

AGENDA

GREATER LAFOURCHE PORT COMMISSION
REGULAR MONTHLY MEETING

January 12, 1980

AD

1. Call to Order
2. Roll Call
3. Approval of Minutes of Regular Meeting of December 8, 1980
4. Financial Report
5. Approval of Payment of December Billings
6. Letters of No Objection

7. Executive Director's Report
 - A. Navigational aid at Clovelly Canal
 - B. Environmental Affairs Committee Hearing
 - C. Drainage Improvements at Fourchon
 - D. Ronald Adams - Retainer Levee I Construction
8. Ordinance No. 36 - Ordinance levying and imposing taxes on all property subject to taxation in the Port Area of the Greater Lafourche Port Commission of the State of Louisiana for the year 1981.
9. Any other business to come before the Board
10. Adjournment

OFFICIAL PROCEEDINGS OF THE GREATER LAFOURCHE PORT COMMISSION

JANUARY 12, 1981

The Greater Lafourche Port Commission of the State of Louisiana met in regular session in the Conference Room of the Commission Administration Building in Galliano, Louisiana, on Monday, January 12, 1981 at 10:30 a.m. pursuant to the provision of due notice given in writing to each and every member thereof, and duly posted in the manner provided by law.

There were present: Harrison J. Cheramie, Jr., Tomey Doucet, Paris "Pye" Theriot, Roland Guidry and Ted Martin

There were absent: Norbert "Nerby" Collins, Andrew Martin, Reed Danos and Dudley Bernard

President Pye Theriot convened the meeting and announced the purpose of the meeting in accordance with the aforesaid written notice.

On motion of Secretary Harrison J. Cheramie, Jr., a second by Ted Martin and unanimously passed, the minutes of the regular meeting of December 8, 1980 were approved.

On motion of Treasurer, Tomey Doucet, a second by Vice President Roland Guidry, and unanimous consent of the Board approved the Financial Statement for December 1980 as follows:

PREVIOUS BALANCE \$361,922.62

RECEIPTS

Bariod	\$41,415.00	
Dow Chemical	7,295.00	
Office Rent (J. Guidry)	150.00	
Office Rent (L. Chabert)	150.00	
Interest on C.D.	1,047.95	
Martin Fuel Distributors	17,979.50	
South Lafourche Levee Dist.	600.00	
Highlines Construction Co.	425.00	
Salary Deductions	<u>2,513.90</u>	
TOTAL RECEIPTS		<u>\$ 71,576.35</u>
TOTAL		<u>\$433,498.97</u>

DISBURSEMENTS:

Salaries	\$11,216.11
Office Expense & Supplies	491.66
Building Maintenance	269.50
General Maintenance	458.70
Auto - Fuel	1,310.62
Auto - Parts & Repairs	533.73

Travel	\$ 1,337.00	
Harbor Police	591.29	
Advertising	424.04	
Dues & Subscriptions	185.00	
Engineering	1,880.25	
Hospitalization - Agency	219.36	
Hospitalization - Employees	244.96	
Insurance	2,714.00	
Miscellaneous Expense	332.55	
Per Diems	130.00	
Telephone	269.12	
Tool Allowance	100.00	
Utilities	536.01	
Federal Withholding	1,437.90	
Equipment Purchase	<u>17,267.43</u>	
TOTAL DISBURSEMENTS		\$ 41,949.23
BOOK BALANCE		<u>\$391,549.74</u>

RECAPITULATION:

State Bank & Trust Co.	\$64,028.11	
State Bank & Trust Co. C.D.'s	175,000.00	
Raceland Bank & Trust Co.	2,421.63	
Raceland Bank & Trust Co. CD's	50,000.00	
South Lafourche Bank C.D.'s	100,000.00	
Petty Cash	<u>100.00</u>	
TOTAL		<u>\$391,549.74</u>

CONSTRUCTION ACCOUNT - PHASE IV

PREVIOUS BALANCE		\$ 36.52
------------------	--	----------

RECEIPTS:

La. Dept. of Treasury	\$160,000.00	
-----------------------	--------------	--

TOTAL RECEIPTS		<u>\$160,000.00</u>
TOTAL		<u>\$160,036.52</u>

DISBURSEMENTS:

Anthony J. Bertucci Const.	160,000.00	
----------------------------	------------	--

TOTAL DISBURSEMENTS		\$160,000.00
BOOK BALANCE		<u>\$ 36.52</u>

RECAPITULATION:

State Bank & Trust Company	36.52	
TOTAL		<u>\$ 36.52</u>

On motion of Vice President Roland Guidry, a second by Secretary Cheramie, and unanimously passed, the payment of all invoices received during the month was approved.

Approval of issuance of letters of no objection of the following applicants was given on motion of Roland Guidry, seconded by Harrison Cheramie, Jr., and the unanimous consent of the Board.

