

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 23, Pointe-a-la-Hache, Louisiana on Thursday, August 26, 2021, at 3:02 p.m., pursuant to notice to all members with a quorum present as follows:

PRESENT: Commissioner Richie Blink, Chairman  
Commissioner Corey Arbourgh  
Commissioner Benedict Rousselle  
Commissioner Carlton M. LaFrance, Sr.  
Commissioner Mark Cognevich

Kim M. Toups, Secretary

ABSENT: Commissioner John L. Barthelemy, Jr.  
Commissioner W. Beau Black  
Commissioner Stuart J. Guey  
Commissioner Trudy Newberry

Sandy Sanders, Paul Matthews, Chambrel Riley-Williams, Christie Nielsen and Donald Durr 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 Blink moved to Agenda Item 3, "Status Report by the Executive Port Director". Without objection, so ordered. Reports on the following topics were made:

- The Port co-ordinate with Entergy to create a storyboard of the entire jurisdiction of the Port from the Venice Port Complex to Stolthaven;
- Economic Development;
- Cold Storage Plant;
- TEAMS meeting was held with David Vitter and American Patriot Holdings regarding the Biden Administration; and
- Christ Fetters' investors.

Commissioner Blink moved to Agenda Item 3b, "Financial Report/Budget to Actual". Without objection, so ordered. Prior to the meeting, Mrs. Riley provided the Commissioners with a Total Budget to Actual Report and a Detailed Budget Report with actual expenditures as of July 31, 2021. Discussions were held regarding certain aspects of these reports. These reports can be found on the Port website at [www.portofplaquemines.com](http://www.portofplaquemines.com)

There being 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. A Resolution to change the date of the November 11, 2021, regularly scheduled meeting of the Plaquemines Parish Council as the Sole Governing Authority of the Port, Harbor & Terminal District meeting due to the Veterans Day holiday; and otherwise to provide with respect thereto. COMMISSIONER BLINK

Commissioner Barthelemy joined the meeting at 3:11 p.m.

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

There was no legislation under Item 6a.

#### ORDINANCE NO. 21-83

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

An Ordinance to amend and as amended the Plaquemines Parish Port, Harbor & Terminal District 2021 Operating Budget of Revenue and Expenditures; and otherwise to provide with respect thereto.

WHEREAS, the 2021 Operating Budget of Revenue is amended to reflect the changes in the Revenue Budget due to execution of Venture Global Ground and Laydown area lease; and

WHEREAS, Ordinance No. 21-68 authorized and directed the Plaquemines Port, Harbor & Terminal District ("Port") Executive Director, Maynard J. "Sandy" Sanders, to enter into a lease agreement with Venture Global Plaquemines LNG, LLC for the letting of that certain Port property on a long-term basis, and to grant a pipeline servitude thereon to and to enter into a separate lease agreement for the letting of that certain Port property upon terms and conditions approved by the Plaquemines Parish Council as sole governing authority of Plaquemines Port, Harbor & Terminal District (the "Council"); and

WHEREAS, on August 14, 2020, Venture Global Plaquemines LNG, LLC issued a written notice to the Port under the option agreement of the Project Company's intention to exercise its option under the option agreement to enter into the Ground Lease for the project site. Venture Global Plaquemines LNG, LLC exercised its option to extend the closing date for the Project Site and the Laydown area by 365 days to September 14, 2021. In exchange for such extension the Project Company paid two-million dollars (\$ 2,000,000) (the Extension Payment) to the Port. In the event the closing date occurs prior to September 14, 2021 the extension payment will be prorated in accordance with the option agreement; and

WHEREAS, on July 19, 2021, the lease agreement with Venture Global Plaquemines LNG, LLC for Parcel 2 and Laydown area was executed; and

WHEREAS, the Plaquemines Parish Port, Harbor & Terminal District 2021 Operating Budget of Revenue and Expenditures is amended to reflect the lease revenue for 2021 and extension payment credit due to Venture Global Plaquemines LNG, LLC for 2021;

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

Plaquemines Port, Harbor & Terminal District 2021 Revenue and Expenditure Budget is hereby amended by the following:

<b>Fund: 445- Plaquemines Port, Harbor &amp; Terminal District</b>			
<b>Department: 000- Revenues</b>			
<b>Division: 0000- Revenues</b>			
<b>Object</b>	<b>Description</b>	<b>Inc/Dec</b>	<b>Amendment</b>
468.250	Rents & Leases- VG- Option Revenue	Dec	\$2,000,000
468.251	Rents & Leases- VG Extension Payment (Credit)	Inc	(\$312,329)
468.255	Rents & Leases- VG- Parcel 2	Inc	\$ 4,002,182
468.256	Rents & Leases- Laydown Area	Inc	\$ 505,810

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, the vote resulted as follows:

YEAS: Commissioners Corey Arbourgh, Benedict Rousselle, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: Commissioners W. Beau Black, Stuart J. Guey and Trudy Newberry

PRESENT BUT NOT VOTING: Commissioner John L. Barthelemy, Jr. (ABSTAINED)

And the Ordinance was adopted on this the 26<sup>th</sup> day of August, 2021.

