

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, October 20, 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:

- Harry C. Hank, President
- Mark T. Abraham, Secretary/Treasurer
- Stephen L. Hebert, Assistant Secretary/Treasurer
- David J. Darbone, Commissioner
- Fred R. Godwin, Commissioner
- C. Wade Shaddock, Jr., Commissioner

Absent:

- Kay C. Barnett, Vice President

Also Present:

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

Mr. Hank 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. Hank 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 September 29, 2008 Special Meeting Minutes.
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Mr. Darbone offered a motion to approve the September 29, 2009 Special Meeting Minutes. Mr. Shaddock seconded the motion and it carried unanimously.

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- 2. Submission 2008 – 078 authorizing the Port to enter into a professional services agreement with Meyer & Associates.
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Mr. Shaddock offered a motion to adopt Resolution 2008 – 078 to authorize the Port to enter into a professional services agreement with Meyer & Associates concerning a stacker and reclaimer project for BT-1. Mr. Darbone seconded the motion and it carried unanimously.

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- 3. Submission 2008 – 079 authorizing an increase of the capital budget for the upgrades on the Hold/Close/Open Trolley Project.
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Mr. Darbone offered a motion to adopt Resolution 2008 – 079 to authorize an increase of the capital budget for the upgrades on the Hold/Close/Open Trolley Project. Mr. Shaddock seconded the motion and it carried unanimously.

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- 4. Submission 2008 – 080 accepting the lowest responsive bid of Four Seasons Equipment of LA, LLC in the amount of \$200,500 for a new front-end loader.
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Mr. Hebert offered a motion to adopt Resolution 2008 – 080 accepting the lowest responsive bid of Four Seasons Equipment of LA, LLC in the amount of \$200,500 for a new front-end loader. Mr. Godwin seconded the motion and it carried unanimously.

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- 5. Submission 2008 – 081 accepting the lowest responsive bids of H & E Equipment Services in the amount of \$461,882 for a new cherry picker.
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Mr. Darbone offered a motion to adopt Resolution 2008 – 081 to accept the lowest responsive bids of H & E Equipment Services in the amount of \$461,882 for a new cherry picker. Mr. Godwin seconded the motion and it carried unanimously.

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- 6. Submission 2008 – 082 approving a stevedore license for Empire Stevedoring (LA), Inc.
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Mr. Godwin offered a motion to adopt Resolution 2008 – 082 approving a stevedore license for Empire Stevedoring (LA), Inc. with the revision to eliminate the requirement of financial statements from the application for stevedore permits as

required now of the District Tariff. Mr. Shaddock seconded the motion and it carried unanimously.

Mr. Tom Flanagan addressed the Board to state he had provided the Port his financial statements. Mr. McBride stated the Port had not received financial statements from Flanagan Shipping but would check again to verify if the Port had received them.

- 7. Submission 2008 – 083 authorizing the Port Director to enter into a Lease Option and Ground Lease Agreement with IFG-Port Holdings, Inc.

Mr. Shaddock offered a motion to adopt Resolution 2008 – 083 to authorize the Port Director to enter into a Lease Option and Ground Lease Agreement with IFG-Port Holdings, Inc. Mr. Abraham seconded the motion and it carried unanimously.

- 8. Submission 2008 – 084 authorizing a settlement agreement with Gloria Dean Booth and a dismissal of certain litigation.

Mr. Abraham offered a motion to adopt Resolution 2008 – 084 to authorize a settlement agreement with Gloria Dean Booth and a dismissal of certain litigation. Mr. Godwin seconded the motion and it carried unanimously.

- 9. Submission 2008 – 085 authorizing the incurring of debt and issuance of not exceeding \$104,167.00 of Lake Charles Harbor and Terminal District Certificates of Indebtedness.

Mr. Godwin offered a motion to adopt Resolution 2008 – 085 to authorize the incurring of debt and issuance of not exceeding \$104,167.00 of Lake Charles Harbor and Terminal District Certificates of Indebtedness. Mr. Shaddock seconded the motion and it carried unanimously.

- 10. Administration, Personnel and Audit Committee.

The Committee met on October 16, 2008 to discuss the District’s Forecast III.

11. Business, Intergovernmental and Governmental Committee.

The Committee met on October 17, 2008 to discuss a Disadvantaged Business Enterprise policy, revisions to the Profession Services Policy and Exclusivity.

The Committee made recommendations to the Disadvantaged Business Enterprise policy and the Professional Services Policy and decided to discuss the final changes at the next Committee meeting.

The Committee took no action on the item of Exclusivity. They will discuss Exclusivity again at the next Committee meeting.

12. Port Director Quarterly Expenses Briefing Note.

The Briefing Note regarding the Port Director's Quarterly Expenses was rendered to the Board and is on file in the Executive Offices.

13. Tariff Revisions Briefing Note.

The Briefing Note regarding Tariff revisions was rendered to the Board and is on file in the Executive Offices.

14. Forecast III Briefing Note.

The Briefing Note regarding the Forecast III 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. Executive Session.

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

Mr. Hank stated the Board would not be entering into Executive Session.

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. Godwin seconded by Mr. Darbone 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.

H. C. Hank, President

ATTEST:

Mark T. Abraham, Secretary/ Treasurer