OFFICIAL PROCEEDINGS

ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT

REGULAR MONTHLY MEETING – FEBRUARY 16, 2016

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, February 16, 2016, at 12:00 noon in the boardroom of its office located at 100 Port Boulevard, Chalmette, Louisiana.

After the Pledge of Allegiance, roll was called.

Members present were: Ms. Cheri C. Quigley, President; Rev. Henry Ballard, Jr., Vice President; Mr. Elton J. LeBlanc, Secretary and Mr. Harold J. Anderson, Treasurer. Also present were Dr. Robert Scafidel, Executive Director; Ms. Denise Kraesig, Executive Assistant; Mr. Drew Heaphy, Director of Administration; Mr. Jerry Graves, Director of Operations; Mr. Ted Roche, Project Manager; Mr. Marty Nunez, Security Officer, Mr. Ricky Melerine, Public Relations; Mr. Sal Cusimano, Agreement Analyst; Mr.’s David Fennelly and Gary Poirrier, Associated Terminals of St. Bernard; Dr. Thomas Warner, Ms. Teresa Smith and Ms. Tonia Lorie, Nunez Community College; Mr. Chris Bonura, Port of New Orleans; Ms. Ashley Coker and Mr. James Garner, Sher Garner; and Mr. Harold Russelli.

President Quigley presented the 2015 President’s Plaque to Mr. Harold Anderson.

President Quigley then announced that Mr. James DiFatta resigned from the Board of Commissioners. Mr. Anderson added that he had been an asset to the Board and they will miss him. The Board concurred.

President Quigley asked if there were any public comments in accordance with R.S. 42:14(D). Not hearing from anyone, she continued with the meeting.

On motion of Mr. Anderson, seconded by Rev. Ballard, and after asking for any public comment, the Board unanimously approved the minutes of the regular meeting held on January 12, 2016.

On motion of Mr. Anderson, seconded by Mr. LeBlanc, and after asking for any public comment, the Board unanimously approved on amendment for Kevin Gonzales deleting 200 Tuna Drive, Building 54 and adding 5,000 sq. ft. of office space and 14,000 sq. ft. of warehouse space located at 420 Bonita Drive, Building 60C located at the Chalmette Terminal.

On motion of Rev. Ballard, seconded by Mr. LeBlanc, and after asking for any public comment, the Board unanimously approved a new lease with Antiques de Provence, LLC for 2440 sq. ft. of storage space and 2,000 sq. ft. of laydown area located at 200 Tuna Drive, Building 54 located at the Chalmette Terminal.

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President Quigley asked that the Board take one topic from Item No. 17: Employee Retreat - Dr. Thomas Warner, NCC. The Board agreed. Dr. Warner, Ms. Smith and Ms. Lorie addressed the Board and submitted a summary of the results of the St. Bernard Port’s Employee Retreat conducted by Nunez Community College. They then proceeded to explain the topics covered, exercises conducted and results found during the retreat. Dr. Scafidel stated that the Board has always been open to the employees and has done what they can to accommodate their needs. Mr. Melerine asked to address the Board and stated what a good job he thought Nunez Community College did conducting the Retreat. Dr. Warner also invited all to the Nunez Gala. President Quigley thanked everyone.

On motion of Mr. Anderson, seconded by Mr. LeBlanc, and after asking for any public comment, the Board unanimously approved of second amendment to current lease with Antiques de Provence, LLC adding an additional 5-year option.

On motion of Mr. LeBlanc, seconded by Rev. Ballard, and after asking for any public comment, the Board unanimously approved a new lease with Tim Jarquin for 3,000 sq. ft. of storage space at 410 Bonita Drive, Building 176 located at the Chalmette Terminal.

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved a new lease with Sen. Sharon Hewitt for approx. 630 sq. ft. of office space on the 2nd Floor of the Administration/Security Complex.

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved a new lease with Rep. Ray Garofalo for approx. 630 sq. ft. of office space on the 2nd Floor of the Administration/Security Complex.

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the board unanimously approved Change Order No. 1 for B&K Contractors relating to Boasso Catch Basin Repairs at Wash Rack project. An overrun of $9,186.00.

On motion of Rev. Ballard, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved for the Executive Director to solicit Bids for the Sewer Lift Station Improvements at the Chalmette Terminal project.

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President Quigley recognized Mr. Heaphy who gave the Finance Report. Mr. Heaphy reported on the operating and capital budgets. Mr. Heaphy stated that there will be an operating budget amendment presented at the April 2016 meeting. Mr. Heaphy then reported on professional services and Lessees Arrears. The Board discussed the Finance Report. President Quigley thanked Mr. Heaphy for his report.

