

OFFICIAL PROCEEDINGS
ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT
REGULAR MONTHLY MEETING – MAY 10, 2022

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, May 10, 2022, 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: Ms. Rachel L. Nunez, President; Ms. Jeanne E. Ferrer, Vice President; Mr. Walter J. Cure IV, Secretary and Mr. Larry M. Aisola, Jr., Treasurer (arrived at 12:14 p.m.). 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. Gary Poirrier, Associated Terminals; Mr. Mark Forsyth, CSRS; Ms. Gwen Sanders, Eustis Engineering; Mr.'s Dean Nicoladis and Fred Mottali, N-Y Associates; Ms. Jan Evans, Volkert Inc. and Mr. Joseph DiFatta, St. Bernard Sheriff's Office.

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

On motion of Mr. Cure, seconded by Ms. Ferrer, and after asking for any public comment, the Board unanimously approved the minutes of the regular meeting held on April 12, 2022.

On motion of Mr. Cure, seconded by Ms. Ferrer, and after asking for any public comment, the Board unanimously approved the following resolution, which was read in full, to adopt the Millage rate:

RESOLUTION

BE IT RESOLVED, that the following millage(s) are hereby levied on the 2022 tax roll on all property subject to taxation by St. Bernard Port, Harbor and Terminal District:

MILLAGE

Ad Valorem

3.81 mills

BE IT FURTHER RESOLVED that the proper administrative officials of the Parish of St. Bernard, State of Louisiana, be and they are hereby empowered, authorized, and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said Parish for the year 2022, and to make the collection of the taxes imposed for and on behalf of the taxing authority, according to law, and that the taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and collection thereof shall be enforceable in the manner provided by law.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

YEAS:	3
NAYS:	0
ABSTAINED:	0
ABSENT:	1

/s/ Rachel L. Nunez, President

President Nunez announced the Public Hearing to present the proposed 2022-2023 Budget for inspection. Mr. Gonzales read a narrative of the proposed budget to the Board and all in attendance. Comments and questions were addressed by Mr. Heaphy and Mr. Gonzales.

Mr. Aisola arrived at 12:14 p.m.

On motion of Mr. Cure, seconded by Ms. Ferrer, and after asking for any public comment, the Board unanimously approved a new lease with Stalwart Productions, LLC for 52,360 sq. ft. of warehouse space located at 561 Bonita Drive (North Warehouse), Chalmette Terminal and waiver of personal guarantee.

On motion of Mr. Cure, seconded by Ms. Ferrer, and after asking for any public comment, the Board unanimously approved Change Order No. 1 for Industrial & Mechanical Contractors, Inc. relating to the Wastewater Treatment Plant, Chalmette Terminal project. An underrun of \$5,092.98.

President Nunez 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. Ms. Nunez asked that the Board be emailed as to the outcome of the tenant eviction.

President Nunez then recognized Mr. Heaphy who gave the Executive Director's Report. Mr. Heaphy discussed the Storm Water Pollution Prevention Plan SEMS Inc contract, St. Bernard Day at the Capitol, Maritime Month Facilities Tour and the 2022 Bertel Award Luncheon. Mr. Heaphy then reminded the Board to submit their Personal Disclosure forms to the State and recognized Mr. Roche who gave the construction report on all current and future projects. The Board discussed the Executive Director's Report. Ms. Evans answered questions relating to the Chalmette Slip project and Mr. Forsyth gave an update on the GIS project.

On motion of Mr. Cure, seconded by Ms. Ferrer, and after asking for any public comment, the Board unanimously approved the following resolution of the St. Bernard Port, Harbor and Terminal District making certain findings with respect to the issuance of revenue bonds on behalf of the District by the Louisiana Local Government Environmental Facilities and Community Development Authority to finance certain capital improvements of the District; providing for the acceptance of a commitment for the purchase of the bonds; authorizing the execution of a loan agreement and other documents in connection therewith; and otherwise providing with respect thereto:

