that comports with governmental purposes for which the Port has legal authority to pursue; the Amendment is not gratuitous, and the Port has a demonstrable, objective, and reasonable expectation of receiving at least equivalent value in exchange for the execution of the Amendments; 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 enter into the referenced Amendments, the terms of which are more fully described in attached Exhibits 1 and 2;

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 authorizes and directs the Executive Director to execute the Amendments, as set forth in attached Exhibit 1 and Exhibit 2.

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 Cognevich seconded the motion to adopt the Ordinance.

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

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

NAYS: None

ABSENT: Commissioner John L. Barthelemy, Jr.

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 14th day of April, 2022.

ORDINANCE NO. 22-37

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

An Ordinance approving an Amendment and Restated Right-of-Way Instrument (the "Amendment"), between Plaquemines Port, Harbor and Terminal District, and Southern Bell Telephone and Telegraph Company ("SBT"), and authorizing and directing Maynard Sanders, Executive Director of the Plaquemines Port, Harbor & Terminal District (the "Port"), to execute the Amendment whereby certain land owned by the Port will be subject to an amended servitude, entitled "Amendment to General Permit", all as more fully described in the Amendment, and its attached exhibits, an *en globo* copy of which is attached as Exhibit 1; and otherwise to provide with respect thereto.

WHEREAS, the Port is the owner of property, all as more fully described in Exhibit A to the Amendment, upon which the Port seeks approval to grant Entergy the amended right-of-way, in order to reasonably accommodate development by the Port's tenant, Venture Global Plaquemines LNG, LLC ("VG Plaquemines") of its project, which reasonable accommodation is expressly contained within the terms of the long-term lease between the Port and VG Plaquemines; and

WHEREAS, the granting of approval for the Port to enter into the Amendment is without monetary consideration between the parties, but is for a public purpose that comports with governmental purposes for which the Port has legal authority to pursue; the Amendment is not gratuitous, and the Port has a demonstrable, objective, and reasonable expectation of receiving at least equivalent value in exchange for the execution of the Amendment; 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 enter into the referenced Amendment, the terms of which are more fully described in attached Exhibit 1;

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 authorizes and directs the Executive Director to execute the Amendment, as set forth in attached Exhibit 1.

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 Blink seconded the motion to adopt the Ordinance.

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

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

NAYS: None

ABSENT: Commissioner John L. Barthelemy, Jr.

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 14th day of April, 2022.

Agenda Item 6c was offered by Commissioner Rousselle for discussion only. It was seconded by Commissioner LaFrance, a discussion was held and then the matter was deferred.

Commissioner Rousselle offered 6d with changes.

ORDINANCE NO. 22-38

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

An Ordinance authorizing the Executive Director, Maynard J. Sanders, to accept the proposal for engineering and permitting support for the Port Security Vessel Service Dock Project and to amend the Plaquemines Port, Harbor and Terminal District 2022 Operating Budget of Revenue and Expenditures; and otherwise to provide with respect thereto.

WHEREAS, Matrix PDM Engineering completed the Joint Permit Application (US Army Corps of Engineers Permit) for the proposed Security Vessel Service Dock; and

WHEREAS, as part of the response from USACE the project will require a 408 permit and it is requested to take the design package and calculations to an IFP level appropriate for review by the USACE; and

WHEREAS, additional funding is needed in the amount of \$241,750 for dock final engineering, total estimate of project cost, geotechnical, and hydrographic services; and

WHEREAS, the Plaquemines Parish Council as the sole governing authority of the Plaquemines Port, Harbor and Terminal District authorizes the Executive Director, Maynard J. “Sandy” Sanders, to accept the proposal from Matrix PDM Engineering to provide engineering and permitting support for the Port Security Vessel Service Dock project;

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 2022 Operating Revenue Budget is amended as follows:

Fund: 445- Plaquemines Port, Harbor & Terminal District			
Department: 490- PPHT			
Division: 2462- RESCUE BOATS			
Object	Description	Inc/Dec	Amendment
532.601	Prof Services- Planning & Engineering Services	Inc	\$241,750

SECTION 2

Plaquemines Port, Harbor & Terminal District 2022 Revenue and Expenditure Budget is hereby amended for the engineering and permitting support of the Port Security Vessel Service Dock by transferrin \$241,750 from the Port’s unrestricted fund balance.

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 Blink seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote and 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, Sr., Richie Blink and Mark Cognevich

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 14th day of April, 2022.

Commissioner Rousselle reverted back to Agenda Item 6b which was offered by Commissioner Rousselle and seconded by Commissioner Cognevich.

MOTION FOR AMENDMENT

Commissioner Newberry offered an amendment to agenda Item 6a, “An Ordinance to create the Legal Department and the position of Executive Counsel of the Plaquemines Port, Harbor & Terminal District; to amend the 2022 General Fund, Manpower Structure and Operating Expenditure Budget to provide for the Legal Department; and otherwise to provide with respect thereto”.

