

50

SECTION 2

51 It hereby authorizes the PPHTD Executive Director, Charles Tillotson as governing authority of
52 the PPHTD, to execute said contract with Bridges Group.

53

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SECTION 3

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

ORDINANCE NO. 23-

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

1 An Ordinance to amend and as amended, readopt the Plaquemines Parish Port,
2 Harbor & Terminal District 2023 Operating Budget of Revenue and Expenditures;
3 and otherwise to provide with respect thereto.
4

5 DIGEST: Plaquemines Port Harbor & Terminal District has a need to amend the 2023 budget to
6 perform avionics system safety and navigational upgrades to the helicopter shared through the
7 CEA with the Sheriff's office. *The digest is for informational purposes only and is superseded by*
8 *the language of the actual ordinance or resolution.*
9

10 WHEREAS, additional funding is needed for Operating Services of the Aviation Budget for
11 Maintenance of the Helicopter; and
12

13 WHEREAS, the 2023 Operating Budget of Revenue & Expenditures is amended to reflect the
14 cost for avionics system safety and navigational upgrades; and
15

16 WHEREAS, the Plaquemines Parish Port, Harbor & Terminal District 2023 Operating Budget of
17 Revenue and Expenditures is amended to reflect the additional avionics system safety and
18 navigation upgrades for the Port Helicopter that is shared with the Plaquemines Parish Sheriff's
19 Office by appropriating \$40,705 from the Port's Unreserved/Undesignated Fund is requested;
20

21 NOW, THEREFORE:

22
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

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28
29 Plaquemines Parish Port, Harbor & Terminal District 2023 Revenue and Expenditure Budget is
30 hereby amended by transferring \$40,705 from the Port's Unreserved/Undesignated Fund
31 balance to Aviation Operating Services – Maintenance – Helicopter Expenditure Budget as
32 follows:
33

34 **445 Plaquemines Port, Harbor & Terminal District Fund**

35 **490 PPHTD**

36 2465 Aviation 528.150 Maintenance-Helicopter INC \$40,705
37

SECTION 2

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39
40 The Secretary of this Council is hereby authorized and directed to immediately certify and
41 release this Ordinance and that Port employees and officials are authorized to carry out the
42 purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish
43 Council.
44

ORDINANCE NO. 23-

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

1
2 An Ordinance to amend the Plaquemines Port, Harbor and Terminal District Manpower
3 Structure to create and fund the unclassified position of Port Public Information Officer;
4 and otherwise provide with respect thereto.
5

6 DIGEST: With the increased Port development activity and public information commitments to
7 the community as well as the Port development partners, it has become necessary to create the
8 position of Port Public Information Officer to circulate vital public information. *The digest is for*
9 *informational purposes only and is superseded by the language of the actual ordinance or*
10 *resolution.*
11

12 WHEREAS, the Council as the sole governing authority of the District has determined that in
13 order to carry out the purposes of advancing Port development, Public information and
14 community outreach in Plaquemines Parish it is necessary to create the position of Port
15 Public Information Officer and to hire a full-time employee to fill that position; and
16

17 WHEREAS, the Plaquemines Parish Port, Harbor and Terminal District hereby request the Civil
18 Service Commission to create the unclassified position of Port Public Information
19 Officer and amend their Pay Plan and Classification Schedule to add the Classification of Port
20 Public Information Officer; and
21

22 WHEREAS, the base yearly salary of the newly created position of Port Public Information
23 Officer, not including FICA Taxes, Retirement and group insurance not to exceed \$85,000 per
24 year;
25

26 NOW, THEREFORE:

27
28 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE
29 GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL
30 DISTRICT THAT:
31

SECTION 1

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33
34 In accordance with Louisiana Revised Statute 34:1351 et seq, the Plaquemines Parish Council
35 as the sole governing authority of the Plaquemines Port, Harbor & Terminal District does
36 hereby request the Civil Service Commission to create the classified position of Port
37 Public Information Officer.
38

SECTION 2

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40
41 The Port Public Information Officer shall work directly for the Plaquemines Port, Harbor &
42 Terminal District under the direct supervision of the Deputy Port Director and Executive
43 Director subject to all Civil Service Rules and Regulations.
44

