

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 Council Chambers, 18055 Hwy. 15, Pointe-a-la-Hache, Louisiana on Thursday, September 28, 2023, at 3:00 p.m., pursuant to notice to all members with a quorum present as follows:

PRESENT: Commissioner Stuart J. Guey, Chairman
Commissioner Tyrone Edwards
Commissioner Brian Champagne
Commissioner Chris Schulz
Commissioner Patricia McCarty
Commissioner Ronnie Newsom
Commissioner Carlton M. LaFrance, Sr.
Commissioner Mitch Jurisich
Commissioner Mark Cognevich

Kim M. Toups, Secretary

Charles Tillotson, Christie Nielsen, Jalen Brown and Angelina Vicknair were present representing the Port.

The Prayer was said and the Pledge was recited.

The following items were deferred:

- 6a(1), “An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to have the Port’s Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a “taking”, that certain land, owned by Norman C. Rouse., or their successor(s) in title, which property is commonly referred to as LOT 53, totaling 13.28 acres and with a legal description of FARM LOT 53, POINT CELESTE FARMS S/D, PH II - 340' FRONT ON R/DESC R/W OF HWY 23 X 1,701.27' X 339.94' X 1,697.11', with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto”;
- 6a(2), “An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to have the Port’s Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a “taking”, that certain land, owned by Kyle A. Fleming., or their successor(s) in title, which property is commonly referred to as LOT 58A, totaling 7.51 acres and with a legal description of LOT 58A, POINT CELESTE FARM S/D - 190' FRONT ON HWY 23 X 1,720.01' X 189.97' X 1,724.91', with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto”;
- 6a(3), “An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to have the Port’s Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a “taking”, that certain land, owned by Celeste D. Ancar, or their successor(s) in title, which property is commonly referred to as LOT 7, totaling 4.0 acres and with a legal description of LOT 7, POINTE CELESTE FARMS, PHASE II - 200' X 880.0' X 890.0' X 200', with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto”; and
- 6a(4), “An Ordinance authorizing Charles Tillotson, Executive Director of Plaquemines Port, Harbor and Terminal District to purchase land owned by Tuan Nguyen; and otherwise to provide with respect thereto”.

Agenda Item 6g, “A Resolution authorizing the Executive Director of the Plaquemines Port Harbor & Terminal District to advertise a Request for Proposal for auditing services relevant to the annual independent financial auditing services for the Port; and otherwise to provide with respect thereto” was withdrawn.

Commissioner Guey moved to Agenda Item 3, “Status Report by the Executive Director”. Without objection, so ordered.

The following was reported by Charles Tillotson:

- Last week, the Port presented the State of the Port address under the newly formed Port Executive Team and the Port Commission. The overwhelming attendance and the resoundingly positive feedback they received affirm the Port's shared vision of growth and progress. This vision can only be realized through the Port's steadfast partnership with our Parish, as we collectively strive to bolster infrastructure and fuel prosperity.
- **Saltwater Intrusion:** In acknowledgment of the Saltwater State of Emergency Declaration, the Port reaffirms its unwavering commitment to exploring innovative water treatment and delivery methods. These endeavors not only support the Port's expansion, but also bolster the Parish's production and processing capacity, solidifying our region's resilience.
- **Rail Infrastructure:** The Port continues to advance in the certification of Phase II within the ambitious 11-mile rail extension project. They are evaluating the Phase II deliverables. Their strategy is to finalize acceptance details with all stakeholders, paving the way for the seamless transition to Phases III and IV.
- **Meetings:** Mr. Tillotson was thrilled to share the success of the Port's recent series of meetings in Washington, D.C. where we engaged with key entities, including the USDOT, FRA, MARAD, AAPA, and esteemed Louisiana legislators. With an united front, comprising the PPHTD, Plaquemines & Jefferson Parish, the City of Gretna, New Orleans Gulf Coast Railroad, and CSRS, resonated strongly: "We collectively champion the development of a transformative rail bypass solution that will not only elevate regional maritime and transportation growth but also contribute significantly to the great state of Louisiana."

The following was on behalf of Melissa Folse:

The acquisition of land in the Piano Keys area is of utmost importance for the growth of the port. We recognize the sensitive nature of the process. Today, we are voting on Nguyen, Rouse and Ancar. Fleming will be deferred while we await the report from the appraisal of his modular home and completion of the home inspection. In front of you is a spreadsheet that identifies the Port's efforts to secure the parcels currently owned by the aforementioned individuals. The spreadsheet references the original purchase price by the owners, as well as the results of all the appraisals. All completed appraisals are over 200% higher than their original purchase price. The landowners will receive the highest appraisal plus an additional 20 percent. Our representatives from Dwyer Cambre and Latter & Blum are present should you have any further questions.

