

**PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS
REGULAR MEETING - TUESDAY, SEPTEMBER 23, 2014
PORT ADMINISTRATIVE OFFICE - 5:30 P.M.
MINUTES**

The regular meeting of the Port of Iberia District Board of Commissioners was called to order by Commissioner Mark Dore', Board President, at the Port of Iberia Administrative Office, on Tuesday, September 23, 2014, at 5:30 P.M.

In attendance were Commissioners Mark Dore', Board President, Danny J. David, Sr., Vice President, Larry G. Rader, Secretary-Treasurer, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Commissioner Gene L. Jefferies was absent.

Also present were Joanna Durke, Acting Director/Administrative Assistant, Holly Breaux, Secretary-Bookkeeper, and Ray Allain, Port Attorney.

Thus, with a quorum being acknowledged, Commissioner Danny J. David, Sr., recited the opening prayer and the Pledge of Allegiance.

I. MR. BO DUHE, DISTRICT ATTORNEY ELECT, TO ADMINISTER THE OATH OF OFFICE TO THE POI DISTRICT BOARD OF COMMISSIONERS WHOSE APPOINTED TERMS COMMENCED ON SEPTEMBER 20, 2014.

Mr. Bo Duhe, District Attorney Elect, performed the swearing in ceremony and administered the Oath of Office to the entire Port of Iberia District Board of Commissioners whose appointed terms commenced on September 20, 2014 for a period of six years. The District Attorney Elect indicated that it was a pleasure and also an honor for him to administer their Oath of Office and he thanked the Board for inviting him to perform the swearing in ceremony.

II. APPROVAL OF MINUTES.

On a motion by Commissioner Larry Rader, seconded by Commissioner Danny J. David, Sr., the Commission approved the minutes of the Regular meeting held on Tuesday, August 19, 2014.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

III. PRESENTATION OF APPRECIATION/DEDICATED SERVICE PLAQUE TO RETIRED EXECUTIVE DIRECTOR – ROY A. PONTIFF.

Commissioner Mark Dore', Board President, presented Mr. Roy A. Pontiff with an Appreciation/Dedication Service Plaque as retiring Executive Director for his seventeen years of service to the Port of Iberia District.

IV. ELECTION OF A VICE-PRESIDENT FOR THE PERIOD SEPTEMBER 23, 2014 THRU DECEMBER 31, 2014.

A motion was made by Commissioner Larry Rader, seconded by Commissioner Roy Pontiff, and unanimously carried, to open the nominations for Vice-President of the Port of Iberia District Board of Commissioners for the period September 23, 2014 thru December 31, 2014, due to the expiring term of outgoing Commissioner Mike Resweber on September 19, 2014.

A motion was made by Commissioner Larry Rader, to nominate Commissioner Danny J. David, Sr., to serve as Vice-President of the Port of Iberia District Board of Commissioners for the period September 23, 2014 thru December 31, 2014.

There being no further nominations for Vice-President, a motion was made by Commissioner Larry Rader, seconded by Commissioner Roy Pontiff, and unanimously carried, that the nominations for Vice-President be closed, and further that Commissioner Danny J. David, Sr., be elected Vice-President of the Port of Iberia District Board of Commissioners for the period September 23, 2014 thru December 31, 2014 by acclamation.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

A motion was made by Commissioner Roy Pontiff, seconded by Commissioner Elbridge "Smitty" Smith III, and unanimously carried, to open the nominations for Secretary-Treasurer of the Port of Iberia District Board of Commissioners for the period September 23, 2014 thru December 31, 2014.

A motion was made by Commissioner Roy Pontiff, to nominate Commissioner Larry G. Rader, to serve as Secretary-Treasurer of the Port of Iberia District Board of Commissioners for the period September 23, 2014 thru December 31, 2014.

There being no further nominations for Secretary-Treasurer, a motion was made by Commissioner Roy Pontiff, seconded by Commissioner Elbridge "Smitty" Smith III, and unanimously carried, that the nominations for Secretary-Treasurer be closed, and further that Commissioner Larry G. Rader, be elected Secretary-

Treasurer of the Port of Iberia District Board of Commissioners for the period September 23, 2014 thru December 31, 2014 by acclamation.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

V. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:

- (a) Budget Summary for Two (2) Months Ending August 2014.
- (b) Listing of Tenant Lease Billings.
- (c) Listing of Boat Stall Lease Billings.
- (d) Approve Payment of Bills & Checks Issued During Interim Period.
- (e) Computer Summary of Lease Agreement Activity Sheet:
- (f) Status of Invoices Report.

A motion was made by Commissioner Roy Pontiff, seconded by Commissioner Danny J. David, Sr., to approve and authorize the payment of bills for September, 2014, and ratify those paid during the interim period.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

VI. RATIFICATION OF RENEWAL OF CERTIFICATE OF DEPOSIT.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Larry Rader, to approve and ratify the renewal of Certificate of Deposit Number 1144084 (Diamond Offshore Company Security Deposit), which matured on August 18, 2014 with Iberia Bank, for twelve (12) months at the rate of 0.40% and 0.40% A.P.Y.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

VII. REPORT FROM MR. MARC BERARD, P.E., BERARD, HABETZ AND ASSOCIATES, INC., ON:

- (a) EXTENDING THE EXISTING BULKHEAD AT SLIP 1A IN THE PORT'S MARINA DUE TO THE DEPLORABLE CONDITION OF THE EXISTING BULKHEAD.

