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, 2024 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:

Thomas L. Lorenzi, President

M. Keith Prudhomme, Vice President

Kevin D. Guidry, Secretary/Treasurer

Mary Jo Bayles, Assistant Secretary/Treasurer

Jonathan L. Johnson, Commissioner

Carl J. Krielow, Commissioner

Absent:

John M. Cradure, Commissioner

Also Present:

Richert Self, Executive Director

Jon Ringo, Executive Counsel

Cameron Landry, Director of Administration and Finance

Channing Hayden, Director of Navigation

Todd Henderson, Director of Operations

Therrance Chretien, Director of Cargo and Trade Development

Nick Pestello, Director of Engineering and Maintenance

Michelle Bolen, Executive Administrative Assistant

Mr. Lorenzi called the meeting to order at 5:01 P.M.

Mr. Guidry gave the invocation and led the Board and audience in the Pledge of Allegiance.

Mr. Lorenzi 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 March 25, 2024 Regular Meeting Minutes.

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Mr. Johnson offered a motion to approve the March 25, 2024 Regular Meeting Minutes. Mr. Guidry seconded the motion and it carried unanimously.

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2. Submission 2024 – 016 accepting the lowest responsive bid of Alfred Palma, LLC in the amount of $5,375,220.44 for the base bid plus a contingency in the amount of $800,000 for a total of $6,175,220.44 for the Calcine Dust Collectors & Electrical Feeders Rehabilitation at Bulk Terminal No. 1 and to amend the 2024 capital budget.

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Mr. Self stated staff requests the Board of Commissioners to authorize the Executive Director to accept the lowest responsive bid of Alfred Palma, LLC. for the Calcine Dust Collectors and Electrical Feeders Rehabilitation at BT-1 and to amend the 2024 capital budget. This project was put out for bid in January. Staff received three bids from Alfred Palmer, Keelan Construction and Continental Construction. Alfred Palmer was the low bid at $5,375,220.44. engineering estimate was 5,400,000

Mr. Guidry offered a motion to adopt Resolution 2024 – 016 to accept the lowest responsive bid of Alfred Palma, LLC in the amount of $5,375,220.44 for the base bid plus a contingency in the amount of $800,000 for a total of $6,175,220.44 for the Calcine Dust Collectors & Electrical Feeders Rehabilitation at Bulk Terminal No. 1 and to amend the 2024 capital budget. Ms. Bayles seconded the motion and it carried unanimously.

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3. Submission 2024 – 017 authorizing the Executive Director to amend Resolution 2022-006, the Professional Services Agreement with Lanier & Associates, to increase the design fee and to include construction support services for Calcine Dust Collectors & Electrical Feeders Rehabilitation at BT-1 project, Port Project CP16007.

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Mr. Self stated staff requests the Board of Commissioners to authorize the Executive Director to amend Resolution 2022 – 006 for Professional Services with Lanier and Associates to increase the design fee of $237,000 and to include support service fees in the amount of $172,000 plus a contingency in the amount of $50,000 for a total of $459,000 for the calcine dust collectors in electrical Feeders Rehabilitation at BT-1. In February of 2022, the Board authorized the Port to enter to a Professional Services contract with Lanier for the design for the calcine dust collection system. Since that time, the scope of the project has increased and staff would like to add additional construction support services, which will require an amendment to the contract for about $459,000.

Mr. Johnson offered a motion to adopt Resolution 2024 – 017 to authorize the Executive Director to amend Resolution 2022-006, the Professional Services Agreement with Lanier & Associates, to increase the design fee and to include construction support services for the Calcine Dust Collectors & Electrical Feeders Rehabilitation at BT-1 project, Port Project CP16007. Mr. Prudhomme seconded the motion.

Mr. Krielow asked if that increase is basically due to the cost overrun of the actual bid. Mr. Pestello said it was due to the cost of the bid as well as some additional scope items that they added that were more complex than the original design anticipated. Originally, the project started as a simple replacement. They anticipated replacing the dust collection system kind of in like kind as well as the feeders, but once they dug into the design more into the actual locations on site, it proved to be more beneficial to go into a deeper design, hence the additional effort required by the engineer. Mr. Krielow asked if they have a fee structure based on construction cost. Mr. Pestello said that yes, the construction portion is based on the construction cost and their duration. That is the construction portion will be time material so the Port will only pay for what is actually expensed.

