OFFICIAL PROCEEDINGS

ST. BERNARD PORT, HARBOR AND TERMINAL DISTRICT

REGULAR MONTHLY MEETING – AUGUST 14, 2012

The Board of Commissioners of the St. Bernard Port, Harbor and Terminal District met in regular session on Tuesday, August 14, 2012, at 12:00 noon in the boardroom of its office located at 100 Port Boulevard, Chalmette, Louisiana.

After the Pledge of Allegiance, roll was called.

Members present were: Mr. Elton J. LeBlanc, President; Mr. Harold J. Anderson, Vice President; Mr. Bradley J. Cantrell, Secretary; Mr. P. James DiFatta, Treasurer and Mr. Charles H. Reppel, Commissioner. Also present were Dr. Robert J. Scafidel, Executive Director; Ms. Denise Griffin, Executive Secretary; Mr. Drew Heaphy, Director of Administration; Mr. Jerry Graves, Director of Operations; Mr. Ted Roche, Project Manager; Mr.’s David Fennelly and Gary Poirrier, Associated Terminals of St. Bernard; Mr. Suresh Shah, Burk-Kleinpeter, Inc.; Mr. Jim Simmons, N-Y & Associates; Mr. Elwood Cahill, Sher Garner; Mr. William Evans, URS Corp and Rep. Ray Garofalo.

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

On motion of Mr. Cantrell, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved the minutes of the regular meeting held on July 10, 2012.

On motion of Mr. DiFatta, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved a consent request for Cox Operating, LLC to install and maintain a drill barge, platform and appurtenant structures in Block 72, Chandeleur Sound Area, St. Bernard, La.

On motion of Mr. DiFatta, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved a consent request for Cox Operating, LLC to remove two existing pilings and 822 L. F. of two existing 2” pipelines in Block 48, Chandeleur Sound Area, St. Bernard, La.

On motion of Mr. DiFatta, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved a consent request for Cox Operating, LLC to remove well platform and existing 2” flowline in Block 71, Chandeleur Sound, St. Bernard, La.

On motion of Mr. DiFatta, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved a consent request for Cox Operating, LLC to remove Well No. 41/41D, Block 48, Chandeleur Sound Area, St. Bernard, La.

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On motion of Mr. DiFatta, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved a consent request for Cox Operating, LLC to remove Well No. 17, Block 71, Chandeleur Sound Area, St. Bernard, La.

On motion of Mr. DiFatta, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved a consent request for Cox Operating, LLC to remove Well No. 33, Block 49, Chandeleur Sound Area, St. Bernard, La.

On motion of Mr. DiFatta, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved a consent request for Gulf South Pipeline Co. to install two geotechnical borings on and adjacent to the Mississippi River Levee, Chalmette, La.

On motion of Mr. Reppel, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved a tariff change for the St. Bernard Port, Harbor and Terminal District Arabi Terminal Tariff No. 1, Page 24, Item No. 413 and accepted Page 16, Item No. 132 of Associated Terminals of St. Bernard, L.L.C. Tariff No. 1, effective September 14, 2012.

On motion of Mr. Reppel, seconded by Mr. Cantrell, the Board unanimously approved to discuss approval of Change Order No. 1 for Kostmayer Construction LLC relating to the Dock 1 Rehabilitation at Chalmette Slip - Repair Section A project. An overrun of $35,836.71.

On amended motion of Mr. DiFatta, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved Change Order No. 1 for Kostmayer Construction LLC relating to the Dock 1 Rehabilitation at Chalmette Slip - Repair Section A project. An overrun of $35,836.71 and adding three (3) days to the contract.

President LeBlanc stated that Bids were received in the Port office on Wednesday, August 1, 2012, at 2:00 p.m. for Repair of Asphalt at the Intermodal Facility, Chalmette Terminal project. The bids were as follows:

Contractor Base Bid

Barriere Construction Co. $5,033,730.00

President LeBlanc recognized Mr. Shah who informed the Board about the Bid. Mr. DiFatta asked Mr. Shah to contact the contractors that attended the pre-bid and request a reason for their companies not bidding. Mr. Shah will request the information from the pre-bid attendees.

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On motion of Mr. Anderson, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved to award the bid to Barriere Construction Co. in the amount of $5,033,730.

President LeBlanc recognized Rep. Garofalo in the audience.

President LeBlanc recognized Mr. Heaphy who reviewed the Third Budget Revision for Fiscal Year 2011-2012 with the Board.

On motion of Mr. DiFatta, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved the Third Budget Revision for Fiscal Year 2011-2012.

President LeBlanc recognized Mr. Heaphy who gave the Finance Report. Mr. Heaphy reported on the operating and capital budgets, professional services and Lessees Arrears. The Board discussed the Finance Report.

On motion of Mr. Reppel, seconded by Mr. Anderson, and after asking for any public comment, the Board unanimously approved a Cooperative Endeavor Agreement with the St. Bernard Parish Tourist Commission to promote tourism through the Port and possible sharing of the tour boat dock revenue from the New Orleans Paddlewheels lease, not to exceed $8,900.00 for Fiscal Year 2012-2013

President LeBlanc recognized Dr. Scafidel who gave the Executive Director’s Report. Dr. Scafidel reported on Construction: Dock 1, Section A, Intermodal Facility – Wash Rack, Turning Dolphin and the Administration Second Floor Renovations. He also discussed surplus bid items, the Agent of Record (AON), the Annual Report, M/V Royal Flush Claim and Consent Requests being condensed into one Agenda Item, which the Board agreed with that decision. Dr. Scafidel and the Board also discussed the naming of the Port Vessel and the FSO class attended by Jerry Graves and Eric Acosta. President LeBlanc asked that the vessel be named the St. Bernard Port and a shed be constructed to hold the boat and have a place to launch the vessel when necessary.

On motion of Mr. DiFatta, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved to convene Executive Session to discuss litigation relating to the expropriation of the Violet Dock Port at 12:54 p.m.

On motion of Mr. Anderson, seconded by Mr. Cantrell, and after asking for any public comment, the Board unanimously approved to reconvene regular session at 1:27 p.m.

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

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

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

/s/ Bradley J. Cantrell, Secretary