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, October 26, 2020 in the Boardroom of the Port of Lake Charles located at 1611 West Sallier St., Lake Charles, Louisiana.

In attendance and constituting a quorum, were:

Carl J. Krielow, President

Thomas L. Lorenzi, Vice President

M. Keith Prudhomme, Secretary/Treasurer

Judy A. McCleary, Assistant Secretary/Treasurer

David J. Darbone, Commissioner

Dudley R. Dixon, Commissioner (by phone)

Michael G. Eason, Commissioner

Absent:

None

Also Present:

Richert Self, Executive Director

Jon Ringo, General Counsel

Cameron Landry, Director of Administration and Finance

Channing Hayden, Director of Navigation

Todd Henderson, Director of Operations

Nick Pestello, Director of Engineering and Maintenance

Therrance Chretien, Director of Cargo and Trade Development

Michelle Bolen, Executive Administrative Assistant

Mr. Krielow called the meeting to order at 5:03 P.M. Mr. Krielow gave the invocation. Mr. Darbone led the Board and audience in the Pledge of Allegiance.

Mr. Krielow 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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Elizabeth McLaughlin Presentation.

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Mr. Krielow recognized Ms. Elizabeth McLaughlin to address the board. She thanked the Board for giving her the opportunity to speak tonight. Before she begins, she wanted to say thank you and commend the Executive Director, General Counsel, Board of Commissioners and port staff to say what we are experiencing right now is challenging and difficult is truly an understatement. Thank you for what the port is doing. The port is truly the heart of our economy in Southwest Louisiana.

She is here this evening on behalf of the gaming industry in Calcasieu Parish to talk about the sports wagering proposition that is on the ballot on November 3. There are actually three important ballot initiatives on the ballot that are important to Calcasieu Parish. The first is amendment number five, which is very important to the business and industry community. It gives local governments to know their option when they are recruiting industries to their areas. The second is the drainage issue the parish has that you will vote either east or west. The parish consolidated their drainage districts in 2019 from seven to two reducing redundancy and being able to operate more efficiently. The passage of this parish wide will reduce the millage assessment payment that we would pay on our property tax and the third is betting.

Although she is working specifically on sports wagering, they are working in unison with the business and industry to promote the issues that are important to Calcasieu Parish.

Regarding sports wagering, the proposition is on the ballot statewide, but its approval is on a parish by parish basis. Only parishes that have a majority yes vote be allowed to have sports wagering in their jurisdictions. It is an opening to the door of sports wagering because the legislature has yet to set a tax rate or set the regulatory framework that will be regulated and overseen by the Gaming Control Board and enforced by the Louisiana State Police.

Why is it important that sports wagering is passed in Calcasieu Parish? The number one reason is the increase gaming tax revenue that is going to come to our parish. People ask how much money does this mean for Calcasieu Parish. Without a tax rate it is difficult to say what that number is, but the port benefits from gaming tax revenue as does the parish and all of the municipalities in the parish: McNeese, SOWELA and the school board. In 2019, $34 million in gaming tax revenue was paid. That money was spent to do all kinds of things like purchase fire trucks, pay for drainage initiatives and beautification projects. Whether or not you walk into a casino, everyone in this parish is positively impacted by gaming tax revenue paid by our four properties.

The second reason that is important for it to pass what’s wagering in Calcasieu Parish is it is a critical piece to the long-term recovery of not only the gaming industry, hospitality and tourism industry. When she talks about gaming hospitality and tourism, she is not just talking about the big companies. She is talking about the people who work for the industry, their families and also the small businesses that are supported by providing goods and services to these industries.

To say that gaming, hospitality and tourism has been hit hard is another understatement. There are 989 casinos in the country and all of them had to shut down in March. That is unprecedented. Take that a step further and look at the four gaming properties in Calcasieu Parish that have had to shut down three times since March. That is unbelievable. It has obviously impacted revenue, jobs and the support that it provides to the people here.

The last point she wanted to make his gaming has really become a fabric of the community. The Calcasieu Parish gaming industry is the number one gaming industry in the state. The American gaming Association ranks it number 11 out of 989 casinos in the country. That is tribal and commercial casinos. When you look at any nonprofit board here, you will see someone from gaming represented on that board. When charities and nonprofits start their fundraising drives, casinos are one of the first places that they go to, to ask for support. The gaming community always comes through, not only to support charities and nonprofits, but they have come through in big ways since the hurricane providing – L’auberge has provided over 100,000 meals, not only to employees but, people in the community and to first responders. The gaming properties have provided hotel rooms for the linemen with Entergy who are restoring the power. They have donated time and money, community foundation and United Way and other aspects to help the community recover. Gaming has always come through for our community and has become part of the fabric of the community, so it is very important that the community come through for the gaming industry and pass sports wagering on November 3. She asked if anyone had any questions. Mr. Eason asked if they had done any kind of study on what kind of sports betting is going on already. Ms. Laughlin replied that right now legalize sports betting is in 20 states. The neighboring states of Mississippi and Arkansas have legalized sports betting and the Spectrum Gaming Group released a report in the spring of 2019. It was commissioned by LED and that report estimated we are losing up to $330 million in gaming revenue to our neighboring states that have legalized sports wagering. We are also not recapturing the tax and incentives from sports wagering that is taking place illegally online.