The motion carried unanimously.

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4. Submission 2024 – 018 authorizing the Executive Director to amend Resolution 2023-027, the Professional Services Agreement with Moffatt & Nichol, for an increase in the construction support services fee for the City Docks Berths 4, 5, & 6 Wharf and Shed Reconstruction project.

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Mr. Self said staff requests the Board of Commissioners to authorize the Executive Director to amend Resolution 2023 – 027 for Professional Services with Moffatt & Nichol for an increase in the construction support service fee in the amount of $398,000 for the City Docks Berths 4, 5 and 6 Wharf and Transit Shed project. This contract with Moffatt & Nichol was authorized in November of 2022 because of the significant number of RFIs, which requests for information from the contractor. The contractor has spent an additional time responding to those submittals. Because of that, staff is requesting an amendment to their contract. Included in the Board’s packet, there have been 880 submittals of which 235 of those submittals have been closed. Even with this amendment, the estimated construction or the design fee is still at about 1% of the estimated construction cost for the project.

Ms. Bayles offered a motion to adopt Resolution 2014 – 018 to amend Resolution 2023-027, the Professional Services Agreement with Moffatt & Nichol, for an increase in the construction support services fee for the City Docks Berths 4, 5, & 6 Wharf and Shed Reconstruction project. Mr. Johnson seconded the motion.

Mr. Krielow asked regarding a couple of things with the 880 submittals that was anticipated going into the project. That many submittals? Mr. Pestello said it was not. That is substantially more. What happened is with the number of technical specifications, the contractor has basically assumed that they are going to have a submittal for every specification that is out there. Whenever you get into a building, that greatly increases the number of specifications and submittals, so staff is working with the contractor to try to consolidate those as many as possible so that they do not have 880 individual packages. It is still going to be in the hundreds of course, but they are trying to work with the contractor so that they are not giving the Port or giving the engineer individual submittals for all the way up to 880. So, no that was not anticipated for a standard building package. They do not typically see that many. They can usually break it down by the number of services such as electrical, water and sewer. They have gotten very detailed in their submittals and staff is working with them to try to be more reasonable on that. Mr. Krielow said that the other thing he noticed it was 149 RFIs. Is that…Who did not understand what? Mr. Pestello said that for a CMAR project, they should not have that many. They have worked with this contractor for two years to go through the design process. Staff did not anticipate anywhere near 149 RFIs, but from previous they expected 50 to 100 for a project this size. They have not even really started driving piles yet and they are already at 149, so staff is trying to remind them that this is a CMAR project and they should have already had these questions answered. But, yes it just greatly more than anticipated. The good thing is they are not taking any risk. They are wanting answers before they you know cause a problem or come into a problem. They are asking to just try to cover themselves and it is just creating a lot more responses out of the engineer than was expected. Mr. Krielow said it has increased in the engineering. Mr. Pestello agreed.

Mr. Lorenzi asked if staff anticipates having to come back and do this again. Mr. Pestello said he does not. He was about to state that while they are asking for the amendment now, staff has not expended the original contract amount yet. It is just they are looking at the curve of how it has been progressing and are trying to stay ahead of it. They did not want to get down to the last dime and then come and ask for it. They wanted to stay ahead before we expended all that amount. He said they had about three months’ worth of fee available, but were trying to get ahead of it. They are also working on those submittals, so they anticipate the number of those coming down so that we do not have to come back to the Board again. He hopes that answered. It is a long-winded response. Mr. Lorenzi said being risk averse is one thing, but being unable to make a decision is something else. Mr. Pestello agreed but said it is still only not quite 1% of the construction cost. They are still doing well on that front.

The motion carried unanimously

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5. Submission 2024 – 019 authorizing Richert L. Self, Executive Director, to enter into an amendment to the Lease Agreement with Magnolia LNG to allow for monthly payments of rent.

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Magnolia LG seeks to amend their lease to allow for monthly payments in lieu of the annual payments. In 2020, because of the Covid-19 pandemic, Magnolia came to the Port and asked if they could begin paying monthly rather than upfront annually. The Board approved that in 2020. Magnolia came back in 2021, 2022 and 2023. Each time, the Board approved that for one year. This amendment will change it for the duration of the lease. Staff is in support of it and are totally fine getting the payment on a monthly basis as opposed to being paid fully upfront. However, this will amend it so that it will resolve the issue going forward for Magnolia because they will not have to come back each year and request approval of the Board.

