

AGENDA

MARCH 9, 1993

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of minutes of February 9, 1993 Board Meeting
5. President's Report:
 - a. Open bids on materials
6. Committee Reports:
 - I. Legal, Permits, Waterways:
 - a. Letter of No Objections
 - b. Bottom survey of channel to Grand Isle
 - II. Construction & Development:
 - a. Request from Southerner to sublease Thoma-Sea Net Shop
 - b. Nolty J. Theriot, Inc. request to unify lease site
 - III. Finance:
 - a. February Invoices
 - b. Financial Report
 - c. Approval of Plaquemine Contractors invoice for \$21,366.24
 - d. Advertise for bids to sell 2 HP Vehicles and 90 HP Outboard
 - e. Legal action to resolve Ad Valorem Tax Exemption
 - IV. Executive:
 - a. Revision of Ordinance No. 25
7. Executive Director's Report
 - a. Multi-Use Dock Update
 - b. E-Slip Bulkhead Update
 - c. Hurricane Andrew Recovery
 - i. Rock Project
 - ii. Beach stabilization project
 - d. Corps of Engineers Assumption of dredging update
 - e. Authorize Tomey to execute the revised Martin Fuel lease
8. Any other business
9. Adjournment

OFFICIAL PROCEEDINGS OF THE GREATER LAFOURCHE PORT COMMISSION

MARCH 9, 1993

The Board of Commissioners of the Greater Lafourche Port Commission met in regular session in the Conference Room of the Commission Administration Building in Galliano, Louisiana, on Tuesday, March 9, 1993, at 10:30AM pursuant to the provision of due notice in writing to each and every member thereof and duly posted in the manner provided by law.

President Doucet called the meeting to order and requested that Secretary Cheramie call the roll.

PRESENT: Harrison Cheramie, Jr., Rodney "PT" Terrebonne, Brent Duet, Robert Champagne, Toney Doucet, Vinton Crosby, Donald Vizier, Dudley Bernard and Larry Griffin

ABSENT: None

Also present were Ted M. Falgout, Executive Director; George J. Ledet, Port Attorney; John Plaisance II, Marco J. Picciola, Larry J. Picciola, Port Engineers; Gerald A. Guidry, Harbor Police Chief; and Louverda A. Duet, Port Secretary.

President Doucet requested that Board Member Duet lead in the recitation of the Pledge of Allegiance.

Upon motion by Robert M. Champagne, seconded by Donald J. Vizier, and unanimously passed, the minutes of the regular meeting of February 9, 1993 were approved.

PRESIDENT'S REPORT:

President Doucet announced it was time to open the bids for road materials. He then called for any other bids: There being none, he proceeded to open the bids and read as follows:

CAJUN TRUCKING, INC.	River Sand	\$10.00 cu. yd.
	Coastal Sand	\$ 6.50 cu. yd.
	Reefshell	\$16.45 cu. yd.
	Yellow Limestone	
	(ungraded)	\$15.45 ton
	Yellow Limestone	
	(610 gradation)	\$15.45 ton
	Yellow Limestone	
	(57 gradation)	\$16.50 ton
	Grey Limestone	
	(ungraded)	\$15.45 ton
	Grey Limestone	
	(610 gradation)	\$15.45 ton
	Grey Limestone	
	(57 gradation)	\$16.50 ton
	Mansize Rip Rap	\$19.00 ton

HARRIS DUFRENE ENTERPRISES

River Sand	\$ 8.00 cu. yd.
Coastal Sand	\$ 6.75 cu. yd.
Reefshell	\$20.00 cu. yd.
Yellow Limestone (ungraded)	\$16.75 ton
Yellow Limestone (610 gradation)	\$15.75 ton
Yellow Limestone (57 gradation)	\$16.75 ton
Grey Limestone (ungraded)	\$21.00 ton
Grey Limestone (610 gradation)	\$20.00 ton
Grey Limestone (57 gradation)	\$21.00 ton
Mansize rip rap	\$25.00 ton

LEBRO CONSTRUCTION

River Sand	\$ 9.75 cu. yd.
Coastal Sand	\$ 6.75 cu. yd.
Reefshell	\$18.50 cu. yd.
Yellow Limestone (ungraded)	\$16.50 ton
Yellow Limestone (610 gradation)	\$17.75 ton
Yellow Limestone (57 gradation)	\$18.00 ton
Grey Limestone (ungraded)	\$15.50 ton
Grey Limestone (610 gradation)	\$15.50 ton
Grey Limestone (57 gradation)	\$16.50 ton
Mansize Rip Rap	\$15.00 ton

Upon motion by Harrison Cheramie, Jr. seconded by Larry J. Griffin and unanimously passed, the Board decided to take the bids under advisement.

