St. Bernard Port, Harbor and Terminal District



Board of Commissioners

POLICY MANUAL

Board of Commissioners

Policy Manual

The Board of Commissioners Policy Manual is one of four manuals which govern the policy, operation and management of the St. Bernard Port, Harbor and Terminal District. The four manuals are: Board of Commissioners Policy Manual, Employee Policy Manual, Fiscal Policy Manual and Safety Policy Manual.

The Board of Commissioners Policy Manual contains policies that pertain to the Board’s creation, limits, duties, rights and responsibilities.

BOARD OF COMMISSIONERS POLICY MANUAL

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A. CREATION AND TERRITORIAL LIMITS

The St. Bernard Port, Harbor and Terminal District, created as a public corporation and political subdivision of the State of Louisiana under the authority of Section 31 of Article XIV of the Constitution of the State of Louisiana for the year of 1921, as amended, shall have territorial limits coextensive with the Parish of St. Bernard. The territorial limits and territorial jurisdiction of said district shall be the territory, including all lands, waterways, rivers, lakes and navigable bodies of water of any depth and any lands needed for the development of structures and facilities comprising and lying within the limits and boundaries of St. Bernard Parish. The Board of Commissioners for the District shall have complete jurisdiction to regulate all commerce and traffic within the District which is conducted by or through a facility wholly owned by the District.

In addition, in accordance with Act 40 of the Regular Session of 1992, the St. Bernard Port acquired international jurisdiction over commerce in any facility which it wholly owns.

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B. MEMBERS

The governing authority of the District is hereby declared to be a Board of Commissioners consisting of five members who shall be citizens of the United States and qualified voters and tax payers within the limits of the District during their term of office. The Governor shall appoint the five members upon the recommendation of a majority of the legislative delegation from St. Bernard Parish. Each such member shall serve for a term of five years. Each appointment by the Governor shall be submitted to the Senate for confirmation, and beginning in 1984 every appointment confirmed by the Senate shall again be submitted by the Governor to the Senate for confirmation every two years after the initial confirmation.

BD-2

C. VACANCIES

Any vacancy in any original term shall be filled in the same manner as the appointment was originally made, for the unexpired term. Any vacancy occurring due to expiration of the original term shall be filled in the same manner as above provided, for the term of five years.

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D. COMPENSATION

The commissioners shall serve without compensation and shall have the power to organize and reorganize legal, executive, engineering, clerical, and other departments and forces of the Board and to fix the duties, powers, and compensation of all officers, agents and employees under the Board.

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E. POWERS OF BOARD

1. TITLE TO STRUCTURES AND FACILITIES

The said Board shall have the power to regulate the commerce and traffic of said district in such manner as may in its judgment be best for the public interest; it shall have and enjoy all the rights, privileges and immunities granted to corporations in Louisiana; it shall be empowered to own and have charge of, to administer, construct, operate and maintain wharves, warehouses, landings, docks, sheds, belt and connection railroads, shipways, canals, channels, slips, basins, locks, elevators and other structures and facilities necessary and proper for the use and development of the business of such district, including buildings and equipment for the accommodation of passengers and those used in the handling, storage, transportation and delivery of freight, express and mail; it may construct, acquire, extend, improve, maintain and operate such storm protection levees and protective levee and drainage facilities, without reference to whether the land within the district drains by gravity or requires drainage by leveeing and pumping, as may in its judgment be necessary or useful to protect or develop the port, harbor and terminal facilities within the territorial jurisdiction; it may dredge shipways, channels, slips, basins and turning basins in and to the Mississippi River-Gulf Outlet, and other water within the district except the Mississippi River; it may use the dredging spoil in any manner necessary to enhance the port, harbor and terminal development; it may establish, operate and maintain the cooperation with the federal government, the State of Louisiana and its

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various agencies, subdivisions and public bodies, navigable waterway systems; it may acquire, by purchase, lease or otherwise, industrial plant sites and necessary property or appurtenances therefore; it may lease as lessor, sublessor, or assignor, for processing, manufacturing, commercial and business purposes, lands, or buildings, owned, acquired or leased as lessee by it, which leases may run for a term not exceeding twenty years at a fixed rental, but may run for a term not exceeding forty years provided they shall contain a clause or clauses for readjustment of the rentals upon the expiration of a primary term of twenty years; it may mortgage properties constructed or acquired by it; it may mortgage and pledge any lease or leases and the rents, income and other advantages arising out of any lease or leases granted, assigned or subleased by it; it may borrow from any person or corporation using or renting any facility of the district such sums as shall be necessary to improve the same and to erect and construct such improvements, and agree that the loan therefore shall be liquidated by deducting from the rent, dockage, wharfage or tollage charges payable for such property, a percentage thereof to be agreed on, subject, however, to any covenants or agreements made with the holders or revenue bonds issued under the authority hereinafter set forth; it may maintain proper depth of water to accommodate the business of the district; provide mechanical facilities and equipment for use in connection with the wharves, sheds, and other structures; provide lights, water and other utilities for the district and for all port, harbor and terminal facilities situated therein; and make reasonable charges and collect the same for the use of all structures, works and facilities administered by the Board, and for any and all services rendered by the Board; it may

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regulate reasonable the fees and charges made by privately owned wharves, docks, warehouses, elevators, and other facilities within the limits of the district when the same are offered for the use of the public.

All buildings, railroads, wharves, elevators, and other structures, equipment and facilities hereinabove referred to are declared to be works of public improvement and title thereto shall vest in the public.

Riparian owners or their lessees of property along the banks of navigable waterways within the limits of the district may, with the consent of the Board, and in conformity of plans and specifications approved by the Board, erect and maintain on the batture or banks owned by them such wharves, buildings or improvements as required for public or private purposes; but in all cases, such wharves, buildings or improvements shall remain subject to the administration and control of the Board with respect to their maintenance and to the fees and charges to be exacted for use by the public. The Board may expropriate without compensation any private wharves, landings, buildings or other structures erected by riparian owners or their lessees on such waterways whenever such wharves, landings,

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buildings, or other structures have been erected by riparian owners subsequent to January 1, 1961, without first obtaining the consent of the Board for the Construction or erection of the same, and its approval of the plans and specifications for their construction or erection.

The Board may establish police power to prevent theft of cargo and to enforce provisions of Board ordinances, rules, regulations and tariffs.

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2. ACQUISITION OF PRIVATE PROPERTY FOR LEVEES AND DRAINAGE

In order to construct, extend, improve, maintain and operate storm tide protection levees, and appurtenant levees and drainage facilities, the Board shall have power to acquire by donation, purchase, exchange, expropriation, or appropriation and include in any of its developments and improvements any private property within the following described boundaries, to wit:

a) That certain area situated in the Parish of St. Bernard, Louisiana, lying between the 1,500 foot permanent Mississippi River-Gulf Outlet right of way on the north and a parallel line extending 300 feet south of said Gulf Outlet right of way, bounded on the west by Bayou Bienvenue and on the east by Chandeleur Sound; that certain area in the Parish of St. Bernard lying between the south or outside base line of the present hydraulic fill retaining levee and a parallel line extending 300 feet north of said south or outside base of the present hydraulic fill retaining levee, bounded on the west by Bayou Bienvenue and on the east by Chandeleur Sound; and strips on tracts of land not more than 50 feet in width located approximately 1,000 feet apart extending north and south between the two certain areas above described for the purpose of excavating lateral drainage ditches or canals as structures appurtenant to levee drainage, provided that such strips or tracts of land shall be acquired and the drainage ditches or canal shall be excavated on the boundary line of adjoining properties wherever practical.

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b) Land and improvements thereon within the above described area actually used or destroyed and appropriated by the district for the purpose of constructing, acquiring, extending, improving, maintaining or operating the district's levees or appurtenant levees or drainage facilities, shall be paid for at a price not to exceed the assessed value of the preceding year, provided that this shall not apply to property the control of which is vested in the state or any subdivision thereof. This Sub-section shall not be construed to prevent the appropriation of such lands and improvements before payment therefore.

c) Any owner, from whom the Board acquires any portion of the above described tracts for levees, drainage or other purposes authorized herein, shall continue to have a non-exclusive right to use such property acquired from said owner for the purpose of laying, using and maintaining walkways, roadways, and pipelines to and from any adjacent lands which said owner might also own or to and from the said Gulf Outlet subject to such rules and regulations as may be prescribed by the Board.

d) All of the above are subject to the restrictions developed pursuant to Louisiana Legislature R.S. 34:361.

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3. ACQUISITION OF LANDS; PUBLIC AID

a) The Board is authorized to acquire by purchase, donation, expropriation, appropriation or otherwise any lands in the district needed for railways, wharves, sheds, buildings, canals, channels and other facilities required for the Board and to be owned and operated by the Board except those lands or parcels of lands upon which structures, buildings, pipelines or improvements are constructed and actually used for industrial purposes. The Board may also provide that payments for such lands be made out of funds under its control not otherwise specifically appropriated.

b) The Board is further authorized to receive by gift, grant, donation or otherwise, any sum of money, aid or assistance from the United States, the State of Louisiana, or any of the political subdivisions thereof, for the purpose of carrying out the objects and purposes of this Chapter.

c) In addition to its power to acquire such property in the various modes set out hereinabove, the Board shall also have power to expropriate property within the district in the same manner applicable to Louisiana State University and Agricultural and Mechanical College and the Department of Transportation and Development under the provisions of Part IV, Title 19, of the Louisiana Revised Statutes of 1950.

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4. CONSTRUCTION OF WORKS OF PUBLIC IMPROVEMENT

The Board is authorized to make and construct any of the works of public improvements in the district and anything in connection therewith that may be necessary or useful for the business of the Board; to purchase machinery or materials and equipment for performing such work, and to supervise the making of the same, or to make and construct such works through contracts with others, and generally, to do all other acts necessary or proper to carry out the powers vested in it with regard to such works of public improvement.

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5. PRESERVATION OF PRESENT RIGHTS OF ST. BERNARD PARISH

a) Nothing herein contained shall be construed to deprive the Parish of St. Bernard or its governing authority of any rights or powers which they presently have or exert within the corporate limits of the district or to confer further police power upon the Board.

b) The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District shall have the sole power to regulate, pursuant to R.S. 34:1703, the domestic, coastwise, and intercoastal commerce and traffic of said district and all commerce and traffic conducted by or through facilities wholly owned by the district, whose origin and destination is wholly within the continental United States, including coastal waters. The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District shall also have and exercise the powers presently enjoyed by the Board of Commissioners of the Port of New Orleans pursuant to R.S. 9:1102.1 in all cases where riparian owners of property on navigable rivers, lakes or stream within said district desire to construct wharves, buildings, or improvements on the batture or banks owned by them, which are designed and used for such commerce and traffic whose origin and destination is wholly within the continental United States, including coastal waters.

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c) The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District shall have the right to enter into any and all contracts and agreements with the Parish of St. Bernard, the Board of Commissioners of the Port of New Orleans, and any other public subdivision or authorities relative to any and all matters which lie within the jurisdiction of the district and the Board of Commissioners thereof.

In accordance with Act 40 of the Regular Session of 1992, the St. Bernard Port acquired international jurisdiction over commerce in any facility which it wholly owns.

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F. OFFICERS, DUTIES AND ELECTION OF OFFICERS OF THE BOARD

The Board shall elect from among its own members a President, a Vice President, a Secretary and a Treasurer whose duties shall be those usual to such offices.

1. Election of Officers

At the first regular or special meeting of the Board in January of each calendar year the Board shall elect officers. Each of these officers shall hold office until a successor has been elected. An officer may succeed him/her self only once, not to exceed two consecutive terms.

2. Duties of the Officers

a) President of the Commission

It shall be the duty of the President to preside at all meetings of the Board, to name members of all special and standing committees of the Board and to fill all vacancies in the membership of the Committees, to serve as an ex-officio member of all committees of the Commission, to perform all duties as may be prescribed by law or action of the Commission, to call special meetings of the Commission, to sign all official documents that require the signature of this office.

The President shall have the right as other members do to offer resolutions, to make motions, or second motions, to discuss questions and vote.

The duties of the President shall include but not be limited to the foregoing list of responsibilities and duties.

The President officially represents and acts for the Board when it is not in official session.

