

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, October 26, 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 Tyronne 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, Melissa Folse, 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:

- 6b, “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”;
- 6d, “An Ordinance adopting the Original Capital Improvement Budget for the Plaquemines Port Harbor & Terminal District for the five-year period beginning January 1, 2024, and ending December 31, 2028; and otherwise to provide with respect thereto”;
- 6e, “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, 2024, and ending December 31, 2024; and otherwise to provide with respect thereto”;
- 6f, “An Ordinance establishing a policy of budgetary control for the Operating Budget of Expenditures for the Plaquemines Port Harbor & Terminal District for the fiscal year beginning January 1, 2024, and ending December 31, 2024; and otherwise to provide with respect thereto”;

Agenda Item 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 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” was deferred for a fourth time and fell off of the agenda.

There being no matters for Executive Session, Commissioner Guey moved to Agenda Item 3, “Status Report by the Executive Director”. Without objection, so ordered.

The following was reported by Charles Tillotson:

- The Port would like to express its gratitude to the individual Council members for their active participation in the American Association of Port Authorities (AAPA) Conference & Commissioners Symposium in Colorado this week. This networking platform offered valuable insights into the inner workings of other US Port Authorities. The AAPA plays a crucial role in lobbying efforts in Washington, D.C., on behalf of US ports, and this extends to our own port's lobbying endeavors. Over the course of

three days, we engaged in breakout sessions led by port executives from across the country. The sustainable growth of our port relies on the adoption of best business and industry practices. As one Mr. Tillotson's fellow Port Directors aptly stated, "If you've only been in one US Port, you've only been in one US Port." This underscores the significant differences among US Ports in terms of geography, governance, real estate, business practices, and more. The conference served as a catalyst for strengthening the ongoing business relationship between the Port's Executive Team and the Port Commission;

- Mr. Tillotson extended his congratulations to Kyle Ruckert from Mercury for his appointment to the lead role of Gov.-elect Landry's transition team. Both Kyle and David Vitter have provided critical lobbying and coordination support during our two DC trips this year;
- As the Port navigates the challenges on its path to achieving its goals, Mr. Tillotson shared a quote by Epictetus, "Make the best of what is in your power and take the rest as it happens." The Port's Executive team is making consistent progress toward reaching high-priority milestones. Effective time and priority management are key to controlling activities within our realm of influence. Given the complexity and time-consuming nature of many of Port projects, they deeply appreciate the patience demonstrated by both the Council and the public throughout this process;
- The Port's primary focus is the preparation of our 2024 Budget. Each Council Member should already have the proposed Budget in their possession. They eagerly anticipate the Budget Review in the Port's office on October 31st. If this date is not suitable for any of the Commissioners, please inform the Port so that we can make suitable arrangements;
- Other priorities on the Port's agenda include infrastructure improvements, such as the PALH Ferry Landing repair and replacement, the completion of the market analysis, advancement of the 11-mile rail extension project and growth as a landlord and container port; and
- Mr. Tillotson is pleased to report that the US Army Corps of Engineers (USCE) has approved an agreement for Phylway to commence the removal of Hurricane Ida debris from the Point Celeste Canal; and
- The Port is actively seeking a solution for addressing overgrowth vegetation at the site due to the state being under a burn ban. This canal, located behind Venture Global, plays a vital role in managing stormwater runoff for the Point Celeste Pump station. Port efforts to secure permanent pump replacement funding for the Point Celeste Pump Station continue in collaboration with our DC lobbyist, David Vitter. We have connected David Vitter with AAPA to assist in finalizing the funding timeline for the project. The current pump station is equipped with temporary pumps provided by Venture Global.

The following was on behalf of Melissa Folse:

- Today the Port is deferring the final remaining parcel in the Piano Keys. The Port has met with Mr. Fleming and Ms. Martin, making every attempt to reach an amicable solution. They are exploring options to ensure the fairest value for the parcel and subsequent modular home. The goal is to vote on this parcel at the November board meeting.

