

A G E N D A

February 3, 1989

1. Call to order
2. Roll Call
3. President's Report:
 - A. Purpose of Meeting - to appoint a member to the Board of Commissioners to replace the late W. J. "Black" Anselmi
 - B. Consideration of joint venture with Bayou Lafourche Fresh Water District to clean Bayou Lafourche
4. Adjournment

OFFICIAL PROCEEDINGS OF THE GREATER LAFOURCHE PORT COMMISSION
FEBRUARY 3, 1989

The Board of Commissioners of the Greater Lafourche Port Commission met in special session in the Conference Room of the Commission Administration Building in Galliano, Louisiana, on Friday, February 3, 1989, at 10:30 AM pursuant to the provision of due notice to each and every member thereof and duly posted in the manner provided by law.

President Tomey J. Doucet called the meeting to order and requested Harrison J. Cheramie, Jr., to call the roll.

THERE WERE PRESENT: Harrison J. Cheramie, Jr., Rodney "PT" Terrebonne, Brent A. Duet, Tomey J. Doucet, Robert M. Champagne, Donald J. Vizier and Dudley Bernard

THERE WERE ABSENT: Roland J. Guidry and W. J. Anselmi

Also present were Ted M. Falgout, Executive Director; George J. Ledet, Jr., Port Attorney; Louverda A. Duet, Port Secretary; members of the audience and the press.

President Doucet announced the purpose of the meeting being to appoint a new board member to replace the late W. J. "Black" Anselmi.

Commencing the meeting, President Doucet stated that Mr. Stan Perry requested to address the Board on behalf of his clients, Messrs. Tommie Vizier, Donald Vizier and Rodney Terrebonne. President Doucet was informed that Mr. Perry was meeting with his client, Mr. Tommie Vizier and asked that the Board take a short recess. President Doucet stated that the meeting would continue since there was other business to discuss.

President Doucet requested that Director Falgout present to the Board a consideration of a joint venture with the Bayou Lafourche Fresh Water District to clean Bayou Lafourche. Director Falgout explained that the Fresh Water District is conducting a clean up of the bayou, that is cutting trees, etc. He spoke to Mr. Albert Guidry, a member of the Fresh Water District, about the possibility of a joint venture between the Commission and the Fresh Water District since they have the necessary machinery to accomplish the job. He further discussed the possibility of the Commission furnishing a barge to place the material on. He then called upon Mr. Albert Guidry to further elaborate. Mr. Guidry stated that it would be more feasible to wait until the tides rise before starting the project. He stated that he met with members of the Lafourche Basin Levee District and they are willing to work with both agencies to clean up Bayou Lafourche. Discussion ensued in connection with the size of barge needed and various ways to dispose of the trash. President Doucet then stated that the Board should authorize Director Falgout to negotiate with the Fresh Water District and the Lafourche Basin Levee District in connection with cleaning Bayou Lafourche. Upon motion by Harrison Cheramie, Jr., seconded by Dudley Bernard and unanimously passed, the Board of Commissioners does hereby authorize Director Falgout to negotiate with the Bayou Lafourche Fresh Water District and Lafourche Basin Levee District in connection with cleaning Bayou Lafourche. Mr.

Guidry then introduced Mr. Haywood Simoneaux, another member of the Fresh Water District.

President Doucet then recognized Mr. Stan Perry who stated that he sent a letter to the Commission in connection with the meeting of January 31st. He pointed out legal points in Mr. Tommie Vizier's favor in connection with the vote taken at the meeting. He feels that Mr. Vizier had been appointed to the Board; however, after consulting with his client, he (Mr. Vizier) feels that a protracted legal encounter would be harmful to the Board and the community. Therefore, he (Mr. Vizier) wishes to withdraw his name from nomination; however, in the event another vacancy occurs, he wishes to be considered for appointment.