LEGAL, PERMITS & WATERWAYS:

Upon motion by Robert M. Champagne, seconded by Harrison Cheramie, Jr. and unanimously passed, the Board of Commissioners approved sending letters of no objection to the following applicant:

Donald J. Vizier

Chairman Champagne requested that Director Falgout report to the Commission in connection with the bottom survey of the channel between Leeville and Grand Isle. Director Falgout reported that the Coast Guard is requiring a comprehensive survey before taking over the buoy system. Therefore, he requested quotes to perform the work. A combined quote of \$23,600 was received from Larry J. Picciola, Inc. and John E. Chance & Associates. The Navigation Committee reviewed same and recommends approval. Director Falgout explained that Congressman Tauzin was instrumental in convincing the Coast Guard to take over the system. They were originally resistant to taking over any channel not maintained by the Corps of Engineers; however, Cong. Tauzin pointed out that this channel is a hurricane evacuation route and is very important to the fishing and oil and gas industries. Therefore, the Coast Guard agreed to take over the system provided the Commission performs the bottom survey. Upon motion by Vinton J. Crosby, seconded by Donald J. Vizier and unanimously passed, the Board of Commissioners does hereby approve the quote of \$23,600 by Larry J. Picciola, Inc. and John E. Chance & Associates, Inc. in connection with performing comprehensive bottom survey of the channel between Leeville and Grand Isle for the purpose of having the U. S. Coast Guard assume maintenance of the buoy system.

CONSTRUCTION & DEVELOPMENT:

Chairman Bernard informed the Board that a request had been received from Thoma-Sea Net Shop to sublease their site to Southerner for the purpose of establishing a charter boat fishing business. Director Falgout explained that they have been operating in the area for over a year and are now interested in expanding. Chairman Bernard stated the Committee recommends approval. Upon motion by Dudley Bernard, seconded by Brent A. Duet and unanimously passed, the Board of Commissioners does hereby approve the request by Thoma-Sea Net Shop, Inc. to sublease its site to Southerner provided the sublease document is approved by the Executive Director.

Chairman Bernard informed the Board that Nolty J. Theriot, Inc. has requested to unify its lease sites. Director Falgout explained that with the construction of the new dock, a better way of utilizing the facility and allow a more continuous ownership of property would be for Nolty J. Theriot to relinquish a portion of their site where the dock is being constructed and acquire 400' of the public dock adjoining their property. Marco Picciola is researching values of sites, bulkheads, etc. in order to establish proper costs of assets and rental values.

FINANCE:

Upon motion by Brent A. Duet, seconded by Harrison Cheramie, Jr. and unanimously passed, the Board of Commissioners does hereby approve all invoices for the previous month.

Upon motion by Brent A. Duet, seconded by Dudley Bernard and unanimously passed, the Board of Commissioners does hereby approve the financial report for February, 1993.

Upon motion by Brent A. Duet, seconded by Harrison Cheramie, Jr. and unanimously passed, the Board of Commissioners does hereby approve payment of the invoice by Plaquemine Contracting Co in the amount of \$21,366.24.

Chairman Duet announced that the Commission had two police units and an outboard engine for sale and the Committee recommends putting same up for bid. Upon motion by Brent Duet, seconded by Rodney J. Terrebonne and unanimously passed, the Board of Commissioners does hereby authorize Director Falgout to advertise for and receive bids in connection with the sale of a 1988 Dodge Ramcharger, a 1989 Dodge Ramcharger and 90 HP outboard motor.