SECTION 3

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46
47 The Secretary of this Council is hereby authorized and directed to immediately certify and
48 release this Resolution and that Parish employees and officials are authorized to carry out the
49 purposes of this Resolution, both without further reading and approval by the Plaquemines Parish
50 Council.
51
52

R E S O L U T I O N N O . 2 3 -

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

1
2 A Resolution declaring June 19th “Juneteenth” in the Parish of Plaquemines; and
3 further, declaring “Juneteenth” an observed recurring annual holiday for
4 Plaquemines Parish Government; and otherwise to provide with respect thereto.
5

6 DIGEST: This Resolution declares June 19th “Juneteenth” in the Parish of Plaquemines, and
7 further, declares “Juneteenth” an annual holiday for Plaquemines Parish Government and its
8 employees, except those employees providing essential governmental services as determined by
9 the Parish President to ensure the health, safety, and welfare of the people of Plaquemines Parish.
10 *The digest is for informational purposes only and is superseded by the language of the actual*
11 *ordinance or resolution.*
12

13 WHEREAS, on June 19, 1865, Union soldiers led by Major General Gordon Granger landed on
14 the shores of Galveston, Texas, to declare that the Civil War had ended and all those enslaved in
15 the South were now free. Although President Lincoln’s Emancipation Proclamation had been
16 issued more than two years prior, Union troops had previously been unable to fully enforce the
17 order; and
18

19 WHEREAS, as one of the oldest American holidays, Juneteenth commemorates the freeing of
20 formerly enslaved individuals and their descendants. It has historically been a time of prayer,
21 reflection, and family reunion; and
22

23 WHEREAS, Juneteenth also highlights the artistic and intellectual achievements collectively
24 preserved through the pre and post Middle Passage, the slave trade, the emancipation era, and the
25 Civil Rights Movement, as well as more recent accomplishments of African American cultural
26 expression; and
27

28 WHEREAS, although Juneteenth is specific to the emancipation of African descendants, its
29 message promotes the continued freedom and economic prosperity of individuals from all races,
30 colors, creeds, and cultures; and
31

32 WHEREAS, it is an honor to recognize the holiday of “Juneteenth” in the Parish of Plaquemines,
33 and acknowledge the suffering, trials, and tribulations of all those of African descent;
34

35 NOW, THEREFORE:

36
37 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby declares
38 June 19th “Juneteenth” in the Parish of Plaquemines, and further, declares “Juneteenth” an observed
39 recurring annual holiday for Plaquemines Parish Government and its employees, except those
40 employees providing essential governmental services as determined by the Parish President to
41 ensure the health, safety, and welfare of the people of Plaquemines Parish.
42

43 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
44 Secretary of this Council hereby authorized and directed to immediately certify and release this
45 Resolution and that Parish employees and officials are authorized to carry out the purpose of this
46 Resolution, 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 A Resolution appointing the elected official members of the Plaquemines Parish
2 Community Action Advisory Board; and otherwise to provide with respect thereto.

3 DIGEST: This resolution will replace Frances “Fran” B. Martinez, School Board Member, and
4 Belinda Hazel, Assessor who will no longer be serving on the Board. *The digest is for*
5 *informational purposes only and is superseded by the language of the actual ordinance or*
6 *resolution.*

7
8 WHEREAS, several elected officials are traditionally appointed to the Community Action
9 Advisory Board; and

10
11 WHEREAS, due to recent elections, a number of current elected official members are no longer
12 in office or will soon be out of office; and

13
14 WHEREAS, replacement members need to be appointed to fill the vacancies;

15 NOW, THEREFORE:

16
17 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the following elected
18 officials are hereby appointed to the Plaquemines Parish Community Action Advisory Board until
19 new members are appointed:

20
21 Brenda Hymes, Justice of the Peace Ward 9
22 Sara Taylor, Assessor

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

- 59 properties.
60 (5) Definitions and citation to Louisiana Revised Statutes.
61 (6) *Offer to Purchase Form* with instructions for completion and assistance.
62

63 Section 18-202. Pre-Bidding Process.
64

65 (a) Initiation of Sale

66 (1) The Parish Assessor shall make best efforts to annually compile a list of names and
67 addresses of adjudicated properties from the tax roll records and make such list available
68 to the public. The Parish Assessor shall also forward such list to the Management
69 Company.

70 (2) Pursuant to La. R.S 2203, the sale of such adjudicated property may be prompted by
71 individual interest (whether it be a natural person or juridical person) or at the request of
72 the Parish, at any time.

