

ORDINANCE NO. 23

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

1 An Ordinance authorizing the Port Executive Director to enter into a Cooperative
2 Endeavor Agreement on behalf of the Plaquemines Port, Harbor & Terminal
3 District with Plaquemines Parish Government to share in the cost and benefits
4 associated with hiring Communications Director; and otherwise to provide with
5 respect thereto.

6 DIGEST: Both the Plaquemines Parish Government (PPG) and the Plaquemines Port, Harbor &
7 Terminal District (PPHTD) need a Communications Director to draft messaging and disseminate
8 information to interested parties. The Council feels that PPG and PPHTD should share in the
9 expenses and benefits of a shared and singular Communications Director working for both political
10 subdivisions. *The digest is for informational purposes only and is superseded by the language of*
11 *the actual ordinance or resolution.*

12 WHEREAS, the Plaquemines Port Harbor & Terminal District (PPHTD) and Plaquemines Parish
13 Government (PPG) both have a need for a full time Communications Director to draft messaging
14 and disseminate information through the media to both the public and private sectors; and

15 WHEREAS, Art. VII, Sec. 14(C) of the Louisiana Constitution of 1974 provides that for a public
16 purpose, the State and its political subdivisions or political corporations may engage in cooperative
17 endeavors agreements with each other or with any other private association, corporation or
18 individuals; and

19 WHEREAS, the Plaquemines Parish Council as the sole governing authority of the PPHTD desires
20 for the PPHTD to fund fifty percent (50%) of the expenses of a shared and singular
21 Communications Director with PPG, it needs to appropriate \$_____ for said purposes;

22 NOW, THEREFORE:

23 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE
24 GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL
25 DISTRICT THAT:

SECTION 1

27 It hereby authorizes the Port Executive Director on behalf of the Plaquemines Port, Harbor &
28 Terminal District to enter into a Cooperative Endeavor Agreement with Plaquemines Parish
29 Government to share in the expenses and benefits of a singular Communications Director
30 representing both political subdivisions, but only after both the Port Executive Director and the
31 Plaquemines Parish President agree on the qualifications and selection of the Communications
32 Director.

SECTION 2

34 The Plaquemines Port, Harbor & Terminal District's 2023 Operating Expenditure Budget is
35 amended by appropriating \$_____ from the Unrestricted Fund Balance as follows:

37 FUND: 445 Plaquemines Port Harbor Terminal District
38 DEPARTMENT: 490 Plaquemines Port Harbor Terminal District
39 DIVISION: 2460 General – Operating

41 ACCOUNT DESCRIPTION INC/DEC AMENDMENT
42 532-330 Prof Srvc- Dir. Of Comms Inc. \$_____

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SECTION 3

48 The Secretary of this Council is hereby authorized and directed to immediately certify and release
49 this Ordinance and Port employees and officials are authorized to carry out the purposes of this
50 Ordinance, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 23-

The following resolution was offered by Council Member LaFrance who moved its adoption:

1
2 A resolution giving preliminary approval to the issuance of not to exceed
3 _____ Dollars (\$_____) of Hurricane Recovery Revenue
4 Notes of the Parish of Plaquemines, State of Louisiana, and otherwise to provide
5 with respect thereto.
6

7 **DIGEST:** A resolution by the Plaquemines Parish Council to authorize approval to incur debt and
8 issue Hurricane Recovery Revenue Notes. *The digest is for informational purposes only and is*
9 *superseded by the language of the actual ordinance or resolution.*
10

11 **WHEREAS**, the Plaquemines Parish Council (the "Governing Authority"), acting as the
12 governing authority for the Parish of Plaquemines, State of Louisiana (the "Issuer"), desires to
13 incur debt and issue not to exceed _____ Dollars (\$_____) of Hurricane
14 Recovery Revenue Notes (the "Notes"), in the manner authorized and provided by Section 1430
15 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and
16 statutory authority (the "Act"), for the purpose of (i) paying any costs associated with the
17 demolition, rehabilitation, repair, reconstruction, renovation, restoration and improvement of the
18 properties and facilities within the Issuer resulting from or related to Hurricane Ida, including
19 purchasing any furnishings, fixtures and equipment incidental or necessary in connection
20 therewith; and (ii) paying the costs of issuance of the Notes; and
21

22 **WHEREAS**, the Notes shall be secured by and payable from a pledge of all funds or
23 revenues received or to be received by the Issuer to the extent legally available for the payment of
24 debt service on the Notes, provided that no such funds or revenues shall be so included which have
25 been or are in the future legally dedicated and required for purposes inconsistent therewith by the
26 electorate, by the terms of specific grants, by the terms of particular obligations issued or to be
27 issued or by operation of law (such amount being the "Available Funds of the Issuer"); and
28

29 **WHEREAS**, it is expressly provided that the full faith and credit of the Issuer shall not be
30 pledged, and there shall be no obligation on the Issuer to levy or increase taxes or other sources of
31 revenue in order to pay debt service on the Notes or to transfer any funds for the payment of debt
32 service that may result in a violation of any law, ruling, regulation, contract or agreement
33 applicable to the Issuer; and
34