Mr. Lorenzi asked if this provides where it is their option on whether it is annual or monthly. Mr. Self said the original lease required annual payment and this will just say it will change it to monthly. He does not remember if it was at their option.

Mr. Johnson offered a motion to adopt Resolution 2024 – 019 to authorize Richert L. Self, Executive Director, to enter into an amendment to the Lease Agreement with Magnolia LNG to allow for monthly payments of rent. Mr. Guidry seconded the motion and it carried unanimously.

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6. Lake Charles Methanol Update Briefing Note.

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Mr. Lorenzi called upon Ms. Linda Miller with Lake Charles Methanol to address the Board.

Ms. Mill said she wanted to mention before she got started that she had a meeting today in Baton Rouge that blew her away. When she was here in late January, she reported they were going to be awarded a slate of incentives from LED. Today she had a meeting with the Fast Start program. It was like going to Disney World. All the stuff that they do for companies and anyway it is something as Louisianans you could be really proud. They said they are the best Fast Start program of that nature in the country. They started about 16 years ago. She was there for 2 ½ hours and looking at all these videos and things that you put together and she had no idea that it was that scope of activity. She just wanted to mention it. Every time she thinks about it, it just makes her crazy about how great it was.

Regarding the presentation, the first page has been seen before. She wanted to mention one thing that she was not sure if they have totally focused about it before, but they have long-term off-take agreements and those two companies…Why do they want to enter into an agreement with Lake Charles Methanol? It is because of their carbon intensity. They have been working on this a lot and analyzing it. She wanted to update the Board.

The National Energy Technology Laboratory for the DOE has published a carbon intensity for their kind of plant. She will not say the units because she will probably screw them up, but it is 5.75 and LCM is 2.68. That is a huge difference. It is like 50% lower and it is because of decisions they have made with the project to make it very environmentally sensitive. One is they use their waste heat and have bought steam turbine and so we make most of their own power, which means they take less power from Entergy. They make 240 megawatts and only buy 40. Just using your own waste heat you do not generate more CO2 or emissions. That is better.

They also use a 17% of our sin gas and flow it through. It prevents them from using natural gas. They use it for the preheater and that also decreases emissions substantially. That is one reason why they are 50% below the standard for their type of technology. The standard they had also had carbon capture and sequestration. It is all of these technology decisions that are made. Plus, if they use certified natural gas for the Haynesville field, that is another 22% reduction. She just wanted to give the Board a sense of this kind of project that that the Port is supporting on the Port land.

Regarding updates, the first update is related to Natural Gas. They have now signed up all of their needs for the next 20 years with BP. This allows SEMPRA to go forward and get their land rights. It is mostly from CITGO with 95% from CITGO and get their permits. It is a construction permit and takes three months or something like that. That is all in place and done.

The second thing is permitting. She reported in January that they were waiting for their permit to be issued. Because of the change in administration, it did not get issued until the end of March. They have a hearing in Sulphur tomorrow. They did not have to file for a PSD permit just a Title 5 permit. They had to have a title 5 permit because their TAPS toxic something pollutants or were higher than the standard. A lot of that is because they are using them to batten down the knocks and socks. They really have very little pollution. They filed all and did all the evaluation and gave all this kind of information, so the permitting agency is quite pleased with them. They have a hearing tomorrow. It will be an interesting event. She has the honor of speaking for the company because she was coming here. It is easy for her to stay over and speak there. She is sure that will be good. They only reason she agreed to do it is that they cannot ask her any questions because she is not the permitting expert. That would not be good

Everything that is going well took a lot of activity on the financing side. They have been working with the DOE. There is a lot of pressure from a lot of different fronts including the Port to want them to close as quickly as possible. They want to close as quickly as possible. They are targeting their last meeting for the end of September. Their off-takers want them to close. Their development equity wants them to close. They want to close. With the DOE, they are working hard, but are a little anxious that some of their processes might not allow LCM to meet that schedule because they may have to update their environmental impact statement. That could take six or more months. They are also working on a bank backup. They have three banks identified and will have them on board this week and are going to work both of these on a parallel path to obtain the debt financing.