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b) Vice President of the Commission

In the absence or disability of the President of the Commission it shall be the duty of the Vice President to perform all the duties of the President and such other duties as the Board may designate.

c) Secretary of the Commission

It shall be the duty of the Secretary of the Commission to keep a complete and accurate record of the proceedings of the Commission and to cause the same to be published in the Official Journal of the Commission, to send out notices of meetings, furnish Commission members with revisions, updates, deletions of policies, by-laws and/or administrative regulations, to advise the Commission of policies previously adopted which affect items on the agenda requiring policy consideration, to certify as true and correct all copies of the minutes of the meeting, papers and documents of the Commission and to countersign all warrants to the Commission for money drawn upon the treasury as required by law. In the absence or disability of the President and Vice President, the Secretary shall call the Commission meeting to order and conduct the election of a chairman pro tem.

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d) The Treasurer of the Commission

It shall be the duty of the Treasurer of the Commission to serve as Official Custodian of all funds of the Port Commission, to be responsible for the proper safeguarding and accounting for all such funds, to issue a receipt for any monies coming into his hands, to deposit such monies in the board's fiscal agency in accordance with the laws governing the deposit of public funds, to issue warrants in payment of expenses lawfully incurred on behalf of the Commission as provided by law. Such warrants shall be issued only after proper documentation or approval of the Commission. The Treasurer is also authorized to sign official Board documents in the absence of the Secretary.

The Commission shall secure a surety bond for the President, Treasurer and the Executive Director.

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G. COMMISSION COMMITTEES

1. An Executive Committee composed of three members of the Commission may be created by the Commission or President for specific assignments.

2. Special Committees may be created by the Commission or President for specific assignments.

The Commissioners and Executive Director recognize the potential of the St. Bernard Parish Economic Development Commission and hereby designate the Commission as a partner in an advisory role and an economic development responsibility.

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H. LEGAL COUNSEL

The Commission recognizes that the increasing complexity of Port operations frequently requires procurement of professional legal services.

Consequently, it shall rely on the District Attorney for purposes of systematically securing such services. The primary function is to provide professional legal counsel and representation to the Commission and Executive Director.

The St. Bernard Parish Port, Harbor and Terminal District has the authority to employ legal counsel for services other than those provided by the District Attorney.

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I. MEETINGS

1. Regular and Special Meetings

The Commission shall meet in regular session once each month and shall also meet in special session as often as the President of the Commission convenes it. A special meeting may be called upon receipt of a written request signed by three (3) members specifying the purpose of the desired meeting.

2. Executive Sessions

Upon formal motion made, seconded and carried, the Commission may recess, but not adjourn open meetings to a specified time for closed or executive meetings provided no final or binding action shall be taken during such closed or executive recesses and that they shall not be used as a subterfuge to defeat the purposes of R.S. 41:5, 42:7 and 42:8 added Acts 1952, No. 484, Sec. 1.

Such Executive Sessions shall be limited to matters allowed to be exempted from discussion at open meetings.

The reason for holding the Executive Session closed to the public and the vote of each member on the question shall be stated in the open meeting.

Closed meetings may be held for the following reasons:

a) Discussion of the character, the professional competence, or physical or mental health of a single individual provided, however, that such individual may request that such discussion be held at an open meeting.

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b) Strategy sessions or negotiations with respect to collective bargaining or litigation, when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body;

c) Discussion regarding the report, development of course of action regarding security personnel, plans, or devices;

d) Investigative proceedings regarding allegations of misconduct;

e) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression or insurrections, or the repelling of invasions, or other matters of similar magnitude; and/or

f) Any other matters now provided for or as may be provided for by the Legislature. LSA R.S. 42:4-42:10 shall not apply to judicial proceedings.

Louisiana Statutes do not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.

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J. QUORUM

A quorum for the transaction of official business shall consist of a majority [three (3)] of the members of the Commission. When a quorum of the Commission has convened and neither the President nor the Vice President is present, the members shall elect one of their number to serve as president for that meeting.

(See duties of the Secretary for proper procedure).

Unless a majority of the full membership of the Commission is required by law, a simple majority of the members present and voting may adopt rules and regulations.

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K. MEETING PROCEDURES

It is the desire of the Commission that meetings shall be formal enough for orderly procedure but informal enough to be natural, to encourage free discussion and to promote group thinking.

The President may preclude discussion which does not apply to the motion last made. He may also minimize or halt discussion of a matter if the Commission has previously agreed to confine discussion to a definite period of time, and that period has been used up. Aside from such limitation, the President may limit debate only with the concurrence of two thirds of the members present.

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L. RULES OF ORDER

When not in conflict with any of the policies herein, Robert's Rules of Order (latest revision) shall constitute the rules of parliamentary procedure applicable to all meetings of the Commission.

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M. ORDER OF BUSINESS

The order of Business for regular meetings of the Commission shall be as follows:

1. Roll Call & Pledge of Allegiance.

2. Approval of minutes of preceding regular meeting and of all special meetings held subsequent to preceding regular meeting.

3. Items placed on Agenda for Action.

4. Reports and recommendations of Standing Committees.

5. Reports and recommendations of Special Committees.

6. Unfinished business.

7. New business.

8. Reports and recommendations of the Executive Director.

9. Adjournment.

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N. VOTING

An affirmative vote of the majority of members present shall be necessary for the passage of any motion, except in such instances as the law, or other policies of this Commission may require a larger vote. Every member present, including the President, shall be entitled to one vote.

All voting shall be by voice or by show of hands; a roll call vote may be requested by any member and/or ordered by the President. On voice votes, the names of each member voting "nay" shall be recorded in the minutes upon his request. A brief explanation of "no" vote may be included in the official record by request.

There shall be no representation by proxy of any member of the Commission at any time. All members present, however, are authorized to speak on issues, offer and second motions, and vote.

Reconsideration of action shall be according to Robert's Rules of Order, with the exception that matters voted on by the Commission shall not be brought up for consideration more than once during the calendar year except at the discretion of the President.

No action shall be taken by the Commission except in accordance with the above at a properly called regular or special meeting.

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O. MINUTES OF MEETINGS

The St. Bernard Port, Harbor and Terminal District shall keep written minutes of all open meetings. These official minutes shall be kept in the office of the Commission. The Executive Director shall be responsible for safeguarding all official documents, including the Commission minutes.

Minutes shall:

a) Note the time, place and date of the meetings;

b) Be kept by the secretary;

c) Record the Commission members present or absent;

d) Record the substance of all matters decided, and at the request of any member, the votes of individual members shall be recorded;

e) Record other information that the public body requests be included or reflected in the minutes;

f) Be public records and shall be available within a reasonable time after the meeting except where such disclosure would be inconsistent with LSA Revised Statutes 42:6 and 42:6.1, and ;

g) Be approved, without reading but with such corrections as the Commission may deem necessary, at the next succeeding meeting.

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Except as herein stated, minutes shall not include either in their entirety or by way of summary;

a) The discussions of the Commission members;

b) The statements of the Commission members; or

c) The discussions or statements of visiting members of the public.

The exceptions to which this provision is subject are:

a) Any statement in writing submitted by a Commission member with the request that it be included in the minutes shall be attached to the minutes as an exhibit and when so attached shall constitute a part of the minutes.

b) Statements in writing submitted by members of the public shall be preserved in a permanent file to be maintained by the secretary for the purpose but shall be included as part of the minutes only if the Commission so directs.

c) Any Commission member desiring the inclusion in the minutes of some particular part of his own statement, the statement of another Commission member or the statement of a member so desired to be included and the portion so identified shall be included in the minutes.

d) Any Commission member desiring to revise or correct for purpose of clarity any statements made by him at any meeting shall be privileged to do so, subject to the limitation that such revision or correction shall be handed to the secretary with the three-day period next following the meeting so that it may accompany the minutes when submitted to the Official Journal. Likewise any Commission member desiring to make

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written reply to any statement made at any meeting and to have the same attached as an exhibit to the minutes shall be privileged to do so, but subject to the limitation that such written reply shall reach the secretary in time that it may accompany the minutes to which it is to be attached.

Members of the Commission and interested citizens are encouraged to place in writing, when it can be reasonably done, statements desired for inclusion in the minutes.

f) The original minutes and all records of the Commission including canceled bonds and coupons shall be filed and maintained in the administrative offices (and shall not be removed therefrom) as public records for at least six years unless otherwise disposed of according to law.

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P. RECORDS

1. Administrative Records

St. Bernard Port, Harbor and Terminal District records are public records and are available for inspection by any person at reasonable times during working hours. For access to privileged information personnel records, concerned individuals should refer to specific Commission policies for these records.

No copies of the Port Commission's records shall be copied on Commission equipment or duplicated at a cost to the Port Commission unless it is for official Port business.

There is no obligation to the Port Commission to reproduce any records except for appropriate official agencies. Copies of Port Commission records will be made at the expense of the requestor, except when required by appropriate official agencies.

Any person should request a time to see records at a mutually, agreeable time with the office of the Executive Director or in his absence, the President, and such time and place will be mutually scheduled during normal working hours.

A record should be maintained which indicates the parties who request or obtain information from documents, and the interest the party has in the documents. The documents of disclosure may be inspected by the Port Commission who is responsible for custody of the records, and for the purpose of auditing.

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2. Administrative Reports

Statistical information has time value. Delayed reports place an inconvenience and burden upon others who must use the information and may in some instances result in financial loss to the Commission.

Each Director, or other Administrator shall give careful consideration to all procedure related to reports, accounting, and general business matters that are required for the Administration of the Port Commission's daily operation and shall make accurate and prompt return on scheduled dates of all statistical and other information required.

If this practice is followed, it would be possible to prepare the Commission reports required by the State and Federal Governments and meet their date requirements.

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Q. OFFICIAL JOURNAL

The Commission shall select a newspaper which shall be the Official Journal of the Commission to publish all official minutes of Commission meetings, as well as all other legal advertising or proceedings of the Port Commission. The journal shall be selected annually to provide such service for the fiscal year (July 1 - June 30).

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R. NEWS COVERAGE

All regular and special meetings of the Commission, with such exceptions as provided in this policy shall be open to representatives of the news media. The proceedings may be recorded by media representatives.

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S. HEARINGS

The St. Bernard Port, Harbor and Terminal District shall abide by the rules of the Court of Civil Procedure and the Administrative Procedure Rules for all hearings coming before the Commission. The President of the Commission shall preside at and conduct all hearings before the Commission and he shall rule on all matters in the conduct of said hearing subject to the decision of the Commission as a whole.

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T. PUBLIC PARTICIPATION

All delegations or individuals wishing to appear before the St. Bernard Parish Port, Harbor and Terminal District shall submit their requests to the Executive Director or President at least five working days prior to the meeting date, stating the matters they wish to take up with the Commission and the approximate time such matters should consume at the meeting. Each delegation appearing before the Commission shall select one person in advance as its spokesman. The Executive Director or President is authorized to waive the five-day requirement if in his judgment the matter to be brought before the Commission.

The President in conjunction with the Executive Director is authorized to decide which matters are of sufficient importance to require Commission attention. Matters which should be handled by the Executive Director and his staff shall be left off the agenda and handled by the professional staff in order to conserve Commission time. In the event the Executive Director and his staff cannot solve the problem to the satisfaction of the person or delegation, the matter shall be presented to the Commission at the earliest possible date.

The President of the Commission may recognize persons at the Commission meetings for the purpose of introducing such persons. However, a person is not entitled to take up business before the Commission unless the item in which he is interested has been placed on the agenda of that meeting or has been approved by the majority of members present.

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U. LAND & FACILITIES - RENTAL OR LEASE

The Board of Commissioners may authorize the rent or lease of Port owned lands and facilities by a resolution of the Commission and without the authority of a bid or vote of the Electors except as otherwise provided by law.

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V. AUTHORIZED SIGNATURES

The President, Treasurer and the Executive Director are authorized to sign all checks issued by the Commission. Obviously, they must also execute the bank signature cards. Checks require the signature of two of the designees authorized to sign checks. A designee authorized to sign checks shall not sign a check issued to themselves.

The President, Treasurer and the Executive Director are the authorized signatories for loan applications, notes and other fiscal documents. Covered elsewhere in this manual is the surety bond coverage of these three officers.