President Doucet then called upon Port Attorney Ledet who advised the Board that he was not at the January 31st meeting because of a previous commitment. He further stated that the Board requested an opinion in connection with the legality of the events at that meeting. After listening to the tape of the meeting and reviewing the law, his opinion is as follows. He stated that R.S. 34:1651 (c) provides "should a vacancy occur in the office of any member of the Commission for any reason whatsoever, the vacancy shall be filled for the remainder of the unexpired term as provided by Article 6, Section 13 of the Louisiana Constitution of 1974." Article 6 Section 13 of the Constitution provides "except as otherwise provided by this Constitution, a vacancy in any local office filled by election wholly within the boundaries of a local governmental subdivision or school district shall be filled by appointment by the particular governing agency of the local governmental subdivision or school district in which the vacancy occurs until filled by election as provided by law." Mr. Ledet stated that the meeting called for last Tuesday was called for the specific purpose of filling the vacancy created by the death of Mr. Anselmi. The By-laws of the Commission provide that "vacancies shall be filled by an election of the Board of Commissioners. The required procedure to be used is Robert's Rules of Order as prescribed under Article X of the By-laws." The proper procedure, once the nominations were made, according to Article 2, Section 23 of Robert's Rules, was to place this matter to a vote. When Mr. Duet called for a roll call vote as provided by Article III of the By-laws, the proper procedure would have been for each member, when called upon, to state his choice for the vacant seat. If no majority vote would have been received by any nominee, the top two nominees would then be put before the Commission and another roll call vote required. Pursuant to state law, Robert's Rules and the Commission By-laws, the President is allowed to vote on all issues. He can vote on a tie or create a tie. Mr. Ledet's opinion, as legal counsel for the Commission, is that the proceedings which took place at the Tuesday meeting insofar as the vote is concerned, are flawed and do not comply with state law, Robert's Rules and the Commission By-laws. He further stated the confusion resulted because the President and the Board were under the impression that the President could not vote unless there was a tie, several members were under the impression they could vote on each candidate, and one member abstained from voting. (Section 38 of Robert's Rules state that once a roll call vote is called, a member cannot abstain from voting.) Mr. Ledet recommended that the Board adopt a motion to vacate all proceedings which took place after Mr. Duet called for a roll call vote, and that a roll call vote be called and each member state the nominee of his choice. If one of the candidates receives a majority vote, he is appointed to the Board. If not, a run off between the top two candidates is required. Discussion then followed in connection with abstention from voting. Mr. Ledet stated that if there is a roll call vote on any issue

presented to a Board, a member cannot abstain from voting. If he desires to abstain, he must leave the room before the issue is presented from voting. He further stated that the President votes on all issues. Upon motion by Harrison Cheramie, Jr., seconded by Dudley Bernard and unanimously passed, the Board of Commissioners does hereby agree to vacate all proceedings which for a roll call vote on the nominations, and that a roll call vote be called at this meeting for the purpose of appointing a new member to replace the late Mr. Anselmi.

President Doucet then inquired of Mr. Tommie Vizier if he still wishes to withdraw his name form nominations. Mr. Vizier stated he does. President Doucet then informed the Board that messrs. Allen Danos, C. J. Griffin and E. J. Gremillion were still candidates. He then requested that Director Falgout call the roll for the purpose of voting. Director Falgout then proceeded to call the roll as follows:

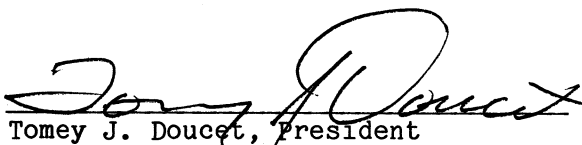
Harrison Cheramie, Jr., voted for Allen Danos
Rodney "PT" Terrebonne voted for C. J. Griffin
Dudley Bernard voted for C. J. Griffin
Robert M. Champagne voted for Allen Danos
Brent A. Duet voted for Allen Danos
Donald J. Vizier voted for E. J. Gremillion
Tomey J. Doucet voted for Allen Danos

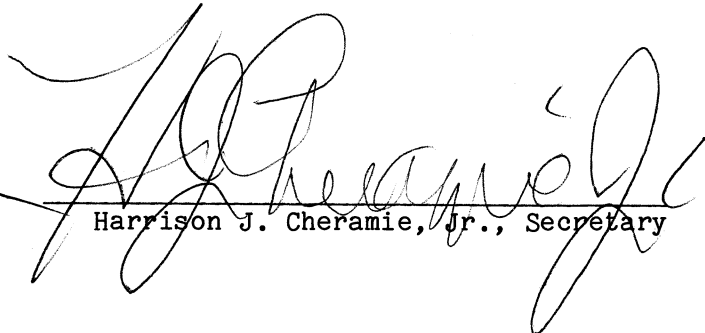
The votes being cast, President Doucet stated that there were four (4) votes for Allen Danos, two (2) for C. J. Griffin and one (1) for E. J. Gremillion. Therefore Mr. Danos was appointed to the Board. President Doucet thanked the candidates for showing interest. Upon motion by Donald J. Vizier, seconded by Dudley Bernard and unanimously passed, the Board of Commissioners does hereby approve the appointment of Allen J. Danos to the Board.

Mr. Danos was then sworn in by Mr. Ledet. Mr. Danos thanked the Board and stated that he looks forward to working with the Board.

There being no further business, upon motion by Robert M. Champagne, seconded by Harrison Cheramie, Jr. and unanimously passed, the Board adjourned.

ATTEST:


Tomey J. Doucet, President


Harrison J. Cheramie, Jr., Secretary