35 **BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT** (the "Governing
36 Authority"), acting as the governing authority for the Parish of Plaquemines, State of Louisiana,
37 that:
38

39 **SECTION 1. Preliminary Approval of Revenue Notes.** Preliminary approval is given
40 to the issuance of not exceeding _____ Dollars (\$_____) of Hurricane
41 Recovery Revenue Notes of the Issuer, pursuant to the Act, for the purpose of (i) paying any costs

42 associated with the demolition, rehabilitation, repair, reconstruction, renovation, restoration and
43 improvement of the properties and facilities within the Issuer resulting from or related to Hurricane
44 Ida, including purchasing any furnishings, fixtures and equipment incidental or necessary in
45 connection therewith; and (ii) paying the costs of issuance of the Notes, said Notes to be secured
46 by and payable from the Available Funds of the Issuer. The Notes will be issued in one or more
47 series, each of which may be taxable or tax-exempt, shall bear interest at an interest rate not
48 exceeding 7% per annum, and shall mature over a period not exceeding ten (10) years from the
49 date of issuance.

50 **SECTION 2. State Bond Commission.** Application is hereby made to the State Bond
51 Commission, Baton Rouge, Louisiana, for approval of the issuance and sale of the Notes and for
52 consent and authority to proceed with the issuance and sale of the Notes as provided above, and
53 Bond Counsel is directed to make application to the State Bond Commission in accordance with
54 the foregoing on behalf of the Issuer. By virtue of applicant/issuer's application for, acceptance
55 and utilization of the benefits of the Louisiana State Bond Commission's approval(s) resolved and
56 set forth herein, it resolves that it understands and agrees that such approval(s) are expressly
57 conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors
58 and assigns to, full and continuing compliance with the "State Bond Commission Policy on
59 Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.," adopted
60 by the Commission on July 20, 2006, as to the borrowing(s) and other matter(s) subject to the
61 approval(s), including subsequent application and approval under said Policy of the
62 implementation or use of any swap(s) or other product(s) or enhancement(s) covered thereby.

63 **SECTION 3. Employment of Bond Counsel.** This Governing Authority finds and determines that
64 a real necessity exists for the employment of special counsel in connection with the issuance of
65 the Notes, and accordingly, Foley & Judell, L.L.P., of New Orleans, Louisiana, as Bond Counsel,

66 is hereby employed to do and perform work of a traditional legal nature as bond counsel with
67 respect to the issuance and sale of said Notes. Said Bond Counsel shall prepare and submit to this
68 Governing Authority for adoption all of the proceedings incidental to the authorization, issuance,
69 sale and delivery of such Notes, shall counsel and advise this Governing Authority as to the
70 issuance and sale thereof and shall furnish its opinions covering the legality of the issuance of the
71 Notes. The fee of Bond Counsel for each series of Notes shall be fixed at a sum not exceeding the
72 fee allowed by the Attorney General's fee guidelines for such bond counsel work and based on the
73 amount of said Notes actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses,
74 said fees to be contingent upon the issuance, sale and delivery of said Notes. The Parish President
75 is hereby authorized and directed to execute, and this Governing Authority hereby agrees to and
76 accepts the terms of, the engagement letter of Bond Counsel appended hereto. A certified copy of
77 this resolution shall be submitted to the Attorney General of the State of Louisiana for his written
78 approval of said employment and of the fees herein designated, and the chief financial officer of
79 the Issuer is hereby empowered and directed to provide for payment of the work herein specified
80 upon completion thereof and under the conditions herein enumerated without further approval of
81 this Governing Authority.

82 **SECTION 4. Appointment of Municipal Advisor.** The Issuer hereby retains Government
83 Consultants, Inc. to act as its Municipal Advisor ("MA") pursuant to the provisions of the Dodd-
84 Frank Wall Street Reform and Consumer Protection Act and the rules promulgated thereunder by
85 the Securities and Exchange Commission. The Issuer hereby acknowledges that it is represented
86 by the MA and will rely upon the advice of the MA with respect to the Notes. The fee to be paid
87 the MA shall be payable solely from the proceeds of the Notes when and if issued, and the amount
88 thereof shall be subject to the approval of the State Bond Commission. The Parish President is

89 hereby authorized and directed, in his discretion, to execute any contract the MA may require with
90 respect to the engagement.

91 **SECTION 5. Appointment of Placement Agent/Underwriter.** _____ is hereby
92 appointed as underwriter/placement agent in connection with the issuance of the Bonds, any
93 compensation to be subsequently approved by the Issuer and to be paid from the proceeds of the
94 Bonds and contingent upon the issuance of the Bonds; provided that no compensation shall be due
95 to said underwriter/placement agent unless the Bonds are sold and delivered.

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ENGAGEMENT LETTER

April 13, 2023

Hon. W. Keith Hinkley, Parish President
Parish of Plaquemines, Louisiana

Re: Proposed Hurricane Recovery Revenue Notes of
the Parish of Plaquemines, State of Louisiana

Dear President Hinkley:

The purpose of this engagement letter is to set forth certain matters concerning the role we will serve and the legal services we will provide as bond counsel to the Parish of Plaquemines, State of Louisiana (the "Issuer") in connection with the issuance of the captioned Notes (the "Notes"). We understand that the Notes will be issued for the purpose (the "Project") described in the resolution adopted by the Plaquemines Parish Council (the "Governing Authority"), acting as the governing authority of the Issuer, on April 13, 2023.

