



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbp.org

Fred Everhardt, Jr.
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
at Large*

Patrice Cusimano
*Councilmember
District A*

Joshua "Josh" Moran
*Councilmember
District B*

Cindi Meyer
*Councilmember
District C*

Ryan Randall
*Councilmember
District D*

Amanda Mones
*Councilmember
District E*

Roxanne Adams
Clerk of Council

#11

Removed

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A SPECIAL MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON FRIDAY, AUGUST 20, 2024 AT THREE O'CLOCK P.M.

On motion of the Council Chair, without objection and by unanimous consent, it was moved to **remove** the following resolution from the agenda:

RESOLUTION SBPC #2401-08-24

A RESOLUTION ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, ON DECEMBER 7, 2024 TO AUTHORIZE THE ST. BERNARD PARISH GOVERNMENT TO CONSOLIDATE AND MERGE INTO ITSELF THE ST. BERNARD PORT, HARBOR, AND TERMINAL DISTRICT.

BE IT RESOLVED by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), that:

WHEREAS, Article 6, Section 16 of the Constitution of 1974 grants local governmental subdivisions the right, upon approval by a majority of the electors voting in the election held for that purpose, to consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of that parish;

WHEREAS, Section 7-09(b) of the Home Rule Charter authorizes parish government to consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of St. Bernard Parish;

WHEREAS, the St. Bernard Port, Harbor, and Terminal District is a political subdivision of the State of Louisiana situated in and coextensive with the boundaries of St. Bernard Parish;

WHEREAS, the Parish Council finds that the St. Bernard Port, Harbor, and Terminal District has breached its duty of fidelity to the residents and citizens of St. Bernard Parish;

WHEREAS, the Parish Council finds that the St. Bernard Port, Harbor, and Terminal District incurred a net loss of no less than \$22,633,129 in taxpayer funds in their transfer of the Violet Dock Port facility to the Port of New Orleans;



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WHEREAS, under Louisiana Revised Statutes Title 16, Section 2, the District Attorney for the Thirty-Fourth Judicial District, is designated as the regular attorney and counsel for the St. Bernard Port, Harbor, and Terminal District;

WHEREAS, the Parish Council has taken notice that the St. Bernard Port, Harbor, and Terminal District has elected not to use its statutorily designated attorney, the District Attorney for the Thirty-Fourth Judicial District, and instead hired outside counsel;

WHEREAS, the Parish Council has taken notice that the St. Bernard Port, Harbor, and Terminal District affirmatively voted to join forces with and align itself with the Port of New Orleans in the litigation instituted by St. Bernard Parish Government;

WHEREAS, the Parish Council has taken notice that the St. Bernard Port, Harbor, and Terminal District has explicitly taken a position detrimental to the residents of St. Bernard Parish that the Port of New Orleans has jurisdiction to operate in St. Bernard Parish.

WHEREAS, the Parish Council finds that it would be in the best interests of the residents and citizens of St. Bernard Parish to merge and consolidate the St. Bernard Port, Harbor, and Terminal District to allow St. Bernard Parish Government;

WHEREAS, upon merger and consolidation of the St. Bernard Port, the Parish Council commits to use any profits generated through the operations of the St. Bernard Port to fund the litigation against the Port of New Orleans;

WHEREAS, upon merger and consolidation of the St. Bernard Port, the Parish Council commits to direct the St. Bernard Port, Harbor, and Terminal to abandon its support of the Louisiana International Terminal, to take all measures to undo any agreements with the Port of New Orleans, and to join and/or institute the litigation against the Port of New Orleans to stop the development of the Louisiana International Terminal;

BE IT RESOLVED by the Parish Council, the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), that:



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SECTION 1. Election Call. Under the authority conferred by Article VI, Sections 5 and 22 of the Constitution of the State of Louisiana of 1974, the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the Parish on **SATURDAY, DECEMBER 7, 2024**, between the hours of seven o'clock (7:00) a.m., and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION

Shall St. Bernard Parish Government merge and consolidate into itself the St. Bernard Port, Harbor, and Terminal District?

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in The St. Bernard Voice, a newspaper of general circulation within the Parish, published in Arabi, Louisiana, and being the official journal of the Parish, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

Notwithstanding the foregoing, prior to the publication of the Notice of Special Election, the Council Chair is authorized and directed to make any amendments to the foregoing proposition that may be required to comply with any state or federal regulatory agencies.

SECTION 3. Canvass. This Governing Authority shall meet at its regular meeting place, the Council Chambers of St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana, on **TUESDAY, DECEMBER 17, 2024, at THREE O'CLOCK (3:00) P.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places for the precincts in the Parish are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.



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SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held on Tuesday, December 17, 2024, as provided in Section 3 hereof. All registered voters in the Parish will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Clerk of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Council Chair and/or Clerk of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Clerk of Court and Ex-Officio Parish Custodian of Voting Machines of St. Bernard Parish and the Registrar of Voters of St. Bernard Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the special election as herein provided and in the event said election carries for further consent and authority to allow voters the opportunity to vote on the merging and consolidation of the St. Bernard Port Harbor & Terminal District into St. Bernard Parish Government and a certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.



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The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cusimano, Moran, Meyer, Randall, Mones, McCloskey

NAYS: None

ABSENT: None

ABSTAIN: None

The Council Chair, Mr. Everhardt, cast his vote as **YEA**.

And the motion was declared **adopted** on the 20th day of August, 2024.

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, August 20, 2024.

Witness my hand and the seal
of the Parish of St. Bernard on
this 20th day of August, 2024.

ROXANNE ADAMS
CLERK OF COUNCIL

EXHIBIT "A"

NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of a resolution adopted by the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), on August 20, 20024, NOTICE IS HEREBY GIVEN that a special election will be held within the Parish on **SATURDAY, DECEMBER 7, 2024**, and that at the said election there will be submitted to all registered voters in the Parish qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION

Shall St. Bernard Parish Government merge and consolidate into itself the St. Bernard Port, Harbor, and Terminal District?

Said special election will be held at each and every polling place in the Parish of St. Bernard, which polls will open at seven o'clock (7:00) a.m., and close at eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541.

The polling places at the precincts in the Parish are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law.

The said special election will be held in accordance with the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and the officers appointed to hold the said election, as provided in this

Notice of Special Election, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, will make due returns thereof to said Governing Authority, and NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority will meet at its regular meeting place, the Council Chambers of St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana, on TUESDAY, DECEMBER 17, 2024, at THREE O'CLOCK (3:00) P.M., and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election. All registered voters of the Parish are entitled to vote at said special election and voting machines will be used.

THUS DONE AND SIGNED at Chalmette, Louisiana, on this, the 20th day of August, 2024.

ATTEST:

Council Chair

Clerk of Council



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STATE OF LOUISIANA

PARISH OF ST. BERNARD

I, the undersigned Clerk of the Parish Council of the Parish of St. Bernard, State of Louisiana (the "Governing Authority"), the governing authority of the Parish of St. Bernard, State of Louisiana (the "Parish"), do hereby certify that the foregoing pages constitute a true and correct copy of the proceedings taken by the Governing Authority on August 20, 2024, ordering and calling a special election to be held in the Parish of St. Bernard, State of Louisiana, on December 7, 2024, to allow voters the opportunity to vote on the merging and consolidation of the St. Bernard Port Harbor & Terminal District into St. Bernard Parish Government; making application to the State Bond Commission in connection therewith; and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature of the Parish at
Chalmette, Louisiana, on this, the 20th day of August, 2024.

Clerk of Council