73 (3) An individual submitting a request for the sale of specific property shall submit an
74 application with a certified check or money order in the amount of \$1,000.00 for each
75 piece of property, payable to *E&P Consulting Services, LLC*. This fee is an
76 administrative fee for the work performed by the Management Company to prepare and
77 sell the identified adjudicated property. It shall be fully refundable to the interested
78 purchaser until a Written Offer to Bid has been signed.

79 (4) Upon receipt of application and fee, the Management Company shall conduct a
80 preliminary investigation to confirm that the property has been adjudicated, has not been
81 redeemed and has not been determined as needed for a public purpose. The Management
82 Company shall communicate as necessary with the office of the tax collector for this
83 Parish and the assessor for the purpose of calculating the Minimum Bid (set forth in (3)
84 below) and shall prepare and provide the interested purchaser with a written Offer to Bid
85 containing the minimum bid figure. In the event that the interested Purchaser rejects the
86 minimum bid offer, he/she shall receive a full refund of the administrative fee.

87 (5) If the written minimum bid offer is accepted, the Management Company shall:
88

89 a. Conduct Title Research - Title research shall include copies of all documents from
90 the public record. If necessary, surrounding properties may be researched to
91 ascertain the physical location and boundaries of subject properties. Management
92 Company shall utilize abstracting services of insured abstractors at its discretion.
93 Said title search shall include tax certificates obtained from the Plaquemines Parish
94 Tax Collector, mortgage certificates obtained from Plaquemines Clerk of Court, and
95 any records obtained from Parish Assessor's office. Copies of surveys and maps of
96 record may also be provided.
97

98 b. Effect Public Notice - The public sale by auction shall be advertised at least twice
99 in the official journal for the Parish of Plaquemines once at least thirty days prior to
100 the date of the public sale, and once no more than seven days prior to the date of
101 the public sale. The notice shall provide for the minimum bid, the latest date
102 written bids will be accepted, the time and date of in-person bidding, if any, and
103 any other terms of sale.
104

105 c. Other Administration and Determination of Minimum Bid Amount - The
106 Management Company shall prepare reports, send statutory notices to all interested
107 parties, and confirm the minimum bid price, based upon total amount of liens and
108 taxes due, and acquisition costs. Pursuant La. R.S. 47:2202, Plaquemines Parish
109 hereby establishes that there is no minimum bid at the public sale of an adjudicated
110 property; however, unless circumstances demand otherwise, recommended bidding
111 to ensure equivalent value shall not be less than the lesser of:
112

113 1. The total amount for which the property was adjudicated, including all
114 interest, costs, penalties, and the amount of any state, parish, city, levee
115 district charges and all subsequent taxes and other local improvement or code
116 enforcement charges or

117 2. Two-third the assessed value.
118

119 Section 18-203 Bidding and Public sale
120

121 (a) Except as otherwise provided in this ordinance, or by La. R.S. 47:2121 *et seq.*, the auction
122 shall be governed by R.S. 9:3151 *et seq.* Following notice of sale being published in the
123 official journal of the Parish of Plaquemines, the following shall occur:
124

125 (1) Public Auction. Public auction of adjudicated property shall be held in the Foyer of the
126 Plaquemines Parish Government, Building 100, located at 333 F. Edward Hebert
127 Blvd., Belle Chasse, LA 70037 and shall be handled by the office of the Parish
128 Attorney (including paralegals and staff). All bid amounts are subject to final approval
129 by the Parish. The Parish is hereby authorized to accept and/or reject any or all bids,
130 and to execute any and all documents necessary to finalize the sale of properties sold
131 pursuant to these procedures. If in any event a property is not sold at such public
132 auction, the property shall remain adjudicated to the Parish.

133 (2) Terms for Sale of Adjudicated Property. All Acts of Sale of adjudicated property shall
134 contain provisions, acceptable in form and substance to the Parish, which provide that
135 all such sales shall be for cash and shall be without warranty of title and without any
136 warranty of merchantability or fitness; shall be "as is, where is"; that it shall be the
137 obligation of the purchaser to obtain title insurance, if it is desired; that all such sales
138 shall be subject to such encumbrances, liens, mortgages, real charges or other burdens
139 reflected in the public records; and that the Act of Sale for such adjudicated property
140 shall contain a condition which shall require the purchaser of such property to
141 improve/renovate/make use of the tract, to the satisfaction of the administration,
142 within 365 days of the passage of the Act of Sale and that, if the purchaser fails to
143 timely comply with this provision, the Parish shall have the right to rescind, dissolve
144 or cancel the sale.

