OFFICIAL PROCEEDINGS

ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT

REGULAR MONTHLY MEETING – APRIL 12, 2016

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, April 12, 2016, at 11:00 a.m. 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 (arrived at 11:09), 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. Ricky Melerine, Public Relations; Mr. Sal Cusimano, Agreement Analyst; Mr. David Fennelly, Associated Terminals of St. Bernard; Ms. Deborah Keller, DDKeller & Partners; Mr. Stephen Lundgren, Evans-Graves Engineers; Mr. Jim Simmons, N-Y & Associates; Ms. Deborah Fagon, Ms. Susan Klees and Mr. Ronnie Alonzo, St. Bernard Parish Government and Mr. Reed Henderson.

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.

President Quigley recognized Mr. Alonzo, Ms. Fagan and Ms. Klees who gave a presentation on the proposed Levee-Top Bike Path through St. Bernard Parish, which will include the St. Bernard Port. After discussion, on motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approve to add to the Agenda: Approval of Letter of Support to St. Bernard Parish Government supporting the Levee-Top Bike Path route given that all St. Bernard Port’s security and operations restrictions are recognized and resolved in advance.

On motion of Rev. Ballard, seconded by Mr. LeBlanc, and after asking for any public comment, the Board unanimously approved a Letter of Support to St. Bernard Parish Government supporting the Levee-Top Bike Path route given that all St. Bernard Port’s security and operations restrictions are recognized and resolved in advance.

On motion of Rev. Ballard, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved the minutes of the regular meeting held on March 8, 2016.

On motion of Rev. Ballard, seconded by Mr. LeBlanc, and after asking for any public comment, the Board unanimously approved a consent Request for William Gibson to construct a boat shed and lift located at 2313 Yscloskey Hwy., Yscloskey, La.

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On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved a consent Request for Ralph Kieff, Jr. to construct a 38”x92” boat shed located at 4210 Hopedale Hwy., Hopedale, La.

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved Change Order No. 2 for B&K Contractors relating to Boasso Catch Basin Repairs at Wash Rack project. An overrun of $1,773.58.

On motion of Rev. Ballard, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved Substantial Completion for B&K Contractors relating to Boasso Catch Basin Repairs at Wash Rack project.

On motion of Rev. Ballard, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved Substantial Completion for Boasso Construction, Inc. relating to Kearney Sprinkler Structure Repair project.

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved a tariff change for the St. Bernard Port, Harbor and Terminal District Arabi Slip Dock Terminal Tariff No. 1: Page 1, delete board member; Page 20, Item 310; Page 25, Item 414; Page 28, Item 420; Page 28, Item 421, effective May 13, 2016.

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved a tariff change for the St. Bernard Port, Harbor and Terminal District Vessel Mooring Miss. River M. P. 86.5, 89.5, & 90.5 AHP Tariff No. 1: Page 1, delete board member; Page 26, Item 417; Page 28, Item 500; Page 28, Item 502, effective May 13, 2016.

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved tariff change for the St. Bernard Port, Harbor and Terminal District Violet Terminal Tariff No. 1: Page 1, delete board member; Page 20, Item 310; Page 23, Item 410; Page 23-A, Item 411; Page 25, Item 414; Page 28, Item 420, effective May 13, 2016.

Dr. Scafidel addressed Mr. Fennelly and asked for him input on the tariffs. Mr. Fennelly stated that tariffs should be in-line and consistent with the Port of New Orleans.

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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 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 the Kearney Companies, Inc. and Veolia Water. Dr. Scafidel then discussed the Port Security Grant Awarded/Expended and reminded the board to submit their Personal Disclosure Form by May 15, 2016.

On motion of Rev. Ballard, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved the following resolution authorizing submittal of TIGER Grant 2016 Application:

RESOLUTION

A resolution authorizing the St. Bernard Port, Harbor and Terminal District to submit an application to the U.S. Department of Transportation requesting funding under FY 2016 Transportation Investment Generating Economic Recovery (TIGER) Program for assistance in the implementation of port improvements for funding for the Port Improvements Rehabilitation of Chalmette Slip Sections A and F project.

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

**WHEREAS,** the St. Bernard Port, Harbor and Terminal District is a political subdivision of the state duly organized under the Constitution and laws of the state of Louisiana and is eligible to apply for funds under R.S. 34:1701 et seq.,

**NOW, THEREFORE, BE IT RESOLVED** by the Board:

**Section 1.** That the St. Bernard Port, Harbor and Terminal District supports submission of an application to the United States Department of Transportation FY 2016 TIGER Discretionary Grant Program seeking funding for the Port Improvements Rehabilitation of Chalmette Slip Sections A and F project, estimated to cost $30 Million with $10 Million requested from the FY 2016 TIGER program.