Robert Bruce
 Texaco, Inc.
 Texaco, Inc.
 Texaco, Inc.
 Texaco, Inc.
 Exxon Company USA
 Quintana Petroleum Corp.
 Taylor Energy Co.
 Theriot & Associates
 Texaco, Inc.
 Texaco, Inc.
 LOOP, Inc.

Director Falgout informed the Board that the permit for the installation of the navigation aid at Clovelly Canal has been received. The equipment and materials have been ordered and once LOOP receives these they will install the structure and we will be able to put the light and battery in place.

Director Falgout reported that he had attended an Environmental Affairs Committee Hearing of a House Subcommittee on Natural Resources on new proposed Coast Guard regulations which would prevent vessels from discharging into waters of the U.S. a distance of 200 miles out. This would require individual ports to provide facilities to handle these discharges. Since LOOP will be operating out of Port Fourchon and our port is not equipped to handle such a discharge of waste water and oil, the Commissioners expressed concern and agreed that they should be kept informed of the progress made in this matter.

Continuing his report, Director Falgout advised the Board that with the construction of retainer levees for spoil retainage at the Port, a drainage problem had occurred where the levees were holding back water along the roads and water had seeped onto the roads. A culvert was installed across the road to enable drainage and approximately 700 yards of shells were placed on the road, and everything now seems to be in good shape.

Director Falgout informed the Board that Ronald Adams-Contractor, Inc. is requesting additional costs in connection with the Retainer Levee I construction. Because he has made request in an amount in excess of 10% of the contract, Director Falgout asked Assistant District Attorney Jerome Barbara to explain our position in this matter.

District Attorney Barbara addressed the Board and stated, "There are three possibilities when a contractor spends extra money. He is either doing work within the scope of the contract, that is, extra in the sense that it was not considered by him and had been something that was not contemplated when the specifications were drawn. That would be a change within the scope. Now, if it is something that alters the nature of the project, then it is outside of the scope of it and there are different rules to follow. If the work that the contractor did was work that was required by him to merely complete the original specs of the contract, then you really do not have a change order at all. If that is the situation, then what you are considering is a request from the contractor for extra money which is not really a change order and you are bound by your contract just like he is bound by the same contract. He is obligated to perform the contract for "X" number of dollars and you are obligated to pay him "X" number of dollars. If the work he has done he considers to be over and above what his original responsibility was, based on the specs and all other considerations, and you do not agree with that, then the position that the Board has to take is refusal to pay any further funds in the sense that he has been compensated under the terms of the contract and you don't owe him any more. I understand from my discussions with you and with the engineer that there were some problems that he had encountered in accomplishing the work and if those conditions were apparent to him or would have been apparent on a reasonable site inspection, then I do not think the Port's in a position to offer any extra compensation. Those circumstances could have possibly been avoided, or had he through reasonable inspection found those he would have made a higher bid. But, when he bid and you accepted his bid and entered into a contract, then unless there are some things that he did with your authority and the engineer's approval over and above the original objectives, then he is really not doing extra work as far as the Port is concerned. He may be doing extra as far as he is concerned. If he is just trying to accomplish the original object of the contract then I think he has to live within the bounds of it."

Director Falgout then called upon engineer J. Wayne Plaisance to explain to the Board just exactly what had transpired.

Mr. Plaisance explained to the Board that Ronald Adams had encountered trouble in bringing a particular section of the levee up to grade. There were three alternatives from which to chose in order to accomplish this:

1. Draining the water out
2. Hauling in fill to bring the levee up to grade
3. Pumping water out across the road

After a meeting with Mr. Adams it was decided that a pump would be installed and the excess water would be pumped across the new shell road into the reservoir. A short time after the pumping began a resident of Leeville stopped the project because he had oyster leases

where the discharge was taking place. It was then decided that the ditch be widened and deepened in order to bring the water to another point of discharge, which would accomplish the same principles, just taking a little longer and being more expensive. So this is what was done and he brought the water down but still couldn't bring the levee up to grade, so he had to eventually end up doing the third alternative. The entire contract was then accomplished and the levee was brought up to grade. The extra work for which the contractor is claiming compensation is work involved in the actual drying of the area in order that he might bring up parts of the levee to grade which he could not do under the saturated conditions. He was assured that his progress would be accounted for and presented to the Board for their consideration.

On motion of Vice President Guidry, seconded by Secretary Cheramie and unanimously passed, the Board of Commissioners agreed that the contractor did the work necessary to accomplish what the contract called for and there was no extra work involved outside of the scope of the contract. Under these circumstances the Board is not authorized to make any further payments and will notify Ronald Adams of their position.

On motion of Ted Martin, seconded by Harrison Cheramie, Jr., the following resolution was adopted by the following vote:

5 Yeas
0 Nays
4 Absent

BE IT RESOLVED by the Greater Lafourche Port Commission that the Harbor Police Superintendent be hereby authorized and directed to cause to be published the following notice to Bidders once a week for three (3) consecutive weeks in the official journal of this Board.

