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 January 27, 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:

David J. Darbone, President

Carl J. Krielow, Vice President

Thomas L. Lorenzi, Secretary/Treasurer

Dudley R. Dixon, Commissioner

Michael G. Eason, Commissioner

Absent:

M. Keith Prudhomme, Assistant Secretary/Treasurer

Also Present:

Bill Rase, Executive Director

Richert Self, Deputy Executive Director/Director of Administration and Finance

Jon Ringo, Assistant General Counsel

Channing Hayden, Director of Navigation

Todd Henderson, Director of Operations

Nick Pestello, Director of Engineering and Maintenance

Michelle Bolen, Executive Administrative Assistant

Mr. Darbone called the meeting to order at 5:00 P.M. Mr. Dixon gave the invocation. Mr. Lorenzi led the Board and audience in the Pledge of Allegiance.

Mr. Darbone made a statement reminding the Public of the Port’s procedure for the Public to address an agenda item to the Board.

**Presentations**

Mr. Darbone stated the Board would like to recognize Mr. Elcie Guillory and Mike Dees for their service to the District with regards to Resolution 2020 – 001 and Resolution 2020 – 002.

Mr. Darbone asked for a motion to approve Resolution 2020 - 001. Mr. Krielow offered a motion to adopt Resolution 2020 – 001 to commend Elcie J. Guillory for his services to the District and the community as Commissioner from September 2, 2010 until September 16, 2019 and President of the Board of Commissioners from July 1, 2014 until June 30, 2015. Mr. Eason seconded the motion.

Mr. Krielow read Mr. Guillory’s Resolution 2020 – 001 into the record:

WHEREAS, Elcie J. Guillory was appointed on September 2, 2010 as a Commissioner on the Board of Commissioners of the Lake Charles Harbor and Terminal District; and

WHEREAS, the willingness of Elcie J. Guillory to serve as Commissioner and then President of the Board of Commissioners greatly benefitted the District and community; and

WHEREAS, Elcie J. Guillory faithfully and steadfastly served the District and community as a Commissioner from September 2, 2010 until September 16, 2019 and as President of the Board of Commissioners from July 1, 2014 until June 30, 2015.

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 gratitude and appreciation for the faithful and steadfast service of Elcie J. Guillory as Commissioner from September 2, 2010 until September 16, 2019 and as President from July 1, 2014 until June 30, 2015.

THUS PASSED AND ADOPTED at Lake Charles, Louisiana, on this 27th day of January 2020.

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DAVID J. DARBONE, President

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a Resolution adopted by the Board of Commissioners of the Lake Charles Harbor & Terminal District in regular session convened on the 27th day of January 2020.

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THOMAS L. LORENZI,

Secretary/Treasurer

Mr. Eason stated he has been on the Board for seven years. He has served with Mr. Guillory during that seven-year timeframe. They have all served on a lot of boards and commissions, private and public. Mr. Eason stated that Mr. Guillory is one of the finest gentlemen and colleagues he has ever served with in anything he has ever been associated. Not only the respect everyone in the room has for him, the respect he has in Baton Rouge, that he earned for his years of service as a legislator is duly noted. Mr. Eason said Mr. Guillory is someone he is proud to call a friend and colleague. Mr. Dixon said he would like to applaud him. The room clapped.

The motion passed.

Mr. Darbone stated there was another Resolution 2020 – 002 commending Michael K. Dees for his service to the District and the community as General Counsel from January 1, 1995 until December 31, 2019.

Mr. Dixon asked Mr. Dees to come forward and read Resolution 2020 – 002 into the record:

WHEREAS, Michael K. Dees was hired as the Lake Charles Harbor and Terminal District’s full-time in-house General Counsel on January 1, 1995 until his retirement on December 31, 2019; and

WHEREAS, during this time, Michael K. Dees helped achieve the visions and goals of the District through his hard work, dedication, and outstanding leadership; and

WHEREAS, Michael K. Dees has played an integral part in many major economic development projects for the District and the region throughout his employment; and

WHEREAS, not only has Michael K. Dees proudly promoted matters relating to the District but also other issues important to the community by serving on area boards and commissions.