RESOLUTION

A RESOLUTION OF THE ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT MAKING CERTAIN FINDINGS WITH RESPECT TO THE ISSUANCE OF REVENUE BONDS ON BEHALF OF THE DISTRICT BY THE LOUISIANA LOCAL GOVERNMENT ENVIRONMENTAL FACILITIES AND COMMUNITY DEVELOPMENT AUTHORITY TO FINANCE CERTAIN CAPITAL IMPROVEMENTS OF THE DISTRICT; PROVIDING FOR THE ACCEPTANCE OF A COMMITMENT FOR THE PURCHASE OF THE BONDS; AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT AND OTHER DOCUMENTS IN CONNECTION THEREWITH; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the St. Bernard Port, Harbor and Terminal District (the “*District*”) is a political subdivision of the State of Louisiana and a participating political subdivision of the Louisiana Local Government Environmental Facilities and Community Development Authority (the “*Authority*”);

WHEREAS, Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, as amended, comprised of La. R.S. 33:4548.1 through 4548.16, inclusive, is known as the Louisiana Local Government Environmental Facilities and Community Development Authority Act (the “*Act*”);

WHEREAS, the Act creates the Authority for the purpose of assisting political subdivisions, as defined in the Act, and other designated entities in acquiring, financing and refinancing the acquisition and construction of certain facilities, including industrial and economic development facilities and to otherwise establish programs to aid in the financing of local government and economic development projects;

WHEREAS, the District adopted a resolution on March 11, 2022 (the “*Authorizing Resolution*”), authorizing the issuance of revenue bonds to be issued by the Authority not to exceed \$7,000,000 for the purpose of financing for capital improvements for projects contemplated to be constructed in 2022 and 2023 as outlined in the District’s 5 Year Capital Outlay Plan for Bonding (the “*Plan*”) on property within the territorial jurisdiction of the District (collectively, the “*Project*”);

WHEREAS, the Authority adopted resolutions on March 10, 2022 and April 14, 2022 authorizing and further providing for the issuance of the Bonds within the parameters of the District's Authorizing Resolution;

WHEREAS, the Louisiana State Bond Commission granted its approval to the issuance of the Bonds on April 21, 2022;

WHEREAS, the District desires to authorize the form and execution of a loan agreement (the "*Loan Agreement*") to be entered into by and between the District and the Authority pursuant to which the Authority will loan the proceeds of the Bonds to the District;

WHEREAS, the District has received an acceptable commitment for the purchase of the Bonds from First Horizon Bank dated April 14, 2022 (the "*Commitment*"); and

WHEREAS, the District desires to ratify the acceptance of the Commitment and to authorize the sale of the Bonds to First Horizon Bank, or its assignee, (the "*Lender*") and to provide for other matters related thereto.

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

Section 1. The facts recited in the preamble to this resolution are found to be true and correct and are specifically and affirmatively adopted by the District as resolutions of the District.

Section 2. The form and the terms of the Loan Agreement to be entered into by and between the Authority and the District are hereby approved substantially as submitted to the District and filed with the official minutes of the District, with such additions, omissions and changes as may be approved by Bond Counsel.

Section 3. The acceptance of the Commitment by an Authorized Officer of the District is hereby ratified and approved, and the sale of the Bonds to the Lender pursuant to the terms of the Commitment is hereby approved.

Section 4. The District hereby authorizes and directs its Executive Director, President, Secretary and such other officers of the District (each an "Authorized Officer") to do any and all things necessary and incidental to carry out the provisions of this Resolution, including but not limited to the execution of the Loan Agreement, the acceptance of the Commitment, the execution of all certificates, agreements, documents or other items necessary therefor, and to assist the Authority in carrying out its functions in connection with the financing.

Section 5. This resolution shall take effect immediately and a certified copy hereof shall be forwarded to the offices of the Authority.

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

<u>Commissioner</u>	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstaining</u>
Larry M. Aisola, Jr.	X			
Walter J. Cure IV	X			
Jeanne E. Ferrer	X			
Rachel L. Nunez	X			

And the resolution was declared adopted on this 10th day of May, 2022.

/s/ Walter J. Cure IV, Secretary

/s/ Rachel L. Nunez, President

On motion of Mr. Cure, seconded by Ms. Ferrer, and after asking for any public comment, the Board unanimously approved an amendment to Eustis Engineering LLC contract relating to the Reconstruction of the Chalmette Slip Wharves A and F, Arabi Terminal project for Instrumentation Installation and Monitoring Services. Not to exceed \$25,160.00.

On motion of Mr. Cure, seconded by Ms. Ferrer, 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. 43:171.

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

/s/ Walter J. Cure IV, Secretary