ADVERTISING FOR BIDS - Sale of 1 Boat, Motor and Trailer

Sealed Bids for the sale of a boat, motor and trailer will be received by the Greater Lafourche Port Commission at the office of the Commission at 5415 East Main in Galliano, or mailed to P. O. Drawer 728, Galliano, Louisiana 70354, or brought to the Conference Room of the Commission on February 9, 1981 no later than 10:30 A.M., and then at the regular meeting held in said Conference Room all bids will be publicly opened and read aloud.

The items to be sold are a 1974 18' McKee fiberglass hull with a 1974 85 h.p. Johnson motor, and a Dilly trailer.

These items can be inspected during the week days between the hours of 8:00 a.m. and 4:30 p.m. in the parking area of the Port Commission at 5415 East Main, Galliano, Louisiana.

The owner reserves the right to waive any formalities or to reject any or all bids.

Director Falgout informed the Board that since the request made by Freeport Sulphur for a letter of no objection to installation of buoys from Haveline Canal to Timbalier Bay he has been in contact with Mr. Launey, a representative of Freeport Sulphur Company, in order to come to some type of an agreement on the assuming of responsibility and maintenance of the buoy line.

After discussion between the Commissioners and Mr. Launey who was present in the audience, it was agreed and decided that the Greater Lafourche Port Commission will assume full responsibility for the buoy system and Freeport Sulphur Co. would do the maintenance on the buoy line.

The following ordinance was presented by President Theriot, Tomey Doucet moved its adoption, and it was seconded by Ted Martin

ORDINANCE NO. 36

An ordinance levying and imposing taxes on all property subject to taxation in the Port Area of the Greater Lafourche Port Commission of the State of Louisiana for the year 1981.

Be it ordained by the Greater Lafourche Port Commission of the State of Louisiana, acting as the governing authority of its Port Area:

Section 1. That acting under the authority of a special election held in the Port Area of the Greater Lafourche Port Commission of the State of Louisiana, (consisting of the entire Tenth Ward of the Parish of Lafourche, State of Louisiana, as the boundaries and limits of said ward existed on the date of the creation of said Commission) on April 8, 1961, a special tax of five (5) mills on the dollar of the assessed valuation of all the taxable property in said Port Area, which millage has been reduced 13% (Sheriff's allotment) to 4.26 mills by Act 689 of the 1976 Louisiana Legislature, be and the same is hereby levied, assessed and imposed on all of said property for the year 1981, for the needs and lawful purposes of said Commission.

Section 2. That acting under the authority of Act Number 322 of the Regular Session of 1970 of the Legislature of the State of Louisiana, the Greater Lafourche Port Commission (consisting of the entire Tenth Ward of the Parish of Lafourche, State of Louisiana, as the boundaries and limits of said ward existed on the date of the creation of said Commission) is accordingly authorized to levy a two and one half ($2\frac{1}{2}$) mill ad-valorem tax, which millage has been reduced 13% (Sheriff's allotment) to 2.13 mills by Act 689 of the 1976 Louisiana Legislature, to defray maintenance and operation costs and expenses, of the assessed valuation of all the taxable property in said Port Area be and same is hereby levied, assessed and imposed on all of said property for the year 1981, for the needs and lawful purposes of said Commission as set out in said act.

Section 3. That the proper administrative officers of the Parish of Lafourche, Louisiana, be and they are hereby empowered, authorized and directed to spread said tax, as hereinabove set forth, upon assessment roll of said Parish of the year 1981, and to make the collection thereof shall be enforceable in the manner provided by law.

Section 4. That this ordinance shall be published in "THE LAFOURCHE COMET" a newspaper published in the City of Thibodaux, Louisiana, in the manner provided by law.

This ordinance having been submitted in writing, having been read and adopted by sections at a public meeting of said Commission was then submitted to an official vote as a whole, the vote thereon being as follows:

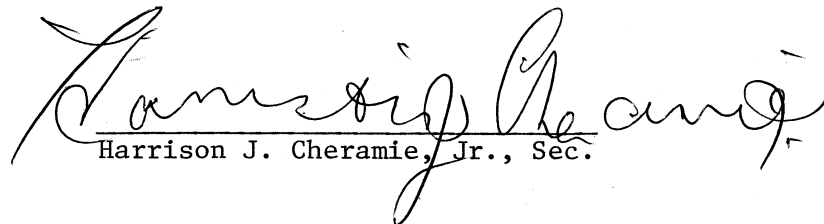
Yeas: 5
Nays: 0
Absent: 4

And the ordinance was declared adopted on this 12th day of January, 1981.

There being no further business to come before the Board, it was moved by Tomey Doucet, seconded by Harrison Cheraimie, Jr. and unanimously approved that the meeting adjourn.

ATTEST:


Paris "Pye" Theriot, Pres.


Harrison J. Cheraimie, Jr., Sec.