

# Agenda

May 14, 1997

1. Call to Order
  2. Roll Call
  3. Pledge of Allegiance
- 
4. Approval of minutes of April 9, 1997 Board Meeting
  5. Committee Reports:
    - I. Executive:
      - A. Pull names for summer employment
      - B. Risk Management
    - II. Legal, Permits, Waterways:
      - A. Letter of No Objection
      - B. Fishing in Channel
    - III. Construction & Development:
      - A. Authorize Dudley Bernard to Execute Surface lease with John W. Stone Oil Dist., L.L.C.
      - B. Request to lease - MYU Helicopters
      - C. Request to lease - Buckner Rental for additional property
      - D. First Right of Refusal - Elzey Marine
      - E. POOL Offshore request to sublease
    - IV. Finance:
      - A. Approval of April Invoices and recognize following expenditures of over \$10,000:

1. River/Road Construction	\$361,205.68
2. Plaisance Dragline & Dredging	\$10,890.00
3. Stranco, Inc. (retainage)	\$44,251.46
      - B. Financial Report
  1. Executive Director's Report
    - A. E-Slip Expansion
    - B. Highway Improvements
    - C. West Belle Pass
    - D. Deep Draft Berthing Facility
    - E. Pass Fourchon Dredging
    - F. Flotation Canal Levee Repairs
  2. Any other business
  8. Adjournment

OFFICIAL PROCEEDINGS OF THE GREATER LAFOURCHE PORT COMMISSION  
MAY 14, 1997

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 Wednesday, May 14, 1997 at 10:30 AM pursuant to the provision of due notice in writing to each and every member thereof and duly posted in the manner prescribed by law.

In the absence of President Doucet, Vice President Bernard called the meeting to order and requested that Secretary Cheramie call the roll.

PRESENT: Harrison Cheramie, Jr., Rodney Terrebonne, Vinton Crosby, Dudley Bernard, Robert Champagne, Donald Vizier and Larry Griffin

ABSENT: Tomey Doucet and Johnny Melancon

Also present were Ted M. Falgout, Executive Director; John Plaisance and Marco Picciola, Port Engineers; Loulan Pitre, Port Attorney; Gerald Guidry, Harbor Police Chief; and Louverda Duet, Port Secretary.

Vice-President Bernard requested that Board Member Crosby lead in the recitation of the Pledge of Allegiance.

Upon motion by Harrison Cheramie, Jr., seconded by Robert Champagne and unanimously passed, the Board of Commissioners does hereby approve the minutes of the meeting of April 9, 1997.

EXECUTIVE DIRECTOR:

Vice President Bernard announced it was time to pick the six college student who will be working this summer. He reported that the staff had chosen Philip Bychurch and Jared Duet (both of whom worked the previous years) to return. It was then decided that of the five remaining names, the one chosen would be the alternate. The name chosen was Clay Hebert. Therefore, those to be hired are Kirk Hebert, Jr., Brandon Simoneaux, Beau Bouvier and Chett Chiasson.

Vice President requested that Director Falgout report on the Commission insurance. Director Falgout stated that the Executive Committee decided that a risk management consultant should be hired to determine whether or not Commission property was properly insured. Susan Martin, Port bookkeeper, was requested to obtain that information. Mrs. Martin received quotes from three companies: Norris Insurance Consultants, Inc., Harbor Insurance Services, LTD and Maritime Insurance Consultants. She reviewed the quotes and recommended to the Committee that Harbor Insurance Services, LTD be hired; their quote being \$75/hr. for professional services and \$35/hr. for clerical services. Upon motion by Rodney Terrebonne, seconded by Donald Vizier and unanimously passed, the Board of Commissioners does hereby employ to services of Harbor Insurance Services, LTD for purpose of determining whether port property is properly insured.

Director Falgout stated that during the Executive Committee meeting held the previous day, the Committee went into executive session to discuss a letter received from a lessee complaining about a Commission employee. The matter was discussed and will be looked into.