The Director of Administration is authorized to sign accounts payable checks less than $10,000.

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W. INSURANCE

Liability:

The Port Commissioners and Executive Director are covered by a public official's liability policy. Other policies cover worker's comp, property and general liability.

The office equipment and furniture are covered by insurance.

In effect on the Board's leased and owned vehicles is a liability, property damage, collision, etc. policy. The Board's boats, vessels, wharves and property are protected by a liability policy.

The Board of Commissioners will review all insurance policies annually; a minimum of sixty days prior to the renewal date.

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X. BONDED COMMISSIONERS AND EMPLOYEES

The St. Bernard Port Authority shall purchase a surety bond to cover employees who handle checks and cash.

All persons authorized to sign checks or warrants drawn against the Port funds shall be furnished a surety bond in an amount to be determined by the Port Commission but which shall be not less than one million dollars for the faithful performance of their duties.

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Y. DEVELOPMENT

It is the intent of the St. Bernard Port, Harbor and Terminal Commission to develop, codify and implement policies which serve as guidelines and goals for efficient administration of the Port District.

The Commission considers policy development and legislation a chief function. Concomitantly, the Commission shall facilitate the acquisition of personnel, buildings, materials, and equipment for the successful administration, application, and execution of the Port’s policies.

The Commission accepts the following definition of policy:

Policies are principles adopted by the Commission to chart a course of action. Policies should be broad enough to determine appropriate action to be followed by the administration in solving a number of problems; narrow enough to give clear guidance. Policies are guides for action by the administration, who then sets the rules and regulations to provide specific directions to the Commission's personnel.

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The Commission intends that its policies serve as sources of information and guidance for all people who are interested in, or connected with, the St. Bernard Port, Harbor and Terminal District.

The policies of the Commission are framed and are meant to be interpreted in terms of Louisiana laws, rules and regulations of the State of Louisiana, and all other regulatory agencies within our parish, state and federal levels of government. The policies are also framed and are meant to be interpreted in terms of those maritime objectives, procedures and practices which are broadly accepted by leaders and authorities of the state.

No item in these regulations or policies shall be operative if it is found to be in conflict with any law of the State of Louisiana, United States Constitution or Court Orders, court decisions or opinions of the Attorney General.

Changes in needs, conditions, purposes, and objectives require revisions, deletions, and additions to the policies of present and future Commissions. The Commission welcomes suggestions for ongoing policy development.

The Executive Director may review and recommend administrative areas which require establishment or revisions of policy.

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Z. DRAFTING

The Executive Director or his designee shall maintain the ongoing process of planning and researching policy proposals for the Commission's consideration and action.

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AA. STAFF INVOLVEMENT

The Commission and Administration realize the need for continuous input from Port District personnel. Members of the staff may initiate consideration of policies which will be processed through regular administrative channels and, whenever appropriate, will be considered and acted upon by the Port Commission.

It is the intent of the Port Commission to acquire the most complete and reliable information on which to have decisions and to provide for maximum practical interaction.

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BB. ATTORNEY INVOLVEMENT IN POLICY DEVELOPMENT

The Board of Commissioners, as the originator of policy and procedures, may seek the counsel of the District Attorney or other legal advisors when, in their opinion, there may be a question of legality or proper legal procedure in development of a proposed Port Commission Policy.

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CC. REVIEW

Policy and position statements will need to be revised and/or reviewed no less than yearly concurrent with the end of the fiscal year. When it becomes apparent that a need exists for a new policy or revision, deletion or addition to an existing policy, the procedure should be as follows:

1.) Any member of the commission, along with the Executive Director, may submit the recommended change for consideration.

2.) New policy or revisions, deletions or additions to the existing policies approved by the Executive Committee or the Finance Committee will be subsequently recommended to the Commission.

3.) New or revised policies approved by the Commission shall be inserted in the policy manual.

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DD. IMPLEMENTATION

The Executive Director has responsibility for carrying out the policies established by the Port Commission.

The Administrative Staff of the St. Bernard Port, Harbor and Terminal District has responsibility for supporting the policies established by the Commission and those recommended by the Executive Director.

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EE. PROCEDURE IN POLICY ABSENCE

In cases where action must be taken for emergency only, and that action is to take place within the Port Commission District where the Commission has provided no guides for administrative action, the Executive Director of the Port shall have the power to act, but his decision shall be subject to review by the Commission at its regular meeting. It shall be the duty of the Executive Director of the Port District to inform the majority of the Commissioners promptly within 24 hours of such action and of the need for a policy.

The operation of any section or sections of commission policies not established by law or contract may be temporarily, suspended by a majority vote of Commission members present at a regular/special meeting.

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MANAGEMENT SAFETY POLICY STATEMENT

The St. Bernard Port, Harbor and Terminal District is cognizant of the fact that employee safety is the most important consideration in the planning and operation of all facility activities. Safety is essential for employee welfare, morale and employee relations. With this in mind, your management has decided to establish a comprehensive Safety Program within all departments and at all levels of activity. Realizing that accident prevention requires a continued effort and participation of employees, it is the firm policy of the St. Bernard Port that no part of our job will be so important that we cannot take time to do it safely. Emphasis will be on mutually finding ways to operate accident free, on-time and economically, and not to permit safety to become a crutch for slack or inefficient operations. The success of our Safety Program depends on the safety, and well-being of our employees and their families. Therefore, it is imperative that work place hazards be identified, appropriately evaluated and effectively controlled.

The full support of all employees is essential to the effectiveness of our Safety Program. Each employee has an obligation to cooperate fully in the program by helping to protect himself and fellow employees.

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II. APPENDIX

ST. BERNARD PORT, HARBOR

AND TERMINAL DISTRICT COMMISSION

CREATION, LIMITS, POWER, MEMBERS, OFFICERS, TAXING AUTHORITY

FROM LOUISIANA REVISED STATUTES OF 1950

TITLE 34 - NAVIGATION AND SHIPPING

CHAPTER 14

1701. Creation and territorial limits

The St. Bernard Port, Harbor and Terminal District, created as a public corporation and political subdivision of the State of Louisiana under the authority of Section 31 of Article XIV of the Constitution of the State of Louisiana for the year 1921, as amended, shall have territorial limits coextensive with the Parish of St. Bernard. The territorial limits and territorial jurisdiction of said district shall be the territory, including all lands, waterways, rivers, lakes, and navigable bodies comprising and lying within the limits and boundaries of St. Bernard Parish. The Board of Commissioners for the district shall have complete jurisdiction to regulate all domestic, coastwise, and intercoastal commerce and traffic of said district, and all commerce and traffic within the district where such is conducted by or a facility wholly owned by the district.

(Amended by Acts 1970, No. 416, 1; Acts 1976, No.285, 1; Acts 1980, No.500, 1 eff. August 1, 1980).

1702. Board of Commissioners, members; vacancy; officers;

agents and employees

A. The governing authority of the district is hereby declared to be a Board of Commissioners consisting of five members who shall be citizens of the United States and qualified voters and taxpayers within the limits of the district during their term of office. The Governor shall appoint the five members upon the recommendation of majority of the legislative delegation from St. Bernard Parish. Each such member shall serve for a term of five years. Each appointment by the Governor shall be submitted to the Senate for confirmation, and beginning in 1984 every appointment confirmed by the Senate shall again be submitted by the Governor to the Senate for confirmation every two years after the initial confirmation.

B. Any vacancy in any original term shall be filled in the same manner as the appointment was originally made, for the unexpired term. Any vacancy occurring due to expiration of the original term shall be filled in the same manner as above provided, for the term of five years.

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C. The Commissioners shall serve without compensation and shall have the power to organize and re-organize legal, executive, engineering, clerical, and other departments and forces of the Board and to fix the duties, powers, and compensation of all officers, agents, and employees under the Board.

(Amended by Acts 1966, No.446, 1; Acts 1970, No.416, 1; Acts 1975, No.789, 5; Acts 1980, No.500, 1, eff. Aug. 1, 1980)

1703. Powers of Board; title to structures and facilities

A. The said Board shall have the power to regulate the commerce and traffic of said district in such manner as may in its judgment be best for the public interest; it shall have and enjoy all the rights, privileges and immunities granted to corporations in Louisiana; it shall be empowered to own and have charge of, to administer, construct, operate and maintain wharves, warehouses, landings, docks, sheds, belt and connection railroads, shipways, canals, channels, slips, basins, locks, elevators and other structures and facilities necessary and proper for the use and development of the business of such district including buildings and equipment for the accommodation of passengers and those used in the handling, storage, transportation and delivery of freight, express and mail; it may construct, acquire, extend, improve, maintain and operate such storm protection levees and protective levee and drainage facilities, without reference to whether the land within the district drains by gravity or requires drainage by leveeing and pumping, as may in its judgment be necessary or useful to protect or develop the port, harbor and terminal facilities within its territorial jurisdiction; it may dredge shipways, channels, slips, basins and turning basins in and to the Mississippi River-Gulf Outlet, and other waters within the district except the Mississippi River; it may use the dredging spoil in any manner necessary to enhance the port, harbor and terminal development subject to reasonable economic restraints; it may establish, operate and maintain in cooperation with the federal government, the State of Louisiana and its various agencies, subdivisions and public bodies, navigable waterway systems; it may acquire, by purchase, lease or otherwise, industrial plant sites and necessary property or appurtenances therefore; it may lease as lessor, sublessor, or assignor, for processing, manufacturing, commercial and business purposes, lands or building owned, acquired or leased as lessee by it, which leases may run for a term not exceeding forty years at a fixed rental, but may run for a term not exceeding ninety-nine years provided they shall contain a clause or clauses for readjustment of the rentals upon the expiration of a primary term of forty years; it may mortgage properties constructed or acquired by it; it may mortgage and pledge and lease or leases and the rents, income and other advantages arising out of any lease or leases granted, assigned or subleased by it; it may borrow from any person or corporation using or renting any facility of the district such sums as shall be necessary to improve the same and to erect and construct such improvements, and agree that the loan therefore shall be liquidated by deducting from the rent, dockage, wharfage or tollage charges payable for such property, a percentage thereof to be agreed on, subject, however, to any covenants or agreements made

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with the holders of revenue bonds issued under the authority hereinafter set forth; it may maintain proper depth of water to accommodate the business of the district; provide mechanical facilities and equipment for use in connection with the wharves, sheds, and other structures; provide lights, water and other utilities for the district and for all port, harbor and terminal facilities situated herein; and make reasonable charges and collect the same for the use of all structures, works and facilities administered by the Board; it may regulate reasonable the fees and charges made by privately owned wharves, docks, warehouses, elevators, and other facilities within the limits of the district when the same are offered for the use of the public.

B. All buildings, railroads, wharves, elevators, and other structures, equipment and facilities hereinabove referred to are declared to be works of public improvement and title thereto shall vest in the public.

C. Riparian owners or their lessees of property along the banks of navigable waterways within the limits of the district may, with the consent of the Board, and in conformity to plans and specifications approved by the Board, erect and maintain on the batture or banks owned by them such wharves, buildings or improvements as may be required for public or private purposes; but in all cases such wharves, buildings or improvements shall remain subject to the administration and control of the Board with respect to their maintenance and to the fees and charges to be exacted for their use by the public. The Board may expropriate without compensation any private wharves, landings, buildings or other structures erected by riparian owners or their lessees on such waterways whenever such wharves, landings, buildings or other structures have been erected by the riparian owners subsequent to January 1, 1961, without first obtaining the consent of the Board for the construction or erection of the same, and its approval of the plans and specifications for their construction or erection.

(Amended by Acts 1982, No. 839, 1.)

1704. Acquisition of private property for levees and drainage

A. In order to construct, extend, improve, maintain and operate storm tide protection levees, and appurtenant levees and drainage facilities, the Board shall have power to acquire by donation, purchase, exchange, expropriation, or appropriation and include in any of its developments and improvements any private property within the following described boundaries, to wit:

1. That certain area situated in the parish of St. Bernard, Louisiana, lying between the 1500 foot permanent Mississippi River - Gulf Outlet right of way on the north and a parallel line extending 300 feet south of said Gulf Outlet right of way, bounded on the west by Bayou Bienvenue and on the east by Chandeleur Sound; that certain area in the Parish of St. Bernard lying between the south or outside base line of the present

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hydraulic fill retaining levee and a parallel line extending 300 feet north of said south or outside base line of the present hydraulic fill retaining levee, bounded on the west by Bayou Bienvenue and on the east by Chandeleur Sound; and strips or tracts of land not more than 50 feet in width located approximately 1,000 feet apart extending north and south between the two certain areas above described for the purpose of excavating lateral drainage ditches or canals as structures appurtenant to levee drainage provided that such strips or tracts of land shall be acquired and the drainage ditches or canals shall be excavated on the boundary line of adjoining properties wherever practical.