145 (3) Notice to Tax Debtor and Tax Parties
146

147 a. The Management Company, on behalf of the Parish for the benefit of the
148 potential purchaser, shall give notice to any tax sale party whose interest that a
149 prudent purchaser would intend to terminate, as determined by the Management
150 Company, in its discretion, that he has until the later of the following to redeem
151 the property or otherwise challenge in a court of competent jurisdiction the
152 potential sale: (i) depending on the date of adjudication, either six months or the
153 sixty days from the date of the notice provided in this Subsection; or (ii) the
154 filing of the act of sale transferring the property.

155 b. The Management Company, on behalf of the Parish for the benefit of the
156 potential purchaser, shall cause to be published in the official journal of
157 Plaquemines Parish a notice that any tax sale party whose interest that a prudent
158 purchaser would intend to terminate has until the later of the following to
159 redeem the property or otherwise challenge in a court of competent jurisdiction,
160 the potential sale of the property: (i) Sixty (60) days or six (6) months from the
161 first publication of the notice provided for in this Subsection; or (ii) The filing
162 of the sale or donation transferring the property.

163 c. The Management Company shall make available during business hours to any
164 potential bidder, upon reasonable request, the notices, the publication and the
165 results of such notification and publication.

166 d. The Management Company on behalf of the Parish for the benefit of the potential
167 purchaser or the successful bidder may file with the recorder of mortgages of
168 Plaquemines Parish a copy of one of the notices that was sent to the tax debtor or
169 the current owner. A transfer, mortgage, lien, privilege, or other encumbrance filed
170 after the filing of the notice shall not affect the property. Pursuant to the provisions
171 of La. R.S. 47:2206(C), the recorder of mortgages or recorder of conveyances
172 shall cancel, erase, terminate, or release the acts upon the request of the
173 Management Company or the successful bidder.

174 (4) Closing Transaction

- 175 a. Within 10 business days of the six (6) month or the sixty (60) day period set forth in
176 the notices provided above, closing of the transactions should occur. Such date may
177 be extended by mutual agreement of the Management Company, acting on behalf of
178 the Parish, and the potential purchaser or based on the Management Company
179 determination that the closing should occur at a later date in the best interest of the
180 Plaquemines Parish Government. On the day of closing, and immediately prior to
181 closing, the Management Company will confirm that the property to be purchased has
182 not been redeemed.
- 183 b. Closings shall be conducted or overseen or arranged by the Management Company to
184 be held at the offices of Management Company or at the Plaquemines Parish
185 Government offices, Building 100, located at 333 F. Edward Hebert Blvd., Belle
186 Chasse, LA 70037. However, purchaser may execute the documents at a more
187 agreeable location, at purchaser's expense.
- 188 c. At closing, purchaser shall pay the net purchase price for the property as well as all
189 fees to be charged by the Clerk of Court.
- 190 d. All sales are made without warranties whatsoever, except for warranty against
191 eviction based on prior alienation by the political subdivision. Purchaser has the right
192 to obtain title insurance, if available, at its sole cost and expense. All minerals and
193 mineral rights shall be reserved by the Parish, if allowed by law. Cash Sales may
194 contain additional reservations, requirements, restrictions, rights of way, and
195 servitudes imposed by the Parish.
- 196 e. Upon recordation of the sale, disbursement of funds shall occur by Management
197 Company to the Parish Tax Collector with instructions from the Parish Tax Collector.
198 All proceeds after the deduction of costs shall be paid pro rata to holders of statutory
199 impositions and governmental liens, unless otherwise agreed. Any excess amount
200 shall be paid to the Parish or shall be dispersed as determined appropriate by the
201 mutual agreement of the governmental entities.