#### LEGAL, PERMITS & WATERWAYS:

Upon motion by Robert Champagne, seconded by Harrison Cheramie, Jr. and unanimously passed, the Board of Commissioners does hereby approve sending letters of no objection to the following applicants:

Chevron USA, Inc.  
Chevron USA, Inc.  
La. Dept. Of Wildlife & Fisheries  
Texaco Exploration and Production, Inc.  
Texaco Exploration and Production, Inc.  
Chevron USA, Inc.

Director Falgout reported that for some time the Board had been addressing matters in connection with the usage of the channel at Port Fourchon. A survey had been prepared and circulated. The Board made the decision to increase the presence of the harbor police in the channel during peak fishing times. Director Falgout requested a report from Chief Guidry. Chief Guidry reported that a police officer has been assigned at night to monitor traffic in the channel. Very few incidents were reported and he plans to keep the officer assigned as long as the shrimpers are in the channel. Board Member Vizier asked if all shrimpers had radios. Chief Guidry stated that some did not, but when advised of the policy of the Commission, they did have radios on board next time. They are to monitor their VHF radios and to move out of the way when a burdened vessel is coming. Chief Guidry asked the vessels to give the shrimpers enough time to move out. Discussion followed in connection with channel depths.

#### CONSTRUCTION & DEVELOPMENT:

Board Member Terrebonne stated that several companies had requested to lease property at Port Fourchon and requested that Director Falgout explain.

Director Falgout stated that John W. Stone Oil has requested to sign their first lease on the 200' under the first right of refusal. Upon motion by Rodney Terrebonne, seconded by Robert Champagne and unanimously passed, the Board of Commissioners does hereby approve leasing an additional 200' to John W. Stone Oil Distributor, LLC, on such terms and conditions as contained in said lease.

Director Falgout reported by MYU Helicopters had requested to lease property to place a pad and fuel tank for their company. Upon motion by Rodney Terrebonne, seconded by Donald Vizier and unanimously passed, the Board of Commissioners does hereby approve leasing a site on 16<sup>th</sup> Street to MYU Helicopter Service, Inc., on such terms and conditions as contained in said lease.

Director Falgout reported that Buckner Rental Service is requesting to lease the additional property between their present site and 1<sup>st</sup> St. relocation. Upon motion by Rodney Terrebonne, seconded by Robert Champagne and unanimously passed, the Board of Commissioners does hereby approve leasing additional property to Buckner Rental Service, Inc. on such terms and conditions as contained in said lease.

Director Falgout reported that Ellzey Marine & Hardware had requested a first right of refusal on a 2.2 acre tract on LA 3090 for the purpose of establishing a marine hardware/convenience store. Upon motion by Rodney Terrebonne, seconded by Harrison Cheramie, Jr. and unanimously passed, the Board of Commissioners does hereby grant a right of first refusal to Ellzey Marine & Hardware, Inc. on a 2.2 acre tract on LA 3090 for the purpose of establishing a marine hardware/convenience store.

Director Falgout stated that at a previous meeting the Board had approved a lease to MSI Environmental; however since the site does not yet have bulkheading and waterfront they have made an agreement with Pool Offshore to sub-lease their facility, which needs approval by the board. Upon motion by Rodney Terrebonne, seconded by Larry Griffin and unanimously passed, the Board of Commissioners does hereby approve the sub-lease by Pool Offshore to MSI Environmental, LLC, on such terms and conditions as contained in said sub-lease.

Board Member Vizier asked about President Doucet. Director Falgout stated that he had spoken to him this morning and he was doing well. He had bone marrow transplant and chemo therapy and will be in isolation for a few weeks.

#### FINANCE:

Upon motion by Donald Vizier, seconded by Harrison Cheramie, Jr. and unanimously passed, the Board of Commissioners does hereby approve payment of all invoices received the previous month, including the following invoices:

River/Road Construction Co.	\$361,205.68
Plaisance Dragline & Dredging	\$ 10,890.00
Stranco, Inc. (Retainage)	\$ 44,251.46

Upon motion by Donald Vizier, seconded by Robert Champagne and unanimously passed, the Board of Commissioners does hereby approve the financial report for April, 1997.

