

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, September 28, 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
- Harry C. Hank, Assistant Secretary/Treasurer
- James L. Herford, Commissioner
- Walt M. Sanchez, Commissioner
- C. Wade Shaddock, Jr., Commissioner

Absent:

- Mark T. Abraham, Vice President
- 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. Shaddock gave the invocation and Mr. Sanchez led the Board and audience in the Pledge of Allegiance.

Ms. Barnett recognized public officials Representative Jonathan Perry, Howard Romero, Commissioner of West Cameron Port Authority and Sonny McGee also of Cameron Parish.

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 August 24, 2009 Regular Meeting Minutes.
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Mr. Sanchez offered a motion to approve the August 24, 2009 Regular Meeting Minutes as written. Mr. Hank seconded the motion and it carried unanimously.

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2. Public hearing of an Act of Exchange with Bel Mineral, Limited Liability Company.
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Mr. McBride stated a public hearing is required to be held relative to the District exchanging property with Bel Mineral, LLC. A Notice of Intent to Exchange Property was advertised on September 2<sup>nd</sup> and 9<sup>th</sup>. If the public hearing is favorable, the Board needs to adopt the proposed resolution at its next meeting to be held on October 22, 2009. No one from the public audience addressed the Board on this matter. The matter will be brought to the Board at the October 22, 2009 Regular meeting for approval.

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3. Submission 2009 – 051 amending the District Policy concerning bidding for Construction, Purchases and Professional Services.
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Mr. Shaddock offered a motion to adopt Resolution 2009 – 051 to amend the District Policy concerning Bidding for Construction, Purchases and Professional Services. Mr. Herford seconded the motion and it carried unanimously.

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4. Submission 2009 – 052 authorizing the Port Director as the District's Official Representative at the 2009 American Association of Port Authorities annual convention.
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Mr. Hank offered a motion to adopt Resolution 2009 – 052 to authorize the Port Director to act as the District's official representative at the 2009 American Association of Port Authorities annual convention. Mr. Sanchez seconded the motion and it carried unanimously.

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5. Submission 2009 – 053 authorizing the Port Director to enter into an 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.
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Mr. Shaddock offered a motion to adopt Resolution motion to adopt Resolution 2009 – 053 to authorize the Prot Director to enter into an agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction Development 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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6. Submission 2009 – 054 authorizing a lease/access agreement with PPG Industries, Inc. and Global Industries, Ltd. to provide new locations for the Port’s Harbor Management and Security System equipment.
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Mr. Sanchez offered a motion to adopt Resolution 2009 – 054 to authorize a lease/access agreement with PPT Industries, Inc. and Global Industries, Ltd. to provide new locations for the Port’s Harbor Management and Security System equipment. Mr. Herford seconded the motion and it carried unanimously.

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7. Submission 2009 – 055 accepting the lowest responsive bid of Professional Application Services, Inc for the Water Tower #3 coating.
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Mr. Hank offered a motion to adopt Resolution 2009 – 055 to accept the lowest responsive bid of Professional Application Services, Inc. for the Water Tower #3 coating. Mr. Sanchez seconded the motion and it carried unanimously.

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8. Submission 2009 – 056 accepting the proposal of Hogan and Richard General Contractors, LLC. for structural repairs to the Ship Loader at BT-1.
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Mr. Shaddock offered a motion to adopt Resolution 2009 – 056 to accept the proposal of Hogan and Richard General Contractors, LLC. for structural repairs to the Ship Loader at BT-1. Mr. Herford seconded the motion and it carried unanimously.

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9. Submission 2009 – 057 authorizing the Port to enter into a professional services agreement with URS Corporation for the Main Gate relocation.
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Mr. Herford offered a motion to adopt Resolution 2009 – 057 to authorize the Port to enter into a professional services agreement with URS Corporation for the Main Gate relocation. Mr. Hank seconded the motion and it carried unanimously.

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10. Submission 2009 – 058 authorizing the installation of four permanent highway-rail crossings for Walnut Grove subdivision.
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Mr. Shaddock offered a motion to adopt Resolution 2009 – 058 to authorize the installation of four permanent highway-rail crossings for Walnut Grove subdivision. Mr. Herford seconded the motion and it carried unanimously.

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11. Submission 2009 – 059 authorizing an increase of the capital budget for repairs to timber pile cluster and walkway at berth 4.
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Mr. Hank offered a motion to adopt Resolution 2009 – 059 to authorize an increase of the capital budget for repairs to timber pile cluster and walkway at berth 4. Mr. Sanchez seconded the motion and it carried unanimously.

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12. Submission 2009 – 060 authorizing to purchase Construction Management, Field Technical and QA/QC services from River West Enterprises, Inc. for the construction of various capital projects for the remainder of 2009 and for 2010.
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Mr. Hank offered a motion to adopt Resolution 2009 – 060 to authorize the purchase of Construction Management, Field Technical and QA/QC services from River West Enterprises, Inc. for the construction of various capital projects for the remainder of 2009 and for 2010. Mr. Shaddock seconded the motion and it carried unanimously.

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13. Submission 2009 – 061 authorizing the Port to provide all commercially needed escorting services at a published tariff rate.
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Mr. McBride asked Mr. Bill Rase, Director of Operations, to address the Board. Mr. Rase gave some background about the escorting downtime of trucks by reviewing the log books to see when trucks checked in and out.

Ms. Barnett asked Mr. Tom Flanagan to address the Board. Mr. Flanagan stated they want their customers to have what they and also what the Port wants. He said the average turnover rate for trucks is 35 minutes. The average time for a TWIC escorted truck is slightly over 2 hours.

Mr. Flanagan stated they started the escort services because they saw a need for them. They have purchased about \$40,000 in equipment in order to better handle the escorting. He provided pictures of the equipment to the Board.

He also read and submitted to the Board several letters from trucking companies supporting his services. He stated he would not contest the vote of the Board to take over the escort services but wanted to let the Board know how his company was doing.

Mr. Rase also read to the Board letters not in support of Flanagan’s services. These were letters written from logistic companies to Gearbulk, Inc.

The Board recognized Mr. Tony Damron, Gearbulk, Inc., to address the Board. He stated they had solicited help from different port stevedores. No one was interested in being escorts. Even though Flanagan has taken over the escorting they are still having problems. He would like the Port to take over the escorting of trucks.

Mr. Sanchez offered a motion to adopt Resolution 2009 – 061 to authorize the Port to provide all commercially needed escorting services at a published tariff rate. Mr. Hank seconded the motion.

Voting:

Ms. Barnett	Yes
Mr. Hank	Yes
Mr. Shaddock	Yes
Mr. Sanchez	Yes
Mr. Herford	No

As a two-thirds majority is needed for this vote, Ms. Barnett, President, voted on the matter. The motion carried.

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 14. Strategic Plan Briefing Note.  
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The briefing note on the District Strategic Plan was rendered to the Board and is on file in the Executive Offices.

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 15. August 2009 Financials Briefing Note.  
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The briefing note on the August 2009 Financials was rendered to the Board and is on file in the Executive Offices.

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 16. 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.

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- 17. 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.

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- 18. 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.

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- 19. 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.

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- 20. 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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- 21. 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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- 22. 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.

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 23. 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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 24. 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 5:56 p.m.

The Board returned from Executive Session at 8:28 p.m. Ms. Barnett stated no action was taken in Executive Session.

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 25. 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. 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.

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 Kay C. Barnett, President

ATTEST:

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 David J. Darbone, Secretary/ Treasurer