

Minutes of the Regular Meeting of the Board of Commissioners of the Lake Charles Harbor and Terminal District held at 5:00 P.M., Monday, June 22, 2009, in the Board Room of the Port of Lake Charles located at 150 Marine Street, Lake Charles, Louisiana.

In attendance and constituting a quorum, were:

- Harry C. Hank, President
- Kay C. Barnett, Vice President
- Mark T. Abraham, Secretary/Treasurer
- David J. Darbone, Commissioner
- James L. Herford, Commissioner
- Walt M. Sanchez, Commissioner
- C. Wade Shaddock, Jr., Commissioner

Absent:

None

Also Present:

- R. Adam McBride, Port Director
- Mike Dees, General Counsel
- Richert Self, Director of Administration and Finance
- Channing Hayden, Director of Navigation/Security
- Donald Brinkman, Director of Engineering, Maintenance and Development
- Todd Henderson, Operations Director
- Derek Shierloh, Marketing Manager

Mr. Hank called the meeting to order at 5:00 P.M. Mr. Abraham gave the invocation and Mr. Shaddock led the Board and audience in the Pledge of Allegiance.

Mr. Hank made a statement reminding the Public of the Port's procedure for the Public to address an agenda item to the Board.

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1. Commendation of Mr. Fred R. Godwin for his service at a Board Commissioner.
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Mr. Hank publicly honored Mr. Fred R. Godwin for his service to the District and community as a Board Commissioner from May 29, 2003 – May 29, 2009. He presented Mr. Godwin with framed Resolution 2009 – 033 commending his service to the Board and community. Mr. Godwin accepted the Resolution and stated he was honored to have served with the other Commissioners and stated they all contributed to making the Port a more viable entity when the Board was reconstituted in 2003. He stated he felt the Port was “reborn” in 2003 to make it what it is today.

Ms. Barnett offered a motion to adopt Resolution 2009 – 033 commending Mr. Fred R. Godwin for his service to the District and community as a member of the Board of Commissioners. Mr. Darbone seconded the motion and it carried unanimously.

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- 2. Approval of the May 26, 2009 Regular Meeting Minutes.
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Mr. Sanchez offered a motion to approve the May 26, 2009 Regular Meeting Minutes as written. Mr. Abraham seconded the motion and it carried unanimously.

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- 3. Submission 2009 – 034 approving the Board of Commissioners Election of Officers.
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Mr. Shaddock offered a motion to adopt Resolution 2009 – 034 to approve the nominations of Board officers effective for one year beginning July 1, 2009 – June 30, 2010 as listed below:

Kay C. Barnett	President
Mark T. Abraham	Vice President
David J. Darbone	Secretary/Treasurer
Harry C. Hank	Assistant Secretary/Treasurer

Mr. Sanchez seconded the motion and it carried unanimously.

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- 4. Submission 2009 – 035 approving the American Press as the District’s Official Journal.
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Mr. Darbone offered a motion to adopt Resolution 2009 – 035 to approve the American Press as the District’s Official Journal. Mark T. Abraham seconded the motion and it carried unanimously.

At this time, Mr. Hank congratulated Ms. Barnett as the new President of the Board and recognized Mr. Walt Sanchez as the District’s newest Board member.

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- 5. Submission 2009 – 036 authorizing a one-year reduction in Gearbulk/Arrow Terminal rental rates.
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Mr. Shaddock offered a motion to adopt Resolution 2009 – 036 to authorize a one-year reduction in Gearbulk/Arrow Terminal rental rates. Mr. Darbone seconded the motion and it carried unanimously.

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6. Submission 2009 – 037 authorizing the Port Director to enter into an Amendment Number One to Lease Agreement with GEO Specialties.
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Ms. Barnett offered a motion to adopt Resolution 2009 – 037 to authorize the Port Director to enter into an Amendment Number One to Lease Agreement with GEO Specialties. Mr. Darbone seconded the motion and it carried unanimously.

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7. Submission 2009 – 038 accepting the lowest responsive bid of Mack Manufacturing, Inc. in the amount of \$113,338.00 for a new grapple bucket at BT-1.
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Mr. Darbone offered a motion to adopt Resolution 2009 – 038 to accept the lowest responsive bid of Mack Manufacturing, Inc. in the amount of \$113,338.00 for a new grapple bucket at BT-1. Mr. Shaddock seconded the motion and it carried unanimously.