Ms. McCleary asked if this passes in Calcasieu Parish, when would it actually be implemented? When could they start setting up sports betting in casinos? Ms. McLaughlin replied that we would have to wait until the legislature passes the tax rate and sets up the regulatory framework. It could be as soon as late 2021 or early 2022. Ms. McCleary’s stated that if any other parishes approve it and Calcasieu Parish does not, then they will benefit from it and Calcasieu Parish would not. Ms. McLaughlin stated that was correct. Calcasieu Parish is a key gaming community in the state. It is the number one revenue-generating in the state. If Calcasieu misses this opportunity, it is not only a missed opportunity for gaming, it is a missed opportunity the state as well.

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Recognition of Hurricane Relief from Other Ports and Partners

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Mr. Krielow stated he spoke to Mr. Self and Mr. Ringo about the board issuing a resolution thanking several ports and port organizations that came to the aid the Port of Lake Charles after Laura with supplies for employees. He felt we should send some kind of recognition.

Mr. Self stated that on August 27, Laura devastated our area in Southwest Louisiana. Thankfully, we had support from several organizations in several ports who stepped up and provided hurricane relief supplies, hot meals and some financial assistance for some of the employees whose property was extremely damaged. Those who helped are the Port of New Orleans, CRC Global solutions, TCI all provided hurricane relief supplies. The port of Beaumont donated hurricane relief supplies. Greg Johnson of the port of Baton Rouge provided jambalaya dinners for about 800 people. The American Association of Port authorities and the Port Association of Louisiana provided financial assistance to employees. We have been very blessed.

We will do a resolution stating the following:

WHEREAS, on August 27, 2020, Hurricane Laura slammed into the southwest Louisiana area, devasting Lake Charles, Louisiana and the surrounding areas; and

WHEREAS, the staff and Board of Commissioners of the Lake Charles Harbor & Terminal District wishes to express their gratitude for all hurricane relief supplies donated to the Port of Lake Charles; and

WHEREAS, the staff and Board of Commissioners of the Lake Charles Harbor & Terminal District knows that no amount of words can truly express the depth of our thankfulness for the hurricane relief supplies donated during this crisis.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE LAKE CHARLES HARBOR AND TERMINAL DISTRICT IN REGULAR SESSION CONVENED THAT:

SECTION 1: The Board of Commissioners of the Lake Charles Harbor and Terminal District does hereby recognize, commend and express its sincere gratitude and appreciation for the generous donations of hurricane relief supplies from \_\_\_\_\_\_\_\_\_\_\_\_. They will do a resolution for each entity.

Mr. Eason offered a motion to adopt Resolutions 2020 – 037 - 043 thanking those who helped the Port after Hurricane Laura. Mr. Lorenzi seconded the motion and it carried unanimously.

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1. Approval of the September 28, 2020 Regular Meeting Minutes.

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Ms. McCleary offered a motion to approve the September 28, 2020 Regular Meeting Minutes. Mr. Darbone seconded the motion and it carried unanimously.

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2. Submission 2020 – 031 declaring that an emergency existed due to the impact of Hurricane Delta to the District and ratifying and approving all actions taken by the Executive Director to address such emergency conditions.

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Mr. Self stated that similar to what they did with Hurricane Laura when Hurricane Delta hit Southwest Louisiana, they did an emergency declaration, which enabled him to take a few actions without calling a board meeting. The only thing he really did was Yates was already here working with the port from hurricane Laura. They extended the amount and amended their contract and increased the dollar amount from $2 million-$3 million. That will cover the work they had to do with their subcontractor.

Some of the items they were working on were a lot of tarps on the roof on the transit sheds and warehouses that were placed there after hurricane Laura. Those blew off and needed to be re-tarped. Some of the cargo needed to be re-tarped. In this building, upstairs in the accounting department, the roof leaked because of the wind driven rain and those offices got wet. All of the furniture desks filing cabinets got wet. They also had debris removal along City Docks

Mr. Darbone offered a motion to adopt Resolution 2020 – 031 to declare that an emergency existed due to the impact of Hurricane Delta to the District and ratifying and approving all actions taken by the Executive Director to address such emergency conditions. Mr. Dixon seconded the motion and it carried unanimously.

