

Minutes of the Special Meeting of the Board of Commissioners of the Lake Charles Harbor and Terminal District held at 5:00 P.M., Monday, March 31, 2008, 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:

David J. Darbone, President
Harry C. Hank, Vice President
Mark T. Abraham, Commissioner
Kay C. Barnett, Commissioner
Fred R. Godwin, Commissioner
C. Wade Shaddock, Jr., Commissioner

Absent:

Stephen L. Hebert, Secretary/Treasurer

Also Present:

R. Adam McBride, Port Director
Mike Dees, General Counsel
Richert Self, Director of Administration and Finance
Donald Brinkman, Director of Engineering, Maintenance and Development
Bill Rase, Director of Operations
Dan Loughney, Director of Marketing and Trade Development
Channing Hayden, Director of Navigation/Security

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

Mr. Darbone 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 February 25, 2008 Regular Meeting Minutes.

Mr. Hank offered a motion to approve the February 25, 2008 Regular Meeting Minutes as written. Mr. Godwin seconded the motion and it carried unanimously.

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2. Submission 2008 – 012 approving a reimbursement to the Calcasieu Parish Police Jury in the amount of \$62,673 associated with the Pinnacle Dual Facility Head Tax Sharing Agreement.
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Mr. Godwin offered a motion to adopt Resolution 2008 – 012 to approve a reimbursement to the Calcasieu Parish Police Jury in the amount of \$62,673 associated with the Pinnacle Dual Facility Head Tax Sharing Agreement. Mr. Shaddock seconded the motion and it carried unanimously.

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3. Submission 2008 – 013 authorizing the advertisement and receipt of bids for the new shop and office at BT-1.
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Ms. Barnett offered a motion to adopt Resolution 2008 – 013 to authorize the advertisement and receipt of bids for the new shop and office at BT-1. Mr. Hank seconded the motion and it carried unanimously.

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4. Submission 2008 – 014 approving the completion of BT-1 railroad rehabilitation.
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Mr. Hank offered a motion to adopt Resolution 2008 – 014 to approve the completion of BT-1 railroad rehabilitation. Mr. Shaddock seconded the motion and it carried unanimously.

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5. Submission 2008 – 015 approving a contract agreement with Infinity Engineering.
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Mr. Abraham stated they had a process which took the money side out of the process for selecting engineering firms. When staff is looking at engineering contracts they do not look at price as a criterion.

However, the Board has a right to disagree. They have the right to approve dollars and the right to disapprove something that comes to the Board.

Mr. Abraham stated he thought they would not have to put a local preference in the evaluation process. He thought it would be a natural inclination for people to choose local firms. However, that did not occur. He thinks the Board's responsibility to do is to stimulate the economy, especially stimulate the local economy. When you take away an engineering job from a local firm, the Port is not keeping up with its Mission of stimulating the local economy.

He believes that they are sending a message to the local engineers in Southwest Louisiana that they might not be qualified to do work at the Port of Lake Charles. You have to infer that, but when the Port does not hire a local engineering firm, when there are many good quality local engineering firms, it bothers him. For that reason, he cannot vote for this contract. He believes they can re-look at it.

Mr. Shaddock stated he agreed with the exception that they ought to go ahead with this one. Staff has already made the recommendation and he would hate to change it now, especially when staff has done what they were instructed to do. He is all for using local firms but in the short run, he feels the Board should go ahead with this contract. In the long run, he would like a provision to use local firms and agreed with Mr. Abraham.

Mr. Godwin stated that they have a policy and the RFP was advertised by certain specifications and it would not be fair to the engineering firms to redo it. The Board can certainly change the criteria at a future time. He would like to recommend to move forward with the one they have now.

Mr. Godwin stated the policy should be sent back to the Business Committee to review the policy again.

Mr. Darbone stated he also would like to target local firms first before using outside firms.