202 (5) Purchaser's Affidavit

- 203
- 204 a. Contemporaneously with or subsequent to the filing of the sale or donation of
205 adjudicated property, the acquiring person, his successors, or assigns, at his own
206 additional expense may file with the recorder of mortgages of Plaquemines Parish
207 indicating how the tax sale parties whose interest the acquiring person, his
208 successors, or assigns, intends to be terminated were identified, how the address of
209 each tax sale party was obtained, how the written notice was sent, the results of
210 sending the written notice, and the dates of publication. The affidavit may also
211 contain a statement of the interest to which the purchaser or done takes subject. The
212 recorder of mortgages shall index the affidavit only under the names of the owner
213 filing the affidavit and the tax debtor, as mortgagors. The affidavit shall conform to
214 La. R.S. 47:2208(A).
- 215 b. With respect to a sale, the filing of the affidavit provided in Subsection (1) of this
216 Section shall operate as a cancellation, termination, release, or erasure of record of
217 all statutory impositions of all political subdivisions then due and owing, of all
218 governmental liens, and of all interests, liens, mortgages, privileges, and other
219 encumbrances recorded against the property sold and listed in the affidavit.
- 220 c. Upon filing of the affidavit, the recorder of mortgages or the recorder of
221 conveyances shall treat as canceled, terminated, released, or erased, all those liens,
222 privileges, mortgages or other encumbrances canceled, terminated, released or
223 erased under Subsection (2) of this Section, only insofar as they affect the property.
- 224 d. Purchaser shall be responsible for recording and paying any other recording fees,
225 including, without limitation, fees for recording any affidavits.

RESOLUTION NO. 23-

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

1 A Resolution urging the Plaquemines Parish Hospital Board to provide better
2 public access to budgets and meeting materials and to provide quarterly updates to
3 the Plaquemines Parish Council; and otherwise to provide with respect thereto.
4

5 DIGEST: This Resolution is urging Plaquemines Parish Hospital Board to provide more
6 transparency to the Council and the Public relative to the actions and finances of the Hospital
7 Board. *The digest is for informational purposes only and is superseded by the language of the*
8 *actual ordinance or resolution.*
9

10 WHEREAS, in the interests of transparency, it will be better for the Plaquemines Board to
11 provide greater public access to information; and
12

13 WHEREAS, also in the interests of transparency the Plaquemines Parish Tourist Commission
14 should make bi-monthly reports to the Plaquemines Parish Council;
15

16 NOW, THEREFORE:
17

18 BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the Plaquemines
19 Parish Hospital Board is urged to post its budget and meeting agendas online.
20

21 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
22 Plaquemines Hospital Board make financial and informational reports on quarterly basis,
23 beginning _____2023, to the Plaquemines Parish Council.
24

25 BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT the
26 Secretary of the Plaquemines Parish Council is directed to promptly forward a copy of this
27 Resolution to the Plaquemines Parish Hospital Board.

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 and otherwise to provide with respect thereto.

3 DIGEST: An ordinance to appropriate \$275,000 to the Coastal Resource and Protection
4 department from the GOMESA Revenue Sharing budget to purchase a Marsh Master with cutter,
5 trailer and accessories to be used for maintaining state and federal levees. *The digest is for*
6 *informational purposes only and is superseded by the language of the actual ordinance or*
7 *resolution.*

8 WHEREAS, Plaquemines Parish Government was awarded additional funding in the amount of
9 \$875,000 from the Gulf of Mexico Energy Security Act Funding (GOMESA); and

10 WHEREAS, after a review of the Coastal Resource and Protection department’s operating
11 expenditure budget, an amendment is required;

12 NOW, THEREFORE:

13 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

15 The 2023 General Fund, Operating Expenditure Budget, Coastal Resource and Protection
16 Department, is amended by appropriating \$275,000 from the General Fund Unreserved/
17 Undesignated Fund Balance as follows:

Fund: 001 General Fund			
Dept/Div: 772-4600 Coastal Resource & Protection Dept.			
Object	Description	Inc/ Dec	Amendment
565.005	Equipment – Heavy	Inc	275,000

SECTION 2

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

ORDINANCE NO. 23-

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

1 An Ordinance to amend the 2023 Manpower Structure and Operating Expenditure
2 Budget; and otherwise to provide with respect thereto.