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3. Submission 2020 – 032 authorizing the Executive Director to sign an amendment to the Project Partnership Agreement with the Corps of Engineers.

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Mr. Self stated the purpose of this resolution is to amend the project partnership agreement that the port has with the Corps of Engineers. It only does a few minor things. One thing it does is amend the DMMP, which is the Dredging Material Management Plan to incorporate an expanded area near Big Lake to its original boundary, which was not contemplated in the original PPA and DM MP. The other thing it does is update the cost estimates in the PPA, which were done when the original document was approved. The important thing to note even though they have updated the cost estimates, they do not show the impact of the port until we spend that money for our cost share.

Ms. McCleary offered a motion to adopt Submission 2020 – 032 to authorize the Executive Director to sign an amendment to the Project Partnership Agreement with the Corps of Engineers. Mr. Lorenzi seconded the motion.

Mr. Lorenzi asked how these amendments originated. Mr. Self replied that the Corps’ office in New Orleans and the US Army Corps of Engineers district office in Vicksburg, Mississippi did not believe that these actions required an amendment to the PPA nor the DMMP. However, when it got to Washington, they felt both needed to be amended. This is where they are. It has no real impact.

Mr. Hayden stated this is just lawyers being picky. Mr. Krielow stated that when the money gets spent it will be part of that 3P partnership. Mr. Hayden and Mr. Self agreed. Mr. Krielow stated others will also be spending not just the Port of Lake Charles. Mr. Lorenzi asked if this does not obligate that this be done or be spent. Mr. Self stated the money has to be approved by the port. Mr. Hayden stated this does not obligate the port or the funding committee to spend any money. What will have to happen is the CORPS will come to the port and the port and the CORPS will go to the funding committee and let them know they would like to do this project, explain what the project is, and get past the funding committee to put up the funds for the nonfederal sponsor. When they do, the matching funds will be available in the project will go forward. Mr. Lorenzi stated that all it did was expand the outer limits of what it could be. Mr. Hayden stated all this does actually say that they can specifically expand the disposal sites that are in Big Lake and Calcasieu Lake to their original footprint.

The motion carried unanimously.

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4. Submission 2020 – 033 approving an extension to the Adams and Reese service agreement.

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Mr. Self stated in 2019, the financial statement audit has a finding that staff did not go to the board for approval for the Washington lobbyist. Staff felt as though it was a month-to-month contract and did not need to be approved by the board. The auditors saw differently. The plan this year was to issue an RFP for a Washington lobbyist. Hurricane Laura and Delta came and they decided to leave that out. They are to the point where they are about to expend $100,000, which is his authority, so they are asking the board to extend the Adams and Reese contract for 90 days, which will push it to the end of January. During that time, and somewhere during that, they will issue an RFP for a Washington lobbyist.

Mr. Eason offered a motion to adopt Submission 2020 – 033 to approve an extension to the Adams and Reese service agreement. Mr. Darbone seconded the motion and it carried unanimously.

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5. Submission 2020 – 034 approving an amendment of the 2020 Operating Budget for the Lake Charles Harbor and Terminal District.

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Mr. Self said the state statutes require that if a governmental entity’s revenues fall below 5% of what they budgeted or the projected expenses exceed what the budget was for those expenses, it is required that they submit through the board to amend the budget. Going into forecast three, Mr. Landry estimated that all revenues will actually exceed what we are budgeting, but it is due to primarily some insurance proceeds from the damages from Hurricanes Laura and Delta. However, they will have to write off some assets, primarily the cranes at BT-1 and estimate that to be about $28 million in net book value. That was something that was not budgeted, so we are requesting this be approved for the operating budget of 2020.

Mr. Lorenzi offered a motion to adopt Submission 2020 – 034 to approved an amendment of the 2020 Operating Budget for the Lake Charles Harbor and Terminal District. Mr. Darbone seconded the motion and it carried unanimously.

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6. Submission 2020 – 035 approving the awarding of a contract to complete a Strategic Plan for the Port.

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Mr. Self stated a few minutes ago Krielow announced that the Business, Intergovernmental and Environmental committee made a recommendation to approve the contract of Martin Associates and Meyer to do the strategic plan at their October 26, 2020 meeting. It does not take a second motion.

Mr. Eason offered a motion to adopt Submission 2020 – 035 to approve the awarding of Martin Associates to complete a Strategic Plan for the Port. Being a Committee recommendation, no second to the motion is needed. It carried unanimously.

