

OFFICIAL PROCEEDINGS
ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT
REGULAR MONTHLY MEETING – MARCH 11, 2025

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, March 11, 2025, at 12:00 p.m. in the boardroom of its office located at 100 Port Boulevard, 3rd Floor, Chalmette, Louisiana.

After the Pledge of Allegiance, Roll was called.

Member's present were: Mr. Larry M. Aisola, Jr., President, Mr. Thomas B. Ajubita, Secretary; and Mr. Walter J. Cure, IV., Commissioner. Also present were: Ms. Emily Alphonso, Executive Assistant; Mr. Ross Gonzales, Director of Administration; Mr. Ted Roche, Director of Operations; Ms. Lauren Maupin, Public Relations, Mr. Gary Poirrier, Associated Terminals; Mr. Zeljko Franks, Associated Terminals; Mr. Dean Nicoladis, N-Y Associates; Ms. Jan Evans, Volkert Inc.; Ms. Patrice Cusimano; and Mr. Justin Stephens.

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

On motion of Mr. Ajubita, seconded by Mr. Cure, and after asking for any public comment, the Board unanimously approved the minutes of the regular meeting held on February 11, 2025.

On motion of Mr. Ajubita, seconded by Mr. Cure, and after asking for any public comment, the Board unanimously approved of the First Amendment to Lease Agreement for Video Pipe Inspection, Inc. for adding one (1) parking spot located in Parking Area 1, Chalmette Terminal, rent adjusted accordingly.

On motion of Mr. Ajubita, seconded by Mr. Cure, and after asking for any public comment, the Board unanimously approved the Consent Request for Gulf South Pipeline Company, LLC to conduct Geotechnical Borings along Highway 39 from the Violet Canal to River Bend Dr. in St. Bernard Parish.

On motion of Mr. Ajubita, seconded by Mr. Cure, and after asking for any public comment, the Board unanimously approved of the Substantial Completion for Gerard Chimney Company relating to the Smokestack Catwalk and Lighting Improvements project.

President Cure recognized Mr. Gonzales who gave the Finance Report. Mr. Gonzales reported on the Operating and Capital Budgets, Professional Services, Balance Sheet and Lessees Arrears. The Board discussed the Finance Report.

Mr. Gonzales gave the Executive Director's Report in place of Mr. Heaphy. Mr. Gonzales discussed the Insurance Renewal Package Premiums, STAR Service, Inc. Contract, Infinity Engineering Consultants, LLC Contract, and Ultimate Truck Services – Violet and Chalmette Terminal Debris Removal. He also reminded the Board to submit their Personal

Disclosure forms by May 15, 2025. Mr. Gonzales then recognized Mr. Roche who gave an update on current and future construction projects. The Board discussed the Executive Director's report.

On motion of Mr. Ajubita and seconded by Mr. Cure, and after asking for any public comment, the Board unanimously approved the following resolution to Advertise for Bids for the Arabi Terminal, Chalmette Slip Dock 2, Section D Port Improvements State Project Number H.014603.

STATE PROJECT NO. H.012334
PARISH OF ST. BERNARD

RESOLUTION

St. Bernard Port, Harbor and Terminal District

WHEREAS, the St. Bernard Port, Harbor and Terminal District has submitted an application for funding of the Arabi Terminal, Chalmette Slip Dock 2, Section D port improvement project under the Port Construction and Development Priority Program; and

WHEREAS, the State's share of the project funds have been made available and the St. Bernard Port, Harbor and Terminal District has available its local matching share of the project funds in an amount of not less than ten (10%) percent; and

WHEREAS, at the request of this St. Bernard Port, Harbor and Terminal District, Volkert has prepared plans and specifications for said project, which plans and specifications are designated by State Project No. H.014603; and

WHEREAS, this St. Bernard Port, Harbor and Terminal District has reviewed the final plans, specifications and cost estimate and accepts them as submitted and the Department of Transportation and Development has reviewed the final plans, specifications, and cost estimate and has approved them inasmuch as they comply with the requirements of the Port Construction and Development Priority Program; and

WHEREAS, all necessary servitudes, rights-of-way, spoil disposal areas, rights of ingress and egress and the means thereof have been acquired by this St. Bernard Port, Harbor and Terminal District, and the titles thereto are valid and indefeasible; and

WHEREAS, this St. Bernard Port, Harbor and Terminal District has obtained all necessary permits required for the construction of this project; and

WHEREAS, the St. Bernard Port, Harbor and Terminal District has agreed to accomplish all necessary utilities, fence and other facilities relocations and alterations made necessary by this project; and

WHEREAS, the Official Journal for the St. Bernard Port, Harbor and Terminal District is the St. Bernard Voice, whose mailing address is 1515 E Judge Perez Dr, Chalmette, LA 70043, and whose telephone number is 504-279-7488; and

WHEREAS, this St. Bernard Port, Harbor and Terminal District desires to advertise for competitive bids, in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the St. Bernard Port, Harbor and Terminal District, and furnish engineering services during the progress of the work.

NOW, THEREFORE, BE IT RESOLVED by the St. Bernard Port, Harbor and Terminal District, in Regular Session assembled on this 11th day of March, 2025, that the Department of Transportation and Development be and hereby is requested to authorize the St. Bernard Port, Harbor and Terminal District to advertise for competitive bids in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the St. Bernard Port, Harbor and Terminal District, covering the aforesaid improvements.