3 DIGEST: An Ordinance to amend the 2023 Manpower Structure and Operating Expenditure
4 Budget to create/fund three full-time Firefighter/Operator positions by appropriating \$104,250
5 from the Firefighting Fund Unreserved/Undesignated Fund Balance to fund said positions. *The*
6 *digest is for informational purposes only and is superseded by the language of the actual*
7 *ordinance or resolution.*

8
9 WHEREAS, after a review of the manpower needs of the Fire Department, it has been
10 recommended to create/fund three full-time Firefighter/Operator positions at an annual salary each
11 of \$36,000 plus benefits;

12 NOW, THEREFORE:

13 BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

15 The 2023 Manpower Structure, is amended by creating/funding the following three full-time
16 Firefighter/Operator positions in the Fire Department at an annual salary each of \$36,000 plus
17 benefits.

- 18
19 Belle Chasse Fire Fighting Department Position Number 471-8310-06
20 Boothville/Venice Fire Department Position Number 475-8310-02
21 Woodlawn/Braithwaite Fire Department Position Number 476-8310-04

SECTION 2

23 The 2023 Firefighting Fund, Operating Expenditure Budget, is amended by appropriating
24 \$104,250 from the Firefighting Fund Unreserved/ Undesignated Fund Balance as follows:

25
26
27

Fund: 119 Firefighting Fund			
Dept/Div: 470-2403 Belle Chasse Fire Dept.			
Object	Description	Inc/ Dec	Amendment
510.005	Salaries & Wages Regular	Inc	20,770
515.005	P/R Taxes FICA Taxes	Inc	300
516.105	Retirement (PERS)	Inc	2,390
517.005	Group Insurance Health	Inc	11,290

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Fund: 119 Firefighting Fund			
Dept/Div: 470-2415 Boothville/Venice Fire Dept.			
Object	Description	Inc/ Dec	Amendment
510.005	Salaries & Wages Regular	Inc	20,770
515.005	P/R Taxes FICA Taxes	Inc	300
516.105	Retirement (PERS)	Inc	2,390
517.005	Group Insurance Health	Inc	11,290

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Fund: 119 Firefighting Fund			
Dept/Div: 470-2418 Woodlawn/Braithwaite Fire Dept.			
Object	Description	Inc/ Dec	Amendment
510.005	Salaries & Wages Regular	Inc	20,770
515.005	P/R Taxes FICA Taxes	Inc	300
516.105	Retirement (PERS)	Inc	2,390
517.005	Group Insurance Health	Inc	11,290

SECTION 3

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

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- (2) All fixtures and appurtenances thereto, after having been erected, shall at all times be subject to inspection and the right is reserved to require such changes, additions, repairs, relocations and removal as may at any time be considered necessary to permit the relocation, reconstruction, widening and maintaining of the roadway and to provide proper and safe protection to life and property on or adjacent to the roadway, or in the interest of safety to traffic on the roadway and that the cost of making such changes, additions, repairs and relocations shall be borne solely by the applicant, and that all of the cost of the work to be accomplished under this permit shall be borne by the permittee who agrees to hold Plaquemines Parish Government harmless therefor. If such relocation, reconstruction, widening and maintaining of the roadway, or need to provide proper and safe protection to life and property on or adjacent to the roadway, is necessitated due to the actions or activities of developers of adjacent lands, landowners or other similar users of such lands, such third parties shall be responsible for all related costs borne by the permittee.
- (3) The proposed facilities or their operation or their maintenance shall not unreasonably interfere with the facilities or the operation or maintenance of the facilities of other persons, firms or corporations previously issued permits of use and occupancy, and the proposed facilities shall not be dangerous to persons or property using or occupying the roadway or using facilities constructed under previously issued permits of use and occupancy, and that the department's records of prior permits are available, it being the duty of the applicant to determine the existence and location of all facilities within the roadway right-of-way in accordance with applicable facility locate laws.
- (4) Installations within the roadway right-of-way shall be in accordance with applicable provisions contained in the following: LA DOTD Standards Manual for Accommodating Utilities, Driveways and Other Facilities on Highway Rights of Way, AASHTO Guide for Accommodating Utilities within Highway Right of Way, Federal Aid Highway Program Manual 6-6-3-2, National Electrical Safety Code C2, ANSI/ASME B31 Code US-D.O.T. Title 49, and American Water Works Association Specifications. Those facilities not included in the aforementioned documents shall be in accordance with accepted practice. Where standards of the Department of Engineering and Public Works exceed those of the above-cited codes, the standards of the Department of Engineering and Public Works shall apply. The Department of Engineering and Public Works reserves the right to modify its policies as may be required if conditions warrant.
- (5) Data relative to the proposed location, relocation and design of fixtures or appurtenances as may be required by the department shall be furnished to the department by the applicant free of cost, and that the applicant shall make any and all changes or additions necessary to make the proposed fixtures and appurtenances thereto satisfactory to the Department of Engineering and Public Works.
- (6) Cutting and trimming of trees, shrubs, etc. shall be in accordance with the parish ordinances and the LA DOTD's EDSM IV.2.1.6, as revised.
- (7) When and so long as the facilities involved in this permit are used in interstate commerce, this permit is conditioned on there being in force a certificate of convenience and necessity issued by the Federal Power Commission, or such other federal agency as may be so authorized by Congress to the applicant and upon the applicant's compliance with all the terms of such certificate and the orders issued in connection therewith.
- (8) The applicant agrees to defend, indemnify and hold harmless the department and its duly appointed agents and employees from and against

