

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held in the Belle Chasse Council Building Chambers, 333 F. Edward Hebert Blvd., Bldg. 203, Belle Chasse, Louisiana, on Thursday, October 10, 2019, at 1:00 p.m., pursuant to notice to all members with a quorum present as follows:

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

Kim M. Toups, Secretary

ABSENT: Commissioner Carlton M. LaFrance, Sr.

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

The Prayer said and the Pledge was recited.

There being no items for Executive Session, Commissioner Barthelemy moved to Agenda Item 3, "Status Report by the Executive Port Director ". Without objection, so ordered. Sandy Sanders said there was nothing significant to report.

There were no items to address under Item 3a, "Financial Report".

There being no Bids or Advertisement, nor items for introduction, Commissioner Barthelemy moved to Agenda Item 6, "Ordinances and Resolutions on second reading and final passage ". Without objection, so ordered.

Commissioner LaFrance joined the meeting at 1:05 p.m.

ORDINANCE NO. 19-119

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

An Ordinance authorizing Sandy Sanders, Executive Director of Plaquemines Port, Harbor and Terminal District to purchase land owned by Regions Bank; and otherwise to provide with respect thereto.

WHEREAS, through negotiations with Regions Bank, a recommendation is being made to approve the acquisition of property owned by Regions Bank, contiguous to property currently owned by Plaquemines Port, Harbor and Terminal District; and

WHEREAS, the property has been appraised, and the fair market value has been calculated to be \$60,000.00; and

WHEREAS, the negotiations between Regions Bank and the Port recognize a total purchase price of said property for Fifty-Six Thousand Dollars (\$56,000.00) for Tract 52A (20928 Hwy. 23, Port Sulphur, Louisiana), currently owned by Regions Bank;

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 Maynard Sanders, Executive Director of the Plaquemines Port, Harbor and Terminal District, to acquire the land owned by Regions Bank, more fully described by the legal description attached hereto as Exhibit "A."

1. The acquisition shall be for a purchase price of Fifty-Six Thousand Dollars (\$56,000.00) for the transfer of ownership of the land at Tract 52A (20928 Hwy. 23, Port Sulphur, Louisiana), currently owned by Regions Bank, to the Plaquemines Port, Harbor and Terminal District.

SECTION 2

Plaquemines Port, Harbor & Terminal District 2019 Revenue and Expenditure Budget is hereby amended as follows:

| Division: 2468- Land Acquisition | | | |
|---|--------------------------------|---------------------|------------------|
| Object | Description | Inc/ Dec | Amendment |
| 532.001 | Professional Services- General | Dec | \$60,000.00 |
| 568.110 | Property- Acq-Land | Inc | \$60,000.00 |
| | | | |

| Division: 2500- General Finance | | | |
|--|----------------------------------|---------------------|------------------|
| Object | Description | Inc/ Dec | Amendment |
| 569.001 | Asset Reclassification – General | Inc | (\$60,000.00) |
| | | | |

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 Newberry 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, Sr., Richie Blink and Mark Cognevich

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 10th day of October, 2019.

Commissioner Barthelemy offered Item 6a(2) with changes.

ORDINANCE NO.19-120

The following Ordinance was offered by Commissioner Barthelemy 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 November 1, 2019; 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, 10.11 percent (10.11%) of total dockage assessed per Port call; Cargo (to be billed to the party paying dockage)

| | |
|-------------|--|
| Break Bulk | \$0.21 per ton (21 cents/ton) |
| Dry Bulk | \$0.048 per ton (4.8 cents/ton) |
| Liquid Bulk | \$0.048 per ton (4.8 cents/ton) |
| Containers | \$4.47 per box (4 dollars forty-seven cents/box) |
| Vehicles | \$1.00 per vehicle (1 dollar/vehicle) |
| Passengers | \$1.00 per passenger (1 dollar/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 –10.11 percent (10.11%) total dockage assessed per Port call; cargo (to be billed to the party paying dockage):

| | |
|-------------|--|
| Break Bulk | \$0.21 per ton (21 cents/ton) |
| Dry Bulk | \$0.048 per ton (4.8 cents/ton) |
| Liquid Bulk | \$0.048 per ton (4.8 cents/ton) |
| Containers | \$4.47 per box (4 dollars forty-seven cents/box) |
| Vehicles | \$1.00 per vehicle (1 dollar/vehicle) |
| Passengers | \$1.00 per passenger (1 dollar/passenger) |

SECTION 2

The effective date of the amended Security Fees (Security Surcharges) shall be November 1, 2019.

