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CADDO-BOSSIER PARISHES PORT COMMISSION
Regular Board Meeting
Regional Commerce Center, Board Room
6000 Doug Attaway Blvd., Shreveport, LA 71115
August 12, 2019, 4:30 p.m.

Commission President Rick C. Prescott called the meeting to order at approximately 4:30 p.m. in the Board Room of the Regional Commerce Center, 6000 Doug Attaway Blvd., Shreveport, LA.

Commissioner Bigby led the Pledge of Allegiance.

The roll was called. Commissioners: Rick C. Prescott, Roy Griggs, Walter O. Bigby, Jr., Bill Altimus, Erica R. Bryant, Sam N. Gregorio, James D. Hall and Capt. Thomas F. Murphy were present. Absent: James L. Pannell. A quorum was present.

Introduction of guests: Joe Johnson, George Carroll, Ed Walsh, Romph & Pou Agency; Bob Basinger and Desi Sprawls, Forte & Tablada, Inc. and Anne Pyle, ADP Solutions. Staff: Eric England, Danye Malone, Gloria Washington, Rick Nance, Tyler Comeaux, Kathy French, Zazell Dudley and Hettie Agee.

UNFINISHED BUSINESS:

Motion by Commissioner Bigby, seconded by Commissioner Gregorio, to approve the Regular Board Meeting Minutes of July 8, 2019. Motion approved by the following vote: AYES: Commissioners: Rick C. Prescott, Roy Griggs, Walter O. Bigby, Jr., Bill Altimus, Erica R. Bryant, Sam N. Gregorio, James D. Hall and Capt. Thomas F. Murphy. NAYS: 0. ABSENT: James L. Pannell. ABSTENTIONS: 0.

Motion by Commissioner Bigby, seconded by Commissioner Griggs, to approve the Special Board Meeting Minutes of July 22, 2019. Motion approved by the following vote: AYES: Commissioners: Rick C. Prescott, Roy Griggs, Walter O. Bigby, Jr., Bill Altimus, Erica R. Bryant, Sam N. Gregorio, James D. Hall and Capt. Thomas F. Murphy. NAYS: 0. ABSENT: James L. Pannell. ABSTENTIONS: 0.

Motion by Commissioner Bigby, seconded by Commissioner Hall, to approve the June 2019 Financial Reports. Commissioner Gregorio confirmed it was the June Financials. Motion approved by the following vote: AYES: Commissioners: Rick C. Prescott, Roy Griggs, Walter O.

"This institution is an equal opportunity provider and employer."

MEMBERS: Rick C. Prescott, President; Roy Griggs, Vice President; Walter O. Bigby, Jr., Secretary-Treasurer; Bill Altimus; Erica R. Bryant; Sam N. Gregorio; James D. Hall; Capt. Thomas F. Murphy; James L. Pannell

Bigby, Jr., Bill Altimus, Erica R. Bryant, Sam N. Gregorio, James D. Hall and Capt. Thomas F. Murphy. NAYS: 0. ABSENT: James L. Pannell. ABSTENTIONS: 0.

NEW BUSINESS:

**STATE PROJECT NO. H.013074
PARISH OF CADDO**

RESOLUTION NO. 10 OF 2019

BY THE CADDO-BOSSIER PARISHES PORT COMMISSION:

A RESOLUTION AUTHORIZING THE CADDO-BOSSIER PARISHES PORT COMMISSION TO ENTER INTO A REPLACEMENT AGREEMENT WITH THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, UNDER THE LOUISIANA PORT CONSTRUCTION AND DEVELOPMENT PRIORITY PROGRAM FOR ASSISTANCE IN THE IMPLEMENTATION OF A PORT IMPROVEMENT PROJECT; PROVIDING FOR THE NECESSARY DOCUMENTATION OF THE NEED FOR THE PORT IMPROVEMENT; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Caddo-Bossier Parishes Port Commission (hereinafter sometimes referred to as the "Sponsor") has a need for port improvements; and

WHEREAS, the Caddo-Bossier Parishes Port Commission has reviewed the application and the Intergovernmental Replacement Agreement (the "Agreement") for the Heavy Load Multimodal Warehouse Expansion (hereinafter referred to as the "Project") and agrees with the terms and conditions of the Agreement; and

WHEREAS, the Sponsor has applied for State matching funds pursuant to Chapter 47 of Title 34 of the Louisiana Revised Statutes of 1950, as amended, to implement a project to improve its port operations and is fully aware of its obligations under the statutory provisions cited hereinabove; and