B. Lands and improvements thereon within the above described area actually used or destroyed and appropriated by the district for the purpose of constructing, acquiring, extending, improving, maintaining or operating the district's levees or appurtenant levees or drainage facilities, shall be paid for at a price not to exceed the assessed value of the preceding year, provided that this shall not apply to property the control of which is vested in the state or any subdivision thereof. This Subsection shall not be construed to prevent the appropriation of such lands and improvements before payment therefore.

C. Any owner, from whom the Board acquires any portion of the above described tracts for levees, drainage or other purposes authorized herein, shall continue to have a non-exclusive right to use such property acquired from said owner for the purpose of laying, using and maintaining walkways, roadways and pipelines to and from any adjacent lands which said owner might also own or to and from the said Gulf Outlet subject to such rules and regulations as may be prescribed by the Board.

D. The provisions of this Section shall be subject to the limitations of R.S. 34:361.

(Amended by Acts 1982, No. 839, 1.)

1705. Present rights of St. Bernard Parish preserved

A. Nothing herein contained shall be construed to deprive the Parish of St. Bernard or its governing authority of any rights or powers which they presently have or exert within the corporate limits of the district, or to confer further police power upon the Board.

B. The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District shall have the sole power to regulate, pursuant to R.S. 34:1703, the domestic, coastwise, and intercoastal commerce and traffic of said district and all commerce and traffic conducted by or through facilities wholly owned by the district, whose origin and destination is wholly within the continental United States, including coastal waters. The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District shall also

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have and exercise the powers presently enjoyed by the Board of Commissioners of the Port of New Orleans pursuant to R.S. 9:1102.1 in all cases where riparian owners of property on navigable rivers, lakes, or streams within the district desire to construct wharves, buildings, or improvements on the batture or banks owned by them, which are designed and used for such commerce and traffic whose origin and destination is wholly within the continental United States, including coastal waters.

C. The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District shall have the right to enter into any and all contracts and agreements with the Parish of St. Bernard, the Board of Commissioners of the Port of New Orleans, and any other public subdivisions or authorities relative to any and all matters which lie within the jurisdiction of the district and the Board of Commissioners thereof.

(Amended by Acts 1976, No. 285, 1: Acts 1980, No. 500, 1, eff. Aug. 1, 1980.)

1706. Officers of Board; meetings; offices, agents and employees

The Board shall elect from among its own members a President, Vice-President, a Secretary and Treasurer, whose duties shall be those usual to such offices. At the option of the Board, the office of Secretary and Treasurer may be held by one person. The Board shall meet in regular session once each month and shall also meet in special session as often as the President of the Board convenes them, or on written request of three members. Three members of the Board shall constitute a quorum. The Board shall prescribe rules to govern its meetings, shall maintain suitable offices in the District and may contract with and employ attorneys, clerks, engineers, deputy commissioners, superintendents, stevedores and other agents and employees and shall fix their compensation and terms of office or employment.

(Added by Acts 1960, No. 228, 1.)

1707. Annual Report

The Board shall examine and investigate all questions relating to the interest and welfare of the District; it shall control and regulate the same, and make an annual report showing all receipts and disbursements of the Board; the number of arrivals and departures of vessels and their tonnage; the export and imports passing through the District; and setting for general condition of the District and its buildings, structures, facilities and other properties. A copy of this report shall be promptly published in a newspaper printed in the Parish of St. Bernard.

(Added by Acts 1960, No. 228, 1.)

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1708. Acquisition of lands; public aid

A. The Board is authorized to acquire by purchase, donation, expropriation, appropriation or otherwise any lands in the district needed for railways, wharves, sheds, buildings, canals, channels and other facilities required for the operation of the Board and to be owned and operated by the Board except those pipelines in operation on May 1, 2008. The Board may also provide that payments for such lands be made out of funds under its control not otherwise specifically appropriated.

B. The Board is further authorized to receive by gift, grant, donation or otherwise, any sum of money, aid or assistance from the United States, the State of Louisiana, or any of the political subdivisions thereof, for the purpose of carrying out the objects and purposes of this chapter.

C. In addition to its power to acquire such property in the various modes set out hereinabove, the Board shall also have power to expropriate property within the District in the same manner applicable to Louisiana State University and Agricultural and Mechanical College and the Department of Transportation and Development under the provisions of R.S. 19:141 et seq.

(Amended by Acts 1982, No. 839, 1.; 2008, No. 284, 1.)

1709. Construction of works of public improvements

The Board is authorized to make and construct any of the works of public improvement in the District and anything in connection therewith that may be necessary or useful for the business of the Board; to purchase machinery or materials and equipment for performing such work, and to supervise the making of the same, or to make and construct such works through contracts with others, and generally, to do all other acts necessary or proper to carry out the powers vested in it with regard to such works of public improvement.

(Added by Acts 1960, No. 228, 1.)

1710. Fees; ad valorem tax; borrowing money

The Board may charge a reasonable fee to each vessel arriving in ballast or carrying cargo of any kind. It may also charge for each copy of any certificate issued by it or its deputies for inspecting hatches, surveying cargoes and the like. The master of each vessel shall, however, be furnished free one copy of all surveys upon his vessel or cargo.

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The Board may, when necessary, levy annually an ad valorem tax not to exceed five mills on the dollar on the property subject to taxation situated in the District. All funds derived under this paragraph shall be used to defray the administrative, operative and maintenance expenses of the Board.

The Board may likewise borrow money for the said purposes from time to time and issue certificates of indebtedness secured by any fees and the tax, provided that such loan shall in no year exceed the estimated revenues for such year.

(Added by Acts 1960, No. 228, 1.)

1711. Revenue and mortgage revenue bonds

For the purpose of acquiring lands for the uses of the said District and to provide funds for the making and construction of the public works, facilities and improvements outlined in this chapter, the St. Bernard Port, Harbor and Terminal District is authorized to issue revenue bonds in the manner and subject to the terms and conditions of Sub-Part C, Part I, Chapter 10, Title 33 of the Louisiana Revised Statutes of 1950, as well as mortgage revenue bonds in the manner and subject to the terms and conditions of Sub-Part B, Part I, Chapter 10, Title 33.

(Added by Acts 1960, No. 228, 1., as amended by Acts 1964, No. 404, 2.)

1712. Ad Valorem tax bonds

A. The St. Bernard Port, Harbor and Terminal District is also authorized, with the approval of the State Bond Commission, to incur debt and issue negotiable bonds secured by and payable from ad valorem taxation for any of the works of public improvement described in this Chapter, provided, however, that the amount of such bonds outstanding at any time shall not exceed in the aggregate ten per centrum of the assessed valuation of the taxable property within the District to be ascertained by the last assessment for parish purposes previous to the sale of such bonds, and the Board of Commissioners shall impose and collect annually in excess of all other taxes, a tax on all the property subject to taxation by the District sufficient in amount to pay principal and interest on such bonds falling due each year. Such bonds shall be authorized by a resolution of the governing authority of the District and shall be of such series, bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates as the Board may establish in accordance with the general laws of this state payable annually or semi annually, be in such denominations, be in such form either coupon or fully registered without coupons, carry such registration and exchangeability privilege, be payable in such medium of payment and at such place or places, and be subject to such terms of redemption at par as such resolution or resolutions may provide. The bonds shall be signed by such officers as the District shall determine,

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and coupon bonds shall have attached thereto interest coupons bearing the facsimile signatures of such officer or officers of the District as it shall designate. Any such bonds may be issued and delivered, notwithstanding that one or more of the officers signing such bonds or the officer or officers, whose facsimile signature or signatures may be upon the coupons, shall have ceased to be such officer or officers at the time such bonds shall actually have been delivered.

B. Said bonds shall be sold for not less than par and accrued interest to the highest bidder at a public sale after advertisement by the District at least once a week for not less than three consecutive weeks, the first publication being not less than twenty-one days prior to the date fixed for the reception of bids, in a newspaper of general circulation within the District and in financial newspaper or journal published in New Orleans, New York or Chicago, reserving to the District the right to reject any and all bids and to readvertise for bids. If the bonds are not sold pursuant to the advertisement, they may be sold by the private sale, within sixty days after the date advertised for the reception of sealed bids, but no private sale shall be made at a price less than the highest bid which shall have been received. If not so sold, the bonds shall be readvertised in the manner herein prescribed.

C. No proceedings in respect to the issuance of any such bonds shall be necessary except such as are contemplated by this Section and no further or other legislation shall be required to effectuate the same.

D. For a period of thirty days from the date of publication of the resolution authorizing the issuance of bonds hereunder, any persons in interest shall have the right to contest the legality of the resolution and the legality of the bond issue for any cause, after which time no one shall have any cause or right of action to contest the legality of said resolution or of the bonds authorized thereby for any cause whatsoever. If no suit, action or proceeding is begun contesting the validity of the bond issue within the thirty days herein prescribed, the authority to issue the bonds and to levy the necessary tax for the payment thereof, the legality thereof and of all of the provisions of the resolution authorizing the issuance of the bonds shall be conclusively presumed, and no issuance of the bonds shall be conclusively presumed, and no court shall have authority to inquire into such matters.

(Amended by Act 1982, No. 839, 1.)

1713. Bonds secured by general revenues

A. In addition to the above power to issue bonds, the St. Bernard Port, Harbor and Terminal District is authorized, with the approval of the State Bond Commission, to issue negotiable bonds for any of the works of public improvement described in this Chapter, and to pledge for the payment of the principal and interest of such negotiable

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bonds the income and revenues derived or to be derived from the properties and facilities maintained and operated by it, or received by the District from any sources. In addition to the pledge of income and revenues to secure said bonds, the District may further secure their payment by a conventional mortgage upon any or all of the properties constructed or acquired, or to be constructed and acquired by it. Said District is further authorized to receive by gift, grant, donation or otherwise any sum of money, aid or assistance from the United States, the State of Louisiana, or any political subdivision thereof, and unless otherwise provided by the terms of such gift, grant, or donation, in its discretion, to pledge all or any part of such moneys for the further securing of the payment of the principal and interest of its bonds. Such bonds shall be authorized by a resolution of the governing authority of the District and shall be of such series, bear such date or dates, mature at such time or times not exceeding forty years from their respective dates, bear interest at such rate or rates as the Board may establish in accordance with the general laws of this state payable annually or semiannually, be in such form, either coupon or fully registered without coupons, carry such registration and exchangeability privilege, be payable in such medium of payment and at such place or places, be subject to such terms of redemption not exceeding one hundred five percent of the principal amount thereof, and be entitled so much priority on the revenues of the District as such resolution or resolutions may provide. The bonds shall be signed by such officers as the District shall determine, the coupon bonds shall have attached thereto interest coupons bearing the facsimile signatures of such officer or officers of the District as it shall designate. Any such bonds may be issued and delivered, notwithstanding that one or more of the officers signing such bonds or the officer or officers whose facsimile signature or signatures may be upon the coupons shall have ceased to be such officer or officers at the time such bonds shall actually have been delivered.

B. Said bonds shall be sold for not less than par and accrued interest, to the highest bidder at a public sale after advertisement by the District at least once a week for not less than three consecutive weeks, the first publication being not less than twenty-one days prior to the date fixed for the reception of bids, in the newspaper of general circulation with the District and in a financial newspaper or journal published in New Orleans, New York or Chicago reserving to the District the right to reject any and all bids and to readvertise for bids. If the bonds are not sold pursuant to the advertisement, they may be sold by the Board by private sale, within sixty days after the date advertised for the reception of sealed bids but no private sale shall be made at a price less than the highest bid received. If not so sold, the bonds shall be readvertised in the manner herein prescribed.

C. No proceedings in respect to the issuance of any such bonds shall be necessary except such as are contemplated by this Section, and no further or other legislation shall be required to effectuate the same.