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

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all required permits have been obtained by the St. Bernard Port, Harbor and Terminal District.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that the St. Bernard Port, Harbor and Terminal District has available its local matching funds in an amount not less than ten (10%) percent of the total project cost to insure construction of this project.

BE IT RESOLVED that the St. Bernard Port, Harbor and Terminal District will and hereby does assume complete responsibility for all utilities, fence, and other facilities relocations and alterations made necessary by this project.

BE IT RESOLVED THAT the St. Bernard Port, Harbor and Terminal District does hereby save and hold harmless the Department of Transportation and Development against any loss or damage of any kind incident to or occasioned by Activities undertaken in pursuance of this agreement and expressly agrees to defend any suit brought against the Department of Transportation & Development, and pay any judgement which may result from said suit as it relates to this project.

/s/ Thomas B. Ajubita, SECRETARY

/s/ Larry M. Aisola, Jr. PRESIDENT

On motion of Mr. Cure and seconded by Mr. Ajubita, and after asking for any public comment, the Board unanimously approved the following resolution to comply with the new February 16, 2024, Louisiana Attorney General schedule of rates for outside counsel for Sher, Garner, Cahill, Richter, Klein & Hilbert, LLC and corresponding engagement letter.

**BOARD OF COMMISSIONERS OF THE ST. BERNARD PORT, HARBOR &
TERMINAL DISTRICT**

RESOLUTION

WHEREAS, because of the St. Bernard Port's continuous growth and expansion, a real necessity exists for the Board to engage Sher, Garner, Cahill, Richter, Klein & Hilbert, LLC (the "Law Firm") to render legal advice and services in the specialized areas of real estate law, new and current leases, expropriation of properties and litigation related to same, general litigation and business advice, and the current and changing Louisiana State Statutes, and

WHEREAS by reason of the experience and expertise of Sher, Garner, Cahill, Richter, Klein & Hilbert, LLC (the "Law Firm") in the areas of realty law, new and current leases, expropriation, any litigation related to prior expropriations, general litigation and business advice and Louisiana State Statutes, the Board resolves to hire the Law Firm to provide legal advice in these areas; and the Board's need for continuity of representation; and

WHEREAS, the Board wishes to continue its representation by the attorneys at Sher Garner Cahill Richter Klein & Hilbert, LLC, including by not limited to James M. Garner, Marie A. Moore, Alvin Miester, Joshua S. Force, Ashley G. Coker; and

WHEREAS, compensation will be made on an hourly basis consistent with the rates set out by the Louisiana Attorney General effective February 16, 2024 as follows:

\$350.00	Per hour for attorneys having experience of ten years or more in the practice of law;
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\$275.00	Per hour for attorneys having experience of five to ten years in the practice of law;
\$225.00	Per hour for attorneys having experience of three to five years in the practice of law;
\$175.00	Per hour for attorneys having experience of less than three years in the practice of law;
\$80.00	Per hour for paralegal services; and

Total compensation shall not exceed \$100,000

WHEREAS the term of this contract shall run from **June 1, 2025, through May 29, 2026;**

WHEREAS, the scope of this legal representation does not involve any foreseeable federal claim; and

WHEREAS, this resolution shall take effect immediately; and

THEREFORE BE IT RESOLVED that the St. Bernard Port, Harbor and Terminal District pursuant to La. R.S. 42:262, does hereby retain and employ Sher Garner Cahill Richter Klein & Hilbert LLC as special counsel; and

BE IT FURTHER RESOLVED, that this Resolution and proposed contract described herein be submitted to the Attorney General for the State of Louisiana for approval.

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS:	3
NAYS:	0
ABSENT:	2
NOT VOTING:	0

WHEREUPON the Resolution was declared adopted by the St. Bernard Port, Harbor & Terminal District on the 11th day of March, 2025.

/s/ Larry M. Aisola Jr., President

On motion of Mr. Ajubita and seconded by Mr. Cure, and after asking for any public comment, the Board unanimously approved the following resolution to authorize the switch of the Debt Sinking Funds bank account from Gulf Coast Bank to First Horizon Bank.

RESOLUTION

WHEREAS, the St. Bernard Port, Harbor and Terminal District has determined that it is in the best interest of the organization to switch its banking relationship and open a new account with First Horizon Bank; and

WHEREAS, the St. Bernard Port, Harbor and Terminal District currently maintains an account with Gulf Coast Bank, and it is necessary to transfer the organization's Debt Sinking Funds to the new account for the purposes of improving financial management and achieving more favorable banking terms;

NOW, THEREFORE, BE IT RESOLVED by the St. Bernard Port, Harbor and Terminal District, in Regular session assembled on this 11th day of March, 2025, authorized the switch of the Debt Sinking Funds bank account from Gulf Coast Bank to First Horizon Bank.

/s/ Thomas B. Ajubita, SECRETARY

/s/ Larry M. Aisola, Jr. PRESIDENT

On motion of Mr. Ajubita and seconded by Mr. Cure, and after asking for any public comment, the Board unanimously approved the Cooperative Agreement with St. Bernard Parish Government providing SBPG as a Point of Distribution in the event that a hurricane has made landfall in/around St. Bernard Parish.

President Aisola asked if there were any Old Business. Mr. Gonzales stated that Mr. Heaphy wanted to mention the Attorney General Opinion that came back in favor of the St. Bernard Port, Harbor and Terminal District.

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

On motion of Mr. Ajubita, seconded by Mr. Cure, the meeting was adjourned.

/s/ Thomas B. Ajubita, Secretary