

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, July 27, 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:

- Kay C. Barnett, President
- David J. Darbone, Secretary/Treasurer
- James L. Herford, Commissioner
- Walt M. Sanchez, Commissioner
- C. Wade Shaddock, Jr., Commissioner

Absent:

- Mark T. Abraham, Vice President
- Harry C. Hank, Assistant Secretary/Treasurer

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
- Bill Rase, Director of Operations
- Dan Loughney, Director of Marketing and Trade Development
- Ginger Adam, Port Lobbyist

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

Ms. Barnett 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. Approval of the June 22, 2009 Regular Meeting Minutes.
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Mr. Shaddock offered a motion to approve the June 22, 2009 Regular Meeting Minutes as written. Mr. Herford seconded the motion and it carried unanimously.

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2. Submission 2009 – 043 approving and levying for the tax year 2009 an ad valorem millage rate of 2.60 mills.
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Mr. Sanchez offered a motion to adopt Resolution 2009 – 043 to approve and levy for the tax year 2009 an ad valorem millage rate of 2.60 mills. Mr. Darbone seconded the motion and it carried unanimously.

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3. Submission 2009 – 044 authorizing a Right of Way agreement with Entergy Gulf States Louisiana, LLC.
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Mr. Herford offered a motion to adopt Resolution 2009 – 044 to authorize a Right of Way agreement with Entergy Gulf States Louisiana, LLC. Mr. Shaddock seconded the motion and it carried unanimously.

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4. Submission 2009 – 045 authorized a Lease Option agreement with Dynamic Power, LLC.
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Mr. Shaddock offered a motion to adopt Resolution 2009 – 045 to authorize a Lease Option agreement with Dynamic Power, LLC. Mr. Herford seconded the motion and it carried unanimously.

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5. Administrative, Audit and Personnel Committee.
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Ms. Barnett stated the Committee met on July 23, 2009 to discuss the actual financials for the six months ending June 30, 2009 and the Forecast II for the next two quarters.

Ms. Barnett asked Mr. Self to present the financials to the full Board.

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6. Port Director Quarterly Expenses Briefing Note.
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The briefing note on the Port Director’s quarterly expenses was rendered to the Board and is on file in the Executive Offices.

- 7. Forecast II Financials Briefing Note.  
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The briefing note on the Forecast II Financials was rendered to the Board and is on file in the Executive Offices.

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

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

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

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

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

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

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

Ms. Ginger Adam updated the Board on the 2009 Legislative Session.

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

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- 16. Executive Session.
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- 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. Sanchez seconded the motion and it carried unanimously. The Board entered into Executive Session at 5:28 p.m.

The Board returned from Executive Session at 6:09 p.m. Ms. Barnett stated no action was taken in Executive Session.

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- 17. Other Matters which may properly come before the Board.
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There being no further business to come before the Board, on a motion made by Mr. Darbone seconded by Mr. Shaddock 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.

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Kay C. Barnett, President

ATTEST:

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David J. Darbone, Secretary/ Treasurer