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 gratitude and appreciation for the faithful and steadfast service of Michael K. Dees as General Counsel from January 1, 1995 until December 31, 2019.

THUS PASSED AND ADOPTED at Lake Charles, Louisiana, on this 27th day of January, 2020.

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DAVIDSON J. DARBONE, President

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a Resolution adopted by the Board of Commissioners of the Lake Charles Harbor & Terminal District in regular session convened on the 27th day of January, 2020.

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THOMAS L. LORENZI,

Secretary/Treasurer

Mr. Dixon offered a motion to adopt resolution 2020 – 002 to commend Michael K. Dees for his service to the District and the community as General Counsel from January 1, 1995 until December 31, 2019. Mr. Krielow seconded the motion and it carried unanimously.

Mr. Dees stated he appreciated this. It seems like he spent his life here at the Port. It was a very good life. Nothing feels better than to see what your work helps produce. It took a lot of people, board members and staff. He has lived near Trunkline LNG and has seen that project. He passes the casinos and a lot of projects that the Port has been very involved with over the years. It amazes him that people do not realize how impactful the Port is. It has been very rewarding for him to be a part of the Port. He thanked the Board. Everyone clapped.

The motion passed unanimously.

**Adams and Reese Presentation**

Mr. Darbone called upon Jeffery Brooks from Adams and Reese to speak to the Board. Mr. Brooks thanked the Board for giving him the opportunity. He has had the pleasure of working with Port staff and the Harbor Safety Committee – or as Mr. Hayden calls it, “The begging for Bucks tour.” He wanted to give them an explanation of what is going on today and then step back and tell the Board what is going on and how they have gotten to where they are today.

Mr. Brooks stated he was born and raised in Southwest Louisiana. He made the mistake of going to DC about 20 plus years ago. He worked as Chief of Staff for Congressman Richard Baker. He got the bug and stayed. He said things have changed over those 20 years, but the one thing he has been able to do working for Adams and Reese is have an opportunity as they have grown from a firm that started just in one state – Louisiana, to where they are now in eight states with 16 offices. That has given them an opportunity to represent the southeast and you get to see those economic development projects. It has been a privilege to represent the Port.

For a kid from Southwest Louisiana to be in DC and have Louisiana opportunities to represent the area, he appreciates this.

Regarding 2020, Congress likes to do things a little bit crazy. It is always one year ahead. He was hoping in 2019 Congress would pass the 2020 budget bill. While it starts in February with the budget, the President submits and goes all the way through where you hope to get it done by September 30th when the fiscal year begins October 1. That rarely happens these days. It was not until mid-to late December with Christmas pending, that they were able to pass two omnibus appropriations bills. Six bills each. One of those was the FY2020 Energy and Water Appropriations bill. That is where the Corps of Engineers has their dollars. Mr. Brooks gave the Board a small briefing note that he has provided over the year to the Port and the Harbor Safety group that talk about what was happening. First, this past year, the Administration put dollars into the President’s budget. This year, the Corps put in $17.4 million in funding. Right now, and the way things are going, it is good to keep your dollars because once they pass that and you keep it, then they put a pot of money later on, as is in the packet this year was $532 million for additional dollars for work-plan dollars. Once this passed, the $17.4 million is for O&M, they then go to work with the Corps, delegation, Harbor Safety Committee and Port staff to get additional dollars. They have been extremely successful in that and the Port has, in terms of years past, gotten those. Those are for authorized projects, such as the dredging of the Ship Channel.

One other point about 2020, the Port is considered a Donor Energy Port. There is a specified amount of $50 million. That is broken down by the 10 or 11 Donor Energy Ports. Those are additional dollars. Being one of the leaders in the energy sector, those dollars do flow to the Port as well.

That is 2020. The reason he put that up front before going back is to tell the Board that there is a lot that goes into making that happen. It just does not happen over a one-year period. It is over a longer period. He wants to take a step back to where they got there.