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7. Submission 2020 – 036 authorizing the Executive Director to submit a Capital Outlay Request for the implementation of a certain port improvement project.

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Mr. Self stated each year the port submits capital projects for approval by the board in an effort to get capital outlay funds this year we are submitting three different projects. The first of which is three bulk handling cranes and for BT-1. The second to mobile harbor cranes for BT-1, which is a resubmittal from last year, and the third is a bulk grain terminal, which is again a resubmittal and did not receive any funding last year. In all likelihood, item number one, the reality is state government is not going to act quickly enough for the port. It will probably be a multiyear approval to get anything done through capital outlay for this project. In all likelihood, the port will act more quickly than they would and this would probably prevent us from getting any money from capital outlay.

Regarding item 2, this is a $3 million request. We got $500,000 last year.

Regarding item 3, this is a resubmittal from a prior year. Because of the dollar volume, that project is probably pretty challenging to attempt to get any funding as well. In all likelihood, two and three are the only ones that get submitted.

Ms. McCleary asked what we are submitting if they approved this. Self replied that they will submit item number two are the two mobile cranes for BT-1 and the bulk grain terminal which is a resubmittal.

Mr. Lorenzi offered a motion to adopt Submission 2020 – 036 to authorize the Executive Director to submit a Capital Outlay Request for the implementation of a certain port improvement project. Mr. Prudhomme seconded the motion.

Mr. Self stated this was based on additional conversations they had with the state and with Ms. Corley as far as whether or not they thought they could get funding from the state timely enough to be able to act. The port will act far more quickly. Ms. McCleary stated that we are not going to act on item number one. Mr. Self stated that was correct. Mr. Lorenzi stated this just gives them the authorization Mr. Self stated that was correct. Mr. Krielow said this has to be submitted by November 1.

The motion carried unanimously.

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8. Executive Director Quarterly Expenses Briefing Note

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

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9. Forecast III 2020 Financials Briefing Note

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The Forecast III 2020 Briefing Note was rendered to the Board and is on file in the Executive Offices.

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10. Monthly Staff report from Director of Administration and Finance Monthly Report.

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Mr. Landry stated they are continuing to work with CSRS, GOHSEP and FEMA to ensure all documentation is submitted related to the hurricanes to make sure we are reimbursed as we should be.

He has started work on the 2021 budget, which will be presented at the December meeting.

The Director of Administration and Finance Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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11. Monthly Staff report from Director of Navigation.

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Mr. Hayden stated referring to the obstructions noted on the attached map, the northern most is a contact (#1) across from the Port Authority’s City Docks It was a sunken shrimp boat across from Berth 3. It’s was recovered and removed by the U.S. Army Corps of Engineers (Corps).

There is a contact in Clooney Island Loop (#2) and a contact (not shown properly on the map) in Coon Island Loop (#3). Both are dredging issues and don’t impact the draft of vessels going to facilities on those channels.

Contact #4 is in the Industrial Canal turning basin and is described on the map as a barge here but it’s not. Contact #4 a sunken dry dock. All interested parties are aware of it. It is outside of the Federal Turning Basin and is being addressed by its owner.

Further down the channel, this is an obstruction in East Fork (center panel of the map). This contact (#5) is either one barge or two barges side by side. We do not have clarity on how many barges are missing. There are either three or four missing barges. If there are three, three have been identified. If there four, one barge has not been located. Contact #5 is not in the Federal Channel. The Coast Guard, the Pilots and the Corps of Engineers are monitoring Contact #5 to insure it does not slip out into the federal channel. So far, Contact #5 has been stable.

The first mile of the Monkey Island Loop on the north side is part of the Federal Channel. There are multiple contacts in this area that the Corps is investigating. The rest of the Monkey Island Loop is not part of the Federal Channel. Multiple contacts that have been detected in this area and the information has been turned over to the Cameron Port Harbor & Terminal District.

Contact #6, immediately north of the shoreline is a sunken rock barge in the Venture Global Turning Basin. This contact has been identified as a barge from the Corps’ contractor, Crain Brothers. Venture Global and the Crane Brothers are working to remove that barge.

Contact #7 is an anomaly that is existed in the Jetty Channel for quite some time. Everyone is aware of its location and knows that there is about 50 feet of water over it. Because of this, it does not impact any of the ships transiting the area.