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D. For a period of thirty days from the date of publication of the resolution authorizing the issuance of bonds hereunder, any persons in interest shall have the right to contest the legality of the resolution and the legality of the bond issue for any cause, after which time no one shall have any cause or right of action to contest the legality of said resolution or of the bonds authorized thereby for any cause whatsoever. If no suit, action or proceeding is begun contesting the validity of the bond issue within the thirty days herein prescribed, the authority to issue the bonds and to levy the necessary tax for the payment thereof, the legality thereof and of all the provisions of the resolution authorizing the issuance of the bonds shall be conclusively presumed, and no court shall have authority to inquire into such matters.

(Amended by Acts 1982, No. 83, 1.)

1714. Annual Taxes

The Board shall levy annually the taxes as provided herein on all property situated within the District under the same methods, terms and conditions and at the same time as state and parish taxes are levied, assessed and collected; these taxes shall be secured by the same lien upon the property subject to taxation within the District as taxes for state and parish purposes; the property subject to any taxes within the District shall be sold for failure to pay the same in the manner as property is sold for delinquent state, parish and other taxes.

(Added by Acts 1960, No. 228, 1.)

1715. Collection of Taxes

The provisions of the constitution and all laws regulating the collection of taxes and the creating of tax liens and mortgages, tax penalties and tax sales shall also apply to the collection of all taxes authorized by this Chapter. The sheriff and ex-officio tax collector of the Parish of St. Bernard shall make a monthly settlement with the Treasurer of the Board of Commissioners and receive from him a receipt for the amount of taxes paid over, in the same manner as tax collectors are required to settle with the auditor of the state. The tax collector shall receive from the treasurer the same quietus for a full settlement of taxes due and eligible in any given year and account for the delinquencies or deductions in the same manner as though accounting to the auditor of the state taxes. The tax collector shall retain from taxes collected by him for the District the Commission thereon allowed him by law on special taxes and shall deposit the amount thereof with the parish treasurer to the credit of the sheriff's salary fund. Upon failure of the tax collector to comply with the provisions of this Chapter the Board of Commissioners shall proceed against him and the sureties on his official bond for the collection of whatever money may be owing to the Board of Commissioners for such special taxes.

(Added by Acts 1960, No. 1.)

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. BOARD OF COMMISSIONERS OF THE PORT

OF NEW ORLEANS

ESTABLISHMENT AND ORGANIZATION

ST. BERNARD PARISH REPRESENTATIVE

RECOMMENDATION, SELECTION AND APPOINTMENT

1. Continuation; qualifications; appointments; terms; vacancies

A. Memberships; qualifications; vacancies. The Board of Commissioners of the Port of New Orleans, hereinafter referred to as the board" is continued. The number of members comprising the board shall be seven who shall be qualified voters, four of whom shall each have his principal place of business in the Parish of Orleans, two of whom shall each have his principal place of business in the Parish of Jefferson, and one of whom shall have his principal place of business in the Parish of St. Bernard. The four members from the Parish of Orleans shall fill the positions on the board to be designated as Positions D, E, F, and G; the two members from the Parish of Jefferson shall fill the positions on the board to be designated as Positions A and C; and the member from the Parish of St. Bernard shall fill the position on the board to be designated as Position B. On or after October 1, 1976, vacancies occurring because of expiration of term and the two additional memberships created by this Act shall be filled in such manner that the first such vacancy occurring shall be filled by a member who shall hold Position A, and each such subsequent vacancy shall be filled in sequence by members holding Positions B,C,D,E,F, and G, respectively. Any vacancy occurring prior to October 1, 1976, shall be filled in the same manner in which the position was initially filled. All members shall be experienced in the commerce or industry or both, of the port area, and shall otherwise possess the qualifications prescribed by law. The present members, five in number shall continue to serve on the board for the duration of their respective term. Any vacancy in the membership of the board shall be filled by the Governor from among the nominees selected as provided in this section, within fifteen days after the Governor receives their names.

B. Nominating Organizations

(1) For the purpose of selecting nominees for the four members, each of whom shall be appointed by the Governor from the nominees selected by the Orleans Parish nominating organization, the following nominating agencies shall constitute and shall be designated as the Orleans Parish nominating organization:

C. Nominating Councils; selection of nominees. Each nominating organization shall have a nominating council on which shall be seated the presidents or recognized heads of the nominating agencies of that nominating organization, as enumerated in Subsections

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B(1), (2) and (3), respectively of this Section. Nominees to the Governor for appointment to the board shall be selected by the nominating council of the appropriate nominating organization from among those named by the nominating agencies of said nominating organization as required by the Section.

D. Notice of vacancy. Within ten days after the occurrence of a vacancy on the board for any cause, the president or other presiding officer of the board shall send notice of the vacancy by registered or certified United States mail to each appropriate nominating agency.

E. Nominees submitted by nominating organizations.

(1). Within ten days after notification of a vacancy or vacancies in Position D, E, F, or G, the first listed nominating agency of the Orleans Parish Nominating Organization shall submit in writing to the members of its nominating council the names of two persons having the qualifications set forth in this section as nominees for each such vacancy or vacancies. Thereafter, the remaining nominating agencies of the Orleans Parish nominating organization, in the order in which they are listed in Subsection B(1) of this Section and within intervals of five days each, shall consecutively submit in like manner, the names of two nominees for each such vacancy.

(2). Within ten days after notification of a vacancy or vacancies in Position A or C, the first listed nominating agency of Jefferson Parish Nominating Organization shall submit in writing to the members of its nominating council the names of two persons having the qualifications set forth in this section as nominees for each such vacancy or vacancies. Thereafter, the remaining nominating agencies of that nominating organization, in the order in which they are listed in Subsection B(2) of this Section and within intervals of five days each, shall consecutively submit in like manner, the names of two nominees for each such vacancy.

(3). Within ten days after notification of a vacancy in Position B, the first listed nominating agency of St. Bernard Parish Nominating Organization shall submit in writing to the members of its nominating council the name of one person having the qualifications set forth in this Section as nominee for such vacancy. Thereafter, the remaining nominating agencies of that nominating organization, in the order in which they are listed in Subsection B(3) of this Section and within intervals of five days each, shall consecutively submit in like manner, the name of one nominee for such vacancy.

(4). No person shall be eligible for nomination if he has been previously nominated by another nominating agency. In all cases, signed copies of the communications to the appropriate nominating council transmitting the names of the nominees shall be sent to the governing bodies of the other nominating agencies.

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F. Certification to Governor

(1) As soon as the names of the nominees for Position D, E,F, or G as selected by the appropriate nominating agencies have been received, or in any event within ten days after the last delay for the submission of the names of nominees for Position D, E, F, or G has expired, the Orleans Parish Nominating Council, at a meeting convened on the written call of any member thereof, shall certify to the governor for each such vacancy then existing the names of three nominees from among the nominees whose names have been submitted to it by the nominating agencies of the Orleans Parish Nominating Organization, and from among the nominees thus certified the governor shall make an appointment or appointments to fill each such vacancy.

(2) As soon as the names of the nominees for Position A or C as selected by the appropriate nominating agencies have been received, or in any event within ten days after the last delay for the submission of the names of nominees for Position A or C has expired, the Jefferson Parish nominating Council, at a meeting convened on the written call of any member thereof, shall certify to the governor for each such vacancy then existing the names of three nominees from among the nominees whose names have been submitted to it by the nominating agencies of the Jefferson Parish Nominating Organization, and from among the nominees thus certified the governor shall make an appointment or appointments to fill each such vacancy.

(3) As soon as the names of the nominees for Position B as selected by the appropriate nominating agencies have been received, or in any event within ten days after the last delay for the submission of the names of nominees for Position B has expired, the St. Bernard Parish Nominating Council, at a meeting convened on the written call of any member thereof, shall certify to the governor for such Vacancy then existing the names of three nominees from among the nominees whose names have been submitted to it by the nominating agencies of the St. Bernard Parish Nominating Organization, and from among the nominees thus certified the governor shall make an appointment or appointments to fill such vacancy.

G. Nominating agencies; identity. The nominating agencies listed in Subsections B(1), (2) and (3) of this Section shall be understood and construed to be the agencies presently existing and designated by the names listed in Subsection B(1), (2) and (3) or their respective legal successors.

H. Dissolution of nominating agencies; effect. If any of the nominating agencies listed in Subsections B(1), (2) and (3) of this Section ceases to exist or to function, without any legal successor, the nominees to be submitted to the appropriate nominating council as provided in Subsection E of this Section, shall be submitted by the nominating agencies of the appropriate nominating organization that continued to exist and function.

APP-13

I. Minimum number of nominees. If the nominating agencies of the appropriate nominating organization submit fewer than three names of nominees to their nominating council for any vacancy for the purpose of Subsection F of this Section, that nominating council of the appropriate nominating organization shall supply the deficiency or deficiencies to enable it to certify to the governor the names of three nominees as required by Subsection F.

J. Delayed certification; appointment. If the appropriate nominating council fails to certify to the governor the names of three nominees, as required by Subsection F of this Section, within one hundred twenty days after the occurrence of a vacancy on the board, the governor shall forthwith make an appointment to fill the vacancy.

K. Term of appointment; filling unexpired term; reappointment. A person appointed to fill vacancy that occurred other than be expiration of a term shall serve for the unexpired portion of the term. Otherwise, each member appointed to the board shall be appointed for a term of five years. No member of the board shall be eligible to succeed himself unless his immediately previous appointment was to serve for the unexpired portion of a term which had less than two years to run.

L. Service until successor qualified. Members shall continue to serve until their successors have been appointed and take office.

M. Incompatible offices. No member of the board shall hold any office in any political party or other political organization, nor shall he hold any public office or employment for compensation, existing under or created by the laws of the United States or the State of Louisiana, or existing under or created by the charter or ordinance of a municipality or subdivision of the state.

APP-14

Amended by Acts 1976, No. 289, 1; Acts 1980, No. 272, 1

1. Creation of board; qualifications and appointment of members; terms; vacancy

"The governor shall appoint a board of commissioners to be known as the Board of Commissioners of the Port of New Orleans" consisting of five members who are qualified voters residing within the jurisdictional area of the Port of New Orleans and who, in the opinion of the governor, are experienced in the commerce or industry, or both, of the port area, and who otherwise possess the qualifications prescribed by law. The members so appointed by the governor shall be designated to serve for respective terms of four, five, six, seven, and eight years. Thereafter any vacancies occurring by reason of the expiration of the terms, death, resignation or otherwise, shall be filled by appointment by the governor but only from among nominees submitted to him in the following manner.

"(1) Within ten days after a vacancy occurs, the president or other presiding officer of the board shall address a communication by registered mail to each of the following organizations in the City of New Orleans, calling upon each to submit to the board within fifteen days after the receipt of such communications, the names of not more than two persons having the qualifications hereinabove set forth for each vacancy existing, as their nominees to fill such vacancy.

"New Orleans Association of Commerce

"New Orleans Board of Trade

"New Orleans Clearing House Association

"New Orleans Cotton Exchange

"New Orleans Steamship Association

"(2) As soon as the nominees of the five organizations are received, or in any event within ten days after the delay for the submission of such nominees has expired, the board, or the remaining members thereof, shall certify to the governor for each vacancy then existing the names of three nominees from among the nominees submitted to it be such of the five organizations as have submitted nominees, and from among the nominees thus certified the governor shall make appointments to fill the vacancy.

"(3) The five organizations referred to in paragraph (1) above, shall be understood and construed to be the five organizations presently existing in the City of New Orleans by the designed names, or their respective legal successors.

"(4) If any one or more of the five organizations referred to in paragraph (1) above, ceases to exist or to function without any legal successor, then the nominees to be submitted to the board as therein provided, shall nevertheless be submitted to the board as therein provided, shall nevertheless be submitted by such of the said organizations as continued to exist and function.

APP-15

"(5) In the event that the said five organizations or their successors or the remainder of them, together at any time when called upon, submit less than three nominees to the board for any vacancy as provided in paragraph (1) above, the board itself shall supply such deficiency, so as to enable it to certify the three nominees to the governor as provided in paragraph (2) above.