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**Section 2.** That Robert J. Scafidel, Ed.D., Executive Director, be and is hereby designated the Authorized Representative for the Board to effect the preparation of an application to DOT for the FY2016 TIGER Grant Discretionary Grant Program requesting the funding assistance.

**THUS DONE AND SIGNED** by me under the seal of the St. Bernard Port, Harbor and Terminal District, this 12th day of April, 2016.

/s/ Elton J. LeBlanc, Secretary /s/ Robert J. Scafidel, Executive Director

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved to amend the motion adopted at the February 16, 2016 meeting to approve 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, by striking the prior resolution and inserting a new resolution to hire outside counsel supplied by the Attorney General’s office:

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

**RESOLUTION**

The following Motion and Resolution was offered by Mr. LeBlanc who moved for its adoption, and seconded by Mr. Anderson at the April 12, 2016, meeting of The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District (the “Board”):

WHEREAS, because of the St. Bernard Port’s continuous growth and expansion, a real necessity exists for the Board to engage legal counsel to render advice in the specialized area of construction litigation and contracts; and

WHEREAS, by reason of the experience and expertise of Alvin J. Bordelon (the “Law Firm”) in the areas of construction litigation and contracts, the Board resolves to hire the Law Firm to provide legal advice in these areas; and

WHEREAS, the Board resolves to pay the following hourly rate to the Law Firm for this legal advice in accordance with the current fee schedule of the Attorney General:

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

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$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; and

$40.00 Per hour for law clerk services.

WHEREAS, this Resolution shall take effect immediately.

THEREFORE, BE IT RESOLVED that The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District, pursuant to La. R.S. 42:262, does hereby retain and employ Alvin J. Bordelon as special counsel at the hourly rates set out above; and

BE IT FURTHER RESOLVED, that this Resolution 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: 4

NAYS: 0

ABSENT: 0

NOT VOTING: 0

Whereupon the Resolution was declared adopted by The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District on the 12th day of April, 2016.

I, Cheri C. Quigley, President of The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District, hereby certify above and foregoing to be a true and exact copy of a resolution adopted by the said Board at its meeting held April 12, 2016, at which a quorum was present, and the same has not been revoked, rescinded or altered in any manner and is in full force and effect.

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Witness my hand this 12 day of April, 2016.

/s/ Cheri C. Quigley, President

On motion of Rev. Ballard, seconded by Mr. LeBlanc, and after asking for any public comment, the Board unanimously approved to amend the motion adopted at the February 16, 2016 meeting to approve 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, by striking the prior resolution and inserting a new resolution to hire outside counsel supplied by the Attorney General’s office:

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

**RESOLUTION**

The following Motion and Resolution was offered by Rev. Ballard who moved for its adoption, and seconded by Mr. LeBlanc at the April 12, 2016, meeting of The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District (the “Board”):

WHEREAS, because of the St. Bernard Port’s continuous growth and expansion, a real necessity exists for the Board to engage legal counsel to render advice in the specialized area of maritime law; and

WHEREAS, by reason of the experience and expertise of Walter Leger, Jr. (the “Law Firm”) in the areas of maritime law, the Board resolves to hire the Law Firm to provide legal advice in these areas; and

WHEREAS, the Board resolves to pay the following hourly rate to the Law Firm for this legal advice in accordance with the current fee schedule of the Attorney General:

$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;

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$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; and

$40.00 Per hour for law clerk services.

WHEREAS, this Resolution shall take effect immediately.

THEREFORE, BE IT RESOLVED that The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District, pursuant to La. R.S. 42:262, does hereby retain and employ Walter Leger, Jr. as special counsel at the hourly rates set out above; and

BE IT FURTHER RESOLVED, that this Resolution 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: 4

NAYS: 0

ABSENT: 0

NOT VOTING: 0

Whereupon the Resolution was declared adopted by The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District on the 12th day of April, 2016.

I, Cheri C. Quigley, President of The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District, hereby certify above and foregoing to be a true and exact copy of a resolution adopted by the said Board at its meeting held April 12, 2016, at which a quorum was present, and the same has not been revoked, rescinded or altered in any manner and is in full force and effect.

Witness my hand this 12 day of April, 2016.