Chairman Duet requested that the Board go into executive session to discuss a legal matter with the port attorney and presented a motion to that effect. It was seconded by Robert M. Champagne. At 11:00 AM the Board went into executive session. At 11:22 AM the Board returned from executive session. Chairman Duet reported that a letter had been received from the Lafourche Parish Council pertaining to property taxes under protest from watercraft assessments. The Council asked that the Commission adopt a resolution stating the Commission's position in connection therewith. After review, the Committee recommended adopting a resolution to enter into legal action, with other taxing bodies of the coastal parishes, to recover escrowed taxes paid under protest by watercraft working in Louisiana coastal waters. Upon motion by Brent A. Duet, seconded by Dudley Bernard and unanimously passed, the following resolution was adopted:

WHEREAS, vessels that work in Louisiana coastal waters utilize the vital goods and services provided by the various governmental bodies in the Louisiana coastal parishes; and

WHEREAS, the very existence of this offshore industry depends on the governmental bodies to provide adequate levels of vital goods and services that must be available daily, on an emergency basis, even if such goods and services are utilized only occasionally; and

WHEREAS, the various governmental bodies of the Louisiana coastal parishes continue to struggle to provide these vital goods and services in the face of conflicting budgetary pressures and a continually eroding ad valorem property tax base; and

WHEREAS, the owners of these vessels that work in the Louisiana coastal waters and depend on these governmental entities for their very existence, allege that they are engaged in International Trade assertion to file their ad valorem property tax payments under protest, thereby tying up in escrow accounts more than \$5,000,000.00 aggregate, in taxes currently due to the taxing bodies of the Louisiana coastal parishes; and

WHEREAS, such escrowed tax payments, paid under protest, could be used to pay for those vital governmental goods and services that the existence of such a coastal vessel industry requires and demands; and

WHEREAS, it is unfair for the honest, tax paying citizens of the Louisiana coastal parishes to pay their ad valorem property taxes timely each year and by such tax payments subsidize provision of governmental goods and services to the coastal vessel industry that continues to pay its ad valorem property taxes under protest; thereby depriving the taxing authorities and governmental bodies of the Louisiana coastal parishes of more than \$5,000,000.00 aggregate, in taxes due, but paid under protest; and

WHEREAS, litigation and the attendant expense continues unabated without final resolution because a clear definition of vessels in International Trade has not yet been provided by the courts; and

WHEREAS, current and future litigation regarding this problem will continue to prevent the Louisiana coastal parish governmental entities and taxing bodies from the use of such taxes paid under protest to fund the governmental goods and services that the coastal vessel industry requires to survive and vessel owners remain uncertain as to their obligations.

THEREFORE, BE IT RESOLVED, that the taxing bodies of the Louisiana coastal parishes hereby express their intent to enter a cooperative effort to obtain declaratory judgments in courts of appropriate jurisdiction defining which vessels in the coastal vessel industry are engaged in International Trade and thereby exempt from property taxes and which are not, so that government can put to rest the practice by vessel owners who pay ad valorem property taxes under protest and thereby cause local tax paying citizens to subsidize the payment for governmental goods and services to these vessels and their owners.

IN FURTHERANCE THEREOF, this governmental body, the Greater Lafourche Port Commission, hereby authorizes the Lafourche Parish Assessor to sign a legally binding contract with the law firm of Brook, Morial, Cassibry, Pizza and Adcock, and the District Attorney to serve as the counsel and escrow agent in this cooperative endeavor to resolve the problem of coastal vessel owners paying their ad valorem property taxes under protest.

FURTHERMORE, this body recognizes and understands that such a contract will provide that legal fees, court costs, and litigation expenses will be paid by this parish in proportion to the total dollar amount of the taxes paid under protest in each of the Louisiana coastal parishes participating in the agreement, with such costs and expenses paid by the tax recipient bodies in each Louisiana coastal parish as a percentage of the total tax revenues that they would receive from such ad valorem property taxes paid under protest. The total owed by the Greater Lafourche Port Commission is to be ten per cent (10%) of the recovery plus the Board's share of cost if the legal action results in the recovery of escrowed taxes, but no more than \$1,568.62 if it is not.