"(6) In the event that, for any reason, the said board fails to certify to the governor the three nominees, as provided in paragraph (2) above, within sixty days after the expiration of the term of any member of the board, or the occurrence of a vacancy of the board from any other cause, the governor shall proceed forthwith to make an appointment to fill such vacancy.

"Any succeeding member appointed to fill the term of a member leaving the board, before the expiration of the term to which he has been appointed, shall be appointed to fill the unexpired term of such retiring or decreased member. All other members appointed to the board shall be appointed for a term of five years. No member of the board shall be eligible to succeed himself unless the unexpired term which he has been appointed to fill had less than two years to run.

"No member of the board shall hold any office in any political party or other political organization, nor shall he hold any public office or employment for compensation, existing under or created by the laws of the United States, the State of Louisiana, or any municipality or subdivision thereof."

The 1980 amendment, in the section heading substituted "appointments" for "appointment", and to the list of organizations under paragraph (1) of subsection B added "Urban League of Greater New Orleans", "Dillard University", and "Xavier University".

Membership qualifications

Principal place of business of member of Board of Commissioners of Port of New Orleans at time of his appointment to board would not be changed by his subsequent acquisition of interest in business located in another parish and his assumption of position of chief executive officer of that concern, assuming that business interest held any member at time of his appointment is maintained and that member does not spend more than 50% of his time in active management or operation of enterprise in which he has subsequently acquired interest. Op.Atty.Gen., No. 76-1323, October 29, 1976.

APP-16

Terms of Office

The dock board could not circumvent the intent of this section by adopting a procedure of beginning and ending each term of a member of the board on December 10, so as to allow the governor, either intentionally or through oversight, to effectively shorten a member's term by a delay in the appointment. Clark v. Board of Com'rs, Port of New Orleans, Alp. 1982, 422 So.2d 247.

The clear intent of this section providing that each member appointed to the dock board shall be appointed for a term of five years is that the term of office of a member of the dock board begins on the date of his appointment by the governor and ends five years later. Id.

Acts 1908, No. 180, 3, which provide that the Board of Commissioners of the Port of New Orleans, as then organized and without diminution of existing territorial jurisdiction, continued in legal existence until all bonds issued under the act had been paid, provided that the governor could appoint the members subject to removal, did not extend the tenure of the members of the board until all the bonds had been paid, but only continued their legal existence. State ex rel. Pleasant v. Dunser, 1913, 132 La. 967, 61 So. 994.

Term of office of members of Board of Commissioners of Port of New Orleans began from promulgation of Const. 1921, Art. 6, 17, (see, now, this section) which provided for their appointment, and not from date of their appointment by governor.

Op. Atty. Gen., 1920-22, P. 919..

Tort liability

The Board of Commissioners of the Port of New Orleans being an "agency of the state" performing purely administrative functions and not a "corporation", and the right to sue the board in tort not having been granted, the board was not liable in a tort action for death of employee of lessee to which board had leased wharves. Miller, Royal Indemnity Co., Intervener c Board of Com'rs of Port of New Orleans, 1942, 199 La. 1071, 7 So. 2d 355.

As respects liability of the Board of Commissioners of the Port of New Orleans for death of employee of lessee to which board had leased wharves, the board was not operating for profit or performing a proprietary function" with respect to leasing of wharves. Id.

APP-17

Confirmation not required; removal; procedure

All appointments of members of the board shall be made by the governor as provided in this Subpart and without the need for confirmation by the senate. No member as appointed shall be removed except for cause on charges preferred against him in writing by the attorney general and after public hearing and proof of the sufficiency of the changes to justify his removal, before a commission of three disinterested citizens residing within the jurisdictional area of this port, one to be appointed by the governor, one to be appointed by the president of Tulane University in New Orleans; however, any member so removed shall have the right to test in the courts the sufficiency of the charges and the evidence in support of the charges.

Amended by Acts 1976, No. 289, 1

Removal of members, procedure

"All appointments of members of the Board of Commissioners of the Port of New Orleans shall be made by the governor as provided in R.R. 34:1 without the advice, consent, or confirmation by the senate. No member thus appointed shall be removed except for cause on charges preferred against him in writing by the attorney general, and after public hearing and proof of the sufficiency of the said charges to justify his removal, before a commission of three disinterested citizens, residing within the jurisdictional area of the port, one to be appointed by the governor, one to be appointed by the president of Tulane University of Louisiana, and one to be appointed by the president of Loyola University in New Orleans. Any member so removed has the right to test the sufficiency of the charges of the evidence in support of the same in the courts."

APP-18

EXCERPTS CONCERNING OPEN MEETING REGULATIONS

PUBLIC policy for open meetings; liberal construction

It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of R.S. 42:4.1 through R.S. 42:10 shall be construed liberally.

Added by Acts 1976, No. 665, 1.

PUBLIC OFFICERS AND EMPLOYEES

If private sessions authorized by open meeting laws cannot be used to circumvent purposes of, it follows that public body cannot circumvent purpose of act by merely declining to "officially convene" its private sessions.

Op.Atty. Gen., No. 76-1399, Oct. 13, 1976.

Receipt or expenditures of tax funds by public body sufficient to bring meetings of that body, and committees thereof, within purview of open meeting laws. Id.

PURPOSE

Primary purpose of open meeting law (LSA-R.S. 42:4.1 et seq.) And LSA-Const. Art. 12, 3 ensuring right of citizens to participate in deliberations of public bodies is to protect citizens from secret decisions made without any opportunity for public input. Delta Development Co., Inc. V. Plaquemines Parish Com'n Council, App. 4 Cir. 1984, 451 So. 2d 134, writ denied 456 So. 2d 172.

Purpose of the Open Meeting Law is to prevent private meetings of public bodies in which only the "end result" is observed by public in open meetings, with all important discussion and arguments having taken place behind closed doors.

Op. Atty. Gen., No. 77-1508, Nov. 15, 1977.

Place and time of meeting

Action of city council and civil service commission in holding their meetings during ordinary business hours was not constitutional in absence of an express law to contrary even if it did conflict with work hours of interested public employees. Eastwold v. City of New Orleans, Through Morial, App.1979, 374 So.2d 172, writ denied 377 So.2d 119.

APP-19

The police jury may consider a program for holding regular meetings of the body at various localities within the parish if the procedures set forth in R.S. 42:7 and elsewhere in this Title are complied with.

Op.Atty. Gen., No. 78-10, Jan. 13, 1978.

Definitions

A. For the purpose of R.S. 42:1 through 42:12:

(1) "Meeting" means the convening of a quorum of a public body to deliberate or act on a matter over which the public body as an entity has supervision, control, jurisdiction, or advisory power.

(2) "Public Body" means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possess policy making, advisory, or administrative functions, including and committee or subcommittee of any of these bodies enumerated in this paragraph.

(3) "Quorum" means a simple majority of the total membership of a public body. Gathering of certain members of parish school board at office of one board member was not a closed meeting of the board in violation of open meetings law, where, at no time, were seven members of board present at gathering, and therefore, actual quorum was not present at any one time, and inasmuch as meeting was not designed to be board or committee meeting and was not intended for purpose of making any decision or taking any action, there was not a "walking quorum" which had effect of circumventing provisions of open meetings law. Brown v. East Baton Rouge Parish School Bd., 1981, 405 So. 2d 1148.

Police Jury may adopt policy allowing its president to serve as voting member of committee to establish quorum of meeting of committee. Op. Atty.Gen., No. 80-1111, Aug. 27, 1980.

Meeting of public bodies to be open to the public

A. Every meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:6, R.S. 42:6.1, or R.S. 42:6.2.

B. Each public body shall be prohibited from utilizing any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of R.S. 42:4.1 through R.S. 42:8.

APP-20

C. All votes made by persons in a representative capacity shall be by viva voce and shall be recorded in the minutes.

PUBLIC OFFICERS AND EMPLOYEES

Every casual encounter at which members of governing body discuss official business is not subject to open meetings law, but meetings held pursuant to prior notice of such discussion must meet requirements of open meetings law. Op. Atty.Gen., No. 77-224, Feb. 8, 1977.

Committee meetings or executive sessions of public body are subject to open meeting laws even if no final action can be taken at such meeting or session. Op. Atty.Gen., No. 76-1399, Oct. 13, 1976.

Executive Sessions

A public body may hold executive sessions upon an affirmative vote, taken at an open meeting for which notice has been given pursuant to R.S. 42:7, of two-thirds of its constituent members present. An executive session shall be limited to matters allowed to be exempted from discussion at open meetings by R.S. 42:6.1; however, no final or binding action shall be taken during an executive session. The vote of each member on the question of holding such an executive session and the reason for holding such an executive session shall be recorded and entered into the minutes of the meeting. Nothing in this Section or R.S.. 42:6.1 shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of R.S. 42:4.1 through R.S. 42:8.

Amended by Acts 1976, No. 665, 1; Acts 1977, No. 707, 1; Acts 1979, No. 681 1.

1979 Amendment: Changed the section heading from "Closed meetings; administrative conferences" and rewrote the section itself, which had read: "A. A public body may hold a meeting closed to the public upon an affirmative vote, taken at an open meeting for which notice has been given pursuant to R.S. 42:7, of two-thirds of its voting members present. A meeting closed to the public shall be limited to matters allowed to be exempted from discussion at open meetings by R.S. 42:6.1; provided, however, that no final or binding action shall be taken during such a closed meeting and that the closed meeting shall not be used as a subterfuge to defeat the purposes of this Chapter.

"The reason for holding a meeting closed to the public, and the vote of each member on the question shall be stated in open meeting. Nothing in this Section or R.S. 42:6.1, shall be construed or require that any meeting be closed to the public.

APP-21

"B. Except as provided for in R.S. 42:6.1, nothing in this Chapter shall be construed to permit an administrative conference of any public body to be closed to the public an no administrative conference of any public body shall be closed to the public except as provided in said Section."

Exceptions to open meetings

A. A public body may hold an executive session pursuant to R.S. 42:6 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body.

(2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body.

(3) Discussion regarding the report, development, or course of action regarding security personnel, plans, or devices.

(4) Investigative proceedings regarding allegations of misconduct.

(5) Cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(6) Any meeting of the State Mineral Board at which records or matters entitled to confidential status by existing law are required to be considered or discussed by the board with its staff or with any employee or other individual, firm, or corporation to whom such records or matters are confidential in their nature, and are disclosed to and accepted by the board subject to such privilege, for the exclusive use in evaluating lease bids or development covering state-owned lands and water bottoms, which exception is provided pursuant to and consistently with the Public Records Act, being Chapter I of Title 44 of the Louisiana Revised Statutes of 1950, as amended, and other such statutes to which the board is subject.

(7) Discussions between a city or parish school board and individual students or the parents or tutors of such students, or both, who are within the jurisdiction of the respective school system, regarding problems of such students or their parents or tutors; provided however that any such parent, tutor, or student may require that such discussions be held in an open meeting.

APP-22

(8) Or any other matters now provided for or as may be provided for by the legislature.

B. The provisions of R.S. 42:4.1 through R.S. 42:12 shall not apply to judicial proceedings.

C. The provisions of R.S. 42:12 shall not prohibit the removal of any person or persons who willfully disrupt a meeting to the extent that orderly conduct of the meeting is seriously compromised.

D. The provisions of R.S. 42:7 and R.S. 42:7.1 shall not apply to any meeting of a private citizens' advisory committee established by a public body, when the members of such group or committee do not receive any compensation and serve only in an advisory capacity, except textbook advisory committees of the State Department of Education or the Board of Elementary and Secondary Education. However, all the provisions contained in R.S. 42:4.1 through 42:12 shall be applicable to such group or committee and the public body which established such group or committees shall comply with the provisions of R.S. 42:7 in providing the required notice of meetings of such group or committee.

Litigation

Public body which holds executive session under LSA-R.S. 42:6.1 to discuss prospective litigation after formal written demand or litigation must identify by name the parties involved. Op.Atty.Gen., No. 80-325, March 13, 1980.