WHEREAS, the Sponsor is a political body duly organized and existing under the laws of the State of Louisiana and is eligible to apply for funds under the aforementioned statutory provisions; and

WHEREAS, the Sponsor has utilized its own funds for the construction of the Project; and

WHEREAS, the Sponsor is seeking reimbursement of its funds from the Port Construction and Development Priority Program; and

WHEREAS, the Louisiana Department of Transportation and Development has allocated funds in the Port Construction and Development Priority Program to partially finance the construction of the Project in accordance with R.S. 34:3457, *et seq.*

NOW, THEREFORE, BE IT RESOLVED by the Caddo-Bossier Parishes Port Commission as follows:

Section 1. That the Caddo-Bossier Parishes Port Commission acknowledges that an application was submitted to the Louisiana Port Construction and Development Priority Program.

Section 2. That the Caddo-Bossier Parishes Port Commission agrees to execute a Project Agreement and a Statement of Sponsorship pursuant to the statutory provisions referenced hereinabove and hereby authorizes and empowers Eric England, Executive Port Director to enter into and execute the Agreement with the Louisiana Department of Transportation and Development.

Section 3. That Eric England, Executive Port Director is hereby the Authorized Representative for the Caddo-Bossier Parishes Port Commission to represent the Sponsor with regard to the receipt of funds from the Louisiana Port Construction and Development Priority Program for a port improvement project.

Section 4. That said Authorized Representative shall have the authority to sign and approve all documents that are necessary under the circumstances to accomplish the above Project.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

BE IT FURTHER RESOLVED, that if any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Resolution which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Resolution are hereby declared severable; and

BE IT FURTHER RESOLVED, that all Resolutions or parts thereof in conflict herewith are hereby repealed.

Approved as to legal form and content:

Dannye W. Malone

7/30/19

Date

Rick C. Prescott, President

Eric England, Executive Port Director

RS. NO. 10 OF 2019, A RESOLUTION AUTHORIZING THE CADDO-BOSSIER PARISHES PORT COMMISSION TO ENTER INTO A REPLACEMENT AGREEMENT WITH THE STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, UNDER THE LOUISIANA PORT CONSTRUCTION AND DEVELOPMENT PRIORITY PROGRAM FOR ASSISTANCE IN THE IMPLEMENTATION OF A PORT IMPROVEMENT PROJECT; PROVIDING FOR THE NECESSARY DOCUMENTATION OF THE NEED FOR THE PORT IMPROVEMENT; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. Mr. England explained this was relative to the LA DOTD Port Priority Program, State Project No. H.013074, the Heavy Load Multimodal Warehouse Expansion. It's recommended for approval.

Motion by Commissioner Bigby, seconded by Commissioner Gregorio, to approve Rs. No. 10 of 2019. Motion approved by the following vote:

AYES: Commissioners: Rick C. Prescott, Roy Griggs, Walter O. Bigby, Jr., Bill Altimus, Erica R. Bryant, Sam N. Gregorio, James D. Hall and Capt. Thomas F. Murphy. NAYS: 0. ABSENT: James L. Pannell. ABSTENTIONS: 0.

RESOLUTION NO. 11 OF 2019

BY THE CADDO-BOSSIER PARISHES PORT COMMISSION:

A RESOLUTION URGING MEMBERS OF ITS CONGRESSIONAL DELEGATION TO SUPPORT H.R. 2440, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, the Caddo Bossier Parishes Port Commission, (the “Commission”) believes the nation’s inland waterway system is a vital component in building and sustaining United States Ports by moving commodities and developing competitive economies at local, regional and global levels; and

WHEREAS, Congress provided authority to the U.S. Army Corps of Engineers (the “Corps”) for the construction and maintenance of approximately 1,067 federal harbors and shipping channels in the United States; and

WHEREAS, in 1986, Congress enacted the Harbor Maintenance Tax (HMT) to recover the operation and maintenance dredging costs for commercial ports from maritime shippers; and

WHEREAS, the Harbor Maintenance Tax initially applied to both imported and exported goods; however, in 1998, the U.S. Supreme Court unanimously held the imposition of the tax on exported goods was a violation of the U.S. Constitution. See, *United States v. U.S. Shoe Corp.*, 523 U.S. 360 (1998); and

WHEREAS, the Harbor Maintenance Trust Fund (HMTF) has collected far more revenues from shippers than Congress has appropriated to the Corps to maintain our nation's harbors; and

