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, March 28, 2022 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

Kevin D. Guidry, Commissioner

Absent:

None

Also Present:

Richert Self, Executive Director

Jon Ringo, General Counsel

Cameron Landry, Director of Administration and Finance

Todd Henderson, Director of Operations

Channing Hayden, Director of Navigation

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 5:01 P.M. and 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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1. Approval of the February 21, 2022 Regular Meeting Minutes and the March 16, 2022 Special Meeting Minutes.

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Mr. Darbone offered a motion to approve the February 21, 2022 Regular Meeting Minutes and the March 16, 2022 Special Meeting Minutes. Mr. Guidry seconded the motion and it carried unanimously.

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2. Submission 2022 – 009 authorizing the Executive Director to enter into a Cooperative Endeavor Agreement with Calcasieu Parish Communications District (E-911) for aerial photography.

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Mr. Self stated staff requests the Board to authorize the District to enter into a Cooperative Endeavor Agreement with the Calcasieu Parish Community Communications District E911 for aerial photography. The Calcasieu Parish Police Jury through the Communications District has taken the lead. They fly throughout the parish taking pictures and aerial photos and provide that to those that are participating with in the Cooperative Endeavor Agreement. The Port has done this in the past with the Calcasieu Parish Police Jury. The Port’s portion of the cost is $50,000. They fly the whole channel and the Port uses these photos for marketing purposes and other reasons. It allows the Port to drill all the way down to the parcel level. Staff is able to drill down and click on different parcels of land and see the ownership. Staff uses it anywhere from marketing to whatever purposes needed. The last time staff did it was in 2019 and they did budget this for 2022.

Ms. McCleary offered a motion to adopt Resolution 2022 – 009 to authorize the Executive Director to enter into a Cooperative Endeavor Agreement with Calcasieu Parish Communications District (E-911) for aerial photography. Mr. Lorenzi seconded the motion and it carried unanimously.

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3. Submission 2022 – 010 accepting the lowest responsive bid of Alfred Palma, LLC. for the Front Gate Laydown Yard at City Docks and amending the 2022 capital budget.

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Mr. Self said staff requests the Board to authorize the Executive Director to accept the lowest responsive bid from Alfred Palma, LLC for the front gate lay down yard at City Docks and amend the 2022 capital budget.

Hurricane Laura decimated a lot of the Port facilities. In an effort to resolve some of these issues staff has been talking about is having tension fabric buildings constructed on some of the Port’s property. It is a relatively lower capital cost than some of the more permanent structures even though the one that staff is proposing here has a 20-year useful life.

In the 2022 budget, staff budgeted $3 million for a lay down yard at City Docks. That is what the Board is seeing on the submission for the base bid. The additional part, which is Alternate One, is for the tension fabric building. It is a 40,000 square foot tension fabric building that will meet today's wind code of somewhere between 130 – 134 miles per hour. The 40,000 square foot tension fabric building is located as you enter City Docks off to the right and it fills a gap for the Port because they are obviously in badly need of additional covered storage space.

Mr. Darbone offered a motion to adopt Submission 2022 – 010 to accept the lowest responsive bid of Alfred Palma, LLC. for the Front Gate Laydown Yard at City Docks and amending the 2022 capital budget. Mr. Dixon seconded the motion.

Mr. Krielow asked why the contingency is so high on this project. Mr. Krielow said that it is an $800,000 contingency on $1.4 million of additional expenditure. Mr. Pestello said that was just to accommodate in case they ran into some unexpected soil conditions. Staff had borings that were nearby. They are just outside of the footprint of where the foundations are going to go, so that was really the only reason. It was just in case they experienced some unexpected bad soil conditions. Mr. Krielow said it was a 50% contingency against the $1.4 million. Mr. Pestello said they were basing it against the $2.4 million, but were really looking at it as an overall project.

The motion passed unanimously.

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4. Submission 2022 – 011 authorizing the Executive Director to approve a change order related to the Shed 7 Demolition for asbestos removal.

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Mr. Self said staff requests the Board to authorize the Executive Director to approve a change order to the contract with Keiland Construction for the removal of asbestos in Shed 7 in the building and roof. This work will be performed in accordance with the plans and specifications prepared by the engineering department under Port Project cp21011.

in October of 2021, the Port awarded a contract to Keiland Construction for the demolition of Transit Shed 7. At that point, there was no obvious asbestos sources that they were seeing. However, after a more detailed inspection, they did find traces of asbestos caulking and sealant on both the walls and the original roof decking.

The Port has hired Booth Environmental as the contractor. Staff is asking for a change order in the amount of $200,000 to the original contract.

