

OFFICIAL PROCEEDINGS
ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT
REGULAR MONTHLY MEETING – MAY 14, 2024

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, May 14, 2024, 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., Vice-President; Mr. Ronald J. Alonzo, Jr., Secretary and Mr. David L. Kenney, Jr., Commissioner. Absent were: Mr. Walter J. Cure IV, President and Mr. Thomas B. Ajubita, Treasurer. Also present were: Mr. Drew Heaphy, Executive Director; Ms. Denise Kraesig, Executive Assistant; Mr. Ross Gonzales, Director of Administration; Mr. Ted Roche, Director of Operations; Mr. Zeljko Franks, Associated Terminals; Mr.'s Stephen Bernard and Robert Senior, Boh Bros.; Mr. Dean Nicoladis N-Y Associates; Mr. Joey DiFatta, St. Bernard Sheriff's Office and Ms. Jan Evans, Volkert, Inc.

Vice 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.

A Public Hearing was held to present the proposed 2024-2025 Budget for inspection. Mr. Gonzales was recognized and gave a complete narrative on the proposed budget. The Board discussed the proposed budget and audience members were given the opportunity to ask questions. Not hearing from anyone, Vice President Aisola continued with the regular meeting.

On motion of Mr. Alonzo, seconded by Mr. Kenney, and after asking for any public comment, the Board unanimously approved the minutes of the regular meeting held on April 9, 2024.

On motion of Mr. Kenney, seconded by Mr. Alonzo, and after asking for any public comment, the Board unanimously approved the Amendment to Stalwart Productions LLC lease terminating the lease on August 31, 2024 with no further options to renew or extend the term.

Vice President Aisola informed the board that bids were received by DOTD on April 17, 2024, for the LA 46 @ Weinberger Road project (H.012752). The Bids were as follows:

<u>Bidder</u>	<u>Bid</u>
Barriere Construction Co., LLC	\$1,603,122.55
Brown Industrial Construction, LLC	\$1,618,716.00
Beverly Construction Co., LLC	\$1,722,494.79
Hard Rock Construction, LLC	\$1,880,675.45
Cycle Construction Co., LLC	\$1,928,173.00
Command Construction Industries, LLC	\$2,200,802.00

On motion of Mr. Kenney, seconded by Mr. Alonzo, and after asking for any public comment, the Board unanimously approved to award the bid to Barriere Construction Co., LLC in the amount of \$1,603,122.55.

Vice President Aisola informed the board that Request for Proposals were received in the Port office on Thursday, May 9, 2024, at 2 p.m. for the Boasso Asphalt Repairs 2023-2024 project. Request for Proposals were as follows:

<u>Bidder</u>	<u>Base</u>	<u>+Alt. 1&2</u>	<u>+Alt. 3</u>	<u>Grand Total</u>
Donahue Const.	\$144,000.	\$180,000.	\$226,000.	\$235,000.
Hard Rock Const.	\$170,625.	\$215,725.	\$232,325.	\$249,125.
Boh Bros	\$160,790.	\$195,710.	\$233,690.	\$249,415.
Boasso Const.	\$148,550.	\$190,550.	\$247,550.	\$263,550.

On motion of Mr. Kenney, seconded by Mr. Alonzo, and after asking for any public comment, the Board unanimously approved to award the RFP to Donahue Construction in the amount of \$235,000.

Vice President Aisola 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.

Vice President Aisola then recognized Mr. Heaphy who gave the Executive Director's Report. Mr. Heaphy gave an update on grants, House Bill No. 971, meetings and the Maritime Day event. Mr. Heaphy also reminded the Board to submit their Personal Disclosure forms by May 15, 2024. Mr. Heaphy then recognized Mr. Roche who gave an update on current and future construction projects. The Board discussed the Executive Director's report. The attendees from Volkert and Boh Bros also updated the board on the slip concrete demolition and repour due to the current concrete not meeting the necessary standards. They also informed the board that there would be no cost to the Port for this correction.

On motion of Mr. Kenney, seconded by Mr. Alonzo, and after asking for any public comment, the Board unanimously approved authorization for the Executive Director to enter into a professional services contract with Ericksen Krentel to perform annual audits for FYs 2023-2024, 2024-2025, and 2025-2026, the contract will include two (2) one-year options.

On motion of Mr. Alonzo, seconded by Mr. Kenney, and after asking for any public comment, the Board unanimously approved to rescind motion #12 from the April 9, 2024 board meeting: 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; correct resolution.

On motion of Mr. Alonzo, seconded by Mr. Kenney, 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 COMMISSION OF THE
ST. BERNARD PORT, HARBOR & TERMINAL DISTRICT
RESOLUTION**

The following Motion and Resolution was offered by Alonzo who moved for its adoption, and seconded by Kenney at the May 14, 2024 meeting of the St. Bernard Port, Harbor & Terminal District (the “Board”):

WHEREAS, because of the St. Bernard Port’s continuous growth and expansion, the Board has previously engaged 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, but 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;
- \$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

WHEREAS the term of this contract shall run from **June 1, 2024 through May 30, 2025;**

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

WHEREAS, this resolution shall take effect immediately; and

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THEREFORE BE IT RESOLVED that the St. Bernard Port, Harbor & 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 14th day of May, 2024.

/s/ Walter J. Cure IV, President

- The terms of any contract must match the terms set forth in the resolution, and a copy of the proposed contract between the Board and Special Counsel must be submitted to the Attorney General along with the original resolution.
- In retaining a special attorney or counsel, preference shall be given to private attorneys licensed to practice law in Louisiana and law firms domiciled and licensed in this state. Justification for hiring an out of state lawyer or law firm should be submitted along with the original resolution.
- If the hourly rate exceeds the current Attorney General's fee schedule, a justification letter from the board must be provided to the Attorney General, justifying the need to exceed the fee schedule, and it should be submitted along with the original resolution.

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

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

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On motion of Mr. Alonzo, seconded by Mr. Kenney, and after asking for any public comment, the Board unanimously approved to select the St. Bernard Voice as the Official Journal for the St. Bernard Port, Harbor and Terminal District pursuant to R.S. 3:171.

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

Vice President Aisola asked if there were any New Business. Mr. Heaphy informed the board of addition articles he included in their folders i.e., LIT Open House, Associated Terminals purchase of S.H. Bell and Brandy Christian leaving Port of New Orleans. Mr. Gonzales also included copies from Ericksen Krentel of the 2022 and 2023 audits.

On motion of Mr. Kenney, seconded by Mr. Alonzo, the meeting was adjourned.