WHEREAS, approximately \$9.3 billion dollars in revenues previously collected remains unused for its intended purpose; and

WHEREAS, while shippers continue to pay into the HMTF for professed maintenance activities, the intended use of the funds has not been satisfied; and

WHEREAS, the unused funds accumulated in the HMTF would be sufficient to meet the maintenance dredging needs of all federally authorized ports; and

WHEREAS, H.R. 2440, introduced by Chairman Peter DeFazio, Ranking Member Sam Graves, Subcommittee Chairwoman Grace F. Napolitano, Subcommittee Ranking Member Bruce Westerman, and Representative Mike Kelly, creates a discretionary cap adjustment for the full utilization of the HMTF; and

WHEREAS, this change would enable the investment of approximately \$34 billion dollars over the next decade from the HMTF for the intended purpose of maintaining federally authorized harbors, thus allowing the Corps to dredge all federal harbors to their constructed widths and depths; and

WHEREAS, the Commission is committed to maintaining and growing the commerce moved by barge along the J. Bennett Johnston/Red River Waterway, a navigable waterway constructed and maintained by the United States Army Corps of Engineers.

NOW, THEREFORE BE IT RESOLVED that the Caddo Bossier Parishes Port Commission, meeting in due, legal and regular session convened, that it hereby urges members of its Congressional Delegation to support H.R. 2440 and associated legislative instruments for the expenditure of HMTF proceeds for their intended purposes.

BE IT FURTHER RESOLVED that official copies of this resolution be delivered to members of the Louisiana Congressional Delegation and that an official copy be placed in the permanent records of the Commission.

THUS, DONE AND SIGNED at Shreveport, Louisiana on this 12th day of August 2019.

/s/ Rick C. Prescott

RICK C. PRESCOTT

President

[SEAL]

/s/ Walter O. Bigby, Jr.

WALTER O. BIGBY, JR.,

Secretary-Treasurer

Approved as to legal form and content:

/s/ Dannye W. Malone

Dannye W. Malone

8/9/2019

Date

RS. NO. 11 OF 2019: A RESOLUTION URGING MEMBERS OF ITS CONGRESSIONAL DELEGATION TO SUPPORT H.R. 2440, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

Mr. England said this would urge the members of our Congressional delegation to support the Harbor Maintenance Trust fund.

Motion by Commissioner Hall, seconded by Commissioner Griggs, to approve Rs. No. 11 of 2019. Motion approved by the following vote:

AYES: Commissioners: Rick C. Prescott, Roy Griggs, Walter O. Bigby, Jr., Bill Altimus, Erica R. Bryant, Sam N. Gregorio, James D. Hall and Capt. Thomas F. Murphy. NAYS: 0. ABSENT: James L. Pannell. ABSTENTIONS: 0.

RESOLUTION NO. 12 OF 2019

STATE PROJECT NO. H.013898

PARISH OF CADDO

BY THE CADDO-BOSSIER PARISHES PORT COMMISSION:

A RESOLUTION TO ACCEPT THE BASE BID OF THE LOWEST QUALIFIED BIDDER OF THE HEAVY LOAD MULTIMODAL WAREHOUSE PROJECT, AND TO OTHERWISE PROVIDE

WITH RESPECT THERETO

WHEREAS, the Caddo-Bossier Parishes Port Commission (the “Commission”) received bids on July 30, 2019, at 4:00 p.m., for the Heavy Load Multimodal Warehouse Project (the “Project”) under the Louisiana Port Construction and Development Priority Program; and

WHEREAS, Forte and Tablada, Inc. (the “Consulting Engineers”) has recommended the award of the contract be made to Boggs and Poole Contracting Group, Inc., the lowest responsible and responsive bidder;

NOW, THEREFORE, BE IT RESOLVED by the Caddo-Bossier Parishes Port Commission, in regular session convened on this twelfth (12th) day of August, 2019, acting pursuant to the recommendation of the Consulting Engineers, that the Base Bid in the amount of \$14,885,192.74 Dollars submitted by Boggs and Poole Contracting Group, Inc. be accepted and the contract be awarded to Boggs and Poole Contracting Group, Inc.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

/s/ Walter O. Bigby, Jr.
Walter O. Bigby, Jr., Secretary-Treasurer

/s/ Rick C. Prescott
Rick C. Prescott, President

RS. NO. 12 OF 2019: A RESOLUTION TO ACCEPT THE BASE BID OF THE LOWEST QUALIFIED BIDDER OF THE HEAVY LOAD MULTIMODAL WAREHOUSE PROJECT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO. Mr. England said we received bids on this recently and had bids from Boggs & Poole, McInnis Brothers and Brown Builders. The lowest responsible and responsive bid is from Boggs & Poole in the amount of \$14,885,192.74. It is our recommendation for us to move forward with Boggs & Poole Contracting Group.