The following amendments were offered:

Section 1, items c through g to read as follows:

- c. “The Executive Counsel contract shall be approved by the Plaquemines Parish Council.
- d. The Chairman and Executive Director of the Plaquemines Port, Harbor and Terminal District shall receive all applications; however, the Executive Director shall interview and consider no less than three applications and shall submit his candidate for consideration by the Council no later than May 26, 2022.
- e. The proposed candidate shall meet individually with the Council Members who choose to do so during which time the individual Council Members may ask questions.
- f. The Council may then vote on approval of the applicant.
- g. The Executive Counsel shall report directly to the Executive Port Director and work cooperatively with the Council and Port staff members.

The amendment was seconded by Commissioner Guey and on roll call, all members present voting “YES”, except Commissioners Rousselle, LaFrance, Blink and Cognevich who voted “NO” and Commissioner Barthelemy who “ABSTAINED”, the amendment FAILED by a vote of 4-4-1.

ORDINANCE NO. 22-39

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

An Ordinance to create the Legal Department and the position of Executive Counsel of the Plaquemines Port, Harbor & Terminal District; to amend the 2022 General Fund, Manpower Structure and Operating Expenditure Budget to provide for the Legal Department; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Port, Harbor & Terminal District (“Port”) has been operating without in-house legal counsel, choosing instead to engage outside legal counsel; and

WHEREAS, the Port is at a stage in its development that it will be better served by having an in-house Legal Department; and

WHEREAS, a Port Legal Department will be a more effective and efficient means of providing the legal services that the Port needs as it moves forward;

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

There is hereby created a Legal Department within the administration of the Plaquemines Port, Harbor and Terminal District (“Port”).

The Legal Department shall include the position of:

Executive Counsel

- a. The position of Executive Counsel shall be a full-time unclassified position, with all of the benefits thereof.
- b. A candidate for Executive Counsel shall hold a valid license to practice law in the State of Louisiana, and have held such license for not less than ten (10) years prior to appointment years plus a minimum of six years of experience as a practicing attorney prior to appointment.
- c. The Executive Counsel contract shall be approved by the Plaquemines Parish Council which shall be considered the appointing authority.
- d. The Chairman and Executive Director of the Plaquemines Port, Harbor and Terminal District shall receive all applications; however, no less than three applications shall be submitted to the Board for consideration no later than May 26, 2022, and within thirty days of any future vacancy in the position.
- e. The applicants shall each appear before the full Council for a final interview, during which the individual Council Members may ask questions to the applicants.
- f. Following the interviews the Council, by a majority vote of the members present, may select one of the applicants or reject all of the applicants.
- g. The Executive Counsel shall work cooperatively with the Executive Director and other Port staff. The Executive Counsel shall report directly to the Board.
- h. The Executive Counsel shall provide for the day-to-day legal services and provide legal advice to the Port, the Port staff, and the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District.
- i. The Executive Counsel shall attend all meetings of the Plaquemines Parish Council acting as the Sole Governing Authority of the Plaquemines Port.

SECTION 2

The Legal Department and the position of Executive Counsel shall take effect on July 1, 2022; however, this ordinance shall be immediately effective so as to provide for the direction and authorization of various activities to support that the position of Executive Counsel be filled, so as to begin on July 1, 2022.

To facilitate the recruitment and hiring of the Executive Counsel, the Executive Director shall:

- Communicate with the Plaquemines Parish Civil Service Department to facilitate the creation of the unclassified position of Executive Counsel and report back to the Council in the event any additional actions are required;
- Direct Port staff to incorporate the Legal Department and the position of Executive Counsel into the adopted 2022 General Fund Budget for the Port, with a beginning salary for the position of \$125,000 per year;
- Direct Port staff to take such efforts as are reasonable and prudent to advertise for the new position of Executive Counsel, including advertisements in regional newspapers and other media within seven days of the adoption of this ordinance.

SECTION 3

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that the employees and officials of the Plaquemines Port, Harbor and Terminal District and the Plaquemines Parish Civil Service Department 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 and the vote resulted as follows:

YEAS: Commissioners John L. Barthelemy, Jr., Stuart J. Guey, Benedict Rousselle, Carlton M. LaFrance, Sr., Richie Blink and Mark Cognevich

NAYS: Commissioners W. Beau Black, Corey Arbourgh and Trudy Newberry

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 14th day of April, 2022.

Commissioner Rousselle moved to Agenda Item 7, "New Business". Without objection, so ordered.

There were no items for suspension under Agenda Item 7a.

Kevin Wagner from the U.S. Army Corps of Engineers made a presentation regarding the NOV Levee Alignment under Agenda Item 7b.

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

RESOLUTION NO. 22-84

On motion of Commissioner LaFrance, seconded by Commissioner Blink, 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 the March 24, 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 Rousselle, and on roll call all members present voting "YES", the meeting adjourned at 5:10 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 or on YouTube.