Mr. Dixon asked if $200,000 going to be able to cover all of that. Asbestos. is such a game now.

Mr. Pestello said that yes, that is the goal. He said they tried to quantify it, but because of the unknowns and the hidden nature of the asbestos, this was what they are basing it on unit rates and an estimated quantity, so it is very possible that we go over that but we're going to have our consultants there to monitor as they are removing the asbestos to try to keep that in check. They will have their consultants as well as staff will be there monitoring, but are pretty confident that this will accommodate all the asbestos. Mr. Dixon said they can always come back with a change order to the change order. Mr. Pestello said he will definitely come back to the Board if that happens, but he does not expect it to go over.

Mr. Dixon offered a motion to adopt Resolution 2022 – 011 to authorize the Executive Director to approve a change order related to the Shed 7 Demolition for asbestos removal. Mr. Lorenzi seconded the motion and it carried unanimously.

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5. Submission 2022 – 012 accepting the lowest responsive bid of State Machinery and Equipment Sales LLC for the procurement of a new Hyundai HL980A Wheel Loader for BT-1.

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Mr. Self said staff requests the Board to accept the lowest responsible bid from State Machinery and Equipment Sales LLC for the procurement of a new Hyundai HL980A wheel loader for Bulk Terminal 1. It is used in the loading and unloading of petcoke that they receive by truck. It is used in loading petcoke when they bring it to the dock. It is used in the unloading of barite when they unload from the ship, so it has multiple uses, In February, they used Mr. Pestello issued bids for the front-end loader. They received four. State Machinery and Equipment was the lowest at an estimated cost of $348,320. They are currently renting one. Purchasing this other will allow them to more easily maintain their other front-end loaders.

Ms. McCleary offered a motion to adopt Resolution 2022 – 012 accepting the lowest responsive bid of State Machinery and Equipment Sales LLC for the procurement of a new Hyundai HL980A Wheel Loader for BT-1. Mr. Guidry seconded the motion and it carried unanimously.

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6. Submission 2022 – 013 authorizing the purchase from the Louisiana Machinery state contract for a new Caterpillar D3 for BT-1 operations.

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Mr. Self said staff requests the Board to authorize the purchase of a new caterpillar D3 from Louisiana Machinery from the state contract for Bulk Terminal 1 operations. The D3 is a relatively small dozer and it is literally picked up and put in the hold of the ship when they are unloading a bulk vessel. It is so that it can move the bulk product to the center so that the grab can grab hold of the product rather than it being dispersed throughout the hold of the ship. The dozer is replacing an aging dozer that is beyond its useful life. It also includes a five-year warranty at an estimated cost of $241,092. That is from the state contract. The last time they acquired one was in 2020 and the cost was $186,000. Since that time, the cost has escalated and the state contract discount has decreased, so they got hit from both sides of a cost increase and a lower discount from the state for state contract.

Mr. Darbone offered a motion to adopt Resolution 2022 – 013 to authorize the purchase from the Louisiana Machinery state contract for a new Caterpillar D3 for BT-1 operations. Mr. Dixon seconded the motion.

Mr. Krielow asked if Mr. Pestello handled this one too. Mr. Pestello said he did. Mr. Krielow said he had a question regarding the disposal of the one that is being replaced. What happens with that and the process since it is not a trade deal? It is an outright purchase. Mr. Pestello said that yes, typically anything that is no longer useful to the Port, they have to put up for public auction. With this dozer, in particular though, they have similar dozers that are the same model, so they are going to actually use it for spare parts until those are no longer in their useful life. They are going to salvage as many parts as they can off of it and then will have to just sell the rest of it for salvage. That is a process they have to go through for everything that is beyond its useful life. They have to put up for public auction. Mr. Krielow asked if that is what he was wondering if this if the one that was purchased a few years ago that has been replaced was going to be disposed of and there'd be some proceeds coming back from that, but from what he is hearing staff is not doing it right now. Mr. Pestello said they were not.

The motion passed unanimously.

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7. Submission 2022 – 014 authorizing a Ground Lease Agreement with Seabulk Marine.

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Mr. Self stated Board approval is sought authorizing the Executive Director to enter to a lease agreement with Seabulk Marine for the installation of a modular office space at City Docks. Prior to Hurricane Laura, their office space was located at the Industrial Canal. They were leasing space at the BG warehouse. It was badly damaged by Hurricane Laura. Since that time, they have been for the most part working from home. They reached out to the Port and asked for a footprint piece of land for them to go out and acquire or lease a modular building to place on that land. They will lease that space from the Port. Mr. Ringo drafted the lease similar to other leases. They have done this before for some of the other tenants and the terms of this agreement are very similar to that. It is a five-year term.