As bond counsel, we will prepare and submit to the Governing Authority for adoption all of the legal proceedings required for the authorization, issuance, sale and delivery of the Notes and provide advice of a traditional legal nature as to the issuance and sale of the Notes. Our job is principally to render certain opinions to the Issuer regarding (i) the validity of the Notes under applicable Louisiana law, (ii) the exemption of interest paid on the notes from federal and/or state taxes, and (iii) other matters as may be applicable. The note opinion will be based on facts and law existing as of its date. In rendering such opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to our firm without undertaking to verify the same by independent investigation, and we will assume continuing compliance by the Issuer with applicable laws and other resolutions relating to the Notes. During the course of this engagement, we will rely upon the staff of the Issuer and the members of the Governing Authority to provide us with complete and timely information on all developments pertaining to any aspect of the Notes.

In our engagement as note counsel, we will:

- Confer with members of the working group, including you and other officials of the Issuer, relating to the Project and review legal issues relating to the structure of the Note issue;
- Prepare the Issuing Note Resolution and all related financing documents (collectively, the "Note Documents");
- Attend meetings of the Governing Authority at which the Note Documents are adopted;

- 143 • Prepare the application for approval of the issuance of the Notes by the State
144 Bond Commission and attend the State Bond Commission meeting at which
145 such approval will be considered;
146
- 147 • Prepare the closing index and various closing certificates, including the Tax
148 Compliance Certificate, and supervise the execution of certain closing
149 documents by the various parties thereto;
150
- 151 • Prepare and file Internal Revenue Service Form 8038-G, as required by Federal
152 law;
153
- 154 • Prepare the Notes and supervise their execution and authentication;
155
- 156 • Prepare complete transcripts of record covering the issuance of the Notes and
157 furnishing the transcripts to various parties in connection therewith; and
158
- 159 • Submit applicable post-closing reports to the State Bond Commission.
160

161 Our fee as bond counsel is based upon the terms, structure, size and schedule of the financing, the
162 services provided, and the responsibilities assumed; however, our fee will not exceed that
163 permitted by guidelines set forth by the Attorney General of the State of Louisiana and is subject
164 to his approval. Our fee as bond counsel is a "contingent fee," meaning you are required to pay for
165 our legal services only in the event the Notes are actually sold and delivered. Other vendors or
166 members of the working group may charge additional fees or costs for their services, which may
167 not be contingent upon a successful delivery.
168

169 We will continue to serve as bond counsel until the delivery of the Notes; however, the Issuer and
170 our firm each have the right to terminate this engagement at any time after providing reasonable
171 advanced written notice, subject to the applicable rules of professional responsibility. Upon
172 conclusion or termination of our representation of the Issuer, papers and property furnished by the
173 Issuer will be returned promptly upon request.
174

175 Please note that we are not municipal advisors, and we do not render financial advice or other
176 financial services to the Issuer; however, in the course of providing traditional legal services, we
177 may provide factual information to the Issuer that is not specifically tailored to the Notes or that
178 does not rise to the level of a recommendation concerning a course of action. We will, however,
179 analyze and advise the Issuer regarding the legal ramifications of the structure, timing, terms and
180 other provisions of the Notes, as these functions are essential to developing a plan of finance.
181

182 On behalf of the Issuer, you have represented to us that in connection with the issuance of the
183 Bonds the Issuer is represented by, and with respect to financial matters will rely on the advice of,
184 Government Consultants, Inc., a registered municipal advisor under the rules promulgated by the
185 Securities and Exchange Commission. By obtaining such representation from you, our firm is not
186 a municipal advisor and is not subject to the fiduciary duty established in Section 15B(c)(1) of the
187 Securities Exchange Act of 1934, as amended.
188

189 Applicable ethical rules in Louisiana prohibit us from undertaking this representation if we
190 represent another party that is directly adverse to the Issuer or if there is a significant risk that other
191 considerations will materially limit our representation of the Issuer. As you are aware, our firm
192 represents the State of Louisiana and many other political subdivisions, including others in
193 Plaquemines Parish. At this time, we do not believe any other current or past engagement of our
194 firm adversely affects our ability to represent the Issuer as provided in this letter; however, we
195 invite you to discuss any concerns you have with us.

196
197 In the interest of facilitating our services to you, we may (i) send documents, information or data
198 electronically or via the Internet or (ii) store electronic documents or data via computer software
199 applications hosted remotely or utilize cloud-based storage. Confidential electronic documents or
200 data of the Issuer may be transmitted or stored using these methods. We may use third party service
201 providers to store or transmit these documents or data. In using these electronic communication
202 and storage methods, we employ reasonable efforts to keep such communications, documents and
203 data secure in accordance with our obligations under applicable laws, regulations, and professional
204 standards; however, the Issuer recognizes and accepts that we have no control over the
205 unauthorized interception or breach of any communications, documents or data once it has been
206 transmitted or if it has been subject to unauthorized access while stored, notwithstanding all
207 reasonable security measures employed by us or by our third party service providers. By
208 acceptance of this letter, the Issuer consents to our use of these electronic devices and applications
209 and submission of confidential client information to or through third party service providers during
210 this engagement.