#### EXECUTIVE DIRECTOR'S REPORT:

Commencing his report, Director Falgout called upon John Plaisance, project engineer, for his report in connection with the E-Slip Expansion. Mr. Plaisance stated that the contractor had finished driving the sheet piles and is now driving timber piles for the deadman. Mr. Plaisance further stated that the contractor should be finished before the time allotted. He had some problems getting through the sand layer at 20' - 30', but Mr. Plaisance assured him that we will work with him. Director Falgout stated we still plan to get the dredge there by October; however, Chevron's plan to remove

approximately 100,000 cubic yards of material has been delayed until after October. The Commission has informed them that they must remove the material now, which they are doing.

In connection with the warehouse, Mr. Plaisance explained that the figure approved for payment to the contractor has to be verified with the port bookkeeper before the check is made.

In connection with the highway improvements, Director Falgout stated that the on-site pre-bid meeting was held on the 12<sup>th</sup>. The material to be used on the embankment will be removed from the E-Slip. Bids will be opened on May 20<sup>th</sup>. Discussion followed.

Director Falgout informed the Board that the Commission ordinance in connection with sunken vessels allows us to pursue the owner only; however, in some cases the owner is not at fault in allowing the vessel to sink. Therefore, the port attorney has prepared and presented a revision to Ordinance No. 25 which will allow the Commission to pursue others who may be responsible besides the owner. The following ordinance was presented by Donald Vizier, who moved for its adoption, and seconded by Harrison Cheramie, Jr.:

#### ORDINANCE NO. 25 (REVISED)

AN ORDINANCE MAKING IT UNLAWFUL TO NEGLIGENTLY ABANDON ANY VESSEL, BARGE OR OTHER FLOATING OR SUNKEN CRAFT WITHIN THE JURISDICTION OF THE PORT COMMISSION; MAKING IT UNLAWFUL TO NEGLIGENTLY LEAVE UNATTENDED ANY VESSEL, BARGE OR OTHER FLOATING OR SUNKEN CRAFT MOORED OR DOCKED WITHIN THE JURISDICTION OF THE PORT COMMISSION WHEN IT INTERFERES WITH THE NORMAL OPERATIONS OF THE PORT COMMISSION; 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:

SECTION 1. It shall be unlawful for any tug, towboat, barge, water craft, ship, vessel, equipment, machinery of any object of any kind or description, whether foreign or domestic, to be negligently left unattended, sunken, 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 a person is in violation of Section 1 of this ordinance, such person shall be notified of said violation by certified mail. The notice shall advise such person 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 such person by certified mail, notice shall be provided to such person 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 such person and shall be disposed of by the authority. In the event that the owner of the vessel is not charged with violation of Section 1 of this ordinance, the owner of the vessel shall nevertheless be notified at the same time as notice is given pursuant to this Section 1 shall be given notice pursuant to this Section 2. Further, if no negligent person has been identified, the owner of such object as described in Section 1 shall be given notice pursuant to this Section 2 before removal by the Commission, except as provided in Section 4.

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 such person immediately upon receipt of written or oral notice to remove. Should such person not proceed to remove the object immediately, or should the Commission be unable to identify or contact such person immediately, the Commission shall remove the object immediately at such person's risk and expense.

Section 4. Any object shall be deemed abandoned if an owner or another responsible person cannot be identified after the object has been left unattended for five (5) continuous days.

Section 5. In the event that the owner or negligent person does not remove the object within thirty (30) days of notice provided above, or if the same object is cited for violation of this ordinance three (3) or more times within a twelve (12) month period, the Commission shall then have the authority to have the object removed at such person's cost and junk, discard or otherwise dispose of the object or sell, exchange or otherwise transfer ownership 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 and 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. Anyone violating 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. This ordinance shall take effect on and be enforceable on or after May 14, 1997.

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

SECTION 10. 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 the 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, Robert M. Champagne, Donald J. Vizier and Larry J. Griffin

NAYS: None

ABSENT: Tomey J. Doucet and Johnny Melancon

And the ordinance was declared adopted this 14<sup>th</sup> day of May, 1997.