President Quigley recognized Dr. Scafidel who gave the Executive Director’s Report. Dr. Scafidel recognized Mr. Roche who gave a Tenant Assessment on both Callais Ice and Rain CII. Dr. Scafidel discussed the filing of the Jurisdiction Bill, the support letter for Norfolk Southern and then recognized Mr. Heaphy who updated the Board on the Security Grant Audit/FEMA. Dr. Scafidel then recognized Mr. Graves and Mr. Fennelly who updated the Board on the 2015 Cargo Statistics. Dr. Scafidel then proceeded to inform the Board about the “We Choose Louisiana” Channel 4 TV Spot (spot shown), Kiosk Second Addendum and Flood Video, Michael Kearney (2016 King Rex) and the Board’s submittal of personal disclosures due on or before May 15, 2016. The Board thanked Dr. Scafidel for his report.

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved the following resolution authorizing an agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program relating to State Project No. H.012334 Port Improvements Rehabilitation of Chalmette Slip Sections A and F project:

STATE PROJECT NO. H.012334

PARISH OF ST. BERNARD

RESOLUTION

St. Bernard Port, Harbor and Terminal District

A Resolution authorizing the St. Bernard Port, Harbor and Terminal District to enter into an agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project; providing for the necessary documentation of the need for the port improvement; and providing for other matters in connection therewith.

WHEREAS, the St. Bernard Port, Harbor and Terminal District has a need for port improvements; and

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WHEREAS, the St. Bernard Port, Harbor and Terminal District has reviewed the application for Port Improvements Rehabilitation of Chalmette Slip Sections A and F St. Bernard Parish and agrees with said agreement; and

WHEREAS, the St. Bernard Port, Harbor and Terminal District has applied for State matching funds pursuant to Chapter 47 of Title 34 of the Louisiana Revised Statues of 1950, as amended, to implement a project to improve its port operation and St. Bernard Port, Harbor and Terminal District is fully aware of its obligations under said Statute; and

WHEREAS, the St. Bernard Port, Harbor and Terminal District is a political body duly organized and existing under the laws of the State of Louisiana and is eligible to apply for fund under said Statute; and

WHEREAS, currently, no funds have been made available by the State for construction of the project; and

WHEREAS, the Sponsor desires to utilize its own funds for the construction of this Project and to be reimbursed by the Port Construction and Development Priority Program once funding becomes available, in accordance with R.S. 34:3457.

NOW, THEREFORE, BE IT RESOLVED by the St. Bernard Port, Harbor and Terminal District as follows:

Resolution

State Project No. H.012334

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Section 1. That St. Bernard Port, Harbor and Terminal District acknowledges that an application was submitted to the Louisiana Port Construction and Development Priority Program.

Section 2. That at the appropriate time and prior to commencement of work on the Project St. Bernard Port, Harbor and Terminal District agrees to execute a Project Agreement and a Statement of Sponsorship pursuant to the Statute and hereby authorizes and empowers Robert J. Scafidel, Ed.D., Executive Director to enter into and execute said agreement with the Louisiana Department of Transportation and Development.

Section 3. That Robert J. Scafidel, Ed.D., Executive Director is hereby Authorized Representative for St. Bernard Port, Harbor and Terminal District to represent the port with regards to the receipt of funds from the Louisiana Port Construction and Development Priority Program for a port improvement project.

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Section 4. That said Authorized Representative shall have the authority to sign and approve all documents that are necessary under the circumstances to accomplish the above project.

/s/ Elton J. LeBlanc, Secretary /s/ Cheri Chestnut Quigley, President

On motion of Rev. Ballard, seconded by Mr. Anderson, and after asking for any public comment, the Board approved in a three (3) to one (1) vote the following resolution requesting to hire outside counsel experienced in construction litigation and contracts using the current fee schedule established by the Attorney General. Original resolution approved by the Attorney General on August 17, 2011; Dr. Scafidel also recognized Mr. Garner and Ms. Coker who explained the rate change by the Attorney General and the need for new resolutions for Counsels:

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, February 16, 2016 at 12:00 noon in the conference room of its office located at 100 Port Boulevard, Chalmette, Louisiana. Following the Pledge of Allegiance, roll was called.

Commissioner Ballard offered a motion to adopt a resolution to hire Alvin J. Bordelon due to his/her/their experience in and knowledge of construction litigation and contracts.

$225.00 Per hour for attorneys having experience of ten years or more in the practice of law.

$175.00 Per hour for attorneys having experience of five to ten years in the practice of law.

$150.00 Per hour for attorneys having experience of three to five years in the practice of law.