Mr. Lorenzi offered a motion to adopt Resolution 2022 – 014 to authorize a Ground Lease Agreement with Seabulk Marine. Ms. McCleary seconded the motion and it carried unanimously.

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8. Submission 2022 – 015 authorizing an Amendment to the Ground Lease with Driftwood LNG, LLC.

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Mr. Self said Board approval is sought authorizing the Executive Director to enter into an amendment to the long-term lease with Driftwood LNG LLC, a subsidiary of Tellurian Investments LLC. In July of 2021, the Port entered into a long-term agreement with Driftwood LNG for their site for the development of an LNG export terminal. The lease at that point did not contemplate a Limited Notice to Proceed and just assumed that at some point they would issue one. Once they made their final investment decision, they would enter into their full Notice to Proceed. The limited Notice to Proceed allows them to go in and do some work such as demolish the building that is on site that needs to be torn down, remove a pipe rack that is about a mile long and do some foundational work. Associated with that, the Port has asked Tellurian to provide a $1 million Letter of Credit associated with the limited Notice to Proceed. The full Notice to Proceed requires a larger Letter of Credit. This just protects the Port in the event that they would choose not to go forward and then the Port could use some of that Letter of Credit or all of it if it were necessary, to remove whatever it is that they put on the site that we would need to have removed. But, for the most part, the work that they are doing are things that need to be done anyway. They demolished the building that needed to be demolished. The pipe rack needs to be removed. It is all going to benefit the Port in the long run.

Mr. Darbone offered a motion to adopt Resolution 2022 - 015 to authorized an Amendment to the Ground Lease with Driftwood LNG, LLC. Mr. Prudhomme seconded the motion.

Ms. McCleary asked as she understands the value of removing buildings or structures and pipe racks that are there, does it also allow them to build on the site? Mr. Self replied that they are able to do foundational work and drive some piling. Mr. Ringo said there are certain things that they can do under FERC regulation prior to a full Notice to Proceed and its preliminary site work. It is the beginning of the construction of the facility. The lease itself allows them to do all the construction that they need to do. It is just for this time period where they are in this limited Notice to Proceed where they would like to do these preliminary activities prior to a full Notice to Proceed. Staff just wanted some security in case they do not go forward, so the lease allows them to construct anything they want to construct. The Port is just in this period now where they did not have any Letter of Credit because they have not issued their full Notice to Proceed to the EPC contractor. Does that make sense and answer your question? Ms. McCleary said it does and the short answer to that is it does allow them to construct. Mr. Ringo said what the Board is voting on tonight does not affect any of that. Their lease that they are in now allows them to construct. Mr. Self said he believes they are probably limited in their construction by FERC, not the Port’s lease and not this amendment to that lease.

Mr. Krielow asked if this is a result of them having not gone to their full final investment decision. They are partially funded so they are moving forward before they have complete funding in place. Mr. Ringo stated that is correct but from a 30,000-foot view, it is great news for the project. They are moving forward.

The motion passed unanimously.

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9. Submission 2022 – 016 directing the Executive Director to negotiate and execute any and all documents deemed necessary to acquire title to approximately 69 acres of land located on Elliot Road, Lake Charles, Louisiana and to amend the capital budget to provide for such expenditures from Port funds.

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Mr. Self stated Board approval has sought to authorize the Executive Director to negotiate and execute any and all documents deemed necessary to acquire title to approximately 69 acres of land located on Elliott Road, Lake Charles, Louisiana from the Morin family and to amend the capital budget to provide for such expenditure of Port funds. In late 2020, the Morin family approached the Port about acquiring their 69 acres, which is directly adjacent to about 230 acres that the Port already owns.

At the time the Port did an appraisal. Since then the Morins have done their own appraisal and the Port is proposing acquiring the site at $2 million for the 69 acres for 2,075,000.

Ms. McCleary offered a motion to adopt Resolution 2022 – 016 to direct the Executive Director to negotiate and execute any and all documents deemed necessary to acquire title to approximately 69 acres of land located on Elliot Road, Lake Charles, Louisiana and to amend the capital budget to provide for such expenditures from Port funds. Mr. Dixon seconded the motion.

Mr. Lorenzi asked what was the explanation for the difference in the appraisals? Mr. Self said the earlier appraisal was based upon agricultural uses. This one that the Morins provided was more industrial.

Mr. Lorenzi asked if apparently all are satisfied that industrial is a more appropriate basis. Mr. Self said they were.

The motion passed unanimously.