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[Remainder of page left intentionally blank]

216 If this letter is acceptable to the Issuer, please so indicate by executing below and returning a copy
217 to us, retaining an original for your files. We appreciate the opportunity to serve the Issuer and
218 look forward to working with you.

219

220

FOLEY & JUDELL, L.L.P.

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BY: _____

225

M. JASON AKERS, PARTNER

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227 **ACCEPTED AND APPROVED:**

228 **PARISH OF PLAQUEMINES, STATE OF LOUISIANA**

229

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231

232 **BY:** _____

233 **NAME: W. KEITH HINKLEY**

234 **TITLE: PARISH PRESIDENT**

235

236 **DATED: APRIL 13, 2023**

237

238 **CC: JIM RYAN, GOVERNMENT CONSULTANTS, INC.**

239

240

241 STATE OF LOUISIANA

242 PARISH OF PLAQUEMINES

243 I, the undersigned Council Secretary of the Plaquemines Parish Council, do hereby certify
244 that the foregoing pages constitute a true and correct copy of a resolution adopted by said
245 Plaquemines Parish Council on April 13, 2023, giving preliminary approval to the issuance of not
246 to exceed _____ Dollars (\$_____) of Hurricane Recovery Revenue Notes
247 of the Parish of Plaquemines, State of Louisiana, and providing for other matters in connection
248 therewith.

249 IN FAITH WHEREOF, witness my official signature on this, the 13th day of April, 2023.

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Council Secretary

RESOLUTION NO. 23-

The following Resolution was offered by Council Member LaFrance who moved for its adoption:

1 A Resolution authorizing Plaquemines Parish Government to join the Attorney
2 General of Louisiana in litigation against FEMA to challenge Risk Rating 2.0; and
3 otherwise to provide with respect thereto.
4

5 DIGEST: A Resolution authorizing Plaquemines Parish Government to join the Attorney General
6 of Louisiana in litigation against FEMA to challenge Risk Rating 2.0. *The digest is for*
7 *informational purposes only and is superseded by the language of the actual ordinance or*
8 *resolution.*
9

10 WHEREAS, the Federal Emergency Management Agency (FEMA) “is updating the National
11 Flood Insurance Program’s (NFIP) risk rating methodology through the implementation of a new
12 pricing methodology,” titled “Risk Rating 2.0: Equity in Action” ([https://www.fema.gov/flood-](https://www.fema.gov/flood-insurance/risk-rating)
13 [insurance/risk-rating](https://www.fema.gov/flood-insurance/risk-rating)); and
14

15 WHEREAS, FEMA states that Risk Rating 2.0’s “methodology leverages industry best practices
16 and cutting-edge technology to enable FEMA to deliver rates that are actuarially sound, equitable,
17 easier to understand and better reflect a property’s flood risk” ([https://www.fema.gov/flood-](https://www.fema.gov/flood-insurance/risk-rating)
18 [insurance/risk-rating](https://www.fema.gov/flood-insurance/risk-rating)); and
19

20 WHEREAS, the Association of Levee Boards of Louisiana has grave concerns about the
21 soundness of Risk Rating 2.0’s underlying methodology, its failure to properly take into account
22 any of the numerous improvements Louisiana’s Levee Boards have made to the flood protection
23 systems, and its catastrophic effect on Louisiana’s flood insurance rates and the ability of
24 Louisiana’s homeowners to purchase flood insurance; and
25

26 WHEREAS, the Association of Levee Boards of Louisiana, members of both the Louisiana
27 legislature and the federal legislature, members of state government, numerous Parish Presidents
28 and their Councils, and many other entities in Louisiana and around the nation have repeatedly
29 raised their concerns to FEMA, have asked FEMA for documentation showing FEMA’s
30 underlying methodology, and have been passed from one federal office to the next without
31 receiving any meaningful answers to their questions or any documents showing FEMA’s
32 underlying methodology; and
33

34 WHEREAS, FEMA has denied the efforts of the Association of Levee Boards of Louisiana and
35 others to protect their interests, the interests of their members, the interests of many Louisiana
36 industries, and the interests of Louisiana citizens, making what is supposed to be “Equity in
37 Action” an inequitable program across the entire State of Louisiana;
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39 NOW, THEREFORE:

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41 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby authorizes
42 Plaquemines Parish Government to join the Attorney General of Louisiana in litigation against
43 FEMA to challenge Risk Rating 2.0. and further authorizes and directs the Parish President to do
44 all things necessary and proper to effectuate the purposes of this Resolution.
45

46 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
47 Secretary of this Council is hereby authorized and directed to immediately certify and release this
48 Resolution and that Parish employees and officials are authorized to carry out the purposes of this
49 Resolution, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 23-

The following Ordinance was offered by Council Member LaFrance who moved its adoption:

1 An Ordinance to amend the 2023 Public Health Fund, Operating Expenditure
2 Budget, Ambulances-General Department; and otherwise to provide with respect
3 thereto.