Motion by Commissioner Griggs, seconded by Commissioner Murphy, to approve Rs. No. 12 of 2019. Motion approved by the following vote:

AYES: Commissioners: Rick C. Prescott, Roy Griggs, Walter O. Bigby, Jr., Bill Altimus, Erica R. Bryant, Sam N. Gregorio, James D. Hall and Capt. Thomas F. Murphy. NAYS: 0. ABSENT: James L. Pannell. ABSTENTIONS: 0.

ORDINANCE NO. 2 OF 2019

BY THE CADDO-BOSSIER PARISHES PORT COMMISSION:

AN ORDINANCE AUTHORIZING THE IMPOSITION OF A THROUGHPUT FEE AND A RAILROAD STANDARD SCHEDULE OF CHARGES ON ALL RAILROAD OPERATIONS OCCURING AT THE CADDO-BOSSIER PARISHES PORT COMMISSION’S COMPLEX AND OTHERWISE PROVIDING WITH RESPECT THERETO:

WHEREAS, the Caddo Bossier Parishes Port Commission (“the Commission”) is a political

subdivision of the State of Louisiana created under the provisions of Article VI, Section 32 of the Louisiana Constitution of 1921, and continued and now governed by La. R.S. 34:3158, *et seq.* for the purpose of promoting the development of facilities along the Red River in Caddo and Bossier Parishes; and

WHEREAS, the Commission owns twenty-three (23) miles of railroad track on approximately two thousand (2,000) acres of land within Caddo and Bossier Parishes, Louisiana, (the “Industrial Complex”); and

WHEREAS, Rail Link, Inc. (“Rail Link”), a Virginia corporation, and the Commission entered into a Rail Switching Agreement on December 10, 2018 to provide rail switching and other related services on all railroad track located within the Industrial Complex; and

WHEREAS, it is necessary for the Board of Commissioners of the Caddo-Bossier Parishes Port Commission (the “Board”), acting as the governing authority of the Commission, to assess and impose Throughput Fees and Railroad Standard Schedule of Charges for the year 2019.

NOW, THEREFORE, BE IT ORDAINED by the Caddo-Bossier Parishes Port Commission in due, legal and regular session convened that:

SECTION 1. Assessment and Imposition of Throughput Fee. Acting under the authority of La. R.S. 34:3158, *et seq.*, the Throughput Fee of \$0.40 per net ton for all rail transported commodities moved through the Industrial Complex are hereby assessed and imposed for the year 2019.

SECTION 2. Railroad Standard Schedule of Charges. Acting under the authority of La. R.S. 34:3158, *et seq.*, the Railroad Standard Schedule of Charges, are hereby assessed and imposed for the year 2019, as follows:

SERVICE	RATE (PER CAR UNLESS OTHERWISE NOTED)
SWITCH (LOADED OR EMPTY)	\$125
CARS RELEASED W/O BILL OF LADING	\$250
SPECIAL TRAIN CHARGES	\$250 per hour (4-hour min.)
CLOSING DOORS	\$210
OVERLOADED CARS	\$300

TURNING OF CARS	\$250
CARS REFUSED DUE TO CONDITION	\$150
EMPTY/LOADED CARS RELEASED BUT NOT AVAILABLE TO PULL	\$125
EMPTY/LOADED CARS ORDERED IN PLACE BUT UNABLE TO PLACE	\$125
OVER-DIMENSIONAL AND/OR HEAVY LOAD	Special Train Charges apply + Switch Fee
STAND-BY SWITCHING	\$250 per hour (4-hour min.)
RE-SPOTTING	\$125
WEIGHING	\$200
RE-WEIGHING	\$200
STORAGE	RATE (PER CAR PER DAY)
PRIVATE RAILCAR NON-HAZMAT	\$15
PRIVATE RAILCAR HAZMAT (NOT TIH / PIH)	\$65
RAILROAD RAILCAR NON-HAZMAT	\$45

SECTION 3. Existing Agreement Exception. In the event a Commission customer or lessee have entered into agreements with the Commission and Rail Link for Throughput and Rail Switching Services, respectively, the provisions of such agreements shall supersede Sections 1 and 2 hereinabove.