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10. Submission 2022 – 017 authorizing staff’s responses to the Louisiana Compliance Questionnaire.

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Mr. Self said Board approval of the responses to Louisiana Compliance Questionnaire is required by law. Staff is requesting approval for that. This is standard as part of the audit each year. It addresses questions like the profile of the agency, did staff follow the state bid law, did staff follow the open meetings law, does staff know if they maintain our accounting records in accordance with state law and things such as that. Staff has provided their responses and it is required that they submit it to the Board to review those responses.

Mr. Dixon asked if they do all those things. Mr. Self replied that they did all the ones that relate to them. There are some that relate to you know educational entities and things like that that staff does not respond to at all.

Mr. Dixon offered a motion to adopt Resolution 2022 – 017 to authorize staff’s responses to the Louisiana Compliance Questionnaire. Mr. Guidry seconded the motion and it carried unanimously.

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11. February 2022 Financials Briefing Note.

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Mr. Self gave the financials report as the Director was on annual leave.

The February 2022 Financials Briefing Note was rendered to the Board and is on file in the Executive Offices.

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12. Monthly Staff report from Director of Administration and Finance.

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The Director was out on Annual Leave.

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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13. Monthly Staff report from Director of Navigation.

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The Lake Charles Maritime industry has started its annual effort to get adequate funding for the Calcasieu Ship Channel. This year is a lot different than it has been in the past. Normally they are working on one year – sometimes two. This year they are working on three years. They are working on the budget for FY22, which just recently got passed about five months late.

in that budget, they were seeking $35.5 million dollars in O&M and $9 million dollars in construction. They did get $9 million in construction. The Port received $20 million dollars in O&M. Now the effort is to get the CORPS to allocate some of the discretionary funds that Congress gave to them to this channel so they can get up close to that $35.55 million that they need to do the job this year.

Just before he came into this meeting, the Picard Group sent out an email advising everyone that the FY23 budget had been released by the President. This budget is $5.8 trillion dollars. Of all that money, which he cannot comprehend. the Calcasieu Ship Channel received $28.2 million dollars. He was looking for $54 million in O&M and $19.5 million in construction. They got $28.2 million in O&M and no construction money, which is a big setback. They are going to have to work on that because the construction money is what they are using to rebuild all these disposal sites. When the CORPS dredges the channel, they have to have a place to put the mud. They are working on the FY 24 budget. They are trying to follow the budget process that the CORPS has going through, which is to talk to the District Division in Washington. They had their meeting with the District last week. Colonel Murphy was very generous with his time. They were scheduled for an hour and he gave them two hours. Mr. Hayden talked about what was needed for all three years. They are looking for $45 million dollars in O&M in FY24 and $9 million dollars in construction funds. It remains to be seen what the Port will get out of that.

Ms. McCleary asked when is the next “Begging for Bucks” tour. Mr. Hayden said this is it right now. She asked if he was able to go to Washington to do that this year? Mr. Hayden said he would let them know when they try and get the appointments for that. They had no trouble getting into the CORPS of Engineers in New Orleans.

Whether or not there is going to be an issue getting to D.C, he does not know yet. They have their request in for the Division and nobody has told them they cannot come. They are just working on trying to figure out dates. Ms. McCleary asked if they were working on a physical meeting not a virtual one. Mr. Hayden said that is correct unless they tell him it has to be virtual. Then they will do it that way. Ms. McCleary asked if it would be with all of the Congressional delegation. Mr. Hayden stated that usually the congressional delegation is not present. It will be representatives from the industry that will be up in Vicksburg with him talking to General Holland and her staff.

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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14. Monthly Staff report from Director of Operations.

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Mr. Henderson said that at City Docks they had another plywood shipment that came in. It was about 21,000 cubic meters. They had a hydrate vessel and a barge discharge about 30,000 tons. They had a large liquids cargo transfer. It was 21,000 tons. It was here for about eight days so that was really good revenue. They did a sodium hydrosulfate vessel for about 6,400 tons.

Coming up they have two lumber shipments about 45,000 cubic meters, 3,000 tons of hydrate and a 10,000-ton hydrosulfide shipment. Also, Gulf Stream is receiving structural steel for three shipments to go to Israel.

At BT-1 recently, they have handled about 12,000 tons of calcine, about 125,000 tons of raw coke and 25,000 tons of rutile. On the schedule now at BT-1, they have 50,000 tons of petroleum coke and another 25,000 tons of rutile. There is also about 90,000 tons of limestone on the books for Port Aggregate at the BT-4 facility.

The Director of Operations’ 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 Director of Cargo and Trade Development.