The following was reported on behalf of Jalen Brown:

- **Point-A-La-Hache Ferry Ramp Replacement:** The temporary repairs to the PALH landings are progressing well. Infinity has been performing the necessary work for the last few weeks to bring the landing back to suitable standards. They are currently performing hydrographic work at both landings and still are on schedule. As for as the permanent solution, DOTD and Hardesty & Hanover have all the scope requirements and are wrapping up the contractual details. AT 30% design DOTD will present us with options that may be beneficial to lengthening the PALH ferry service will the new landings are under construction;
- **Port Construction/Expansion:** The Alliance Booster Station Phase I Part A is almost ready to begin. DOTD is reviewing the final details and will produce a Notice to Proceed

Letter to the Port for work to begin. Phase I Part B plans are under review by DOTD and then will be ready to advertise for bids. The Port held a meeting between Kyle Associates and the contractor for CPRA for coordination purposes for the delivery and construction of the initial feedline. For awareness and accountability purposes, Lanier Engineering and the Port are creating products to show the schedules, costs, meetings, etc. for all construction projects in our complex. This will give the Port, Board, and stakeholders visibility over all ongoing and planned projects; and

- **GIS and Digital Twin:** This the Port Administration attended the annual AAPA conference where Mr. Brown focused an emphasis on exploring all the benefits of a digital twin. Digital twins provide the visualization, planning, and forecasting of many port activities. The Port's first focus for this product is hydrographic data so they can forecast low/high water, river depths, shoaling, water salinity, and other environmental impacts of the river. The Port is the environmental stewards for our portion of the river and this tool will give them heightened visibility for every aspect of environmental conditions. Mr. Brown is in the process of performing a business case analysis of how the Port will accomplish this.

The following was Reported by Christie Neilsen:

- The Port's HR department is making great strides in implementing a workforce payroll management program to harness the full potential of an efficient modern workforce, saving time, optimizing productivity and performance;
- To promote a healthier workforce, create a supportive culture around mental health, wellness and self-care, the Port is partnering with Ochsner to offer employees total wellness tools and Tele-Health services for Virtual Urgent Care and Mental Health Therapy at no cost to the employee;
- The Port's Finance Department has prepared the 2024 Proposed Operating Budget of Revenue and Expenditures, and the Budget books will be distributed to the Board at today's meeting;
- In addition, today, under the category of Bids & Advertisements, the Port will be announcing the low bidder for the Port's diesel fuel as part of our annual Request for Proposals (RFP) process.

The following was reported by Angelina Vicknair:

Communications:

- There will be a town hall meeting next week to discuss the PALH Ferry ramp status. Please join us in District 7 on Monday, October 30th at the Port Sulphur YMCA for 6 pm. We encourage resident attendance. The flyer can be found on our Facebook page;
- Port Staff and commissioner headshots will be October 31st at the Port headquarters. Sign up is available in the calendar invite that was sent out;
- Downloads continue to increase for our new Ferry App, allowing for cashless pay, ferry tracking and status updates. You can download the app via our website portofplaquemines.com; and
- The Port continues to post ongoing updates to social media, please follow us on FB, LinkedIn and Twitter @plaqueminesport.

Mr. Tillotson thanked the public for their continued support and commitment to our port's growth and success. The Port is implementing change in the Port work environment, and change is normally hard for many of those that are affected. He thanked the Port executive team for striving for continuing improvement. He also thanked the port staff and boat teams for their efforts and accomplishments. The Port remains steadfast as they strive to reach their growth vision and overcome obstacles in their path. The port's growth serves as a vital tax revenue engine that aids Parish Government success. Therefore, the Port forges ahead with determination and resolve.

There was no report provided under Agenda Item 3a, "Financial Report/Budget to Actual" therefore, Commissioner Guey moved to Agenda Item 4, "Bids and Advertisements". Without objection, so ordered.

RESOLUTION NO. 23-295

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

A Resolution authorizing the acceptance of bids for furnishing Bulk Diesel Fuel for the Plaquemines Port, Harbor & Terminal District for a period of one (1) year; and otherwise, to provide with respect thereto.