EXECUTIVE COMMITTEE:

President Doucet presented to the Commission a revised Ordinance 25 in connection with abandoning vessels, etc. He stated that the Committee had reviewed same and recommends adoption. Upon motion by Larry J. Griffin, seconded by Harrison Cheramie, Jr., and unanimously passed, the following ordinance was adopted:

ORDINANCE NO. 25 (REVISED)

AN ORDINANCE MAKING IT UNLAWFUL TO ABANDON ANY VESSEL, BARGE, OR OTHER FLOATING OR SUNKEN CRAFT WITHIN THE JURISDICTION OF THE PORT; ALSO MAKING IT UNLAWFUL TO LEAVE UNATTENDED ANY VESSEL, BARGE, OR OTHER FLOATING OR SUNKEN CRAFT MOORED OR DOCKED WITHIN THE JURISDICTION OF THE PORT WHEN IT INTERFERES WITH THE NORMAL OPERATIONS OF THE PORT; TO FURTHER ESTABLISH A PROCEDURE FOR THE REMOVAL OR SEIZURE OF ABANDONED OR UNATTENDED VESSELS; AND TO PROVIDE PENALTIES FOR VIOLATION OF ANY OF THE SECTIONS OF THIS ORDINANCE.

BE IT ORDAINED, by the Board of Commissioners of the Greater Lafourche Port Commission that:

SECTION 1. It shall be unlawful for any tug, towboat, barge, watercraft, ship, vessel, equipment, machinery, or any object of any kind or description, whether foreign or domestic, to be left unattended, sunk, stored, junked or abandoned in any canal, coulee, drainage ditch, outfall, canal, bayou, bay, lake or any other waterway, whether navigable or not, or on the banks thereof, within the jurisdiction of the Commission.

SECTION 2. Upon determination by the Commission that the owner is in violation of Section 1 of this ordinance, the owner shall be notified of said violation by certified mail. The notice shall advise the owner of said violation and that the Commission has the right to remove the object thirty (30) days after receipt of the certified letter. Should the Commission not be able to notify the owner by certified mail, notice shall be provided to the owner by a notice published in The Daily Comet, said notice providing that the Commission shall remove the object at any time after thirty (30) calendar days from publication of the notice at the cost of the owner and shall be disposed of by the authority.

SECTION 3. In the event that the object which is in violation of Section 1 presents an immediate danger to life or property, or immediately interferes with the operations of the Commission, it shall be removed by the owner not proceed to remove the object immediately, or should the Commission be unable to identify or contact the owner immediately, the Commission shall remove the object immediately at owner's risk and expense.

SECTION 4. Any object shall be deemed abandoned if landowner cannot be identified after the object has been left unattended for five (5) continuous days.

SECTION 5. In the event that the owner does not remove the object within the notification requirements outlined above, the Commission shall then have the authority to have the object removed at the owner's cost and junk, discard or otherwise dispose of the object or sell, exchange or otherwise transfer ownership of the object to any person, corporation or entity, whatsoever, for any price or consideration which the Commission may deem advisable, or for no consideration, and apply the proceeds received, if any, to the cost of removing the object, and the balance, if any, shall become the property of the Commission.

SECTION 6. The Commission, its board members, employees and agents shall not be liable or responsible to owner or other claimant of the object for any damage to or destruction of the object in connection with the removal, storage, sale or other disposition of the object.

SECTION 7. Whoever violates the provisions of this Section shall be fined Five Hundred Dollars (\$500.00) or imprisoned for not more than six (6) months, or both.

SECTION 8. That this ordinance shall take effect on and be enforceable on and after March 9, 1993.

SECTION 9. That if any clause, sentence, paragraph or portion of this ordinance shall, for any reason, be declared illegal or unconstitutional, such declaration shall not effect the validity of any other section, sentence, paragraph or portion of the ordinance, which shall remain in full force and effect.

SECTION 10. That all ordinances, or parts of ordinances in conflict or inconsistent herewith be and the same are hereby repealed.

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: Harrison Cheramie, Jr., Rodney J. Terrebonne, Vinton J. Crosby, Brent A. Duet, Robert M. Champagne, Donald J. Vizier, Dudley Bernard and Larry J. Griffin.