On the equity side, they had talked to about 10 different equity parties. They had eight detailed meetings after that and have seven people working pretty hard at looking at it with the idea of getting a term sheet on the equity by if not the end of this month by early next month. They have them two or three tiers. They have had a lot of interest in the project. One thing that has come up is some of the revenues from the project come from various tax credits like 45v or 45q tax credits and the federal government, unlike the Fast Start program, is not as quick to move and so regulations have been slow coming out and this and that. It is not totally clear which ones they are going to get and for how much. The equity wants them to go back to the off-takers and arrange a bridge. That is something that they are working on right now. They are pretty sure they are going to get these tax credits eventually and so it is just a bridge. Because of the environmental characteristics mentioned before and their desire to close, the off-takers are already expecting it. She thinks LCM wil get a good reception. They are working on that right now.

They had a call today with Standard and Poor’s. The good thing is LCM is always looking for investment grade rating and it sounds like that is where they are going to be for the operations side. For the construction side, she does not they are going to get there. It is very hard to get a construction grade of investment grade, but that is a short period and it is important. There were a couple of issues they had to work out with them on the operations side and did work them out. She is happy about where they are on the rating side.

On the technical side, Technip has wrapped up its design. It has gone out for bid on equipment. It is going out for bid on the modules. There are some 90 something modules. Turner can handle 80 of them. They are hoping a lot of them get placed right here in Louisiana. That activity is underway. They will have their pricing in July for them. The other construction areas are related to Phoenix Power Group for the tank farm and various pipelines and for Orion who has worked with the Port before on the liquid docks. They should have those contracts done by the end of June.

That is basically the project update. Just to mention again the money that the Port will receive at closing is $2.4 million that there is an interest component that grows. That is $2.4 million and then related to rent. They are still paying their rent in advance. It is $1.7 million plus the $2.11 million, which is kind of like a closing payment that they had arranged with the Port eons ago. That is what the Port will expect at closing. Hopefully, they are working on making it this year. That is the update.

Mr. Krielow asked if DOE requires an update on the environmental impact, how long do they foresee that. Ms. Miller stated that could take about six months, which means that they would probably not do the DOE and would go with the banks. That is why they are gearing them up. Regarding the banks, what they have found is that they have these transition groups ready to finance transition projects and there are not any transition projects energy transition projects, so they are very excited about LCM’s project. That will work out very well. Mr. Krielow said they would be looking to step in the place of DOE. Ms. Miller stated that was correct.

Mr. Johnson stated the last slide she showed said it was subject to change based upon the final acreage used. Is there anything in the planning that suggesting their footprint is going to be different than what was originally anticipated? Ms. Miller said she thinks there might be some slight land differences. Mr. Self may know this better than she does or at least Mr. Ringo. Mr. Self said it was related to the tank farm area. Mr. Self said it is not going to be massive. It will not be a dramatic change, but it is a per acre rent, so as that changes obviously the tools can change. She said she is hearing with her group is that they would like to just keep the whole thing, but there might be some slight change because of the liquids docks. In their original project, the Port was going to build the docks. She does not know that they have identified that particular piece of land. They might have to just change it for that.

Ms. Miller thanked the Board for their continued support. LCM did a lot of work with the Port in the last six months on the geotechnical stuff. The Port was really helpful arranging for LCM to be on the site. That work is all done and very important and is appreciated.

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7. 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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8. Forecast I Financials Briefing Note.

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

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9. FEMA/GOHSEP Briefing Note.

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Mr. Landry said that everything has pretty much stayed the same except for they did receive another $1.5 million. Before he dispersed this and actually earlier last week, the Port received another $7.7 million. The Port is getting those funds coming in.

The FEMA/GOHSEP 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.

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Mr. Landry stated that other than continuing their efforts to keep the funds flowing, they are currently evaluating different accounting software options as their current software will be sunsetting in the next in the coming years. They have a few companies that they have already met with and have looked at demos. They are working towards getting a new software coming up pretty soon and then still working on the 2023 audit.