SECTION 3

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Port employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Commissioner Guey seconded the motion to adopt the Ordinance.

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

YEAS: Commissioners 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 10th day of October, 2019.

Item 6b, "A Resolution of the Plaquemines Parish Council, acting as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, accepting the operational authority and the budgetary responsibility of the ferries currently operated by the Plaquemines Parish Government; and otherwise to provide with respect thereto" was deferred.

ORDINANCE NO. 19-121

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

An Ordinance to amend the Plaquemines Port, Harbor and Terminal District Manpower Structure to create the classified position of Director of Port Finance; and otherwise provide with respect thereto.

WHEREAS, the Plaquemines Port, Harbor and Terminal District hereby request the Civil Service Commission to create the classified position of Director of Port Finance and amend their Pay Plan and Classification Schedule to add the Classification of Director of Port Finance on Pay Grade 41 (Minimum Salary \$68,782); and

WHEREAS, the Council as the sole governing authority of the District has determined that in order to carry out the purposes of advancing Port development in Plaquemines Parish it is necessary to reallocate the Comptroller to the position of Director of Port Finance to be more consistent with the job description duties and responsibilities effective January 1, 2020; and

WHEREAS, the Plaquemines Port, Harbor and Terminal District hereby request this reallocation be effective January 1, 2020 and funded with the adoption of the 2020 Port Manpower Budget;

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 accordance with Louisiana Revised Statute 34:1351 et seq, the Plaquemines Parish Council as the sole governing authority of the Plaquemines Port, Harbor & Terminal District does hereby request the Civil Service Commission to create the classified position of Director of Port

Finance and amend their Pay Plan and Classification Schedule to add the Classification of Director of Port Finance on Pay Grade 41 (Minimum Salary \$68,782).

SECTION 2

The Director of Port Finance shall work directly for the Plaquemines Port Harbor & Terminal District under the direct supervision of the Deputy Port Director subject to all Civil Service Rules and Regulations.

SECTION 3

It hereby authorizes the new addition of the classified position of Director of Port Finance to the Plaquemines Port Manpower Budget effective January 1, 2020.

SECTION 4

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.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Commissioner Black 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, Trudy Newberry and Richie Blink

NAYS: Commissioners Benedict Rousselle and Mark Cognevich

ABSENT: None

PRESENT BUT NOT VOTING: Commissioner Carlton M. LaFrance, Sr. (ABSTAINED)

And the Ordinance was adopted on this the 10th day of October, 2019.

Agenda Item 6d, "A Resolution authorizing Maynard J. "Sandy" Sanders, Executive Director of the Plaquemines Port Harbor & Terminal District (PPHTD) to enter into an Exclusivity Agreement with Strategic Investment Partner; and otherwise to provide with respect thereto" was deferred.

Commissioner Barthelemy moved to Agenda Item 7, "New Business". Without objection, s ordered.

There were no items for suspension under 7a.

Under 7b, "Discussion of inquiry", Commissioner Blink presented a PowerPoint with various emails sent to and from the Port Administration regarding the PLT land purchase. He asked for an explanation regarding the issues discussed in the emails. Topics discussed were appraisal, FedEx personal check, causes of dysfunction and Rathburn's misgivings. Sandy Sanders and the Port Attorney responding setting forth the context of the emails. He ended with saying everyone must do the right thing even when no one is watching and avoid any appearance of impropriety. Moving forward he would like policies to be put in place to avoid situations such as this. Commissioner Guey said he understands the Port is a business and sometimes to make a business come to fruition there is a lot of negotiation. He feels the Port does things ethically.

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

RESOLUTION NO. 19-269

On motion of Commissioner Barthelemy, seconded by Commissioner Rousselle, and on roll call all members present and voting "YES", 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 September 26, 2019, meeting as recorded by the Secretary of this Council.

There being no further business to come before this Council, on motion of Commissioner Black, seconded by Commissioner Blink, and on roll call all members present and voting "Yes", the meeting adjourned at 2:13 p.m.

Chairman

Secretary