#### RESOLUTION NO. 21-214

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

A Resolution swapping the locations of the two regularly scheduled October meetings of 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 Parish Council approved three millage propositions to be placed on the October 9, 2021, ballot for a vote of the residents of Plaquemines Parish; and

WHEREAS, the canvassing of said election is set for Thursday, October 14, 2021, and the Plaquemines Parish Council must be sitting at the Parish seat to take action on this matter; however, the October 14, 2021, regularly scheduled meeting of the Plaquemines Parish Council is set to be held in the Belle Chasse Council Building Chambers; and

WHEREAS, it is necessary to swap the location of both the October 14, 2021, and the October 28, 2021, Port regular meetings;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the October 14, 2021, regularly scheduled Port Meeting will be held at the Pointe-a-la-Hache Courthouse Council Chambers and the October 28, 2021, regularly scheduled Port meeting will be held at the Belle Chasse Council Building Chambers.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT 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 purpose of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

#### ORDINANCE NO. 21-84

The following Ordinance was offered by Commissioner Blink 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 2021 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 consist 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.
- c. The Executive Counsel shall be appointed by the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, upon the vote of majority of the members thereof. The Executive Counsel may only be terminated by the Plaquemines Parish Council as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, upon a majority vote thereof.
- d. The Executive Counsel shall work cooperatively with the Executive Director and other executive Port staff, but the client for all purposes shall be the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District and the Executive Counsel shall report directly to the Port Chairperson.
- e. 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.
- f. The Executive Counsel shall attend all meetings of the Plaquemines Parish Council as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, unless otherwise excused by the Port Chairperson.

#### SECTION 2

The Legal Department and the position of Executive Counsel shall take effect on January 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 January 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 proposed 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, so that the Council may consider applicants prior to the end of 2021, and to report back to the Council at each meeting as to the efforts undertaken;

- Cause to be included in the proposed budget for 2022 funding for the Legal Department and the position of Executive Counsel.

### 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 Rousselle seconded the motion to adopt the Ordinance.

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

YEAS: Commissioners Benedict Rousselle, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: Commissioners John L. Barthelemy, Jr. and Corey Arbourgh

ABSENT: Commissioners W. Beau Black, Stuart J. Guey and Trudy Newberry

PRESENT BUT NOT VOTING: None

And the Ordinance FAILED on this the 26<sup>th</sup> day of August, 2021.

### ORDINANCE NO. 21-85

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

An Ordinance to amend, and as amended to approve, the Plaquemines Parish Port, Harbor & Terminal District 2021 Operating Budget of Revenue and Expenditures; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Port, Harbor & Terminal District 2021 Operating Budget of Revenue and Expenditures should be amended to reflect the funding of these services by appropriating \$70,000 for the Port's Legal Expense Budget for the remainder of 2021 from the Port's unrestricted balance is requested;

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

Plaquemines Port, Harbor & Terminal District 2021 Revenue and Expenditure Budget is hereby amended by appropriating \$70,000 to Legal Support- General for the Port's Legal Expense Budget from the Port's unrestricted balance.

### 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, the vote resulted as follows:

YEAS: Commissioners Commissioner Corey Arbourgh and Richie Blink

NAYS: Commissioners Benedict Rousselle, Carlton M. LaFrance and Mark Cognevich

ABSENT: Commissioners W. Beau Black, Stuart J. Guey and Trudy Newberry

PRESENT BUT NOT VOTING: Commissioner John L. Barthelemy, Jr. (ABSTAINED)

And the Ordinance FAILED on this the 26<sup>th</sup> day of August, 2021.

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

Commissioner Blink offered an amendment to the minutes which added the receipt of a Formal Complaint from Robert Forshee against one or more employees of the Plaquemines Port, Harbor & Terminal District. It was seconded by Commissioner Cognevich and upon roll call, all members present voting "YES", except Commissioner Arbourgh voting "NO" and Commissioner Black, Guey and Newberry who were "ABSENT", the amendment was adopted by a vote of 5-1.

#### R E S O L U T I O N NO. 21-215

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

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby approves the minutes of the August 12, 2021, regular Port Meeting, as recorded by the Secretary of this Council, as amended to add the receipt of a Formal Complaint from Robert Forshee against one or more employees of the Plaquemines Port, Harbor & Terminal District.

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 Blink and on roll call all members present voting "YES", except Commissioners Black, Guey and Newberry who were "ABSENT", the meeting adjourned at 3:22 p.m.

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Chairman

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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](http://www.plaqueminesparish.com) or on YouTube.