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 said that one of the best parts of the news that the Port has moved into the top 10 ports in the nation. It is the timing that they were able to bring that news up to Washington when the channel users went up for its “Begging for Bucks” tour, which took place the week of April 15th. The short story is during the two days of meetings, they were able to meet with most of the members they wanted to meet and with a lot of their staff. They also met with some unexpected people. They had a few minutes with Congressman Graves. Since he was not able to attend, Mr. Self and Mr. Regan Brown plus a number of representatives from the ship channel users were there. They had a great we had a great cross-section of the channel users. They had Venture Global who is not on Port property but does contribute significantly to the channel. Being in the top 10, there were also representatives from CITGO, South Louisiana Rail Facility, and Cameron LG. A couple of the meetings Cameron LNG had somebody and CITGO was there and the pilots were there. The pilots did a great job. Captain Palmer was there and did a great job.

The Director of Navigation’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 said recently at City Docks the Port handled about 1,500 tons of aluminum hydrate to barges, a liquid ship of the sodium hydrosulfide was about 4,000 tons, some more project cargo around 2400 cubic meters and 21,346 cubic meters of lumber. On the schedule right now, they have another lumber ship that is about 15,500, an aluminum hydrate ship of about 13,000 and another steel ship. It is about 5,000 cubic meters.

At BT-1, recently staff loaded about 32,000 tons of raw coke and 8,000 tons of calcine. They discharged 56,000 tons of barite and about 49,000 tons of bagged cement. One shiploader showed up. They have got another 10,000 tons of raw coke and about 23,000 tons of rutile.

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 he and Mr. Henderson have been working with a Japanese company that is looking to export wood chips through Lake Charles. They are also looking at doing some log shipments as well. It looks like they want to do a test shipment as soon as the Port can get them space. we space right now about 50,000 tons that goes well. They are looking at a ship every six to eight weeks from they know. Also this week he will be attending the Breakbulk conference in New Orleans as well as the Offshore Wind conference where he will be speaking on the panel Thursday morning for the breakfast.

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 said they did finally receive the new pet Coke ship loader at BT-1 last week. After a significant delay, it moved from Beaumont on Thursday to BT-1 and was rolled off onto the dock on Friday. Bruks subcontractors Bomac and Deep South handled the move and have been busy ever since dismantling in all the shipping steel and tie downs and all the assemblies. He expects it will take about a month to go through commissioning and the final setup of the ship loader itself, but it is still great to have it on the dock. They are optimistic that the commissioning will go well and can put the new loader into operation. It is very exciting it is finally here. He will also be attending the Offshore Wind conference in New Orleans this week with Mr. Chretien. He will also be speaking on a separate panel trying to bring attention to ports in the Gulf that can handle this new cargo.

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. Monthly Staff report from the Federal Port Lobbyist.

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Mr. Self stated the Picard Group they coordinated all of our meetings for Washington and knows they have got a lot of clients, but in setting up those meetings, briefing staff and getting them prepared for those meetings, it is as though the Port is their only client in the world. They made them feel that way while they were. He appreciated what the Picard Group did and asked Mr. Kleckley with the Picard Group to please share that with Emily Ward Curtis. They just did a great job

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

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

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Mr. Johnson offered a motion to enter into Executive Session. Mr. Guidry seconded the motion and it carried unanimously. The Board entered into Executive Session at 5:38 p.m.

* + IFG Port Holding, LLC vs LCHTD – Case: 2:16-cv-00146 U S District Court, Western District of Louisiana, Lake Charles Division.
  + Turning Basin Site Remediation – Dynamic Industries, Inc.
  + Damage to Berth 15 – Southern Ionics.

The Board returned from Executive Session at 6:09 p.m.

Mr. Lorenzi stated there was no action taken in Executive Session. He said there was one item to be considered after Executive Session.

Ms. Bayles offered a motion to adopt Resolution 2024 – 020 to authorize the Executive Counsel to engage counsel and file litigation against Southern Ionics Inc., and/or Lake Charles Stevedores, and/or others for damage to Berths 15. Mr. Guidry seconded the motion and it carried unanimously.

There being no further business to come before the Board, Mr. Lorenzi asked for a motion to adjourn. Mr. Krielow offered a motion to adjourn. Mr. Johnson 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 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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THOMAS L. LORENZI, President

ATTEST:

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KEVIN D. GUIDRY, Secretary/ Treasurer