

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, April 22, 2013 in the Board Room of the Port of Lake Charles located at 751 Bayou Pines, Suite A, Lake Charles, Louisiana.

In attendance and constituting a quorum, were:

- Harry C. Hank, President
- John L. LeBlanc, Vice President
- Elcie J. Guillory, Secretary/Treasurer
- Barbara M. McManus, Assistant Secretary/Treasurer
- Daryl V. Burckel, Commissioner
- Dudley R. Dixon, Commissioner
- Walter M. Sanchez, Commissioner

Absent:

None

Also Present:

- Bill Rase, Executive Director
- Richert Self, Director of Administration and Finance
- Donald Brinkman, Director of Engineering, Maintenance and Development
- Michelle Bolen, Executive Administrative Assistant

Mr. Hank called the meeting to order at 5:00 P.M. and asked Mr. LeBlanc to give the invocation. Mr. Guillory 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. GFOA Award Presentation.
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Mr. Hank presented Mr. Self a Government Finance Officers Association (GFOA) award for excellence in financial reporting for the year of 2011.

Mr. Self thanked the Board.

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2. Approval of the March 25, 2013 Regular Meeting Minutes.
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Mr. Guillory offered a motion to approve the March 25, 2013 Regular Meeting Minutes. Mr. LeBlanc seconded the motion and it carried unanimously.

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3. Submission 2013 – 019 authorizing the Executive Director to amend Resolution 2012 – 013 for architectural services with Randy M. Goodloe for the GSA project CP12003.
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Dr. Burckel offered a motion to adopt Resolution 2013 – 019 to authorize the Executive Director to amend Resolution 2012 – 103 for architectural services with Randy M. Goodloe for the GSA project CP12003. Ms. McManus seconded the motion and it carried unanimously.

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4. Submission 2013 – 020 authorizing the Executive Director on behalf of the Lake Charles Harbor and Terminal District to enter into an agreement with the State of Louisiana, Division of Administration, Facility Planning and control under the LA Capital Outlay Program for the assistance in the implementation of a port improvement project.
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Mr. Dixon offered a motion to adopt Resolution 2013 – 020 to authorize the Executive Director on behalf of the Lake Charles Harbor and Terminal District to enter into an agreement with the State of Louisiana, Division of Administration, Facility Planning and control under the LA Capital Outlay Program for the assistance in the implementation of a port improvement project. Mr. Guillory seconded the motion and it carried unanimously.

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5. Administrative, Audit and Personnel Committee.
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The Committee met on April 17, 2013 to discuss the District’s Forecast I, the District Employee Handbook, the LA Compliance Questionnaire and the District’s Cash Management Policy.

Mr. Self presented the Committee with the District’s Forecast I. No action was needed on this item.

Mr. Self presented the revisions made to the District’s Employee handbook. These revisions included the following:

1. Exchanging “Executive Director” from “Port Director.”
2. Leave shall be taken in increments of one-quarter hour. – changed from ½ hr.
3. Minimum charge for sick leave shall be one-quarter hour. – changed from ½ hr.
4. Change on monthly uniform allowance from \$100.00 to an amount fixed by the Executive Director.

Mr. Sanchez stated the Committee recommended the revisions to the District’s Employee Handbook be accepted at the Regular Board Meeting on April 22, 2013. Ms. McManus offered a motion to amend Resolution 2013 - 021 to the Handbook to specify that the monthly uniform

allowance be offered to classified Civil Service employees only. Dr. Burckel seconded the motion and it carried unanimously.

Mr. Sanchez stated the Committee discussed the responses to the LA Compliance Questionnaire. Ms. McManus offered a motion to recommend to the full Board at the April 22, 2013 Regular Board meeting to authorize the responses to the Louisiana Compliance Questionnaire. Mr. Hank seconded the motion and it carried unanimously.

Mr. Sanchez offered a motion to adopt Resolution 2013 – 022 to authorize the responses to the LA Compliance Questionnaire. Mr. Sanchez stated that since this is a Committee recommendation no second to the nomination is required. The motion carried unanimously

Mr. Sanchez stated the Committee discussed the revisions to the District’s Cash Management policy. Mr. Self presented the changes to the Committee.

Mr. Hank offered a motion to approve the changes made to the District’s Cash Management and Investment policy and recommend approval to the full Board at the April 22, 2013 Regular Board Meeting. Ms. McManus seconded the motion and it carried unanimously.

Mr. Sanchez offered a motion to adopt Resolution 2013 – 023 to approve the changes to the District’s Cash Management Policy. Being a Committee recommendation, no second to the nomination is required. The motion carried unanimously.

6. Industrial Employee Housing Facility Presentation.

Mr. Ian Foster, Greenfield Logistical Services of Louisiana, gave a PowerPoint presentation to introduce the concept of a temporary housing facility to support the influx of workers coming to the area constructing the new industrial projects.

7. Executive Director Quarterly Expenses Briefing Note.

The Briefing Note concerning the Executive Director’s Quarterly Expenses ending March 31, 2013 was rendered to the Board and is on file in the Executive Offices.

8. State/ CORPS/POLC Funding of Beneficial Use Projects Briefing Note.

The Briefing Note concerning the State/CORPS/POLC funding of Beneficial Use Projects Briefing Note was rendered to the Board and is on file in the Executive Offices.

9. Forecast I Briefing Note.

The Briefing Note concerning the District's Forecast I 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.

12. Monthly Staff report from Director of Operations.

The Director of 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. Threatened litigation by Lake Charles Stevedores, LLC (Tom Flanagan) related to the Bag House Lease termination.
- b. Threatened litigation by Lake Charles Stevedores, LLC (Tom Flanagan) related to the Federal Maritime Commission and alleged Shipping Act violations.
- c. Pending litigation filed by Lake Charles Stevedores, LLC (Tom Flanagan), Fourteenth (14th) Judicial Court, Parish of Calcasieu, State of Louisiana-Suit No. 2013-001091.
- d. Threatened litigation in writing by the *M/V Advantage* relating to possible damages at Berth 6.

Mr. Hank asked for a motion to enter into Executive Session. Dr. Burckel offered a motion to enter into Executive Session. Ms. McManus seconded the motion and it carried unanimously. Mr. Hank stated the Board would have an action item after it returns from Executive Session concerning the litigation on the *M/V Advantage*.

The Board entered into Executive Session at 6:05 p.m.

The Board returned from Executive Session at 6:31 p.m. Ms. McManus offered a motion to return to Regular Session. Dr. Burckel seconded the motion and it carried unanimously. No action was taken in Executive Session.

Mr. Sanchez offered a motion to adopt Resolution 2013 – 024 to authorize the entering into of two settlement agreements relating to the July 20, 2012 incident at Berth 4 with the *M/V Advantage*.

Mr. Sanchez split the Resolution into two parts to include:

1st – Approval of the damages claim with the *M/V Advantage*, Mr. Sanchez offered a motion to accept the claims agreement of \$166,400 less the Port’s share of a \$50,000 deductible. Mr. LeBlanc seconded the motion and it carried unanimously.

2nd – Approval in regards to the *M/V Advantage* property damage claim, the total was \$237,533 which is 87% of the total claim. Mr. Sanchez offered a motion to approve the claim amount. Ms. McManus seconded the motion and it carried unanimously.

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

There being no further business to come before the Board, Mr. Hank asked for a motion to adjourn. Mr. LeBlanc offered a motion to adjourn. Dr. Burckel seconded the motion and it carried unanimously. The meeting adjourned at 6:32 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.

H.C. HANK, President

ATTEST:

ELCIE J. GUILLORY, Secretary/ Treasurer