The following resolution was presented by Robert Champagne, who moved for its adoption, and seconded by Rodney Terrebonne:

WHEREAS, Act.No. 45 of the Louisiana Legislature's 1996 regular session ("Act 45"), contained an appropriation for the Department of Transportation and Development ("DOTD") for \$1.7 million for La. Highway 1 and La. Highway 308 embankment stabilization from Lockport to Golden Meadow Floodgate (S.P. 737-29-0100) and \$1.5 million for La. Highway 1 emergency stabilization south of Golden Meadow (S.P. 737-29-0101) (collectively referred to as the "Projects"), and Act. 45 further provided for issuance by the State Bond Commission of state general obligation bonds for the projects contained in Act. 45, including the Projects;

WHEREAS, on August 14, 1996, the Secretary of DOTD, Mr. Frank Denton, declared the erosion on La. Highway 1 and La. Highway 308 to be a state of emergency;

WHEREAS, DOTD and the Greater Lafourche Port Commission (the "Port Commission") have entered into Cooperative Endeavor Agreement under which the Port Commission will perform certain services in connection with the Projects and DOTD will reimburse the Port Commission for such services as provided in said Cooperative Endeavor Agreement.

WHEREAS, the Projects, as covered by the Cooperative Endeavor Agreement, shall consist of obtaining borrow material from Port Fourchon or dredge from Bayou Lafourche, constructing emergency erosion repair and embankment stabilization with said material and/or placing rock, rip-rap, armament or vegetation on embankment as required and /or shaping the borrow material, restoring of the roadway and shoulder as required , and any and all incidentals necessary to construct the Projects along La. Highway 1 and La. Highway 308 from Port Fourchon to Lockport in Lafourche Parish, including replacing existing cross drains if required;

WHEREAS, the Port Commission possesses powers provided by statute to take certain actions for the benefit of the port area and finds that participation in the aforesaid Cooperative Endeavor Agreement is a beneficial exercise of such powers.

NOW THEREFORE BE IT RESOLVED BY THE GREATER LAFOURCHE PORT COMMISSION, THAT the Port Commission declares that the construction of the Projects and the Port Commission's participation in the aforesaid Cooperative Endeavor Agreement, and in particular the dredging in Bayou Lafourche and at Port Fourchon and the improvements of Highway 1 and Highway 308 will serve the purpose of maintaining, improving, and facilitating marine commerce, traffic, and navigation in the port area, and will serve the purpose of maintaining improving, and preserving critical land access routes to the port area.

In connection with the West Belle Pass project, Director Falgout reported that he spoke to the Secretary and Under-Secretary of DNR and they informed him that they are working out small technicalities that have arisen. The Commission will continue to monitor their progress. Discussion followed.

In connection with the Deep Draft Berthing Facility, Director Falgout called upon Neal Angelette with Larry J. Picciola, Inc. who stated that they are still on schedule to have the plans and specifications completed and brought to DOTD on or before June 2<sup>nd</sup>.

Director Falgout reported that the high spots in Pass Fourchon in the vicinity of Nerby Collins Marina have been dredged and the material placed on the side. Shell has agreed to move the material (which they will use for mitigation purposes); however, their project has been delayed until the fall.

Director Falgout reported that the break in the Flotation Canal Levee has been restored; however, with the recent high tides it was overtopped. It has been recapped.

Director Falgout informed the Board that at the recent Ports Association of Louisiana convention, he was elected President. The term commences July 1<sup>st</sup> and will be for a two-year period.

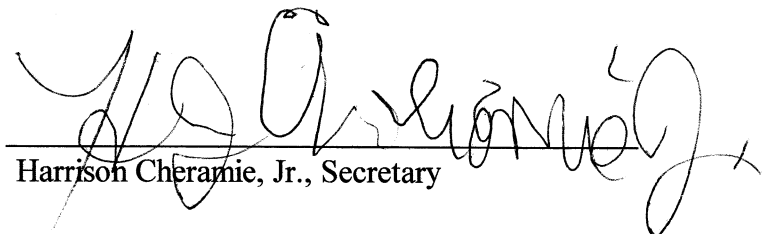
OTHER BUSINESS:

Vice President Bernard recognized Mr. Harris Cheramie who addressed the Board.

There being no other business, upon motion by Larry Griffin, seconded by Vinton Crosby and unanimously passed, the meeting adjourned.

ATTEST:

  
Dudley Bernard, Vice President

  
Harrison Cheramie, Jr., Secretary