APP-23

ACT NO. 40

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HOUSE BILL NO. 1305

BY REPRESENTATIVES ODINET, WARNER, AND

PATTI AND SENATOR NUNEZ

AN ACT

To amend and reenact R.S.34:21, 1701 and 1705 and to enact R.,S.34:1703(D) and (E), relative to the St. Bernard Port, Harbor and Terminal District and the Port of New Orleans; to provide for the powers of their boards of commissioners; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:21, 1701, and 1705 are hereby amended and reenacted and R.S.34:1703 (D) and (E) are hereby enacted to read as follows:

21. Rights and powers of board in general

The board of commissioners shall regulate the commerce and traffic of the port and harbor of New Orleans in such manner as may, in its judgment, be best for the maintenance and development thereof. However, such regulation of such commerce and traffic including international commerce in the parish of St. Bernard shall be governed by the provisions of R.S.34:1701 et seq.

It shall be the duty of the board to have charge of, and administer the public wharves, docks, sheds, and landings of the port of New Orleans which are owned and operated, or which may be purchased, acquired, or operated by the board; to construct new wharves and other structures when necessary; to erect sheds and other structures on such wharves and landings; to place and keep these wharves and landings, sheds, and other structures in good condition; to maintain proper depths of water at all such wharves and landings; to provide mechanical facilities for the use of such wharves, landings, sheds, and other structures; to provide light, water, police protection, and any other services for such wharves, landings, and sheds, as it may deem advisable; to finance, erect, and operate all basins, locks, canals, and warehouse elevators; to charge for the use of all facilities administered by it, and for all services rendered by it, such fees, rates, tariffs, or other charges as it may establish.

\* \* \*

APP-24

1701. Creation and territorial limits

The St. Bernard Port, Harbor and Terminal District, created as a public corporation and political subdivision of the State of Louisiana under the authority of Section 31 of Article XIV of the Constitution of the State of Louisiana for the year 1921, as amended, shall have territorial limits coextensive with the Parish of St. Bernard. The territorial limits and territorial jurisdiction of said district shall be the territory, including all lands, waterways, rivers, lakes, and navigable bodies, comprising and lying with the limits and boundaries of St. Bernard Parish. The board of commissioners for the district shall have complete jurisdiction to regulate all domestic, coastwise, and intercoastal commerce and traffic of said district, and all commerce and traffic within the district including cargo bound for and/or in and/or coming out of international commerce where such commerce is conducted by or through a facility wholly owned by the district.

\* \* \*

1703. Powers of the board

\* \* \*

D.(1) The board shall have the power to reasonably regulate the fees and charges for the structures, works, and facilities administered by the board and all services rendered by it and shall have the duty to collect such fees, rates, or other charges whether established by lease, tariff, or other agreement provided however such fees and charges for the use of such facilities or other services in the course of regulation of international commerce, the board shall not be empowered to impose nor shall it collect any fee, assessment, rate, or other charge whether established by lease, tariff, or other agreement in an amount less than those imposed by the Board of Commissioners of the Port of New Orleans, whether by lease, tariff, or other agreement as they may be amended, revised, or applied by the Board of Commissioners of the Port of New Orleans; or with the consent of the Board of Commissioners of the Port of New Orleans.

(2) Leases of facilities administered by the board shall require that the lessee publish a tariff containing rates and charges consistent with the board's tariff except with the consent of the Board of Commissioners of the Port of New Orleans.

(3) The board shall not grant any preference, concession, or reduction in any charges for facilities or services in the course of the regulation of international commerce greater than those granted in the same circumstance by the Board of Commissioners of the Port of New Orleans, whether by lease, tariff, or other agreement as they may be amended or revised or applied by the Board of Commissioners of the Port of New Orleans or with, consent of the Board of Commissioners of the Port of New Orleans.

APP-25

E. The board shall have the power to reasonably regulate the commerce and traffic of the district, impose rules and regulations, set requirements, performance, safety, environmental, and facility standards and generally provide for the conduct of such activities whether established by lease, tariff, or other agreement provided however that such regulation by the board in the course of the regulation of international commerce, the board shall not be empowered to impose any regulation inconsistent than those imposed in the same circumstance by the Board of Commissioners of the Port of New Orleans whether by lease, tariff, or other agreement as the same may be amended or revised or applied by the Board of Commissioners of the Port of New Orleans.

\* \* \*

1705. Rights of the board of commissioners

A.(1) The board of commissioners of the St. Bernard Port, Harbor and Terminal District shall have the sole power to regulate, pursuant to R.S.34:1703, the domestic, coastwise, and intercoastal commerce and traffic of said district and all commerce and traffic within the district including cargo bound for and/or in, and/or coming out of international commerce where such commerce and traffic is conducted by or through a facility wholly owned by the district.

(2) The board of commissioners of the St. Bernard Port, Harbor and Terminal District shall also have and exercise the powers granted to deep water port commissions pursuant to R.S. 9:1102.1 in all cases where riparian owners of property on navigable rivers, lakes, or streams within said district desire to construct wharves, buildings, or improvements on the batture or banks owned by them, which are designed for and/or used for such commerce and traffic domestic, coastwise, or intercoastal commerce, including cargo bound for and/or in and/or coming out of international commerce where such is conducted by or through a facility wholly owned by the district.

B. The board of commissioners of the St. Bernard Port, Harbor and Terminal District shall have the right to enter into any and all contracts and agreements with the Parish of St. Bernard, the board of commissioners of the Port of New Orleans, and any other public subdivisions or authorities relative to any and all matters which lie within the jurisdiction of the district and the board of commissioners thereof.

Approved by the Governor, May 29, 1992.

A true copy:

W. Fox McKeithen

Secretary of State

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APP-26

III. REVISION LOG

BOARD OF COMMISSIONERS

POLICY MANUAL

REVISION LOG

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| --- | --- | --- | --- |
| Section and Page  Original Revised | | Summary of Revision | Commission  Approval Date |
|  |  | Division of Policy Manual into four separate Manuals | October 4, 2004 |
|  | Sec.I,  BD-36 | Correct Director’s Title, President’s authorization | October 4, 2004 |
|  | Sec. I, BD-40 | Changed to provide indemnity and deleted Governor | Nov. 8, 2004 |
|  | Sec. I, BD-45 | Changed to originator of policy and procedures | Nov. 8, 2004 |
|  | Sec. I, BD-46 | Correct wording in paragraph “1” | Nov. 8, 2004 |
|  | Sec. I, BD-6 | Changed number of years able to lease | April 6, 2005 |
|  | Sec. I, BD-7 | Delete third paragraph | April 6, 2005 |
|  | Sec. I,  BD -13 | Correct spelling – intercoastal | April 6, 2005 |
|  | Sec. I,  BD – 15 | Add term limit | April 6, 2005 |
|  | Sec. I, BD- 17 | Add Treasurer | April 6, 2005 |
|  | Sec. I,  BD – 27 | Delete Page | April 6, 2005 |
|  | Sec. I,  BD – 32 | Correct Word – Make | April 6, 2005 |
|  | Sec. I,  BD – 33 | Remove Adopted Statement | April 6, 2005 |
|  | Sec. I,  BD – 36 | Remove emergency nature from first paragraph | April 6, 2005 |
|  | Sec. I,  BD – 38 | Add Treasurer | April 6, 2005 |
|  | Sec. I,  BD – 39 | Add annual review | April 6, 2005 |
|  | Sec. I,  BD – 40 | Change page title/delete last paragraph | April 6, 2005 |
|  | Sec. I,  BD – 49 | Remove Adopted Statement | April 6, 2005 |

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BOARD OF COMMISSIONERS

POLICY MANUAL

REVISION LOG

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| Section and Page  Original Revised | | Summary of Revision | Commission  Approval Date |
|  | Entire Manual | Approved | April 6, 2005 |
| Sec. I, BD-22 | Sec. I, BD-22 | Add brackets around three (3) | Feb. 13, 2007 |
| Sec. I,  BD-23 | Sec. I,  BD-23 | Delete the word action. | Feb. 13, 2007 |
| Sec. I,  BD-26 | Sec. I,  BD-26 | Change note to vote, second paragraph. Delete the in the fourth paragraph. | Feb. 13, 2007 |
| Sec. I,  BD - 36 | Sec. I,  BD - 36 | Change Port to Board of Commissioners and add authorize and bid | Feb. 13, 2007 |
| Sec. I,  BD-37 | Sec. I,  BD-37 | Add designees authorized to sign checks and no designee can sign a check issued to themselves | Feb. 13, 2007 |
| Sec. I,  BD-39 | Sec. I,  BD-39 | Change from fifteen thousand to one million dollars. Added to furnish and add the word be. | Feb. 13, 2007 |
| Sec. I,  BD-48 | Sec. I,  BD-48 | Delete last sentence from last paragraph. Your complete etc… | Feb. 13, 2007 |
| Sec. I,  BD-17 | Sec. I,  BD-17 | Add authorization to sign official board documents in the absence of the Secretary | Mar. 11, 2008 |
| Sec. II,  APP-6 | Sec. II,  APP-6 | In (A.) remove restrictions to purchase. | July 8, 2008 |
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U. PUBLIC PARTICIPATION

All delegations or individuals wishing to appear before the St. Bernard Parish Port, Harbor and Terminal District shall submit their requests to the Executive Port Director or President at least five working days prior to the meeting date, stating the matters they wish to take up with the Commission and the approximate time such matters should consume at the meeting. Each delegation appearing before the Commission shall select one person in advance as its spokesman. The Executive Port Director or President is authorized to waive the five-day requirement if in his judgment the matter to be brought before the Commission is of an emergency nature.

The Executive Port Director is authorized to decide which matters are of sufficient importance to require Commission attention. Matters which should be handled by the Executive Port Director and his staff shall be left off the agenda and handled by the professional staff in order to conserve Commission time. In the event the Executive Port Director and his staff cannot solve the problem to the satisfaction of the person or delegation, the matter shall be presented to the Commission at the earliest possible date.

The President of the Commission may recognize persons at the Commission meetings for the purpose of introducing such persons. However, a person is not entitled to take up business before the Commission unless the item in which he is interested has been placed on the agenda of that meeting or has been approved by the majority of members present.

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Y. BONDED EMPLOYEES

The St. Bernard Port Authority shall purchase a surety bond to cover employees who handle checks and cash.

All persons authorized to sign checks or warrants drawn against the Port funds shall furnish a surety bond in an amount to be determined by the Port Commission but which shall be not less than fifteen thousand dollars for the faithful performance of their duties.

The Port Treasurer shall give an indemnity bond in such a sum as may be determined by the Commission, made in favor Governor or his successors in office, and the Board shall pay the premium of said bond.

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D. ATTORNEY INVOLVEMENT IN POLICY DEVELOPMENT

The Board of Commissioners, as the primary responsibility for policy and procedures, may seek the counsel of the District Attorney or other legal advise when, in their opinion, there may be a question of legality or proper legal procedure in development of a proposed Port Commission Policy.

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E. REVIEW

Policy and position statements will need to be revised and/or reviewed no less than yearly concurrent with the end of the fiscal year. When it becomes apparent that a need exists for a new policy or revision, deletion or addition to an existing policy, the procedure should be as follows:

1.) Any member of the commissioners along with the Executive Director may submit the recommended policy or policy change to the Executive Committee or to the Finance Committee for consideration.

2.) New Policy or revisions, deletions or additions, to the existing policies approved by the Executive Committee or the Finance Committee will be subsequently recommended to the Commission.

3.) New or revised policies approved by the Commission shall be inserted in the policy manual.

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various agencies, subdivisions and public bodies, navigable waterway systems; it may acquire, by purchase, lease or otherwise, industrial plant sites and necessary property or appurtenances therefore; it may lease as lessor, sublessor, or assignor, for processing, manufacturing, commercial and business purposes, lands, or buildings, owned, acquired or leased as lessee by it, which leases may run for a term not exceeding forty years at a fixed rental, but may run for a term not exceeding ninety-nine years provided they shall contain a clause or clauses for readjustment of the rentals upon the expiration of a primary term of forty years; it may mortgage properties constructed or acquired by it; it may mortgage and pledge any lease or leases and the rents, income and other advantages arising out of any lease or leases granted, assigned or subleased by it; it may borrow from any person or corporation using or renting any facility of the district such sums as shall be necessary to improve the same and to erect and construct such improvements, and agree that the loan therefore shall be liquidated by deducting from the rent, dockage, wharfage or tollage charges payable for such property, a percentage thereof to be agreed on, subject, however, to any covenants or agreements made with the holders or revenue bonds issued under the authority hereinafter set forth; it may maintain proper depth of water to accommodate the business of the district; provide mechanical facilities and equipment for use in connection with the wharves, sheds, and other structures; provide lights, water and other utilities for the district and for all port, harbor and terminal facilities situated therein; and make reasonable charges and collect the same for the use of all structures, works and facilities administered by the Board, and for any and all services rendered by the Board; it may

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regulate reasonable the fees and charges made by privately owned wharves, docks, warehouses, elevators, and other facilities within the limits of the district when the same are offered for the use of the public.