4 DIGEST: An ordinance to appropriate \$_____ to the Ambulances-General Department to
5 cover the cost of overtime incorrectly paid as straight time for the years 2021 - 2023. *The digest is*
6 *for informational purposes only and is superseded by the language of the actual ordinance or*
7 *resolution.*

8
9 WHEREAS, a review of the operating expenditure budget was performed and an amendment to
10 the Ambulances-General department is necessary;

11 NOW, THEREFORE:

12 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

14 The 2023 Public Health Fund, Operating Expenditure Budget, Ambulances-General Department,
15 is amended by appropriating \$_____ from the Fund Balance Designated for Emergencies as
16 follows:

Fund: 004 Public Health Fund			
Dept/Div: 555-2700 Ambulances-General Dept.			
Object	Description	Inc/ Dec	Amendment
510.010	Salaries & Wages Overtime	Inc	

SECTION 2

25 The Secretary of this Council is hereby authorized and directed to immediately certify and release
26 this Ordinance and that Parish employees and officials are authorized to carry out the purposes of
27 this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 23-

The following Resolution was offered by Council Member LaFrance who moved for its adoption:

1 A Resolution directing the President of the Parish of Plaquemines to issue a formal
2 request to the State of Louisiana to enact legislation directed to the state Department
3 of Health and Human Services (DHH) requiring that the said agency expand its
4 programs testing imported shrimp from outside of the United States, to include
5 testing for all possible harmful substances, and further to pass legislation providing
6 sufficient funding to DHH to enable the establishment of sufficient testing
7 procedures; and otherwise to provide with respect thereto.
8

9 DIGEST: A Resolution directing the President of the Parish of Plaquemines to issue a formal
10 request to the State of Louisiana to enact legislation directed to the state Department of Health and
11 Human Services (DHH) requiring that the said agency expand its programs testing imported
12 shrimp from outside of the United States, to include testing for all possible harmful substances,
13 and further to pass legislation providing sufficient funding to DHH to enable the establishment of
14 sufficient testing procedures. *The digest is for informational purposes only and is superseded by*
15 *the language of the actual ordinance or resolution.*
16

17 WHEREAS, it has come to the attention of the Council that the State Department of Health and
18 Human Services is currently testing shrimp imported from outside of the United States only for
19 three chemical groups which are harmful to humans, while such shrimp may contain many other
20 harmful substances, resulting in the importation of shrimp which may be harmful to the residents
21 of Plaquemines Parish;
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23 NOW, THEREFORE:

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25 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the health and safety
26 of the citizens of the Parish of Plaquemines in consuming imported shrimp from outside of the
27 United States of America is of the utmost importance.
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29 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it has
30 come to the attention of the Plaquemines Parish Council that the State of Louisiana, Department
31 of Health and Hospitals is currently testing such imported shrimp only for three chemical groups,
32 and further, is not testing all shrimp imported into the United States for harmful chemicals, thus
33 creating a health hazard to citizens of Plaquemines Parish.
34

35 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
36 President of the Parish of Plaquemines is hereby authorized to send a request to the Governor of
37 the State of Louisiana to create and enact legislation directing the State Department of Health and
38 Hospitals to expand its programs of testing shrimp and other seafood to test for all harmful
39 substances which such shrimp and seafood may contain, and further to request that legislation be
40 created and enacted to provide sufficient funding to enable the Department of Health and Hospitals
41 to establish and pursue such expanded testing.
42

43 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT The
44 Secretary of this Council is hereby authorized and directed to immediately certify and release this
45 Resolution and that Parish employees and officials are authorized to carry out the purposes of this
46 Resolution, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 23-

The following Ordinance was offered by Council Member Edwards who moved its adoption:

1 An Ordinance to amend the 2023 General Fund, Operating Expenditure Budget,
2 Recreation-Davant Summer Recreation Program Department; and otherwise to
3 provide with respect thereto.

4 DIGEST: An ordinance to appropriate \$22,938 to the Recreation-Davant Summer Recreation
5 Program Department. *The digest is for informational purposes only and is superseded by the*
6 *language of the actual ordinance or resolution.*

7 WHEREAS, Plaquemines Parish Government has received funding to be used for the Davant
8 Summer Recreation Program; and

9 WHEREAS, amending the 2023 General Fund, Operating Expenditure Budget,
10 Recreation-Davant Summer Recreation Program department is requested;

11 NOW, THEREFORE:

12 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

14 The 2023 General Fund, Operating Expenditure Budget, Recreation-Davant Summer Recreation
15 Program department is amended as follows:

Fund: 001 General Fund			
Dept/Div: 640-4082 Rec Davant Summer Rec Program			
Object	Description	Inc/Dec	Amendment
541.080	Supplies-Educational/Recreational/Cultural	Inc	22,938

SECTION 2

23 The Secretary of this Council is hereby authorized and directed to immediately certify and release
24 this Ordinance and that Parish employees and officials are authorized to carry out the purposes of
25 this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

53 *Permit placard* means a permit placard issued by the Health Department noting the annual permit
54 issued for the specified mobile catering vehicle or mobile food dispensing vehicle.