/s/Cheri C. Quigley, President

On motion of Rev. Ballard, seconded by Mr. LeBlanc, and after asking for any public comment, the Board unanimously approved to amend the motion adopted at the February 16, 2016 meeting to approve resolution requesting to hire outside counsel experienced in tax credits and public financing using the current fee schedule established

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by the Attorney General, original resolution approved by the Attorney General on May 31, 2007, by striking the prior resolution and inserting a new resolution to hire outside counsel supplied by the Attorney General’s office:

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

**RESOLUTION**

The following Motion and Resolution was offered by Mr. Anderson who moved for its adoption, and seconded by Rev. Ballard at the April 12, 2016, meeting of The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District (the “Board”):

WHEREAS, because of the St. Bernard Port’s continuous growth and expansion, a real necessity exists for the Board to engage legal counsel to render advice in the specialized areas of tax credits and public financing; and

WHEREAS, by reason of the experience and expertise of Jones Walker (the “Law Firm”) in the areas of tax credits and public financing, the Board resolves to hire the Law Firm to provide legal advice in these areas; and

WHEREAS, the Board resolves to pay the following hourly rate to the Law Firm for this legal advice in accordance with the current fee schedule of the Attorney General:

$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; and

$40.00 Per hour for law clerk services.

WHEREAS, this Resolution shall take effect immediately.

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THEREFORE, BE IT RESOLVED that The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District, pursuant to La. R.S. 42:262, does hereby retain and employ Jones Walker as special counsel at the hourly rates set out above; and

BE IT FURTHER RESOLVED, that this Resolution 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: 4

NAYS: 0

ABSENT: 0

NOT VOTING: 0

Whereupon the Resolution was declared adopted by The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District on the 12th day of April, 2016.

I, Cheri C. Quigley, President of The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District, hereby certify above and foregoing to be a true and exact copy of a resolution adopted by the said Board at its meeting held April 12, 2016, at which a quorum was present, and the same has not been revoked, rescinded or altered in any manner and is in full force and effect.

Witness my hand this 12 day of April, 2016.

/s/ Cheri C. Quigley, President

On motion of Mr. Anderson, seconded by Mr. LeBlanc, and after asking for any public comment, the Board unanimously approved to amend the motion adopted at the February 16, 2016 meeting to approve 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, by striking the prior resolution and inserting a new resolution to hire outside counsel supplied by the Attorney General’s office:

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

**RESOLUTION**

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The following Motion and Resolution was offered by Mr. Anderson who moved for its adoption, and seconded by Mr. LeBlanc at the April 12, 2016, meeting of The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District (the “Board”):

WHEREAS, because of the St. Bernard Port’s continuous growth and expansion, a real necessity exists for the Board to engage legal counsel to render advice in the specialized areas of Realty Law, new and current Leases, expropriation of properties, 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, Leases, Expropriation, and Louisiana State Statutes, the Board resolves to hire the Law Firm to provide legal advice in these areas; and

WHEREAS, the Board resolves to pay the following hourly rate to the Law Firm for this legal advice in accordance with the current fee schedule of the Attorney General:

$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; and

$40.00 Per hour for law clerk services.

WHEREAS, this Resolution shall take effect immediately.

THEREFORE BE IT RESOLVED that The Board of Commissioners of 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 at the hourly rates set out above; and

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BE IT FURTHER RESOLVED, that this Resolution 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: 4

NAYS: 0

ABSENT: 0

NOT VOTING: 0

Whereupon the Resolution was declared adopted by The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District on the 12th day of April, 2016.

I, Cheri C. Quigley, President of The Board of Commissioners of the St. Bernard Port, Harbor, and Terminal District, hereby certify above and foregoing to be a true and exact copy of a resolution adopted by the said Board at its meeting held April 12, 2016, at which a quorum was present, and the same has not been revoked, rescinded or altered in any manner and is in full force and effect.

Witness my hand this 12 day of April, 2016.

/s/ Cheri C. Quigley, President

On motion of Mr. Anderson, seconded by Rev. Ballard, and after asking for any public comment, the Board unanimously approved for the Executive Director to solicit Bids for the Violet Communications Tower project.

On motion of Mr. LeBlanc, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved a Contract with Director of Administration/Planning Services.

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. Mr. LeBlanc voiced his concerns about the barges mooring too close to the batture in Meraux and suggested the need for pylons. Dr. Scafidel and Mr. Fennelly will discuss with the proper authorities what can be done to secure that area from water traffic mooring in that area.

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

/s/ Elton J. LeBlanc, Secretary