

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, May 24, 2010, 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
- David J. Darbone, Secretary/Treasurer
- Harry C. Hank, Assistant Secretary/Treasurer
- James L. Herford, Commissioner
- C. Wade Shaddock, Jr., Commissioner

Absent:

- Walt M. Sanchez, Commissioner

Also Present:

- Bill Rase, Port Director
- Michael K. Dees, General Counsel
- Richert Self, Director of Administration and Finance
- Donald Brinkman, Director of Engineering, Maintenance and Development
- Channing Hayden, Director of Navigation/Security
- Dan Loughney, Director of Sales and Marketing
- Michelle Bolen, Executive Administrative Assistant

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

-
1. Approval of the April 26, 2010 Regular Meeting Minutes.
-

Mr. Sanchez offered a motion to approve the March 29, 2010 Regular Meeting Minutes. Mr. Herford seconded the motion and it carried unanimously.

-
2. Submission 2010 – 023 authorizing Board Commissioners C. Wade Shaddock, Jr., James L. Herford and Walter M. Sanchez to attend the 2010 AAPA Commissioners Conference in San Diego, CA.
-

Mr. Herford offered a motion to adopt Resolution 2010 – 023 to authorize Board Commissioners C. Wade Shaddock, Jr., James L. Herford and Walter M. Sanchez to attend the 2010 AAPA Commissioners Conference in San Diego, CA. Mr. Darbone seconded the motion and it carried unanimously.

-
3. Submission 2010 – 024 adopting a list of 2010 Legislative Bills affecting the Port.
-

Mr. Shaddock offered a motion to adopt Resolution 2010 – 024 to adopt a list of 2010 Legislative Bills affecting the Port. Mr. Herford seconded the motion and it carried unanimously.

-
4. Submission 2010 – 025 authorized the Port Director to submit a rail improvement program to the United States Department of Transportation through the TIGER Grant Application.
-

Mr. Herford offered a motion to adopt Resolution 2010 – 025 to approve a reduction in rental rates paid by Gearbulk, Inc. or return of the area leased by Gearbulk, Inc. Mr. Darbone seconded the motion and it carried unanimously.

-
5. Submission 2010 – 026 accepted the lowest responsive bid of Alfred Palma, LLC in the amount of \$787,000 for the BT-1 Dock Rail Rehabilitation.
-

Mr. Hank offered a motion to adopt Resolution 2010 – 026 to accept the lowest responsive bid of Alfred Palma, LLC in the amount of \$787,000 for the BT-1 Dock Rail Rehabilitation. Mr. Abraham seconded the motion and it carried unanimously.

-
6. Submission 2010 – 027 supporting the concept of establishing a deep water vessel berthing terminal to serve the offshore oil and gas industry in Cameron Parish, Louisiana.
-

Mr. Sanchez offered a motion to adopt Resolution 2010 – 027 to support the concept of establishing a deep water vessel berthing terminal to serve the offshore oil and gas industry in Cameron Parish, Louisiana. Mr. Herford seconded the motion and it carried unanimously.

-
- 7. Submission 2010 – 029 authorizing the issuance of not to exceed \$400,000,000 Lake Charles Harbor and Terminal District Revenue bonds (Lake Charles Cogeneration, LLC.) in one or more series.
-

Mr. Darbone offered a motion to adopt Resolution 2010 – 029 to authorize the issuance of not to exceed \$400,000,000 Lake Charles Harbor and Terminal District Revenue bonds (Lake Charles Cogeneration, LLC.) in one or more series. Mr. Herford seconded the motion and it carried unanimously.

-
- 8. Administrative, Audit and Personnel Committee
-

The Administration, Audit and Personnel Committee met on May 19, 2010 to discuss the District’s audited financial statements as of and for the year ended December 31, 2009 and 2008. Mr. Hank offered a motion to recommend to the full Board at the May 24, 2010 Board meeting to adopt Resolution 2010 – 028 to receive and accept the audited financial statements as of and for the year ended December 31, 2009 and 2008. Being a Committee motion no second to the motion is required. The motion passed unanimously.

Mr. Hank stated the Committee also discussed the employment contract for Bill Rase, Port Director. Mr. Hank offered a motion to recommend to bring to the full Board at the May 24, 2010 Board meeting to adopt Resolution 2010 – 030 to approve the employment contract with Bill Rase with the change on page 5 of the contract correcting the date of December 2011 to December 2010. Being a Committee recommendation, no second to the motion is required. The motion passed unanimously.

-
- 9. Security and Risk Management Committee
-

The Security and Risk Management Committee met on May 4, 2010 to discuss the update on the security system, the update of the new entrance, and the policies on No Hot Pursuit and Use of Force.

No action was taken by the Committee.

-
- 10. Harbor Management and Security System Upgrade Briefing Note.
-

The Briefing Note on the Harbor Management and Security System Upgrade was rendered to the Board and is on file in the Executive Offices.

11. April 2010 Financials Briefing Note.

The Briefing Note on the April 2010 Financials was rendered to the Board and is on file in the Executive Offices.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

- 17. 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.

- 18. 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.

- 19. 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.

- 20. 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 5:32 p.m.

The Board returned from Executive Session at 6:24 p.m. Ms. Barnett stated no action was taken in Executive Session.

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

There being no further business to come before the Board, Ms. Barnett asked for a motion to adjourn. Mr. Shaddock offered a motion to adjourn. Mr. Darbone seconded the motion and it carried unanimously.

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