

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, August 24, 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
Mark T. Abraham, Vice President
Harry C. Hank, Assistant Secretary/Treasurer
James L. Herford, Commissioner
Walt M. Sanchez, Commissioner
C. Wade Shaddock, Jr., Commissioner

Absent:

David J. Darbone, 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

Ms. Barnett called the meeting to order at 5:00 P.M. Mr. Abraham gave the invocation and Mr. Sanchez 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.

- 1. Approval of the July 27, 2009 Regular Meeting Minutes.

Mr. Sanchez offered a motion to approve the July 27, 2009 Regular Meeting Minutes as written. Mr. Shaddock seconded the motion and it carried unanimously.

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2. Submission 2009 – 046 authorizing an Act of Exchange with Bel Mineral, Limited Liability Company.
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Mr. Shaddock offered a motion to adopt Resolution 2009 – 046 to authorize an Act of Exchange with Bel Mineral, Limited Liability Company. Mr. Herford seconded the motion and it carried unanimously.

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3. Submission 2009 – 047 authorizing the Port Director to submit a rail improvement program to the United States Department of Transportation through the TIGER Grant Application.
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Mr. Abraham offered a motion to adopt Resolution 2009 – 047 to authorize the Port Director to submit a rail improvement program to the United States Department of Transportation through the TIGER Grant Application. Mr. Herford seconded the motion and it carried unanimously.

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4. Submission 2009 – 048 authorizing the Port Director to enter into an agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Priority Program for assistance in the implementation of a port improvement project.
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Mr. Hank offered a motion to adopt Resolution 2009 – 048 to authorize the Port Director to enter into an agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Priority Program for assistance in the implementation of a port improvement project. Mr. Herford seconded the motion and it carried unanimously.

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5. Submission 2009 – 049 authorizing a license agreement with American Tower, L.P. to provide a new location for the Port's Harbor Management and Security System equipment.
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Mr. Herford offered a motion to adopt Resolution motion to adopt Resolution 2009 – 049 to authorize a license agreement with American Tower, L.P. to provide a new location for the Port's Harbor Management and Security System equipment.

6. Veg Oil Lease Briefing Note.

The briefing note on the Veg Oil Lease was rendered to the Board and is on file in the Executive Offices.

Mr. Sanchez offered a motion to adopt Resolution 2009 – 050 authorize Port staff to terminate the Port’s lease with Lake Charles Food Products, Inc. Mr. Shaddock seconded the motion and it carried unanimously.

7. TWIC Escort Services Briefing Note.

The briefing note on the TWIC Escort Services was rendered to the Board and is on file in the Executive Offices.

Ms. Barnett asked Mr. Tom Flanagan, J.J. Flanagan Shipping Corporation, to address the Board. Mr. Flanagan stated if the Port took over the TWIC escort services, they would be cutting into their business. It will take Lake Charles Stevedores’ business away.

Mr. Tony Damron, Gearbulk, Inc., also addressed the Board about complaints he has received regarding the amount of time it takes trucks to be escorted and the amount the trucks have to pay to be escorted.

Mr. Shaddock suggested Mr. Flanagan and Mr. Damron get together to resolve the issue.

Mr. Sanchez stated he would like to see a resolution brought to the Board at the next month’s Board meeting.

8. July 2009 Financials Briefing Note.

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

9. 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.

10. 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.

11. 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.

Mr. Hank asked the status of the emergency dredging issue at Sempra. Mr. Hayden stated nothing had been resolved. However, there is a dredge and they are hoping to have it completed by October 15th.

12. 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.

13. 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.

14. 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.

15. 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.

 16. 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.

 17. Executive Session.

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

Mr. Sanchez offered a motion to enter into Executive Session. Mr. Hank 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.

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

There being no further business to come before the Board, on a motion made by Mr. Sanchez seconded by Mr. Hank 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.

 Kay C. Barnett, President

ATTEST:

 David J. Darbone, Secretary/ Treasurer