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 25, 2021 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

Judy A. McCleary, Assistant Secretary/Treasurer

David J. Darbone, Commissioner

Kevin D. Guidry, Commissioner

Absent:

M. Keith Prudhomme, Secretary/Treasurer

Dudley R. Dixon, Commissioner

Also Present:

Richert Self, Executive Director

Jon Ringo, General Counsel

Cameron Landry, Director of Administration and Finance

Nick Pestello, Director of Engineering and Maintenance (by phone)

Todd Henderson, Director of Operations

Channing Hayden, Director of Navigation

Michelle Bolen, Executive Administrative Assistant

Mr. Krielow called the meeting to order at 5:01 P.M. and gave the invocation. Ms. McCleary 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 September 27, 2021 Regular Meeting Minutes.

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Mr. Darbone offered a motion to approve the September 27, 2021 Regular Meeting Minutes. Mr. Guidry seconded the motion and it carried unanimously.

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2. Submission 2021 – 046 authorizing the Executive Director to enter into a Cooperative Endeavor Agreement with the State of Louisiana.

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Mr. Self stated General Counsel requested authority from the Board for the Executive Director to enter into a CEA as required by state law to receive the $14 million from the Southwest Louisiana Hurricane Recovery Fund. From the most recent 2021 legislative session our legislative delegation developed the Southwest Louisiana Recovery Fund. These are funds that the state received from the American Rescue Plan. It was a $30 million total of which $14 million was appropriated to the Port and staff had to enter into a CEA with the Department of the Treasury to request reimbursement for expenditures allowed under the CEA.

Ms. McCleary offered a motion to adopt Resolution 2021 – 046 to authorize the Executive Director to enter into a Cooperative Endeavor Agreement with the State of Louisiana. Mr. Lorenzi seconded the motion and it carried unanimously.

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3. Submission 2021 – 048 certifying compliance with the public bid laws: CMAR Preconstruction Advertising for the construction phase of Berths 4, 5, & 6 Wharf and Shed Reconstruction at City Docks; State Project No. H.014896.

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Mr. Self said staff certifies that the public bid laws were followed to award the Construction Manager at Risk contract with Cajun Industries, LLC. for the design phase of Berths 4, 5 and 6 Wharf and Shed Reconstruction project at City Docks. Earlier this year, the Board authorized staff to entertain an agreement with Cajun Industries as the contractor for a CMAR project. This is just certifying it is a Port Priority project and is certified to Port Priority that the Port followed the public bid law and that they were followed when we made that award to Cajun Industries.

Mr. Darbone offered a motion to adopt Resolution 2021 – 048 to certify compliance with the public bid laws: CMAR Preconstruction Advertising for the construction phase of Berths 4, 5, & 6 Wharf and Shed Reconstruction at City Docks; State Project No. H.014896. Mr. Guidry seconded the motion.

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4. Submission 2021 – 049 authorizing the Lake Charles Harbor and Terminal District to enter into an agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project; providing for the necessary documentation of the need for the port improvement; and providing for other matters in connection therewith.

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Mr. Self stated staff requests the Board of Commissioners to authorize the district to enter into an agreement with the state of Louisiana Department of Transportation and Development Louisiana Port Construction and Development program. This is to accept the $15 million from Ports Priority to the agreement is required for the Port to be able to accept the $15 million from Ports Priority. This is on the Berths 4, 5 and 6 project and staff is requesting an authorization from the Port Board to enter into the agreement.

Mr. Lorenzi offered a motion to adopt Resolution 2021 – 049 to authorizing the Lake Charles Harbor and Terminal District to enter into an agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project; providing for the necessary documentation of the need for the port improvement; and providing for other matters in connection therewith. Mr. Guidry seconded the motion and it carried unanimously.

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5. Submission 2021 – 050 authorizing the District to amend Resolution 2021-018 for professional services agreement for Construction Management At-Risk pre-construction services with Cajun Industries, LLC.

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Mr. Self stated staff requests the Board of Commissioners to authorize the Executive Director to amend Resolution 2021-018, which authorized entering into a professional services agreement for pre-construction CMAR services with Cajun Industries LLC. for the Berths 4, 5 and 6 Wharf and Shed reconstruction City Docks project. The proposed amendment would increase the authorized amount to allow for pre-construction services and testing. Essentially, what this is as Cajun Industries and the engineer work side by side in an effort to develop the guaranteed max price. The geotech and structural engineers would like to go out and do pile testing in an effort to potentially reduce the length of the piling that will be required for construction along with the time frame involved with driving the piling. Moffett & Nickel is the engineer and they have done an assessment on the cost and considered it to be reasonable.