116 any and all claims, suits, liabilities, losses, damages, costs or expenses,
117 including attorney's fees sustained by reason of the exercise of this permit,
118 whether or not the same may have been caused by negligence of the
119 Plaquemines Parish Government, its agents or employees, provided,
120 however, that the provisions of this last clause (whether or not the same
121 may have been caused by the negligence of the Plaquemines Parish
122 Government, its agents or employees) shall not apply to any personal
123 injury or property damage caused by the sole negligence of Plaquemines
124 Parish Government, its agents or employees, unless such sole negligence
125 shall consist or shall have consisted entirely and only of negligence in the
126 granting of a permit.

- 127
- 128 (9) The applicant is the owner of the facility for which a permit is requested
129 and is responsible for maintenance of said facility; and any permit granted
130 by the Department is granted only insofar as the department had the power
131 and right to grant the same.
132
- 133 (10) The Department may seek comments and approvals it deems necessary
134 from other departments of Plaquemines Parish Government to ensure the
135 health and safety of the people of Plaquemines Parish. Any permit granted
136 by the department is subject to revocation at any time following
137 reasonable written notice and applicant's failure to either correct or make
138 a bonafide continuous effort to correct listed violations.
139
- 140 (11) Signing for warning and protection of traffic in instances where
141 excavations are made in the shoulder of the roadway, or in the roadway
142 surfacing, or where workmen, equipment or materials are in close
143 proximity to the roadway surfacing shall be in accordance with
144 requirements contained in the Manual on Uniform Traffic Control
145 Devices. Insofar as is possible, no vehicle, equipment, or materials shall
146 operate from, or be parked, stored or stock piled on any roadway in an
147 area extending from the outer edge of the shoulder of the roadway on one
148 side to the outer edge of the shoulder of the roadway on the opposite side
149 or in the median of any divided roadway. Under no circumstances shall
150 such vehicles, equipment, materials, etc., be left within this area of a
151 roadway during hours of darkness.
152
- 153 (12) All provisions and standards contained herein relative to the installation
154 of utilities shall apply to operation, service, and maintenance of utilities.
155
- 156 (13) Drainage in roadway side and cross ditches must be maintained at all
157 times. The entire roadway right-of-way affected by work under a permit
158 must be restored to as good a condition as existed prior to beginning work
159 to the complete satisfaction of the Director of Public Service in
160 conjunction with the Department of Engineering and Public Works.
161
- 162 (14) Any non-metallic or non-conductive underground facility must be
163 installed with a non-corrosive metallic wire or tape placed directly over
164 and on the center of the facility for its entire length within highway right-
165 of-way. Wire or tape must be connected to all fixtures and appurtenance.
166 Installation of PVC and polyethylene pipe shall be in accordance with the
167 LADOTD'S EDSM IV2.1.9 and/or LA DOTD Standards Manual for
168 Accommodating Utilities, Driveways, and other Facilities on Highway
169 Right-of-Way.
170
- 171 (15) A guarantee deposit will not normally be required; however, the
172 department reserves the right to require a deposit of cash, or by surety
173 bond, on a case by case basis in an amount as determined by the Director
174 of Public Services in conjunction with the Department of Engineering and
175 Public Works. Surety bonds held as a requirement of guarantee's
176 franchise shall negate the need to provide or meet additional deposits or
177 surety bond requirements. Guarantee deposits will be refunded upon

178 receipt of notice from the Director of Public Service that the work has
179 been satisfactorily completed. Failure to comply with the terms of the
180 permit will result in forfeiture of the deposit. Deposits will also be
181 forfeited if the terms of the permit remain unsatisfactory or not completed
182 after five (5) years from the date of issuance. The forfeiture of the deposit,
183 or the lack of a deposit, shall in no way relieve the permittee from any
184 other claim for damages and costs suffered by the Plaquemines Parish
185 Government due to his failure to comply with said permit. Unsatisfactory
186 completion of a permit may also result in non-approval of future permits
187 for the same applicant until the unsatisfactory condition is rectified.

