OFFICIAL PROCEEDINGS

ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT

REGULAR MONTHLY MEETING – SEPTEMBER 9, 2014

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, September 9, 2014, at 12:00 p.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: Mr. Elton J. LeBlanc, Vice President; Mr. Harold J. Anderson, Secretary and Mr. P. James DiFatta, Treasurer. Also present were Dr. Robert Scafidel, Executive Director; Ms. Denise Kraesig, Executive Assistant; Mr. Drew Heaphy, Director of Administration; Mr. Sal Cusimano, Agreement Analyst; Mr.’s David Fennelly, Gary Poirrier and Cy Hill, Associated Terminals of St. Bernard; Mr. Mark Frishhertz, Delacroix House Boat Club, LLC; Ms. Cherie Stivers, N-Y and Associates and Ms. Ashley Coker and Elwood Cahill, Sher Garner.

Vice President LeBlanc asked if there were any public comments in accordance with R.S. 42:5(D). Not hearing from anyone, he continued with the meeting.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved the minutes of the regular meeting held on July 8, 2014.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved to terminate the current lease with Gulf Container Co. LLC for 20,000 sq. ft of laydown area located in the Chalmette Terminal.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved a lease with Gulf Container Co. LLC for 45, 000 sq. ft. of laydown area and 3,600 sq. ft. of building space located at 421 Cobia Drive, Chalmette Terminal.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved a lease with Valero Refining-Meraux LLC for approximately 133,500 sq. ft. of land known as “Yard1” located in the Chalmette Terminal and Personal Guarantee Waiver.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved a lease with Chalmette Refining, LLC for the 10,000 sq. ft. Foothill Warehouse located at 600 Melvin Perez Pkwy (Bldg. 93), 130,000 sq. ft. of laydown area located in the Chalmette Terminal and Personal Guarantee Waiver.

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On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved a lease amendment for Raymond Boasso adjusting lease dates from 12/10/13 - 12/9/14 to 6/24/14 - 6/23/15.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved a lease amendment for Southern Forest Products decreasing the square footage leased, rent adjusted accordingly.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved a lease amendment for Weeks Marine, Inc. adding an additional barge mooring, rent adjusted accordingly.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved a consent request for Delacroix Houseboat Club, LLC to construct a 39’x80’ boat shed at 5557 Delacroix Highway, Bayou Terre Au Bouef, St. Bernard, La.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved of tariff change for the St. Bernard Port, Harbor and Terminal District Arabi Slip Dock Terminal Tariff No. 1: Page 1, Page 20 – Items 309, 310, 312 and 313 and Page 25 – Item 414, effective October 9, 2014. (Page numbers adjusted accordingly).

Vice President LeBlanc recognized Mr. Heaphy who gave the Finance Report. Mr. Heaphy reported on the Operating and Capital Budgets, professional services and Lessee’s arrears. The Board discussed the Finance Report. Vice President LeBlanc thanked Mr. Heaphy for his report.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved the following resolution for the System Survey and Compliance Questionnaire required by the Legislative Auditor:

RESOLUTION

WHEREAS, it is a requirement of the Legislative Auditor of the State of Louisiana that the book of the St. Bernard Port, Harbor and Terminal District be audited annually, and

WHEREAS, as a required part of the audit, a System Survey and Compliance Questionnaire is to be completed by the administrative staff, and

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WHEREAS, this questionnaire when completed must be adopted by the governing body of the District,

NOW, THEREFORE BE IT RESOLVED, that the St. Bernard Port, Harbor and Terminal District move to adopt the Systems Survey and Compliance Questionnaire and present it and a copy of this resolution to our auditors.

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

Yeas: 3

Nays: 0

Absent: 0

Abstaining: 0

The resolution was declared to be adopted on this 9th day of September, 2014.

/s/ Harold Anderson, Secretary

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved the following resolution authorizing the Executive Director to submit a Port Priority Application for the Chalmette Terminal Transit Shed project:

RESOLUTION

A Resolution authorizing the St. Bernard Port, Harbor and Terminal District to prepare and submit an application to the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project (Chalmette Terminal Transit Shed); providing for the necessary documentation of the need for the port improvement; and providing for other matters in connection therewith.

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

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

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WHEREAS, 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 funds under said Statute,

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

Section 1. That St. Bernard Port, Harbor and Terminal District acknowledges that a formal application will be prepared and submitted to the Louisiana Port Construction and Development Priority Program.

Section 2. That at the appropriate time and upon approval of funding assistance 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.

Section 3. That Robert J. Scafidel, Executive Director is hereby designated Authorized Representative for St. Bernard Port, Harbor and Terminal District to effect the preparation of an application to the Louisiana Port Construction and Development Priority Program for funding assistance of a port improvement project.

Section 4. That said Authorized Representative's responsibilities shall pertain to technical matters only and shall not include any official act on behalf of the St. Bernard Port, Harbor and Terminal District.

This 9th day of September, 2014.

/s/ Harold Anderson, Secretary /s/ Elton LeBlanc, Vice President

St. Bernard Port, Harbor and Terminal District

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved the following resolution authorizing the Executive Director to submit a Port Priority Application for the Chalmette Slip, Dock 1 Section A Seawall project:

RESOLUTION

A Resolution authorizing the St. Bernard Port, Harbor and Terminal District to prepare and submit an application to the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project (Chalmette Slip, Dock 1 Section

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A Seawall); providing for the necessary documentation of the need for the port improvement; and providing for other matters in connection therewith.

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

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

WHEREAS, 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 funds under said Statute,

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

Section 1. That St. Bernard Port, Harbor and Terminal District acknowledges that a formal application will be prepared and submitted to the Louisiana Port Construction and Development Priority Program.

Section 2. That at the appropriate time and upon approval of funding assistance 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.

Section 3. That Robert J. Scafidel, Executive Director is hereby designated Authorized Representative for St. Bernard Port, Harbor and Terminal District to effect the preparation of an application to the Louisiana Port Construction and Development Priority Program for funding assistance of a port improvement project.

Section 4. That said Authorized Representative's responsibilities shall pertain to technical matters only and shall not include any official act on behalf of the St. Bernard Port, Harbor and Terminal District.

This 9th day of September, 2014.

/s/ Harold Anderson, Secretary /s/ Elton LeBlanc, Vice President

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Vice President LeBlanc recognized Dr. Scafidel who gave the Executive Director’s report. Dr. Scafidel discussed the Turning Dolphin, bids for Boasso Asphalt and Arabi Terminal Drainage projects, Sen. Mary Landrieu’s briefing and tour and ALS Ice Bucket Challenge by the Five Deep-Water Port Directors. Vice President LeBlanc thanked Dr. Scafidel for his report.

On motion of Mr. Anderson, seconded by Mr. DiFatta, and after asking for any public comment, the Board unanimously approved authorization for the Executive Director to enter into a professional services contract with Providence Engineering and Environmental Group LLC to perform a Risk Evaluation/Corrective Action Program Investigation at the Violet Terminal, not to exceed $25,000.

On motion of Mr. Anderson, seconded by Mr. DiFatta, the Board unanimously approved to enter Executive Session to discuss litigation relating to the expropriation of the Violet Dock Port and Legislative Auditor’s report at 12:39 p.m.

On motion of Mr. Anderson, seconded by Mr. DiFatta, the Board unanimously approved to reconvene Regular Session at 1:15 p.m.

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

Vice President LeBlanc asked if there were any New Business. Not hearing from anyone, he proceeded with the meeting.

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

/s/ Harold J. Anderson, Secretary