All buildings, railroads, wharves, elevators, and other structures, equipment and facilities hereinabove referred to are declared to be works of public improvement and title thereto shall vest in the public.

The Board of Commissioners of the Port of New Orleans is negotiating the Coastal Zone Management Section of the Louisiana Department of Natural Resources in regard to establishment of a port Special Area" under provisions of Act 361. This Special Area" includes the Mississippi River in St. Bernard, C.Z.M. Sub Area 12 and Mississippi River-Gulf Outlet special area. This authority has been added to the local C.Z.M.

Riparian owners or their lessees of property along the banks of navigable waterways within the limits of the district may, with the consent of the Board, and in conformity of plans and specifications approved by the Board, erect and maintain on the batture or banks owned by them such wharves, buildings or improvements as required for public or private purposes; but in all cases, such wharves, buildings or improvements shall remain subject to the administration and control of the Board with respect to their maintenance and to the fees and charges to be exacted for use by the public. The Board may expropriate without compensation any private wharves, landings, buildings or other structures erected by riparian owners or their lessees on such waterways whenever such wharves, landings,

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5. PRESERVATION OF PRESENT RIGHTS OF ST. BERNARD PARISH

a) Nothing herein contained shall be construed to deprive the Parish of St. Bernard or its governing authority of any rights or powers which they presently have or exert within the corporate limits of the district or to confer further police power upon the Board.

b) The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District shall have the sole power to regulate, pursuant to R.S. 34:1703, the domestic, coastwise, and intercostals commerce and traffic of said district and all commerce and traffic conducted by or through facilities wholly owned by the district, whose origin and destination is wholly within the continental United States, including coastal waters. The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District shall also have and exercise the powers presently enjoyed by the Board of Commissioners of the Port of New Orleans pursuant to R.S. 9:1102.1 in all cases where riparian owners of property on navigable rivers, lakes or stream within said district desire to construct wharves, buildings, or improvements on the batture or banks owned by them, which are designed and used for such commerce and traffic whose origin and destination is wholly within the continental United States, including coastal waters.

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F. OFFICERS, DUTIES AND ELECTION OF OFFICERS OF THE BOARD

The Board shall elect from among its own members a President, a Vice President, a Secretary and a Treasurer whose duties shall be those usual to such offices.

1. Election of Officers

At the first regular or special meeting of the Board in January of each calendar year the Board shall elect officers. Each of these officers shall hold office until a successor has been elected. An officer may succeed him/her self.

2. Duties of the Officers

a) President of the Commission

It shall be the duty of the President to preside at all meetings of the Board, to name members of all special and standing committees of the Board and to fill all vacancies in the membership of the Committees, to serve as an ex-officio member of all committees of the Commission, to perform all duties as may be prescribed by law or action of the Commission, to call special meetings of the Commission, to sign all official documents that require the signature of this office.

The President shall have the right as other members do to offer resolutions, to make motions, or second motions, to discuss questions and vote.

The duties of the President shall include but not be limited to the foregoing list of responsibilities and duties.

The President officially represents and acts for the Board when it is not in official session.

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d) The Treasurer of the Commission

It shall be the duty of the Treasurer of the Commission to serve as Official Custodian of all funds of the Port Commission, to be responsible for the proper safeguarding and accounting for all such funds, to issue a receipt for any monies coming into his hands, to deposit such monies in the board's fiscal agency in accordance with the laws governing the deposit of public funds, to issue warrants in payment of expenses lawfully incurred on behalf of the Commission as provided by law. Such warrants shall be issued only after proper documentation or approval of the Commission.

The Commission shall secure a surety bond for the President and the Executive Director.

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O. POLL BY MAIL OR PHONE

Between meetings of the Commissioners, a poll of the Board by phone or mail may be authorized only when in the opinion of the President of the Board, an extreme emergency exists. All such poll votes must be ratified at the next regular session of the Commission. The results of the poll vote must be incorporated in the official minutes.

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2. Administrative Reports

Statistical information has time value. Delayed reports place an inconvenience and burden upon others who must use the information and may in some instances result in financial loss to the Commission.

Each Director, or other Administrator shall give careful consideration to all procedure related to reports, accounting, and general business matters that are required for the Administration of the Port Commission's daily operation and shall made accurate and prompt return on scheduled dates of all statistical and other information required.

If this practice is followed, it would be possible to prepare the Commission reports required by the State and Federal Governments and meet their date requirements.

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R. OFFICIAL JOURNAL

The Commission shall select a newspaper which shall be the Official Journal of the Commission to publish all official minutes of Commission meetings, as well as all other legal advertising or proceedings of the Port Commission. The journal shall be selected annually to provide such service for the fiscal year (July 1 - June 30).

(Adopted by the Board of Commissioners at the Regular Monthly Meeting of June 10, 2003).

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U. PUBLIC PARTICIPATION

All delegations or individuals wishing to appear before the St. Bernard Parish Port, Harbor and Terminal District shall submit their requests to the Executive Director or President at least five working days prior to the meeting date, stating the matters they wish to take up with the Commission and the approximate time such matters should consume at the meeting. Each delegation appearing before the Commission shall select one person in advance as its spokesman. The Executive Director or President is authorized to waive the five-day requirement if in his judgment the matter to be brought before the Commission is of an emergency nature.

The President in conjunction with the Executive Director is authorized to decide which matters are of sufficient importance to require Commission attention. Matters which should be handled by the Executive Director and his staff shall be left off the agenda and handled by the professional staff in order to conserve Commission time. In the event the Executive Director and his staff cannot solve the problem to the satisfaction of the person or delegation, the matter shall be presented to the Commission at the earliest possible date.

The President of the Commission may recognize persons at the Commission meetings for the purpose of introducing such persons. However, a person is not entitled to take up business before the Commission unless the item in which he is interested has been placed on the agenda of that meeting or has been approved by the majority of members present.

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W. AUTHORIZED SIGNATURES

The President and the Executive Director are authorized to sign all checks issued by the Commission. Obviously, they must also execute the bank signature cards. Checks require the signature of both officers.

The President and the Executive Director are the authorized signatories for loan applications, notes and other fiscal documents. Covered elsewhere in this manual is the surety bond coverage of these two officers.

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X. INSURANCE

Liability:

The Port Commissioners and Executive Director are covered by a public official's liability policy. Other policies cover worker's comp, property and general liability.

The office equipment and furniture are covered by insurance.

In effect on the Board's leased and owned vehicles is a liability, property damage, collision, etc. policy. The Board's boats, vessels, wharves and property are protected by a liability policy.

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Y. BONDED EMPLOYEES

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The Port Treasurer shall be provided an indemnity bond in such a sum as may be determined by the Port Commission and the Board shall pay the premium of said bond.

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MANAGEMENT SAFETY POLICY STATEMENT

The St. Bernard Port, Harbor and Terminal District is cognizant of the fact that employee safety is the most important consideration in the planning and operation of all facility activities. Safety is essential for employee welfare, morale and employee relations. With this in mind, your management has decided to establish a comprehensive Safety Program within all departments and at all levels of activity. Realizing that accident prevention requires a continued effort and participation of employees, it is the firm policy of the St. Bernard Port that no part of our job will be so important that we cannot take time to do it safely. Emphasis will be on mutually finding ways to operate accident free, on-time and economically, and not to permit safety to become a crutch for slack or inefficient operations. The success of our Safety Program depends on the safety, and well-being of our employees and their families. Therefore, it is imperative that work place hazards be identified, appropriately evaluated and effectively controlled.

The full support of all employees is essential to the effectiveness of our Safety Program. Each employee has an obligation to cooperate fully in the program by helping to protect himself and fellow employees. Your complete cooperation is requested.

Adopted by the Board of Commissioners at the April 11, 1995 meeting.

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J. QUORUM

A quorum for the transaction of official business shall consist of a majority three (3) of the members of the Commission. When a quorum of the Commission has convened and neither the President nor the Vice President is present, the members shall elect one of their number to serve as president for that meeting.

(See duties of the Secretary for proper procedure).

Unless a majority of the full membership of the Commission is required by law, a simple majority of the members present and voting may adopt rules and regulations.

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K. MEETING PROCEDURES

It is the desire of the Commission that meetings shall be formal enough for orderly procedure but informal enough to be natural, to encourage free discussion and to promote group thinking action.

The President may preclude discussion which does not apply to the motion last made. He may also minimize or halt discussion of a matter if the Commission has previously agreed to confine discussion to a definite period of time, and that period has been used up. Aside from such limitation, the President may limit debate only with the concurrence of two thirds of the members present.

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N. VOTING

An affirmative vote of the majority of members present shall be necessary for the passage of any motion, except in such instances as the law, or other policies of this Commission may require a larger vote. Every member present, including the President, shall be entitled to one vote.

All voting shall be by voice or by show of hands; a roll call vote may be requested by any member and/or ordered by the President. On voice votes, the names of each member voting "nay" shall be recorded in the minutes upon his request. A brief explanation of "no" note may be included in the official record by request.

There shall be no representation by proxy of any member of the Commission at any time. All members present, however, are authorized to speak on issues, offer and second motions, and vote.

Reconsideration of action shall be according to Robert's Rules of Order, with the exception that matters voted on by the Commission shall not be brought up for the consideration more than once during the calendar year except at the discretion of the President.

No action shall be taken by the Commission except in accordance with the above at a properly called regular or special meeting.

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U. LAND & FACILITIES - RENTAL OR LEASE

The Port Commission may rent or lease Port owned lands and facilities by a resolution of the Commission and without the authority of a vote of the Electors except as otherwise provided by law.

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V. AUTHORIZED SIGNATURES

The President, Treasurer and the Executive Director are authorized to sign all checks issued by the Commission. Obviously, they must also execute the bank signature cards. Checks require the signature of two officers.

The President, Treasurer and the Executive Director are the authorized signatories for loan applications, notes and other fiscal documents. Covered elsewhere in this manual is the surety bond coverage of these three officers.

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The Commission shall secure a surety bond for the President, Treasurer and the Executive Director.

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708. Acquisition of lands; public aid

A. The Board is authorized to acquire by purchase, donation, expropriation, appropriation or otherwise any lands in the District needed for railways, wharves, sheds, buildings, canals, channels and other facilities required for the operation of the Board and to be owned and operated by the Board except those lands or parcels of lands upon which structures, buildings, pipelines or improvements are constructed and actually used for industrial purposes. The Board may also provide that payments for such lands be made out of funds under its control not otherwise specifically appropriated.

B. The Board is further authorized to receive by gift, grant, donation or otherwise, any sum of money, aid or assistance from the United States, the State of Louisiana, or any of the political subdivisions thereof, for the purpose of carrying out the objects and purposes of this chapter.

C. In addition to its power to acquire such property in the various modes set out hereinabove, the Board shall also have power to expropriate property within the District in the same manner applicable to Louisiana State University and Agricultural and Mechanical College and the Department of Transportation and Development under the provisions of R.S. 19:141 et seq.

(Amended by Acts 1982, No. 839, 1.)

1709. Construction of works of public improvements

The Board is authorized to make and construct any of the works of public improvement in the District and anything in connection therewith that may be necessary or useful for the business of the Board; to purchase machinery or materials and equipment for performing such work, and to supervise the making of the same, or to make and construct such works through contracts with others, and generally, to do all other acts necessary or proper to carry out the powers vested in it with regard to such works of public improvement.

(Added by Acts 1960, No. 228, 1.)

1710. Fees; ad valorem tax; borrowing money

The Board may charge a reasonable fee to each vessel arriving in ballast or carrying cargo of any kind. It may also charge for each copy of any certificate issued by it or its deputies for inspecting hatches, surveying cargoes and the like. The master of each vessel shall, however, be furnished free one copy of all surveys upon his vessel or cargo.

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