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57 *Potentially Hazardous Food* means:

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(a) food that is natural or synthetic and is in a form capable of supporting:

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(1) the rapid and progressive multiplication of infectious or toxigenic
62 microorganisms;

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(2) the multiplication and toxin production of *Clostridium botulinum*; or

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(3) in shell eggs, the multiplication of *Salmonella enteritidis*.

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(b) potentially hazardous food includes an animal food (a food of animal origin) that is raw
or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts;
cut melons; and garlic and oil mixtures;

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(c) potentially hazardous food does not include:

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(1) an air-cooled hard-boiled-egg with shell intact, or a shell egg that is not hard-boiled,
but has been treated to destroy all viable *Salmonellae*;

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(2) a food with a water activity (aw) value of 0.85 or less;

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(3) a food with a hydrogen ion concentration (pH) level of 4.6 or below when measured
at 75°F (24°C);

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(4) a food, in an unopened hermetically sealed container, that is commercially
processed to achieve and maintain commercial sterility under conditions of
nonrefrigerated storage and distribution; or

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(5) a food for which a variance granted by the regulatory authority is based upon
laboratory evidence demonstrating that rapid and progressive multiplication of
infectious and toxigenic microorganisms or the slower multiplication of *C.*
botulinum cannot occur.

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85 *Prepackaged* means food, food product, or beverage packaged and sealed in a sanitary container
86 at a duly licensed and approved permanent food or beverage processing facility other than the
87 vehicle or commissary of the vendor and packaged and stored in a manner approved by the
88 Plaquemines Parish Health Department.

89 *Vehicle(s)* means mobile catering vehicle(s) and mobile food dispensing vehicle(s).

90 *Vendor(s)* means any person or entity operating a mobile catering vehicle or a mobile food
91 dispensing vehicle.

92 Sect. 13-142 – Commissary Requirements

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(a) All vendors operating under this Article shall have a commissary or processing plant for
adequate storage, proper refrigeration and proper cleaning and sanitizing of equipment.
All vendors must comply with the Louisiana Department of Health and Plaquemines
Parish Government regulations and all commissaries must be inspected by the Louisiana
Department of Health or the Health Department before a vendor can apply for a food
truck permit or operate in Plaquemines Parish, Louisiana.

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(b) All vendors under this article must acquire an occupational license from the
Plaquemines Parish Sheriff's Office. The vendor's occupational license may be
domiciled at any legal address.

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(c) No food, food products or seafood of any kind may be stored in the mobile food
dispensing vehicle or mobile catering vehicle when the vehicle is not being utilized for
the sale of food and beverage products. When the vehicle is not in use for the sale of
food and beverage products, all such food, food products or seafood of any kind must
be properly stored in the commissary and in such a manner as to prevent contamination,
spoilage, adulteration, and to prevent such merchandise from becoming infested with
vermin or pests or otherwise becoming injurious to the health of humans.

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Sect. 13-143 – Food Truck Permit

- 111 (a) No person, entity or vendor shall operate without first obtaining “a food truck permit” from
112 the Health Department. The application to obtain a food truck permit must be accompanied
113 by the following:
- 114 (1) the latest inspection report completed by the Louisiana Department of Health or
115 the Health Department;
 - 116 (2) State and parish occupational license and sales tax number, if applicable;
 - 117 (3) A copy of the vehicle's valid registration with the Louisiana Department of Motor
118 Vehicles. All vehicles must be registered in the State of Louisiana;
 - 119 (4) A copy of automobile insurance for the vehicle, providing insurance coverage for
120 any automobile accident that may occur while driving on the road;
 - 121 (5) An application fee of one-hundred dollars (\$100.00) to the Health Department, all
122 checks shall be made payable to Plaquemines Parish Government; and
 - 123 (6) Provide a list of all locations where the vendor will be operating for more than sixty
124 (60) days during the life of their permit, which shall also be reported during the life
125 of the permit.
- 126 (b) A separate food truck permit must be obtained for each vehicle.
- 127 (c) A food truck permit issued under this Article shall be valid for one year from the date of
128 issuance. Application for renewal permits under this Article cannot be made prior to ninety
129 (90) days before the expiration of the applicant’s then existing permit.
- 130 (d) Any vehicle with a valid food truck permit may change locations, but only if the vendor
131 has permission from the private property owner, lessor, or sublessor of the property where
132 it will operate and is properly zoned for such activity; or is authorized to operate on certain
133 public property pursuant Sect. 13-144 (b) or Sect. 13-145 of this Article.