Mr. Brooks said the delegation in Louisiana has changed over the years. In the District here – from Chris John to Charles Boustany to Clay Higgins. Both Senators have changed – Mary Landrieu and John Breaux for a long time, before that Bennett Johnston. Senator Kennedy and Cassidy are in now. Both of which had not been in that spot. One of the things they had to learn, while they want to support a project, they have to understand the depth and breadth of why it is critical economically and also why they have to push whether it is OMB or anyone else who pushes back a bit.

It steps back a couple of years, making sure that when the committee came up to DC, with Mr. Hayden at the helm to educate both the delegation as well as OMB, the Corps and other people they visited from the appropriations committee to understand the needs from a dredging perspective, what the current authorization is, what the needs are, the maps, understanding and letting them see. When they see the maps, that shows them how far they can go and what happens immediately next year and why there needs to be a continual flow of funds.

One of the best things that occurred to him was to watch OMB, Office of Management and Budget. For those who do not know, they call the Supreme Court the 4th estate. Or the 4th branch of government. He thinks 3rd, 4th and 5th is the Office of Management and Budget. People just do not realize the ability of the political appointees and career employees that can stop something or help you push it.

In the first line of defense is called the PADs. They are political appointees that lead departments. One of those happens to do the Corps. OMB and the Corps always butt heads. OMB always think they spend too much money. The Corps does not think they spend enough. Convincing OMB of the critical nature of the project is where one has to start to get it into the President’s budget, regardless of the administration. That is why the bureaucrats who have been there for 20 years are so critical to understand what the projects are regarding. Then you get to the political appointees and the Corps going back and forth.

Over the years, they have been able to work with the Port, Mr. Hayden, the Harbor Safety Committee and the Pilots. They all sit down with OMB to have a better understanding of where the LNG is going. That is critical to this administration because that is going over to Eastern Europe. That is a way for Russia to not be such an influence on that region. It is also to understand where they are growing in terms of the size of the ships, where they have to go and where the contracts are going and the economics are going. In doing that, it gives OMB an idea of the critical nature of how important the Port is to the area.

In FY18, there was a storm that came into Louisiana. They collectively worked with the delegation to make the supplemental appropriation bill applicable to dredging projects because with the hurricane coming in, it created more problems.

That was a culmination of a lot of excellent effort by the committee and Port staff. There was $115 million put into the emergency supplemental for the Calcasieu Ship Channel and Port. That is an enormous amount of money. That was a great win.

Congress has a really bad way. They give you $115 million and then they will say, “Yeah, we don’t need to worry about you for a little while.” Therefore, while you are out there getting that money that will take care of some problems, it will not take care of what needs to get done every year. Going forward they may get some money - $10 – 12 million in the President’s budget, but do not anticipate dollars because they just gave us $115 million. He is going to do everything to try to do it. It really goes to the ship channel report and what the group is doing. The next year, he is talking another $25 million. This year, they get another $17 million in the President’s budget. They will not know until late February or early March what work-plan dollars are.

There are a lot of moving pieces that go to get to where you are today. Stepping back a second to realize that to get to the depth and the width of the authorization wants and needs is a lot of money every year. Congress has a limited amount. They are fighting all sorts of things, including the ports on the Mississippi River. The good news is they are in different pots. That is good news. However, the recognition over the years of the $115 million, in addition to the consistency of the dollars after the fact, demonstrate that Congress with our delegation, OMB and the Corps know us collectively, know why we are important and see the future of strategic value of what they are doing each and every day on these economic development projects.

That first year there was $10 million in FY17 that was getting in additional dollars after about a $21 million administrative piece. It had come up to $31 million. Congressman Higgins, when they talked to him about it on the first trip up, he was brand spanking new. Coming from law enforcement, he was being bombarded from a host of different things. He realized the economic piece and they worked with his staff. They went to bat with the Corps and administration to get those additional dollars. You can see now where both Senators are really on board. They get pulled a lot of different directions, especially with Louisiana and the Corps. They are realizing the economic impact of why that is important. It transcends party and administration. It goes to the heart of what the Corps means. It is not just the Corps in DC. To get to the Corps in DC, it would be great if they could go top down, but you have to go top down and bottom up. So, there is stuff that they do in New Orleans and Vicksburg. It is making sure everyone understands what is going on in the ground from a dredging, construction and any number of points.