Ms. McCleary offered a motion to adopt Resolution 2021 – 050 authorizing the District to amend Resolution 2021-018 for professional services agreement for Construction Management At-Risk pre-construction services with Cajun Industries, LLC. Mr. Darbone seconded the motion.

Mr. Lorenzi asked if staff could elaborate a little bit on the purpose of shortening the piles. Mr. Pestello said it is really to shorten the piles, but it will just save the Port a lot of money when you are talking around a thousand piles. If you can shorten them anywhere from 10 to 20 feet it is a significant savings. The reason for the pile testing is to confirm that the strength is in the soils to allow us to shorten those piles. That is really what the pile testing is to shorten them to save money in the long run.

Mr. Lorenzi asked if there is an explanation as to why the original proposal was for a longer pile other than just saving money. Mr. Pestello said without the pile testing data, they have to make assumptions. They have geotech data, but without the actual piles being driven into the ground, they have to make certain assumptions. So, of course an engineer is going to make an assumption with the safety factor involved. So, the piles get longer. Mr. Lorenzi said he understands the idea here is to determine whether the larger sum needs to be spent or whether the shorter pile will actually accomplish the purpose without the larger amount being spent. Mr. Pestello agreed. Mr. Krielow said he knows there was some discussion about this cost might be able to be included in that hurricane relief money. Have you all followed up and see if it qualified? Mr. Pestello said they did and from their interpretation of the agreement that they are going to enter into, it says it is for structural repairs for damaged wharf and structures. It should qualify. They have included it.

The motion passed unanimously.

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6. Submission 2021 – 051 accepting the lowest responsive bid of Keiland Construction, LLC in the amount of $218,000 for the base bid for the Demolition of Shed 7 at City Docks.

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Mr. Self said staff recommends that the Board of Commissioners accept the lowest responsive bid of Keiland Construction LLC. in the amount of $218,000 for the base bid with a contingency of $75,000 for a total of $293,000 for the demolition of Shed 7 at City Docks Port Project cp 21011 subject to approval of the Executive Director and General Counsel that all appropriate conditions have been met and all requirements of the bid documents have been met and further authorizing the Executive Director to execute all documents there with. He laid it out for the Board in reading the preamble, but the Port received bids for the demo of Shed 7. Keiland Construction provided the lower lowest cost at a cost of $218,000 and staff would like to request approval from the Board to enter into the agreement to allow the demolition.

Mr. Darbone offered a motion to adopt Resolution 2021 – 051 accepting the lowest responsive bid of Keiland Construction, LLC in the amount of $218,000 for the base bid for the Demolition of Shed 7 at City Docks. Mr. Guidry seconded the motion.

Mr. Lorenzi asked regarding the amount of the contingency, it is rather large for the base bid. Mr. Pestello replied they made it a little bit larger than a normal contingency just because it is demolition and they are trying to save a portion of the old shed because it was built in three phases. There might be some electrical work they have to do disconnect and then reconnect afterwards, so it is really just in anticipation since it is a demolition of a very old structure that was built in multiple phases and might uncover something they did not expect.

The motion passed unanimously.

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7. Submission 2021 – 052 accepting the lowest responsive bid of Commercial Siding & Maintenance Co. in the amount of $3,763,400 for the base bid plus alternates 1, 2 and 3 and amend the 2021 capital budget for Sheds 16 and 17 Roof Rehabilitation at City Docks. .

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Mr. Self said staff recommends that the Board of Commissioners accept the lowest responsible bid of Commercial Siding and Maintenance Company in the amount of $3,763,400 for the base bid plus alternates 1 in the amount of $2,239,800, alternate 2 in the amount of $37,400 and alternate 3 in the amount of $42,670 with a contingency of $1 million for a total of $7,083,270 for Sheds 16 and 17 Roof Rehabilitation at City Docks Port Project cp 20004 subject to approval of the Executive Director and General Counsel that all appropriate conditions have been met and all requirements of the bid documents have been met and further authorizing the Executive Director to execute all documents there with. Staff also requests authorization for the Executive Director to amend the 2021 capital budget.

