OFFICIAL PROCEEDINGS
ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT
SPECIAL MEETING – AUGUST 26, 2024

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in special session on Monday, August 26, 2024, at 3:00 p.m. in the boardroom of its office located at 100 Port Boulevard, 3rd Floor, Chalmette, Louisiana.

President Cure called the meeting to order and stated that the special meeting of the Board is to authorize the Executive Director to request a legal opinion from the Attorney General regarding whether, in general, the Louisiana Constitution protects deep water port facilities, pursuant to Art. VI, s 43, from merger or consolidation into local governmental subdivision under Art. VI, s 16 and whether, in particular, the St. Bernard Parish Government may legally merge and consolidate into itself the Port.

After the Pledge of Allegiance, Roll was called.

Member's present were: Mr. Walter J. Cure IV, President; Mr. Larry M. Aisola, Jr., Vice-President (3:01 p.m.); Mr. Ronald J. Alonzo, Jr., Secretary; Mr. Thomas B. Ajubita, Treasurer; and Mr. David L. Kenney, Jr., Commissioner (3:01 p.m.). Also present were: Mr. Drew Heaphy, Executive Director; Ms. Denise Kraesig, Executive Assistant; Ms. Emily Alphonso, Executive Assistant; Mr. Ross Gonzales, Director of Administration; Mr. Zeljko Franks, Associated Terminals; Mr. Todd Fuller, Associated Terminals; Ms. Dawn Lopez, Associated Terminals; and Mr. David Jarrell.

President Cure asked if there were any public comments in accordance with R.S. 42:14(D). President Cure recognized Mr. David Jarrell. Mr. Jarrell informed the Board that he was speaking in his personal capacity regarding agenda item number five. Mr. Alonzo mentioned to the Board that Mr. Jarrell works for the District Attorney's Office. During Mr. Jarrell's time speaking the Board Members and the Executive Director asked Mr. Jarrell questions pertaining to agenda item number five. Mr. Kenney and Mr. Alonzo asked Mr. Jarrell why it is an issue for the St. Bernard Port to ask for an opinion from the Attorney General. Mr. Heaphy then asked if Mr. Jarrell knew if the St. Bernard Parish President was also seeking an opinion from the Attorney General. Mr. Alonzo questioned a dispute that Mr. Jarrell mentioned, stating that this dispute has nothing to do with the item on the agenda. Mr. Alonzo stated that as Board Members they have the right to seek an opinion from the Attorney General and if the Attorney General wants to deny giving an opinion than that is the Attorney Generals right, and the Board will respect that decision. Mr. Jarrell asked for his personal statement to be put on the record which states, "I don't think that is what this opinion is being solicited for because I'm sure your attorneys have already given an opinion. The Attorney General has previously given an opinion. It's mentioned in this long packet I'd like to give you. That has been deemed -- been later on determined to be wrong. So he gave this exact opinion in 1998 when the takeover was positive, and it turns out his opinion then, by subsequent court cases, was determined to be wrong." Mr. Heaphy stated that that was Mr. Jarrell's opinion. The Board moved on to the next topic on the agenda.

On motion of Mr. Aisola, seconded by Mr. Ajubita, and after asking for any public comment, the Board unanimously approved authorization for the Executive Director to request a legal opinion from the Attorney General regarding whether, in general, the Louisiana Constitution protects deep water port facilities, pursuant to Art. VI, s 43, from merger or consolidation into local governmental subdivision under Art. VI, s 16 and whether, in particular, the St. Bernard Parish Government may legally merge and consolidate into itself the Port.

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

/s/ Thomas B. Ajubita, Treasurer