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8. Submission 2009 – 039 accepting a proposal for maintenance dredging at BT-1.
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Mr. Abraham offered a motion to adopt Resolution 2009 – 039 to accept a proposal from Mike Hooks, Inc. for maintenance dredging at BT-1. Mr. Herford seconded the motion and it carried unanimously.

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9. Submission 2009 – 040 accepting the lowest responsive bid of for the replacement of a timber pile cluster at Berth 4.
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Mr. Shaddock offered a motion to adopt Resolution 2009 – 040 to accept the lowest responsive bid of F. Miller Construction, LLC. for the replacement of a timber pile cluster at Berth 4. Mr. Sanchez seconded the motion and it carried unanimously.

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10. Submission 2009 – 041 accepting the lowest responsive bid for the Cascade Chute for Ship Loader No. 1.
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Mr. Darbone offered a motion to adopt Resolution 2009 – 041 to accept the lowest responsive bid of Alfred Palma, LLC. in the amount of \$312,430.00 for the Cascade Chute – Ship Loader No. 1. Mr. Herford seconded the motion and it carried unanimously.

11. Administrative, Audit and Personnel Committee.

Ms. Barnett stated the Committee met on June 17, 2009 to discuss the Audited Financial Reports of and for the year ending 2008 and the Port Director's evaluation.

Ms. Barnett called Mr. Self to discuss the audit. Also, Mr. Jason Guillory, McElroy, Quirk and Burch, APC stated the accounting firm issued an unqualified opinion to the Port, which is the highest rating given.

Ms. Barnett stated the Committee recommended approving Resolution 2009 – 042 to accept and approve the Audited Financial Report as of and for the year ending 2008. Being a Committee recommendation no second to the motion is needed. The motion carried unanimously.

Ms. Barnett stated the Committee also met to discuss the Port Director's evaluation. The Committee gave the Port Director a rating of "More than exceeds Expectations" and recommended to the Board a salary adjustment of 4% effective July 1, 2009. Being a Committee recommendation no second to the motion is needed. The motion carried unanimously.

12. Audited Financial Report Briefing Note.

The briefing note on the Audited Financial Report was rendered to the Board and is on file in the Executive Offices.

13. May 2009 Financials Briefing Note.

The briefing note on the May 2009 Financials was rendered to the Board and is on file in the Executive Offices.

14. Monthly Staff report from General Counsel.

The General Counsel's Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

15. Monthly Staff report from Director of Administration and Finance.

The Director of Administration and Finance's Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

16. Monthly Staff report from Director of Navigation and Security.

The Director of Navigation and Security's Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

17. Monthly Staff report from Director of Terminal Operations.

The Director of Terminal Operations' Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

18. Monthly Staff report from Director of Marketing and Trade
Development.

The Director of Marketing and Trade Development's Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

19. Monthly Staff report from Director of Engineering, Maintenance, and
Development.

The Director of Engineering, Maintenance, and Development's Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

20. Monthly Staff report from the State Port Lobbyist.

The State Port Lobbyist's Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

21. Monthly Staff report from the National Port Lobbyist.

The National Port Lobbyist's Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

22. Executive Session.

- a. West Cameron Port Authority Litigation
- b. Discussion of Potential Litigation with F. Miller and Sons, LLC., et al

Mr. Herford offered a motion to enter into Executive Session. Mr. Darbone seconded the motion and it carried unanimously. The Board entered into Executive Session at 5:46 p.m.

The Board returned from Executive Session at 6:06 p.m. Mr. Hank stated no action was taken in Executive Session.

23. Other Matters which may properly come before the Board.

There being no further business to come before the Board, on a motion made by Ms. Barnett seconded by Mr. Sanchez and approved unanimously among those present the meeting adjourned.

All discussions held on the above items were recorded on Compact Disc Number 1, and filed in the Executive Offices of the District.

Please note that when the votes are shown as unanimous, it is the policy of the Board that the President does not vote except in the event of a tie vote by the rest of the Board and/or unless otherwise indicated.

H. C. Hank, President

ATTEST:

Mark T. Abraham, Secretary/ Treasurer