The work will be performed in accordance with plans and specs by Duhon and Pleasant structural engineers for the project.

Ms. McCleary offered a motion to adopt Resolution 2021 – 052 accepting the lowest responsive bid of Commercial Siding & Maintenance Co. in the amount of $3,763,400 for the base bid plus alternates 1, 2 and 3 and amend the 2021 capital budget for Sheds 16 and 17 Roof Rehabilitation at City Docks. Mr. Lorenzi seconded the motion.

Mr. Self stated originally this was going to be a roof repair project, but because of the extensive damages caused by the hurricanes, structural damage some of the purlins will be replaced. The roof will be replaced. It is more than just a repair project. That is why the cost is higher than anticipated. Ms. McCleary asked that part of this is one of the projects that will be submitted by CSRS for FEMA 90% reimbursement. Mr. Pestello said it was and it is already been modified in the CRC. Ms. McCleary asked if it was both the budgeted and the non-budgeted amount. Mr. Pestello said it was both. They had them update their cost based on the full replacement and they have actually already taken these bid numbers to update theirs.

The motion passed unanimously.

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8. Submission 2021 – 053 authorizing the Executive Director to amend Resolution 2020-048 for engineering services for Sheds 16 & 17 Roof Rehabilitation at City Docks with Duhon & Pleasant Civil and Structural Engineers for the design.

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Mr. Self said staff requests the Board of Commissioners to authorize the Executive Director to amend Resolution 2020-048 for engineering service with Duhon and Pleasant civil and structural engineers for Shed 16 and 17 Roof Rehabilitation at City Docks. This is the engineer or the project that the Board just approved entering into the agreement. Because of the fact that it is no longer going to be a roof repair and will be a replacement along with structural repairs, the engineering fee must be adjusted according to facility planning and controls fee curve.

Mr. Lorenzi offered a motion to adopt Resolution 2021 – 053 to authorize the Executive Director to amend Resolution 2020-048 for engineering services for Sheds 16 & 17 Roof Rehabilitation at City Docks with Duhon & Pleasant Civil and Structural Engineers for the design. Mr. Darbone seconded the motion and it carried unanimously.

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9. Submission 2021 – 054 authorizing the Executive Director to amend a professional services agreement with Lanier & Associates Consulting Engineers, Inc to assist with the design review, inspection, and commissioning of the traveling import hopper for BT-1.

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Mr. Self said staff requests the Board of Commissioners to authorize the Executive Director to amend a professional services agreement for engineering services with Lanier and Associates Consulting Engineers, Inc. to assist with the design review, manufacturing oversight inspection and testing and commissioning oversight of the traveling import hopper for bulk terminal number one. Previous funding consisted of the preliminary design and procurement process. As you recall, the Port lost two loaders and unloaders with Hurricane Laura and also two loaders and unloaders at BT-1. This is going to be a traveling import hopper for handling barite and rutile, which will speed up the process that we are having to undertake now to handle that cargo.

It is at a cost of $126,000 and staff is requesting authorization to enter into the agreement with Lanier.

Mr. Lorenzi offered a motion to adopt Resolution 2021 – 054 to authorizing the Executive Director to amend a professional services agreement with Lanier & Associates Consulting Engineers, Inc to assist with the design review, inspection, and commissioning of the traveling import hopper for BT-1. Mr. Guidry seconded the motion and it carried unanimously.

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10. 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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11. September 2021 Financials Briefing Note.

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The September 2021 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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Mr. Landry said he and staff are currently working on the 2022 budget and will provide a preliminary version of that to the Board sometime the first week of November. Keep in mind this is preliminary meaning, there will be changes as they dig further into the details. Aside for that as mentioned in the financials, earlier this month they received the final payment for Hurricane Laura from insurance. They are paid in full on that. Now, they can focus solely on pushing FEMA and GOHSEP to receive those funds as well.

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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Mr. Hayden said that in addition to his report, he would like to note that the dredge wheeler is back working on the Calcasieu Ship Channel. She is here for a two-week training exercise and normally does a very good job for the Port while she is there.

The Corps has recently awarded a contract to Crosby Dredging to dredge miles 17 to 36, which is basically from Sempra/Cameron LNG up to the I-10 bridge, the Industrial Canal, the turning basin by the I-10 bridge and the Clooney Island loop. He is not aware that the dredge has been given a notice to proceed, so he does not know what date that they expect the dredging to begin. But, it will be sometime before the end of the year.