Contact #8, at the bottom of the middle panel of the attach chart, is the big problem. It is believed to be a Crane Brothers rock barge that sank about 3.7 miles out in the Gulf. As this is a major impediment to vessel traffic, the Corps of Engineers has engaged the Navy Salvage command to remove it. Salvage divers have been down but visibility was zero. Other dives will be made. The tentative plan is to remove the rocks from the barge (about 1100 tons of rock weighing 1-2 tons each). After the rocks are removed, the barge will be cut up and removed. The rock is expected to start October 31. The removal of the barge is supposed to begin the following week, subject to the arrival of Zeta, uh, and any complications that storm provides.

The third panel of the attached map shows Contact #9. This is where a drilling rig drifted into the channel and settled in that location. It has since been moved. This is the second time this same drilling rig blocked our channel. It first settled in the ship channel during Laura and again during Delta. There is a drilling rig in the Sabine Channel that came from the same general location as the rig in our channel. This means that the rig blocking the Sabine Channel had to cross our channel and float all the way over to Sabine. We are fortunate that the “Sabine rig” did not settle in the Calcasieu Ship Channel, also. Discussions have begun with the Coast Guard, initiated by Congressman Higgins, on how to keep these rigs where they belong during heavy weather.

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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12. Monthly Staff report from Director of Operations.

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Mr. Henderson stated the sunken barge has restricted the traffic 36 feet in the channel. That is affecting all of the vessels coming in. There is an IFG ship loading rough rice. Recently, they finished loading a coke ship for Phillips66. It took about eight days versus normally would have taken about a day and ½ with the gear they had before hurricane Laura. They discharged a project cargo ship for venture Global. They finished the hydrate ship at city docks for Southern Ionics. In early November, they are expecting another project ship for Venture Global, another coke ship for CITGO, another rice ship for IFG and a bagged rice ship for USDA.

Regarding city docks, after Laura they did a side scan and found debris from the storm and had a contractor remove it all. After Delta they did the same thing. They had about seven more contacts with more debris. All of that has been removed. All of City Docks and BT-1 should be cleared.

The Director of Operations’ Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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13. Monthly Staff report from Director of Cargo and Trade Development.

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Mr. Chretien stated that along with the USDA in November, they will be meeting with the rice mills this week to discuss port capacity and warehouse space for two potential commercial rice shipments coming in December and into the first of the year. They are also in contact with a company out of Oklahoma looking to ship 30,000 tons of sand in one and ½ ton supersacks.

Louisiana Farm Bureau and Farmers Rice Mill will include the port in this week in a Louisiana agriculture story. It is a four-minute story that first aired Saturday on Fox 29. It will go nationwide on RFGTV this Thursday.

The Director of Cargo and Trade Development’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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14. Monthly Staff report from Director of Engineering, Maintenance, and Development.

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Mr. Pestello stated that hurricane recovery is continuing. They are beginning to make some progress. The mobile harbor crane approved the last board meeting was ordered. He thanked Executive Director and General Counsel staying late and working with him on the agreement up until the last possible minute and got it cute it around 7 PM. It did come in under budget.

They are also working on other BT-1 items such as the tele-stacker and conveyor modifications to be able to load cargo more efficiently during this interim time.

At City Docks still working on building repair packages. There are quite a few out on the street right now seeking RFPs, including this building. The same goes for some of the tenant’s buildings at industrial Park East and the GSA building here at City Docks They have numerous engineers working different projects now and have solicitations out for new projects to assist the port moving forward.

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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15. 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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16. Other Matters which may properly come before the Board.

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There were no other matters to be discussed.

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17. Executive Session and appropriate action in any of the following matters:

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Mr. Darbone offered a motion to enter into Executive Session. Mr. Prudhomme seconded the motion and it carried unanimously. The Board entered into Executive Session at 5:47 p.m.

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* Stacey A. Ryan, et al, vs no. 2014-004268 Calcasieu Parish Police Jury, LCHTD, et al-14th JDC, State of LA.
* IFG Port Holding, LLC vs LCHTD – Case: 2:16-cv-00146 U S District Court, Western District of Louisiana, Lake Charles Division.
* LCHTD vs IFG Port Holding, LLC – Case: 2:16-cv-00785 U S District Court, Western District of Louisiana, Lake Charles Division
* Discussion and appropriate action regarding the Real Estate Option Agreement with Lake Charles Methanol, LLC.

The Board returned from Executive Session at 6:11 p.m.

There being no further business to come before the Board, Mr. Krielow asked for a motion to adjourn. Mr. Darbone offered a motion to adjourn. Mr. Lorenzi seconded the motion and it carried unanimously. The meeting adjourned at 6:11 p.m.

All discussions held on the above items were recorded using the FTR Gold program.

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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CARL J. KRIELOW, President

ATTEST:

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M. KEITH PRUDHOMME, Secretary/ Treasurer