Nays: None

Absent: None

And the ordinance was declared adopted this 9th day of March, 1993.

EXECUTIVE DIRECTOR'S REPORT:

In connection with Ordinance 25 (revised), Director Falgout explained that there were problems of having vessels repeatedly sinking. Chief Guidry and Port Attorney Ledet redrafted the ordinance to remedy the problem. Mr. Ledet added that special provisions were added and the state statute was copied as closely as possible so that the Commission will be in full compliance should the ordinance be challenged.

In connection with the multi-use dock facility and other projects, Director Falgout called upon the project engineers for their reports:

PHASE I - Mr. Plaisance reported that the only items left were the earthwork, aggregate, concrete crane pads and water systems; however, the contractor has run out of time according to the contract. The Commission will, at a later date, have to make a decision on the damage to assess.

PHASE II - Mr. Plaisance reported the contractor was instructed to resume work on January 18th. Dredging operations should commence this month.

PHASE III - Mr. Plaisance stated that the final contract is being reviewed by DOTD. Notice to proceed will be issued in April, 1993.

WAREHOUSE FACILITY - Mr. Plaisance stated that they are progressing with the preliminary design work.

BULKHEAD & E-SLIP IMPROVEMENTS - Mr. Picciola stated that he met with DOTD yesterday concerning comments on the project. Corrections are being made and shall be re-submitted to DOTD tomorrow. He recommended that the Board adopt a resolution authorizing him to advertise for bids to bring with the package. Upon motion by Rodney Terrebonne, seconded by Brent A. Duet and unanimously passed, the Board of Commissioners adopted the following resolution:

WHEREAS, the Greater Lafourche Port Commission has submitted an application for funding of the "Bulkhead and Improvements to E-Slip", a port improvement project under the Port Construction and Development Priority Program; and

WHEREAS, the State's share of the project funds has been made available and the Greater Lafourche Port Commission has available its local matching share of the project funds in an amount of not less than twenty-five per cent (25%); and

WHEREAS, at the request of the Greater Lafourche Port Commission, Larry J. Picciola, Inc. has prepared plans and specifications for said project, which plans and specifications are designated by State Project No. 578-29-0002; and

WHEREAS, the Greater Lafourche Port Commission has reviewed the final plans, specifications and cost estimate and accepts them as submitted and the Department of Transportation and Development has reviewed the final plans, specifications and cost estimate and has approved them inasmuch as they comply with the requirements of the Port Construction and Development Priority Program; and

WHEREAS, all necessary servitudes, rights of way, spoil disposal areas, rights of ingress and egress and the means thereof have been acquired by the Greater Lafourche Port Commission and the titles thereto are valid and indefeasible; and

WHEREAS, the Greater Lafourche Port Commission has obtained all necessary permits required for the construction of this project; and

WHEREAS, the Greater Lafourche Port Commission has agreed to accomplish all necessary utilities, fence and other facilities relocations and alterations made necessary by this project; and

WHEREAS, the Official Journal for the Greater Lafourche Port Commission is The Daily Comet, whose mailing address is P. O. Box 5238, Thibodaux, LA 70302, and whose telephone number is 504-448-7606; and

WHEREAS, The Greater Lafourche Port Commission desires to advertise for competitive bids in accordance with LRS 38:2212 et seq for the award of a contract in the name of the Greater Lafourche Port Commission and furnish engineering services during the progress of the work.

NOW, THEREFORE, BE IT RESOLVED by the Greater Lafourche Port Commission in regular session assembled on this 9th day of March, 1993, that the Department of Transportation and Development be and hereby is requested to authorize the Greater Lafourche Port Commission to advertise for competitive bids in accordance with LRS 38:2212 et seq for the award of a contract in the name of the Greater Lafourche Port Commission covering the aforesaid improvements.

BE IT RESOLVED, that the Department of Transportation and Development be and hereby is assured that all necessary servitudes, rights of way, rights of ingress and egress and the means thereof have been obtained by the Greater Lafourche Port Commission and the titles thereof are valid and indefeasible and the Greater Lafourche Port Commission expressly agrees to defend any action for the failure of any servitude, right of way, right of ingress and egress, and the Greater Lafourche Port Commission does hereby assume complete responsibility for providing engineering services during construction and the maintenance and upkeep of the project after construction.