Mr. Krielow asked if that that material is going to go help the brown pelicans where they are building the island. Mr. Hayden replied that no, they already did that.

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 at City Docks they handled two hydrate barges. They finished up the Iraqi rice vessel. They had two cargo transfers of some equipment for the LNG project for Venture Global, two hydrogen sulfide vessels and one tower vessel for the wind turbines.

In the future at City Docks, they are expecting a short-term lumber vessel, another project cargo shipment, bulk rough rice and another aluminum trihydrate barge.

At BT-1, they recently discharged two rutile ships, unloaded five raw coke barges and loaded a calcine barge. They have a green coke vessel upcoming, two pet coke ships and hopefully a barite ship.

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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Staff is currently working with a Brazilian company looking to import ten thousand tons a month of plywood coming from Paranagua for 2024. Staff sent a rate indication in last week and hopefully, they will hear something back in the next couple of days. It was a company they met at the Breakbulk Conference in Houston this past month.

They are also putting a submission together for Industrial Park East for Global Site Location Industries in Dallas, Texas. They are conducting a search for a company looking to build a manufacturing facility in the southern part of the United States. They manufacture non-residential lighting mainly for grocery stores, pharmacies and sports complexes. They need about 35 acres and an 800,000 square foot facility. They would employ about 250 people and are looking to make a decision in the next six to twelve months.

There is a USDA solicitation out that bids going to go in this week. It is only about a thousand tons or so and that will be for a December/January delivery period.

Staff is also working on the traffic tonnage and expensive budget for 2022.

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 said that in addition to his updates in his monthly report, they have been working on numerous projects trying to get them through the design phase, including the two new ship loaders and our berths and the larger projects that are ongoing.

They are also working with the Corps. Since they have their dredging award out the Port is going to try to tack onto that and do some maintenance dredging at a few of the docks as well, including BT-1.

They also have all of their projects still under construction. They are making good progress, but like many contractors in the area, they are continuing to fight supply issues from materials. Staff is working through that.

He and Mr. Landry are working with CSRS helping them to fight the good fight against FEMA and GOHSEP trying to get of all of the Port’s projects funded and pushed through.

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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Mr. Ringo stated that there will likely be about $450 million dollars available to spend in surplus money at the legislature she notes in her report. It is in the Port’s interest to try and get some of that directed towards hurricane recovery, so they are going to be working hard to do that.

Mr. Lorenzi said the only question he has is they have seen in the news where there were some major construction projects that had to be shut down or slowed down because of delays in in FEMA funding. He just did not know if that or anything similar to that is something the Port would be facing. Mr. Pestello said not at this time. Until Mr. Self and Mr. Landry tell him to slow down he is still pushing forward full steam ahead. But, at the moment their cash flow is okay. Mr. Lorenzi said if something like that is on horizon obviously the board would need to know about it. Mr. Pestello said they absolutely let the Board know. Mr. Self said Mr. Landry distributed a cash flow analysis last month to the Board. Even without delaying any projects, the cash flow remains strong.

Ms. McCleary said some of those delays are not just from FEMA, but also from our own Louisiana Governor's Office of Homeland Security. There has been some changes made at that agency, so hopefully that will expedite.

Mr. Ringo said there has definitely been an effort to expedite those funds rather than go through a whole other round of approvals. Mr. Self said Mr. Landry reached out to our GOHSEP representative earlier today about some of the funds that have been in GOHSEP for a little while to find out what needs to be done to expedite distribution. Ms. McCleary asked how long have they been there. Mr. Pestello said some of them have been there a couple months, so that was one of the reasons he came out here to figure out what the up was. Ms. McCleary asked if he feels comfortable that they were going to be moved along. Mr. Landry said he was hopeful. Mr. Self said he thinks they know who to keep in touch with to expedite things when it comes to that.

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. Darbone offered a motion to enter into Executive Session. Mr. Guidry seconded the motion and it carried unanimously.

The Board entered into Executive Session at 5:28 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.

The Board returned from Executive Session at 5:41 p.m.

There being no further business to come before the Board, Mr. Krielow asked for a motion to adjourn. Mr. Lorenzi offered a motion to adjourn. Mr. Guidry 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.

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