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Mr. Chretien stated they have been in contact with an offshore wind development company based out of Germany. They are currently the number two developer in the world. Last week he had a conference call and they expect to spend about $57 billion dollars between now and 2023. They have agreed to come visit the Port in mid-April to early May

This week staff is hosting the 2022 Rice Leadership Program group. It is a 10-member group from five different states. They are interested in rice milling production and exporting operations. They will come for a tour next week.

He will be attending the first annual Project and Breakbulk conference in Houston, TX.

They currently have a USDA contract out for bid. It goes out Thursday. It is about 8,000 tons of cargo total with about 7,500 tons of rice. He will be in contact with stevedores hoping to get a competitive bid from ocean carriers.

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

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Mr. Pestello stated he will go over the CSRS update if you would like for FEMA since Mr. Landry is not here. Not much has changed on the cover sheet, but if you go to the third page, they start talking about the second disaster and third disaster. He wanted to give a quick update. Those have increased a little bit and they are obligated now. The cost share on these has actually increased as well. They have moved up from 75% to 90%. That was a blanket approval for all the disasters. Previously, Laura was the only one that was at 90%, so they will see a little bit more funding on the two smaller ones.

On the fourth page, it talks about GOSHEP. This is a new page added this month. It says Louisiana GOSHEP up at the top. This is where they were always talking about what was obligated and what has been received. This is a great summary that Mr. Lafond put together. These are projects that have already been approved by FEMA and now have been sent onto GOHSEP.

They are sitting at 26 projects that have been submitted and have already gotten 13.3 obligated. As Mr. Self pointed out, they are now are up to $4.5 million paid and the reason for that increase was on Friday, they received a little over a $1million each for both of the shift loaders that they have put on order. That covers the first down payment on those two ship loaders. They are starting to see the money roll in and now that those ship loaders are obligated as the Port continues to make payments on those and progress through the construction, they will automatically be able to submit those and be reimbursed much quicker.

Mr. Self said that is an important point too, what Mr. Pestello said, is that a lot of the money that is sitting in federal obligated at GOSHEP is available to them once they expend the money. He cannot just say GOSHEP send us the money. It is a cost reimbursement. Right now, they are not necessarily waiting on GOSHEP for that entire amount. He just wanted to point that out and wanted to thank Elizabeth McLoughlin for joining us at that meeting because it was a great help having Cong. Higgins and his staff here. Mr. Pestello stated that just to add, that meeting was just a little over a week ago and one of the three projects that they were having issues with has now been basically resolved. It is working its way through the approval process. They are hoping to add that to the list by the next meeting, which will be about another $8 million dollars, which after insurance deductions will add about $2 million to the obligated. That will be a cost reimbursement project for Shed 7. The Port will actually get reimbursed for what they spend on that one minus the insurance of course. It was a good meeting.

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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17. 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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18. Monthly Staff report from the Federal Port Lobbyist.

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The Federal Port Lobbyist’s Monthly Staff Report was rendered to the Board and is on file in the Executive Offices.

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

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Mr. Krielow asked for a motion to enter into Executive Session. Mr. Prudhomme offered a motion to enter into Executive Session. Mr. Darbone seconded the motion and it carried unanimously. The Board entered in to Executive Session at 5:46 p.m.

* 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.
* LCHTD vs Reynolds Metals Company – Case 2:17-cv-01114 US District Court, Western District of Louisiana, Lake Charles Division.
* Executive Director and General Counsel Employment Contracts.
* LCHTD vs Harbor Docking and Towing No. 2022 – 0995-F, 14th JDC, State of LA.

The Board returned from Executive Session at 6:08 p.m. No action was taken in Executive Session.

Mr. Krielow stated they did have some items to act upon after Executive Session:

Mr. Prudhomme offered a motion to adopt Resolution 2022 – 018 authorizing and ratifying the prior action of General Counsel of the litigation against Harbor Docking and Towing for damage to Berth 5. Mr. Dixon seconded the motion and it carried unanimously.

Ms. McCleary offered a motion to adopt Resolution 2022 – 019 authorizing the Board President, Carl Krielow, to enter into a contract with Jonathan Ringo as General Counsel and a contract with Richert Self as Executive Director for the Lake Charles Harbor and Terminal District. Mr. Darbone seconded the motion and it carried unanimously.

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. Dixon seconded the motion and it carried unanimously. The meeting adjourned at 6:10 p.m.

All discussions held on the above items were recorded using the FTR Gold recording 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 KRIELOW, President

ATTEST:

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M. KEITH PRUDHOMME, Secretary/ Treasurer