$125.00 Per hour for attorneys having experience of less than three years in the practice of law.

$60.00 Per hour for paralegal services.

$40.00 Per hour for law clerk services.

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Commissioner Anderson seconded the motion and the resolution was passed by the following roll call vote.

YEAS: Quigley, LeBlanc, Ballard

NAYS: Anderson

ABSTAINING: 0

ABSENT: 0

/s/ Elton J. LeBlanc, Secretary

On motion of Rev. Ballard, seconded by Mr. LeBlanc, and after asking for any public comment, the Board unanimously approved the following resolution requesting to hire outside counsel experienced in maritime law using the current fee schedule established by the Attorney General. Original resolution approved by the Attorney General on August 24, 2009:

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Commissioner Ballard offered a motion to adopt a resolution to hire Walter Leger, Jr. due to his/her/their experience in maritime law.

$225.00 Per hour for attorneys having experience of ten years or more in the practice of law.

$175.00 Per hour for attorneys having experience of five to ten years in the practice of law.

$150.00 Per hour for attorneys having experience of three to five years in the practice of law.

$125.00 Per hour for attorneys having experience of less than three years in the practice of law.

$60.00 Per hour for paralegal services.

$40.00 Per hour for law clerk services.

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Commissioner LeBlanc seconded the motion and the resolution was passed by the following roll call vote.

YEAS: Quigley, Ballard, LeBlanc, Anderson

NAYS: 0

ABSTAINING: 0

ABSENT: 0

/s/ Elton J. LeBlanc, Secretary

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved the following resolution requesting to hire outside counsel experienced in tax credits and public financing using the current fee schedule established by the Attorney General. Original resolution approved by the Attorney General on May 31, 2007:

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, February 16, 2016 at 12:00 noon in the conference room of its office located at 100 Port Boulevard, Chalmette, Louisiana. Following the Pledge of Allegiance, roll was called.

Commissioner LeBlanc offered a motion to adopt a resolution to hire Jones Walker due to his/her/their experience in tax credits and public financing.

$225.00 Per hour for attorneys having experience of ten years or more in the practice of law.

$175.00 Per hour for attorneys having experience of five to ten years in the practice of law.

$150.00 Per hour for attorneys having experience of three to five years in the practice of law.

$125.00 Per hour for attorneys having experience of less than three years in the practice of law.

$60.00 Per hour for paralegal services.

$40.00 Per hour for law clerk services.

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Commissioner Anderson seconded the motion and the resolution was passed by the following roll call vote.

YEAS: Quigley, Ballard, LeBlanc, Anderson

NAYS: 0

ABSTAINING: 0

ABSENT: 0

/s/ Elton J. LeBlanc, Secretary

On motion of Mr. LeBlanc, seconded by Rev. Ballard, and after asking for any public comment, the Board unanimously approved the following resolution requesting to hire outside counsel experienced in Realty Law, Leases, Expropriation and Louisiana State Statutes using the current fee schedule established by the Attorney General. Original resolution approved by the Attorney General on April 30, 2007:

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, February 16, 2016 at 12:00 noon in the conference room of its office located at 100 Port Boulevard, Chalmette, Louisiana. Following the Pledge of Allegiance, roll was called.

Commissioner LeBlanc offered a motion to adopt a resolution to hire Sher, Garner, Cahill, Richter, Klein & Hilbert, LLC due to his/her/their experience in Realty Law, Leases, Expropriation and Louisiana State Statutes.

$225.00 Per hour for attorneys having experience of ten years or more in the practice of law.

$175.00 Per hour for attorneys having experience of five to ten years in the practice of law.

$150.00 Per hour for attorneys having experience of three to five years in the practice of law.

$125.00 Per hour for attorneys having experience of less than three years in the practice of law.

$60.00 Per hour for paralegal services.

$40.00 Per hour for law clerk services.

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Commissioner Ballard seconded the motion and the resolution was passed by the following roll call vote.

YEAS: Quigley, Ballard, LeBlanc, Anderson

NAYS: 0

ABSTAINING: 0

ABSENT: 0

/s/ Elton J. LeBlanc, Secretary

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved authorization for the Executive Director to enter into a Right-of-Way agreement with Norfolk Southern relating to the waterline located under the railroad tracks at the Violet Terminal.

President Quigley asked if there were any Old Business. Not hearing from anyone, she continued with the meeting.

President Quigley asked if there were any New Business. Not hearing from anyone, she continued with the meeting.

On motion of Rev. Ballard, seconded by Mr. LeBlanc, the meeting was adjourned.

/s/ Elton J. LeBlanc, Secretary