The following was reported on behalf of Jalen Brown:

- **New Build Ferry Boat:** LADOTD is wrapping up the scope of work to issue an RFQ.
- **Port Construction/Expansion:** The Port is pleased to announce the approval of funding and reimbursement agreements for the Alliance Water Booster Station and water line extension project. The Port's commitment is unwavering, and they pledge to expedite the project's completion. It is worth noting that the Port is leveraging its Grant authority, allocating approximately \$7 million towards estimated grants totaling \$53 million in the coming year. These grants are dedicated to enhancing our infrastructure and facilitating growth.
- **Ferry Service:** This week the Port is implementing an app to collect ferry fares. This will allow us to have better audit controls over the money collected by the ferry department, increase transparency with the ferry location, push out announcements, and embrace technology.
- **Point-A-La-Hache Ferry Ramp Replacement:** In the spirit of progress, the Port has submitted a Task Order to Infinity, initiating the engineering process necessary to execute temporary repairs for the condemned WPALH Ferry Landing. This endeavor will also encompass recommendations for the required repairs at the EPALH Ferry Landing. Our decision to embark on these temporary repairs is twofold. Firstly, recognizing that the estimated time for engineering and repairs could span up to four years, we deem it unacceptable for the Ferry to remain out of service for such a duration. Secondly, we are bound by USCG requirements to place our largest Ferry, the MV Pride, in dry dock in the fourth quarter of 2024.

The following was Reported by Christie Neilsen:

- **Human Resources update:** The Port had a highly successful meeting with the Civil Service Commission on September 20th, during which we secured a correction for our Security Captain. Nevertheless, we are still dealing with a low volume of applicants.

However, we remain optimistic that the new pay plan adjustments will help generate more interest. They have successfully onboarded three additional deckhand positions but are still facing a shortage of Captains. To address this issue, they have proactively contacted temp agencies as an additional resource.

- On the financial front, the Finance Department is diligently working on the 2024 Operating Budgets. The Port also reached out to our insurance carriers to obtain quotes for our 2024 renewal premiums. Next week, we will initiate the process of sending out our RFP packets for the annual Fuel bids.

The following was reported by Angelina Vicknair:

- **Communications:** As Mr. Tillotson mentioned, we would like to thank everyone for their attendance at the State-of-the-Port Address with PABI. For an overview of the presentation, The Plaquemines Gazette has a story on their front page, which was posted to our social channels. We attended the Offshore Wind Conference with NOLA Terminals on September 21st and 22nd in New Orleans. This was a successful event, and we were able to connect with other Ports, including the Port of Morgan City and The Port of Lake Charles. There will be two town halls next week to discuss the PALH Ferry ramp status. One in District 1 on Monday at the Percy Griffin Community Center for 6 pm, and one in District 7 on Tuesday at the Port Sulphur YMCA for 6 pm. We encourage resident attendance. Flyers for each event can be found on our Facebook page. As Mr. Brown mentioned, the Port has launched a Ferry App. Details of this app will be posted to social media next week. You can download the app via a link on our website, portofplaquemines.com. We continue to post ongoing updates to social media, please follow us on FB, LinkedIn and Twitter @plaqueminesport.

Mr. Tillotson's closing comments: Our commitment to progress remains steadfast, and our resolve to enhance the infrastructure and prosperity of our region is unwavering. Together, as a united front, we can forge ahead towards a brighter future for the Port and our community. Thank you.

There was no report provided under Agenda Item 3a, "Financial Report/Budget to Actual" and there were no matters under Agenda Item 4, "Bids and Advertisements". Therefore, Commissioner Guey moved to Agenda Item 5, "Introduction of Ordinances and Resolutions". Without objection, so ordered. The following legislation was introduced:

- 1) A Resolution authorizing and directing Port Executive Director, Charles D. Tillotson, to enter into discussions with the Plaquemines Parish Government concerning the transfer of Bond Funds, identified previously by the Plaquemines Parish Government for replacement of the ferry ramps; and otherwise to provide with respect thereto. COMMISSIONER GUEY
- 2) An Ordinance of the Plaquemines Parish Council acting as the Sole Governing Authority of the Plaquemines Port, Harbor and Terminal District to provide for the random drug testing of the unclassified employees of the Plaquemines Port Harbor and Terminal District; and otherwise to provide with respect thereto. COMMISSIONER GUEY
- 3) An Ordinance to amend the Port, Harbor & Terminal District's 2023 Operating Expenditure Budget, various divisions, various line items for changes in personal service costs; and otherwise to provide with respect thereto. COMMISSIONER GUEY
- 4) An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the "Port") to have the Port's Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a "taking", that certain land, owned by Tuan Nguyen, or their successor(s) in title, which property is commonly referred to as LOTS 55 & 56, totaling 29.39 acres and with a legal description of LOT 55, POINT CELESTE FARMS S/D, PHASE II - 354' FRONT ON HWY 23 X 1,710.11' X 353.94' X 1,705.78' and LOT 56, POINTE CELESTE FARMS, PHASE II - 395' FRONT ON HWY 23 X 1,714.94' X 1,710.11' X 394.93', with the more formal legal description of said property attached hereto as Exhibit "A"; and otherwise to provide with respect thereto. COMMISSIONER GUEY

- 5) An Ordinance authorizing Charles Tillotson, Executive Director of Plaquemines Port, Harbor and Terminal District to purchase land owned by Norman Rouse; and otherwise to provide with respect thereto. COMMISSIONER GUEY

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

Commissioner Guey moved to Agenda Item 6b.

ORDINANCE NO. 23-143

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

An Ordinance authorizing Charles D. Tillotson, Executive Director of the Plaquemines Port, Harbor & Terminal District to enter into a Water Resources Development Act (WRRDA) Section 214 agreement with US Army Corp of Engineers (USACE) not to exceed (NTE) \$200,000 and to amend the Five-Year Capital Improvements Plan, WRRDA-Sec 214 Corp Agreement Project; and otherwise to provide with respect thereto.

DIGEST: This agreement allows the Army Corp of Engineers to accept funds from non-public entities to provide priority review of their permit applications. This agreement will pertain to permits in the Port's name and its stakeholders. Also, this agreement opens another line of communication between the Port and USACE. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, the Port and the Corp of Engineers will examine future projects to expedite the permitting process, dedicate resources and the agreement will not exceed \$200,000; and

WHEREAS, the agreement will be for multiple years and the Port will have the ability to add and/or replace projects in the agreement;

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 Charles D. Tillotson, Executive Director of the Plaquemines Port, Harbor & Terminal District to enter into a Water Resources Development Act (WRRDA) Section 214 agreement with US Army Corp of Engineers (USACE) not to exceed (NTE) \$200,000.

SECTION 2

The Five-Year Capital Improvements plan is amended by appropriating \$200,000 to the 2023 WRRDA-Sec 214 Corp Agreement Project from the Unrestricted Fund Balance; funding year 2023.

SECTION 3

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

Commissioner Champagne seconded the motion to adopt the Ordinance.

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

YEAS: Commissioners Tyronne Edwards, Brian Champagne, Chris Schulz, Stuart J.

Guey, Patricia McCarty, Ronnie Newsom, Carlton M. LaFrance, Sr., Mitch Jurisich and Mark Cognevich

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 28th day of September 2023.

RESOLUTION NO. 23-254

On motion of Commissioner Guey, seconded by Commissioner LaFrance, and on roll call all members present and voting “YES”, except Commissioner McCarty voting “NO”, the following Resolution was adopted:

A Resolution authorizing Charles Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District to enter into a construction contract with Lemoine to provide upgrades to the Alliance Water Booster Station and Feed Lines as outlined in Phase I of the project; and otherwise to provide with respect thereto.

DIGEST: Kyle Associates LLC advertised for competitive bids, in accordance with LRS 38:2212, et seq., for upgrades to the Alliance Water Booster Station and Feed Lines. The Port seeks approval to award the contract for the project to Lemoine. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, Kyle Associates LLC on behalf of Plaquemines Port Harbor and Terminal District received three (3) interested bidders at the pre-bid opening meeting for Phase I Part A of the Alliance Water Booster Station project; and

WHEREAS, Lemoine was the only firm to submit a bid proposal; and

WHEREAS, it is the recommendation of Kyle Associates, LLC that Lemoine be awarded the construction contract for the Alliance Booster Station project;

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 and recommendation of Kyle Associates LLC to enter into a construction contract with Lemoine for Phase I Part A of the Alliance Booster Station project.