134 Sect. 13-144 – Locations Permitted

- 135 (a) Operating on Private Property:
- 136 (1) It shall be unlawful for any person, entity or vendor to operate on private property
137 except in zoning districts A-2, C-1, C-2, I-1, I-2, I-3 and FP, unless otherwise
138 authorized by a special food truck event permit, and without first obtaining written
139 permission from the private property owner(s) or lessee(s) where they will operate,
140 which shall be in the vehicle during operation and is subject to inspection.
 - 141 (2) No vehicle shall operate within ten (10) feet of any property line or within twenty
142 (20) feet of any public rights-of-way such as a street, boulevard, highway, roadway,
143 emergency lane, or shoulder of a road which is used for vehicular traffic, unless
144 otherwise authorized by a special food truck event permit.
- 145 (b) Operating on Public Property
- 146 (1) It shall be unlawful for any vendor to operate on any public property, including all
147 public roads and rights-of- way, except the Belle Chasse Government Complex
148 located at 333 F Edward Hebert Belle Chasse, LA 70037 and Jesuit Bend Park; or
149 otherwise authorized by a special food truck event permit.
 - 150 (2) No vendor shall operate on any public property without first paying a “privilege
151 fee” of three-hundred dollars (\$300.00) to the Health Department, all checks shall
152 be made payable to Plaquemines Parish Government. The “privilege fee” shall
153 grant the vendor a privilege to operate for one year on public property, but only
154 where authorized by this Article. The privilege fee must be renewed thereafter. The
155 Health Department shall issue a placard to the vendor evidencing proof of payment
156 and the expiration date of the privilege, which shall be in the vehicle during
157 operation and is subject to inspection.
 - 158 (3) Each vendor operating on public property shall provide a copy of their commercial
159 general liability insurance coverage policy with liability coverage of at least five
160 hundred thousand (\$500,000.00) naming Plaquemines Parish as an additional
161 insured should any accident occur while operating on parish rights-of-way and/or
162 property.
 - 163 (4) Vendor access to public property shall be on a first come first serve basis. And the
164 Parish President is hereby authorized to adopt policies relative to vendor operation

165 on public property. It shall be unlawful not to comply with the aforementioned
166 adopted policies.

167 (c) The Parish President is hereby authorized to limit, including to zero, the number of mobile
168 catering vehicle or mobile food dispensing vehicles in any given area or parcel of
169 property, both public and private, should it be determined that it is in the best interest of
170 the health and safety of the parish for reasons including but not limited to customers
171 excessively parking on public rights-of-ways, excessive interference with the use and
172 enjoyment of neighboring properties, vehicular traffic, or the excessive accumulation of
173 garbage and trash.

174

175 Sect. 13-145 – Special Food Truck Event Permit

176 (a) A “special food truck event permit” may be obtained but only from the Council upon
177 application to the Health Department to operate mobile catering vehicles or mobile
178 food dispensing vehicles in zoning districts or on public property, not otherwise
179 authorized by this Article or law.

180 (b) The application to obtain a special food truck event permit must be accompanied by
181 the following:

182 (1) A list of vendors with a valid “food truck permit” who will operate at the event;

183 (2) Address, dates and times of the event;

184 (3) a drawing and description of the event, including the expected number of
185 persons attending, the size of the property, the locations of the mobile catering
186 vehicles or mobile food dispensing vehicles, and a parking and traffic plan if
187 requested;

188 (4) Any other relevant information requested by the Health Department or
189 Council; and,

190 (5) An application fee of twenty-five dollars (\$25.00) to the Health Department,
191 all checks should be made payable to Plaquemines Parish Government.

192 (c) Any vendor operating at a permitted special food truck event shall comply with all the
193 rules and regulations of this Article, except for any variances authorized by the special
194 food truck event permit, but also in accordance with any conditions and specifications
195 placed on the vendor by the special food truck event permit.

196 Sec. 13-146 - General Regulations

197 (a) Vendors shall only operate between the hours of 7:00 a.m. and 10:00 p.m., unless
198 otherwise approved by the Council.

199 (b) Vendors shall pick up all trash and debris from their location.

200 (c) Individual mobile food vehicles, carts, stands, or tables on site shall:

201 (1) Provide a trash receptacle located within fifteen (15) feet of the vehicle, cart,
202 stand, or table;

203 (2) provide alcohol or other disinfectant liquids, towels or wipes for customer use;

204 (3) not be subject to general zoning requirements for parking or loading, but shall
205 be subject to the conditions or specifications in any permit;

206 (4) Not be required to have one (1) or more permanent restroom facilities; and

207 (5) Not be required to have electrical, water, and sewer connections.

208 (d) Any placards issued by the Health Department shall always be prominently displayed
209 in the windshield or in plain view during operation.

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211 Sect. 13-147 – Exclusions

212 This Article shall not apply to traditional roving “ice cream trucks” providing prepackaged
213 ice cream and popsicle products that are manufactured in facilities regulated by the FDA or
214 the Louisiana State Sanitary Code that may stop occasionally for brief periods of time to
215 service customers along its route.

216

217 Sect. 13-148 - Enforcement

218 (a) Civil penalties:

219 (1) Any person or entity who violates the provisions of this Article shall have their
220 food truck permit or special food truck event permit revoked and the application
221 fee forfeited and shall be barred for three (3) years from applying for another food
222 truck permit or special food truck event permit.

223 (2) Any person or entity who violates the provisions of this Article shall have their
224 privilege to operate on public property revoked and the application fee forfeited
225 and shall be barred for three (3) years from applying for another privilege to
226 operate on public property.

227 (3) Any person or entity that violates any of the provisions in this Article is liable to
228 Plaquemines Parish Government for a civil penalty of not more than two-hundred
229 and fifty dollars (\$250.00) for each violation occurring each day. The Parish
230 President is hereby authorized to bring a civil action in the 25th Judicial District
231 Court for the State of Louisiana to enforce any civil penalty and enjoin any
232 conduct in violation of this Article.