He appreciated the opportunity to come down here and to represent the Port. He asked for any questions.

He did said they have a client bulletin that goes to Mr. Rase of various things going on. He would be happy to add the Board to the list.

Mr. Krielow asked him if the report he passed out to them was it. Mr. Brooks stated that one was specific to the Port. They do stuff that is on a memo that talks about any number of things. For example, when he gets back to DC, the administration dropped some information on the waters of the U.S., which will change completely the wetlands and regulatory issue as it relates to how you deal with wetlands. Also, what is the definition of a wetland? Those types of things will be in an update of a copulation of he has put together. They do that for all of their clients.

Mr. Krielow asked to get the information that is relevant to the Port. He stated they get periodic staff and the lobbyist reports. It would be great to know what is happening in Washington and what they are working on behalf of the Port.

Mr. Brooks said he would.

Mr. Eason said the name Adams & Reese is second to none in Baton Rouge. He has seen that over there. He saw it in Washington, DC last week. Their name is everywhere and they are very well respected. He does not to need to tell him the economics of when an investment is made down here in the ship channel, it has a multiplier affect not only locally and state, but back to the federal government also. They recognize and he appreciates them telling that story.

Mr. Darbone also stated he appreciated the update. They do not get to hear from them a lot, but when they do come, all he can say is to keep swinging. The Port need as much money as they can get.

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1. Approval of the December 18, 2019 Special Meeting Minutes.

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Mr. Krielow offered a motion to approve the December 18, 2019 Special Meeting Minutes. Mr. Eason seconded the motion and it carried unanimously.

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2. Submission 2020 – 003 authorizing a Permanent Railroad Track Private Crossing Servitude Agreement with the City of Lake Charles, Louisiana.

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Mr. Rase stated this is something that has been in the works for a number of years. They have recently got involved in this particular crossing because it will go across the Port’s Industrial Lead. The property that was given over to Morganfield for the construction of the golf course has the golf course on either side of the tracks. They had to come up with a crossing. It will be a registered crossing. They have worked with the City and have gotten complete indemnity from the City for activities that take place in that area of the track.

The crossing will be registered with the FRA. He thought there might be problems for McNeese St. or Hwy 14, but in speaking with the railroad group, he thinks they can work the track another way that would limit that particular problem. He expressed to several Board members that it might be a major issue down the road. They have been able to come up with a way not to impact McNeese Street. The railroad crossing will still be impacted occasionally. But, they can see that coming and maybe figure out a way to take care of that situation in the off hours or at night. The Resolution before the Board is about as complete as they can get for the situation they are in now.

Mr. Ringo stated they have representatives here from the City as well as Morganfield if there are any questions. This instrument grants to the City a permanent servitude across that track to build a golf cart path. As part of that, the City has agreed to indemnify and hold the Port harmless for anything related to activity on that path. That is beneficial to the Port, as the Port does not want to be involved in any potential lawsuit or litigation that may result in someone getting hurt out there. It is an active railroad similar to what the Port has in front of their office building. They tried to model this agreement after what they did with Walnut Grove to grant crossings across the track here. It is as much of a full indemnity as they could make it.

Mr. Krielow said that in reading through the submission, he noticed there is some discussion about the golf carts being equipped with GPS or Geofence to notify when they get to an area of the crossing. Mr. Ringo replied that that was correct. Mr. Krielow asked if the City will allow private carts to go on the course or only golf course furnished carts. If someone brings their own cart, will they be required to have the same GPS equipment as the ones at the course? Mr. Rase said there were some private carts at Mallard Cove, but he did not know the restriction at Morganfield.

Mr. Ringo said the agreement speaks to that. “Further the golf carts used on the golf course by golfers shall be equipped.” It does not limit that to those owned by anyone in particular.

Mr. Mike Huber, City of Lake Charles, stated that was a good question, but all of his times that he has played at Mallard Cove, he has never seen a private cart there. He would not expect that to be allowed. It sounds like if they have an agreement that says it has to be equipped with GPS, they will have to use city carts.

Mr. Eason also stated that was his understanding, as he has never seen private carts at Mallard Cove. He has played there many years. At most courses he plays, any carts that come onto a private property have to follow the regulations that are set with that course.