188
189 (16) The applicant shall add Plaquemines Parish Government as an additional
190 insured under its general liability and auto liability policy and furnish the
191 parish with a certificate of insurance in an amount not less than one
192 million dollars (\$1,000,000.00). These policies of insurance shall provide
193 coverage for any indemnity, defense, and hold harmless obligation
194 required by this Article.

195
196 (17) All installations on the parish's roadways and rights-of-way shall be in
197 compliance with LADOTD Standards For the Installation of Pipelines on
198 State Highways.

199
200 (18) Three (3) copies of the sketch or print are required with each application
201 for permit on parish rights-of-way. Sketch shall include a plan and profile
202 of the proposed installation. For installations parallel to the roadway, the
203 sketch is to show the proposed location of the facility in relation to the
204 traveled roadway and in relation to the right-of-way line. If necessary to
205 clarify or justify a location, cross section drawings are to supplement the
206 plan and profile drawings. In the case of natural gas pipelines crossing the
207 roadway, the sketch shall show the wall thickness of both the carrier pipe
208 and the casings, the type of materials and the class of pipe to be used; the
209 design pressure of the carrier and the casing and the operating pressure of
210 the carrier. The name, address and phone number of the responsible party
211 shall be given on the application.

212
213 (19) The use of potholing, jetting, augering or other methods of pre-excavation
214 shall be subject to the approval of the Department of Engineering and
215 Public Works. When permitted, pre-excavation shall be carried out in the
216 same manner consistent with industry standards.

217
218 (20) Nothing contained in the Article shall be deemed to relieve the applicant
219 from complying with any other applicable laws, rules, regulations or
220 ordinances, including, but not limited to The Louisiana Damage
221 Prevention Law La. Rev. Stat. 40:1749.11, et seq.

222
223 Section 19- 202. Public Rights-of-Way and Public Land Excavation Permit Fee.

224
225 (a) The applicant shall be responsible for all costs to the parish for issuing the permit,
226 inspection, engineering, and administration as follows:

- 227
228 (1) Permit Fee \$ _____
229 (2) Administration Fee \$ _____
230 (3) Inspection Fee \$ _____
231 (4) Final inspection and close out Fee \$ _____

232
233 (b) The applicant will be required to deposit _____ (\$_____) to be applied to the
234 costs listed above, any balance to be returned after the final inspection.

235
236 Section 19- 202. Exclusions.

237
238 The requirements of this Article shall not apply to Borrow Pit operations or activities
239 regulated by the Borrow Pit Ordinance, Article V. Borrow Pits of the Plaquemines Parish

240 Code of Ordinances.

241

242 Section 19- 203. Penalties.

243

244 (a) Whenever any person or entity commences or continues any work, excavation, or
245 activity that interferes with the operation or maintenance of streets, public utilities or
246 other public works, or is in violation of this Article or of the conditions of a permit
247 issued under this Article, the department is authorized to issue and enforce an order
248 to cease and desist from said work, excavation, or activity. Said order shall be subject
249 to judicial enforcement and review in the 25th Judicial District Court of the State of
250 Louisiana.

251

252 (b) Any person or entity that violates this Article is liable to the Plaquemines Parish
253 Government for a civil penalty of not more than five-thousand dollars (\$5,000.00)
254 for each violation occurring each day. The Parish President is hereby empowered to
255 bring a civil action in the 25th Judicial District Court for the State of Louisiana to
256 enforce any civil penalty and enjoin any conduct in violation of this Article.

257

258 (c) Whoever violates the provisions of this Article shall be fined not more than five-
259 hundred dollars (\$500.00) or imprisoned for not more than six months, or both.”

260

261

SECTION 2

262

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