233 (b) Criminal penalties:

234 (1) Whoever violates the provisions of this Article shall be fined not more than five
235 hundred dollars (\$500.00) or imprisoned for not more than six months, or both.

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SECTION 2

239 The Secretary of this Council is hereby authorized and directed to immediately certify and release
240 this Ordinance and that Parish employees and officials are authorized to carry out the purposes of
241 this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 23-

The following Resolution was offered by Council Member Schulz who moved its adoption:

1 A Resolution to amend Resolution No. 97-117 and Ordinance No. 19-143; and
2 otherwise to provide with respect thereto.

3 DIGEST: A resolution to amend resolution No. 97-117 and ordinance No. 19-143 which
4 established the infrastructure designation and designated all revenues derived from subdivisions,
5 resubdivisions, permits, impact fees and industrial development be included in the fund balance
6 designated for infrastructure. *The digest is for informational purposes only and is superseded by*
7 *the language of the actual ordinance or resolution.*

8
9 WHEREAS, Resolution No. 97-117 and Ordinance No. 19-143 established the infrastructure
10 designation to designate all revenues derived from subdivisions, resubdivisions, permits, impact
11 fees and industrial development be appropriated to the Fund Balance Designated for Infrastructure;
12 and

13 WHEREAS, it has been recommended by the Parish Council to amend resolution No. 97-117 and
14 ordinance No. 19-143 which established the infrastructure designation to restrict funds for
15 infrastructure use only;

16 NOW, THEREFORE:

17 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby amends
18 Resolution No. 97-117 and Ordinance No. 19-143 which established the Fund Balance
19 Designated for Infrastructure to restricts funds for infrastructure use only.

20 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
21 Secretary of this Council is hereby authorized and directed to immediately certify and release this
22 Resolution and that Parish employees and officials are authorized to carry out the purposes of this
23 Resolution, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 23-

The following Ordinance was offered by Council Member McCarty who moved its adoption:

1 An Ordinance to amend the 2023 General Fund, Operating Expenditure Budget,
2 Parish Council District 5 Department; and otherwise to provide with respect
3 thereto.

4 DIGEST: An ordinance to appropriate \$5,000 for the purchase of a new computer for the Parish
5 Council District 5 Department. *The digest is for informational purposes only and is superseded by*
6 *the language of the actual ordinance or resolution.*

7 WHEREAS, after a review of the Parish Council District 5 Department’s operating expenditure
8 budget, an amendment is required;

9 NOW, THEREFORE:

10 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

12 The 2023 General Fund, Operating Expenditure Budget, Parish Council District 5 Department, is
13 amended as follows:

Fund: 001 General Fund			
Dept/Div: 210-2005 Parish Council District 5 Dept.			
Object	Description	Inc/ Dec	Amendment
551.105	Employee Exp Travel – Other	Dec	(5,000)
563.110	Computer Hardware	Inc	5,000

SECTION 2

24 The Secretary of this Council is hereby authorized and directed to immediately certify and release
25 this Ordinance and that Parish employees and officials are authorized to carry out the purposes of
26 this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 23-

The following Ordinance was offered by Council Member Newsom who moved its adoption:

1 An Ordinance to amend the 2023 General Fund, Operating Expenditure Budget,
2 Recreation Facilities & Services Department; and otherwise to provide with respect
3 thereto.

4 DIGEST: An ordinance to appropriate additional funding in the amount of \$2,500 to purchase a
5 vehicle thru the LGAP grant awarded to Plaquemines Parish Government, Ordinance No. 22-151,
6 due to the increase in vehicle purchase price. *The digest is for informational purposes only and is*
7 *superseded by the language of the actual ordinance or resolution.*

8 WHEREAS, Resolution No. 22-146 authorized the Parish President or his designee to negotiate,
9 execute, perfect, and enforce any and all documents required to apply for a Local Government
10 Assistance Program Grant (LGAP) from the Office of Community Services in the amount of
11 \$150,000 to purchase parish vehicles; and

12 WHEREAS, Plaquemines Parish Government has been awarded funding in the amount of
13 \$150,000 for the purchase of parish vehicles from the Local Government Assistance Program
14 Grant (LGAP); and

15 WHEREAS, due to the increase in vehicle purchase price, additional funding is required to
16 purchase said vehicle; and

17 WHEREAS, amending the 2023 General Fund, Operating Expenditure Budget, Recreation
18 Facilities & Services Department; is requested;

19 NOW, THEREFORE:

20 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

22 The 2023 Operating Expenditure Budget is amended as follows:

Fund: 001 General Fund			
Dept/Div: 640-4060 Rec Facilities & Service Department			
Object	Description	Inc/Dec	Amendment
532.001	Prof Services General	Dec	(2,500)
561.020	Vehicles – Light Trucks & Vans	Inc	2,500

SECTION 2

32 The Secretary of this Council is hereby authorized and directed to immediately certify and release
33 this Ordinance and that Parish employees and officials are authorized to carry out the purposes of
34 this Ordinance, both without further reading and approval by the Plaquemines Parish Council.
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