WHEREAS, after due advertisement, sealed bids were received on October 18, 2023, for furnishing Bulk Diesel Fuel for the Port from the following: Tri State Oil Co., P.O. Box 220, Belle Chasse, LA 70037, Siarc, Inc. Oil & Fuel, P.O. Box 400, Gramercy, LA 70052 and Retif Oil & Fuel, 1840 Jutland Drive, Harvey, LA 70058; all bids on file in the Port Purchasing Office and made a part hereof by reference to; and

WHEREAS Charles D. Tillotson, Executive Director, recommends the acceptance of the bid of Retif Oil & Fuel. for furnish Bulk Diesel Fuel for the Port;

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 Charles D. Tillotson, Executive Port Director, to enter into a contractual agreement with Retif Oil & Fuel, 1840 Jutland Drive, Harvey, LA 70058, for furnishing Bulk Diesel Fuel for the Port, beginning October 25, 2023, and ending October 24, 2024.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby authorizes the Plaquemines Port, Harbor & Terminal District to issue purchase orders to, Retif Oil & Fuel, 1840 Jutland Drive, Harvey, LA 70058 for furnishing Bulk Diesel Fuel for the Port use, all in accordance with bids submitted by said vendor on October 18, 2023, on file in the Port Purchasing Office.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby authorizes its Port Fiscal Officers to issue checks in payment of material, upon approval of invoices by authorized Port personnel.

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

Commissioner Guey moved to Agenda Item 5, “Introduction of Ordinances and Resolutions”. Without objection, so ordered. The following legislation was introduced:

1. A Resolution to provide Port employee’s group coverages consisting of Health, Dental, Vision and Life for the policy period of January 1, 2024, through December 31, 2024. COMMISSIONER GUEY;
2. 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. COMMISSIONER GUEY
3. A Resolution to provide Insurance for the Plaquemines Port Harbor & Terminal District for all departments; Port Rescue Boats, Ferries and Port Assets for a period of January

1, 2024, through December 31, 2024; and otherwise to provide with respect thereto. COMMISSIONER GUEY

4. 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. COMMISSIONER GUEY
5. An Ordinance to approve the amended Pay Plan adopted by The Civil Service Commission on September 20, 2023, to reallocate the Classification of Ferry Security Captain; and otherwise to provide with respect thereto. COMMISSIONER GUEY
6. An Ordinance to amend the 2023 Plaquemines Port, Harbor & Terminal District Operating Revenue and Expenditure Budgets; 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.

ORDINANCE NO. 23-167

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

An Ordinance authorizing and directing Port Executive Director, Charles D. Tillotson, to enter into an agreement with the Plaquemines Parish Government for the transfer of \$1 million dollars (\$1,000,000) from the Court House Bond Funds, identified previously by the Plaquemines Parish Government for replacement/repair of the ferry ramps; and otherwise to provide with respect thereto.

Digest: Within Ordinance 21-116, PPG authorized and directed the former Port Executive Director, Maynard J. Sanders, to enter into a Cooperative Endeavor Agreement with the Plaquemines Parish Government for the transfer of certain rights, obligations, liabilities, and assets related to ferry services. At that time, bond funds secured by the Parish were to be specifically allocated to the Port for the replacement of the ferry ramps. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

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, following the approval of Ordinance 21-116, it was the Port's appreciation that specified Court House bond funds secured in 2020 by the Parish would be transferred to the Port for the replacement/repair of the ferry ramps; and

WHEREAS, those funds were never transferred to the Port, following the transference of the Ferries from the Parish to the Port; and

WHEREAS, Port administration is requesting that those specified bond funds be relocated or transferred to the Port, as originally agreed upon;

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, Charles D. Tillotson, to enter into an agreement the Plaquemines Parish Government concerning the transfer of the courthouse bond funds, identified previously by the Plaquemines Parish Government for the replacement/repair of the ferry ramps.

SECTION 2

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.

Commissioner Edwards 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 26th day of October 2023.

Commissioner Guey filled in the blanks for 6g.

RESOLUTION NO. 23-296

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

A Resolution establishing the date, time and place of public hearings on the proposed 2024 Operating Budget and Capital Improvement Budget as submitted by the Executive Director of the Plaquemines Port Harbor & Terminal District; to authorize the Council Secretary to place the necessary Public Notice in the Plaquemines Gazette; and otherwise to provide with respect thereto.

Digest: A resolution to establish the date, time and place of the public hearings on the 2024 Operating Budget and Capital Improvement Budget for the Plaquemines Port, Harbor & Terminal District proposed on October 26, 2023. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby establishes budget hearings on the proposed 2024 Operating Budget and the proposed Capital Improvement Budget for the years 2024, 2025, 2026, 2027, and 2028 for the Plaquemines Port Harbor & Terminal District on November 14, 2023 beginning at 1:00 p.m., in the Council Chambers located at 333 F. Edward Hebert Blvd., Building 203, Belle Chasse, Louisiana.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT the proposed Operational Budget for the year 2024 and the Proposed Capital Improvements Budget covering a period of at least 5 years , as submitted by the Executive Director will be available for public inspection at all Parish Public Libraries and at the Port Office Building located at 8056 Hwy. 23, 3rd Floor, Belle Chasse, Louisiana, Monday through Friday, between the hours of 8:00 am and 4:30 pm, from October 27, 2023 through November 14, 2023.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby authorizes and directs the Secretary of this Council to place the necessary advertisement in the Port Official Journal.