Mr. Shaddock offered a motion to adopt Resolution 2008 – 015 to approve a contract agreement with Infinity Engineering. Mr. Godwin seconded the motion. Messrs. Shaddock, Godwin, Hank and Ms. Barnett voted yes to the motion. Mr. Abraham voted no. The motion passed with a vote of 4 to 1. The President does not vote unless in the event of a tie.

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- 6. Submission 2008 – 016 approving a contract agreement with Lanier Engineering.
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Mr. Abraham stated his comments were the same for this submission as the previous one. He could not vote for this contract.

Mr. Hank offered a motion to adopt Resolution 2008 – 016 to approve a contract agreement with Lanier Engineering. Mr. Godwin seconded the motion. Messrs. Shaddock, Godwin, Hank and Ms. Barnett voted yes to the motion. Mr. Abraham voted no. The motion passed with a vote of 4 to 1. The President does not vote unless in the event of a tie.

7. Submission 2008 – 017 amending the By-Laws of the District.

Mr. Hank offered a motion to adopt Resolution 2008 – 017 to amend the By-Laws of the District to add an Assistant Secretary to the Board. Mr. Abraham seconded the motion and it carried unanimously.

8. Submission 2008 – 018 electing an Assistant Secretary/Treasurer to the Board of Commissioners.

Mr. Shaddock offered a motion to adopt Resolution 2008 – 018 to elect Ms. Barnett as the Assistant Secretary/Treasurer to the Board. Mr. Abraham seconded the motion and it carried unanimously.

9. Submission 2008 – 019 authorizing Commissioners C. Wade Shaddock, Jr. and Mark T. Abraham to attend the 2008 AAPA Commissioners Conference and payment of expenses associated with the conference.

Ms. Barnett offered a motion to adopt Resolution 2008 – 019 to authorize Commissioners C. Wade Shaddock, Jr. and Mark T. Abraham to attend the 2008 AAPA Commissioners Conference and payment of expenses associated with the conference. Mr. Hank seconded the motion and it carried unanimously.

Mr. McBride asked Mr. Darbone if he wanted the Professional Services Policy to be referred back to the Business, Intergovernmental and Governmental Committee for further review. Mr. Darbone stated he did.

10. BT-1 Stevedoring Contract Briefing Note.

The Briefing Note regarding the BT-1 Stevedoring contract was rendered to the Board and is on file in the Executive Offices.

Mr. Darbone recognized Mr. Hillery Langley to address the Board. Mr. Langley addressed his concerns regarding the labor and manhours lost at the Port and asked the Port to work hard to get more jobs here not lose more jobs.

11. Port Logo Makeover Briefing Note.

The Briefing Note regarding the Port Logo Makeover was rendered to the Board and is on file in the Executive Offices.

12. Bulk Cargo Opportunities at City Docks Briefing Note.

The Briefing Note regarding Bulk Cargo Opportunities at City Docks was rendered to the Board and is on file in the Executive Offices.

13. Pre-filed Legislative Bill Briefing Note.

The Briefing Note regarding the Pre-filed Legislative Bill was rendered to the Board and is on file in the Executive Offices.

14. February 2008 Financials.

The Briefing Note regarding the January 2008 Financials was rendered to the Board and is on file in the Executive Offices.

15. 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.

16. 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.

17. 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.

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- 18. 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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- 19. 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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- 20. 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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- 21. 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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- 22. 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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- 23. 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

- c. Discussion of threatened litigation concerning Disposal Area 16N and other property acquisitions

Mr. Darbone asked for a motion to enter into Executive Session. Ms. Barnett offered a motion to enter into Executive Session. Mr. Godwin 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 6:49 p.m.

No action was taken.

 24. 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. Shaddock, seconded by Mr. Hank and approved unanimously among those present the meeting resumed regular session and adjourned at 6:49 p.m.

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.

 David J. Darbone, President

ATTEST:

 Kay C. Barnett, Assistant Secretary/ Treasurer