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. 23-255

On motion of Commissioner Guey seconded by Commissioner Edwards and on roll call all members present and voting “YES”, the following Resolution was adopted:

A Resolution certifying that the Plaquemines Port Harbor & Terminal complied with public bid laws regarding the Alliance Water Booster Station and Feed Lines project; and otherwise to provide with respect thereto.

DIGEST: The Louisiana Department of Transportation and Development requires the Port to adopt its own Resolution certifying compliance with public bid laws were adhered to. This Resolution is part of the administrative procedures needed to move forward with the Alliance Booster Station project. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, the Plaquemines Port Harbor and Terminal District has solicited bids for State Project No. H.014966 (321) in accordance with the current bid laws of the state of Louisiana, including, but not limited to R.S. 38:2211 et. seq; and

WHEREAS, the Plaquemines Port Harbor and Terminal District has submitted to DOTD Certification of proof of publication, one (1) copy of the bid proposals and bid bonds as submitted by each of the three (3) lowest bidders, a legible copy of the bid tabulation of all bids received, and certified to be correct by the Engineer and an authorized official of the Sponsor, a copy of the engineer's recommendation, contract documents, Notice of Award of Contract, and a copy of the recordation data in the Clerk of Court's Office;

NOW, THEREFORE:

BE IT RESOLVED, BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT HARBOR & TERMINAL DISTRICT THAT assembled on this 28th day of September, 2023, does hereby certify that the bidding procedures comply with Louisiana Revised Statutes 38:2211, et. seq.

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 CERTIFYING COMPLIANCE WITH THE PUBLIC BID LAWS

STATE PROJECT NO. H.014966 (321)
PARISH OF Plaquemines

RESOLUTION NO. 23-256

The following Resolution was offered by Commissioner Guey, seconded by Commissioner Cognevich, and on roll call all members present voting "YES", the following Resolution was adopted:

A Resolution certifying that the Plaquemines Port Harbor & Terminal complied with public bid laws regarding the Alliance Water Booster Station and Feed Lines project; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Port Harbor and Terminal District has solicited bids for State Project No. H.014966 (321) in accordance with the current bid laws of the state of Louisiana, including, but not limited to R.S. 38:2211 et. seq; and

WHEREAS, the Plaquemines Port Harbor and Terminal District has submitted to DOTD Certification of proof of publication, one (1) copy of the bid proposals and bid bonds as submitted by each of the three (3) lowest bidders, a legible copy of the bid tabulation of all bids received, and certified to be correct by the Engineer and an authorized official of the Sponsor, a copy of the engineer's recommendation, contract documents, Notice of Award of Contract, and a copy of the recordation data in the Clerk of Court's Office.

NOW, THEREFORE, BE IT RESOLVED by the Plaquemines Port Harbor and Terminal District, in Regular session, assembled on this 28th day of September, 2023, does hereby certify that the bidding procedures comply with Louisiana Revised Statutes 38:2211, et. seq.

RESOLUTION – AWARD PROJECT

STATE PROJECT NO. H.014966

(321)

PARISH OF Plaquemines

RESOLUTION NO. 23-257

The following Resolution was offered by Commissioner Guey, seconded by Commissioner LaFrance and on roll call, all members present voting “YES”, the following Resolution was adopted:

A Resolution authorizing Charles Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District to enter into a construction contract with Lemoine to provide upgrades to the Alliance Water Booster Station and Feed Lines as outlined in Phase I of the project; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Port Harbor & Terminal District has received bids on Tuesday, August 22, 2023, at 2:00 p.m. on the Alliance Water Booster Station and Feed Lines Upgrades port improvements project under the Louisiana Port Construction & Development Priority Program; and

WHEREAS, Kyle Associates LLC has recommended that award of contract be made to the lowest qualified bidder; Lemoine.

NOW, THEREFORE, BE IT RESOLVED by the Plaquemines Port Harbor and Terminal District, in Regular Session, assembled on this 28th day of September, 2023, acting pursuant to the recommendation of Kyle Associates LLC that the Base Bid in the Amount of \$2,034,000 by Lemoine be accepted and a contract be awarded to them.

There being no matters to address under Agenda Item 7, “New Business”, Commissioner Guey moved to Agenda Item 8, “Approval of Minutes”. Without objection, so ordered.

RESOLUTION NO. 23-258

On motion of Commissioner Newsom, seconded by Commissioner Schulz 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 the September 14, 2023, 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 Parish 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 Newsome seconded by Commissioner Schulz, and on roll call all members present voting “YES” the meeting adjourned at 3:44 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.