SECTION 4. Publication. This ordinance shall be published in the official journal of the Commission one time in the manner provided by law.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption.

SECTION 6. Severability. Any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 7. Repealed. All ordinances or parts thereof in conflict herewith are hereby repealed.

Approved as to legal form and content:

/s/ Dannye W. Malone

Dannye W. Malone

7/30/19

Date

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

YEAS: Rick C. Prescott, Roy Griggs, Walter O. Bigby, Jr., Erica R. Bryant, Sam N. Gregorio,
James D. Hall and Thomas F. Murphy

NAYS: None

ABSENT: James L. Pannell

ABSTAINING: None

And the ordinance was declared adopted on this 12th day of August, 2019.

/s/ Rick C. Prescott

Rick C. Prescott, President

/s/ Walter O. Bigby, Jr.

Walter O. Bigby, Jr., Secretary-Treasurer

ORDINANCE NO. 2 OF 2019, AN ORDINANCE AUTHORIZING THE IMPOSITION OF A THROUGHPUT FEE AND A RAILROAD STANDARD SCHEDULE OF CHARGES ON ALL RAILROAD OPERATIONS OCCURRING AT THE CADDO-BOSSIER PARISHES PORT COMMISSION'S COMPLEX AND OTHERWISE PROVIDING WITH RESPECT THERETO:

Mr. England provided an overview of the throughput and rail fees to be charged by this Ordinance.

Motion by Commissioner Hall, seconded by Commissioner Bigby, to approve Rs. No. 12 of 2019. Motion approved by the following vote:

AYES: Commissioners: Rick C. Prescott, Roy Griggs, Walter O. Bigby, Jr., Bill Altimus, Erica R. Bryant, Sam N. Gregorio, James D. Hall and Capt. Thomas F. Murphy. **NAYS:** 0. **ABSENT:** James L. Pannell. **ABSTENTIONS:** 0.

CADDO-BOSSIER PARISHES PORT COMMISSION BY-LAWS. Commissioner Prescott said he asked Eric to take a look at our By-Laws, certain areas that I think need some revision. I'll let Eric bring his findings to us. Mr. England referred to the draft of the proposed By-Law changes in their packets and said he would be glad to go through and do an overview of them. The changes are highlighted in yellow for your convenience.

The Commission's By-Laws call for any changes to them to be done in a two-step process, first being an introduction and the second part a final adoption at a regular or specially called meeting.

Motion by Commissioner Hall, seconded by Commissioner Bigby, to approve the By-Laws changes of 2019. Motion approved by the following vote:

AYES: Commissioners: Rick C. Prescott, Roy Griggs, Walter O. Bigby, Jr., Bill Altimus, Erica R. Bryant, Sam N. Gregorio, James D. Hall and Capt. Thomas F. Murphy. NAYS: 0. ABSENT: James L. Pannell. ABSTENTIONS: 0.

Commissioner Prescott recognized Capt. Murphy who said my fellow commissioners, this has been a very challenging year for the Port. It's been very demanding on all the Port staff. I move we acknowledge the joint efforts of our entire Port staff by giving them a "Bravo Zulu" which in nautical terms means "job well done". Applause followed. Commissioner Prescott said he wanted to piggyback on it and said he appreciated the Board and the staff for doing such a great job. I support you 100%. If you need me, call me and I'll listen. Mr. England said on behalf of the staff, thank you for that resolution of support. It means a lot and we'll communicate it immediately.

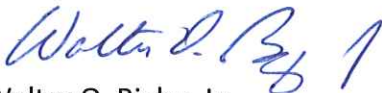
Motion by Commissioner Murphy, seconded by Commissioner Hall to the give the entire staff a "Bravo Zulu" Motion approved by the following vote:

AYES: Commissioners: Rick C. Prescott, Roy Griggs, Walter O. Bigby, Jr., Bill Altimus, Erica R. Bryant, Sam N. Gregorio, James D. Hall and Capt. Thomas F. Murphy. NAYS: 0. ABSENT: James L. Pannell. ABSTENTIONS: 0.

PORT DIRECTOR'S REPORT: Mr. England provided an update on various matters and projects.

Commissioner Prescott called for questions. Hearing none, he adjourned the meeting at approximately 4:59 p.m.

Respectfully submitted,



Walter O. Bigby, Jr.
Secretary-Treasurer

October Meeting
Regular Board Meeting of October 14, 2019 4:30 p.m.
Regional Commerce Center, Board Room
Shreveport, LA 71115