Mr. Darbone stated that most of the concern was about liability and asked if Mr. Ringo was comfortable that there will not be much liability if someone jumps on the track when a train is coming. Mr. Ringo replied that he was comfortable. As far as indemnities go, this is as strong as they can make it. He cannot promise that the Port will not be dragged into court, but they have the agreement that fully indemnifies the Port for anything related to that crossing.

Mr. Eason asked if the agreement was the same as the one in front of our building. Mr. Ringo said it was stronger.

Mr. Dixon offered a motion to adopt Resolution 2020 – 003 to authorizing a Permanent Railroad Track Private Crossing Servitude Agreement with the City of Lake Charles, Louisiana. Mr. Eason seconded the motion and it carried unanimously.

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3. Submission 2020 – 004 acknowledging, declaring and certifying that an extreme public emergency does exist necessitating the entering into a contract, immediately, for repairing the dock at Berth 6 damaged on January 9, 2020 by the Tug Renee T. Whatley.

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Mr. Rase stated a tow of six rock barges hit the Port’s dock going at a substantial rate. It went underneath the dock and tore up the stringers, pilings and concrete. The dock is not serviceable today. The state allows the Port to go for an economic situation so they can shorten the lead-time in trying to get the dock repaired and back into service. From the amount, they are asking $1million, which is about double of the one that happened a couple years ago about 300 feet down from this incident. It is a substantial situation, but this will allow them to keep things moving quickly to get the dock back into service.

Mr. Eason asked if there was any loss of use of the wharf because of the damage. Mr. Rase replied that they have not had the occasion to date of that being a problem, but the longer it is out of service, the more risk there is that it would be an issue. Mr. Ringo stated if that does happen the Port will seek reimbursement from the company.

Mr. Lorenzi offered a motion to adopt Resolution 2020 – 004 to acknowledge, declare and certify that an extreme public emergency does exist necessitating the entering into a contract, immediately, for repairing the dock at Berth 6 damaged on January 9, 2020 by the Tug Renee T. Whatley. Mr. Krielow seconded the motion and it carried unanimously.

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4. 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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5. Private, Public Partnership Briefing Note

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Mr. Rase stated he hoped to bring a Resolution in February for this item.

The Private, Public Partnership Briefing Note was rendered to the Board and is on file in the Executive Offices.

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6. December 2019 Financials Briefing Note

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The December 2019 Financials Briefing Note was rendered to the Board and is on file in the Executive Offices.

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7. Monthly Staff report from Deputy Executive Director Monthly Report.

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

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8. Monthly Staff report from Director of Navigation.

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Mr. Hayden stated they are working on the next “Begging for bucks” tour in Washington, DC.

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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9. Monthly Staff report from Director of Operations.

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Mr. Henderson stated they finished the third lumber ship today. Another is anticipated to arrive February 1. A barite ship is scheduled for March.

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

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10. Monthly Staff report from Director of Marketing and Trade Development.

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The Director of Marketing and Trade Development’s 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 Engineering, Maintenance, and Development and Security.

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Mr. Pestello stated that Berths 4, 5 and 6 are nearing completion and should have their first ship at the end of the month. The damage to Berth 6 did not damage the new construction.

The Director of Engineering, Maintenance, and Development 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 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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13. Executive Session and appropriate action in any of the following matters:

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Mr. Darbone stated the Board would not enter into Executive Session.

Mr. Krielow asked for an update on Reynolds for the February meeting.

* Suit against the Port of Lake Charles – Suit No. 2013-001091- 14th JDC, State of LA.
* Suit against the Port of Lake Charles – Suit No. 2014-004268-14th 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

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

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There being no further business to come before the Board, Mr. Darbone asked for a motion to adjourn. Mr. Dixon offered a motion to adjourn. Mr. Krielow seconded the motion and it carried unanimously. The meeting adjourned at 5:41 p.m.

All discussions held on the above items were recorded using the FTR Gold program, and saved on the District’s main file server in the District’s office.

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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DAVID J. DARBONE, President

ATTEST:

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THOMAS L. LORENZI, Secretary/ Treasurer