BE IT RESOLVED, that the Department of Transportation and Development be and hereby is assured that all required permits have been obtained by the Greater Lafourche Port Commission.

BE IT RESOLVED, that the Department of Transportation and Development be and hereby is assured that the Greater Lafourche Port Commission has available its local matching funds in an amount not less than twenty-five (25%) percent of the total project cost to insure construction of the project.

BE IT RESOLVED, that the Greater Lafourche Port Commission will and hereby does assume complete responsibility for all utilities, fence and other facilities relocations and alterations made necessary by this project.

BE IT RESOLVED, that the Greater Lafourche Port Commission does hereby save and hold harmless the Department of Transportation and Development against any loss or damage of any kind incident to or occasioned by activities undertaken in pursuance of this agreement and expressly agrees to defend any suit brought against the Department of Transportation and Development, and pay any judgment which may result from said suit as it relates to this project.

DREDGING OF BELLE PASS - Mr. Picciola stated he is waiting on the beach stabilization project to be completed.

In connection with the beach stabilization project, Director Falgout stated he had attended a workshop in Grand Isle in connection with the different alternatives on shoreline stabilization. FEMA and DNR officials were invited to attend. He stated that FEMA had authorized a DSR in the amount of \$12,000 to have Picciola & Associates, Inc. (project engineer) prepare a preliminary design of stabilization. He further stated that DNR has agreed to participate in the project in the amount of 25% as state match. After the preliminary design is complete and presented to FEMA, they will advise how much they will contribute to the project and DNR will provide a 25% match. Mr. Falgout stated he will seek additional sources of funding such as Chevron Pipeline Co. Discussion followed on the types of stabilization.

STONE JETTY REPAIRS:

Mr. Picciola stated the contract has been signed by Ford Construction and is to be signed by the Commission. Once the contract is recorded, a work order will be issued. Work should begin toward the end of March with completion within three weeks.

PHASE IV:

Mr. Picciola stated the contractor has completed the entire concrete deadman system. Welding phase on the channels and pipe bumper work is continuing.

In connection with the Corps' assumption of dredging, Director Falgout reported that the study is still in Washington for review.

Director Falgout informed the Board that the Martin Fuel leases have finally been revised and combined under three leases with Commission owned property under two leases and Commission leased property under one lease. They are ready for execution. Upon motion by Robert M. Champagne, seconded by Larry J. Griffin and unanimously adopted,

IT IS RESOLVED, that Tomey J. Doucet, President, be and he is hereby authorized to execute a Surface Lease with Martin Fuel Distributors, Inc., all on such terms and conditions as he may deem necessary and advisable.


BE IT FURTHER RESOLVED, that Tomey J. Doucet, President, be and he is hereby authorized to execute an Amendment to the Surface Lease dated September 11, 1981, recorded in COB 758, Page 470, Entry No. 553915 of the Conveyance Records of Lafourche Parish, Lafourche, between the Commission and Martin Fuel Distributors, Inc., all on such terms and conditions as he may deem necessary and advisable.

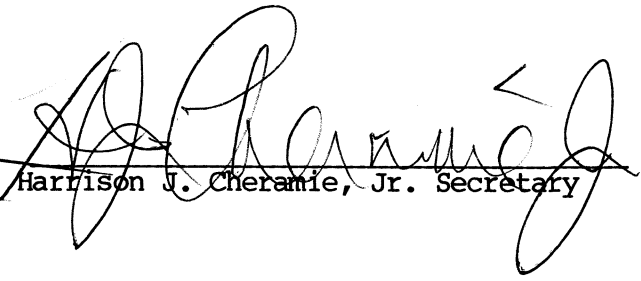
OTHER BUSINESS:

Board Member Duet inquired of the Board whether or not advertisement for college student summer employment could be made earlier, possibly at the April meeting. Director Falgout stated this could be done.

There being no further business, upon motion by Larry J. Griffin, seconded by Dudley Bernard and unanimously passed, the meeting adjourned.

ATTEST:


Toney J. Doucet, President


Harrison J. Cheramie, Jr. Secretary