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 as the governing authority of the Plaquemines Port Harbor & Terminal District.

RESOLUTION NO. 23-297

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

A Resolution to cancel the November 23, 2023, and December 28, 2023, regularly scheduled Port Meetings due to the Thanksgiving Holiday and Christmas Holiday; 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 cancels the November 23, 2023, and December 28, 2023, regularly scheduled Port Meetings due to the Thanksgiving Holiday and Christmas Holiday.

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.

Commissioner Newsom filled in the blank for 6i.

RESOLUTION NO. 23-298

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

A Resolution electing the Plaquemines Port, Harbor & Terminal District Vice-Chairperson for 2024; 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 Patricia McCarty 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, 2024, ending at Midnight, December 31, 2024, 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.

Commissioner Newsom filled in the blank for 6j.

RESOLUTION NO. 23-299

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

A Resolution electing the Plaquemines Port, Harbor & Terminal District Chairperson for 2024; 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 Brian Champagne 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, 2024, ending at Midnight, December 31, 2024, or until his 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.

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

Under Item 7a, “Resolutions wherein suspension is being sought”, Commissioner Schulz offered a Motion to Suspend the Rules to add an item for consideration at today’s meeting titled, A Resolution of the Plaquemines Parish Council, acting as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, authorizing and directing the appeal of the Judgment in the matter of PPHTD vs. DOTD and Plenary, Case No. C-731889, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana; and otherwise to provide with respect thereto”. There was an unanimous second and on roll call, all members present voting “YES”, the Motion to Suspend the Rules was adopted by a vote of 9-0.

RESOLUTION NO. 23-300

On motion of Commissioner Schulz, with a unanimous seconded second, and on roll call all members present and voting “YES”, the following Resolution was adopted:

A Resolution of the Plaquemines Parish Council, acting as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, authorizing and directing the appeal of the Judgment in the matter of PPHTD vs. DOTD and

Plenary, Case No. C-731889, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana; and otherwise to provide with respect thereto.

DIGEST: This resolution authorizes the appeal of the ruling of the Trial Court in the Bell Chasse Toll Bridge litigation. *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 filed suit (Case No. C-731889, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana) challenging the legality of the contract between the State of Louisiana, Department of Transportation and Development and Plenary Infrastructure Belle Chasse, LLC, for the removal of the existing Belle Chasse Bridge and Tunnel, the construction of a new Belle Chasse Bridge, and the operation of the new Belle Chasse Bridge, and the administration of tolls on the new Belle Chasse Bridge, also known as the State Project H.004791; and

WHEREAS, at a hearing on October 11, 2023 Judge Tiffany Foxworth-Roberts, 19th Judicial District Court ruled that the claim that the contract was null and void for failure to comply with LRS 48:2084.15 has “prescribed”, which is a legal term meaning the suit was filed too late; and

WHEREAS, the Court ruled that the PPHTD should filed the suit within 1 year of the execution of the contract; and

WHEREAS, the PPHTD believes that the Court is legally in error in its ruling; and

WHEREAS, the PPHTD has the right to appeal the ruling to the 1st Circuit Court of Appeals;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE GOVERNING AUTHORITY FOR THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT Dannie P. Garrett, III, Attorney at Law, LLC, counsel for the Plaquemines Port, Harbor and Terminal District is authorized and directed to file an appeal of the Judgment of the 19th Judicial District Court in Case No. C-731889, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL, AS THE SOLE GOVERNING AUTHORITY FOR 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 Parish 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 Guey moved to Agenda Item 8, “Approval of Minutes”. Without objection, so ordered.

RESOLUTION NO. 23-301

On motion of Commissioner Guey, seconded by Commissioner Newsom 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 October 12, 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 Newsom seconded by Commissioner McCarty, and on roll call all members present voting “YES” the meeting adjourned at 3:46 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.