- {1} Status of Professional Services Engineering Contract.**
- {2} Insurance Endorsement.**
- {3} Permitting for Project.**

Mr. Marc Berard, Berard, Habetz and Associates, Inc., reported that the Port Attorney is currently reviewing the insurance documentation provided by BH&A. Mr. Berard is also in the process of working on determining the proper procedures to follow in order to comply with the necessary permits required for the Project.

VIII. REPORT FROM MR. O'NEIL MALBROUGH & MR. GLENN LEDET, CB&I, ON:

- (a) LA DOTD Port Construction & Development Priority Program:
Phase I of State Project Number 578-23-0018/H.009021(321) Port-Site Bulkhead Relocation Phase II A-(for the AGMAC Bulkhead Relocation & Design Project (Public Property).**

- {1} Status of Dynamic Site Bulkheads 3, 4, and 4A and Chart Energy & Chemical Bulkhead 2.**

Mr. Glenn Ledet, CB&I, gave a Power Point Presentation on the construction status of the project. Coastal Bridge Company LLC is 99% complete with Bulkheads 2 (Chart Energy & Chemical) and Bulkhead 4A (Dynamic Industries). The "Punch List" inspection on Bulkhead 2 and Bulkhead 4a was performed on June 12, 2014, and a follow-up inspection was performed on September 19, 2014, and the work is ongoing by the contractor to complete the "Punch List" items. In addition, Bulkheads 3 and 4 (Dynamic Industries) are approximately 75% complete. Mr. Ledet reported that it is anticipated that substantial completion will be in the next few weeks.

- {2} Discuss/Approve Contractor's Application for Pmt. No. 15.**

Mr. Ledet reported that RFP #15 includes the installation of steel sheet piles, installation of structural steel, and an additional 5% of mobilization. Mr. Ledet also reported that RFP #15 brings the gross earned to date at \$4.429 Million of the \$4.839 Million (approximately 91.5% complete).

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Roy Pontiff, to approve and authorize Contractor's Application for Payment Number 15 in the amount of \$184,242.08, to Coastal Bridge Company, LLC for the period August 1, 2014 thru August 31, 2014 in accordance with the Contract dated February 6, 2013, regarding the LA DOTD Port Construction & Development Priority Program: Phase I of State Project Number 578-23-0018/h.009021(321) Port-Site Bulkhead Relocation Phase II A- Bulkheads 2 thru 4a(for the AGMAC Bulkhead Relocation & Design Project (Public Property)); and motion further stipulates that the Payment Request be forwarded to the LA Department of Transportation & Development for review and approval.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

{3} Discuss/Approve Change Order Number 5.

Mr. Glenn Ledet reported that CB&I recommends an increase in the contract price of \$14,519.62, for the additional costs required for the completion of repairs to spalled concrete around several of the fender bracket attachment bolts located on Bulkhead 2. The repair work needs to be performed at 12 locations on Bulkhead 2. In addition, CB&I recommends a contract day increase of three (3) working days be added to the contract. It was noted that the concrete was previously broken by normal use and/or wear and tear of the bulkhead by Chart, and the repairs need to be performed to properly protect the fender system and attachment bolts that were identified at the 12 locations.

With the approval of Change Order Number 5 depicting an increase in the amount of \$14,519.62, this brings the revised Contract amount to \$4,853,781.40 and the revised contract completion date to February 17, 2014.

A motion was made by Commissioner Roy Pontiff, seconded by Commissioner Larry Rader, to approve and authorize the Board President to execute Change Order Number 5 regarding repairs to spalled concrete around several of the fender bracket attachment bolts located on Bulkhead 2; and motion further acknowledges that Change Order Number 5 depicts an increase of \$14,519.62 for the stated work, with the revised Contract amount being \$4,853,781.40; and also includes a contract day increase of three (3) working days with the revised contract completion date to February 17, 2014; in accordance with the Contract dated February 6, 2013, regarding the LA DOTD Port Construction & Development Priority Program: State Project Number 578-23-0018/h.009021(321) Port-Site Bulkhead Relocation Phase II A- Bulkheads 2 thru 4a(for the AGMAC Bulkhead Relocation & Design Project (Public Property); and motion further stipulates that the Change Order request be forwarded to the LA Department of Transportation & Development for review and approval.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

{4} Report from Port Attorney on:

- ❖ Update on Mr. Murphy Foster, Breazeale Sachse and Wilson, "Co-Counsel" for the POI District.**
- ❖ Discuss/Approve Breazeale, Sachse & Wilson, LLP Invoice.**

The Port Attorney reported that there has been no activity to report at this time since the

mediation occurred; however, the Port Attorney is waiting for the project to be complete in order to address the contract dispute in an effort to resolve the issues.

A motion was made by Commissioner Elbridge "Smitty" Smith, seconded by Commissioner Danny J. David, Sr., to approve and authorize the payment of Invoice Number 292664 in the amount of \$291.34, to Breazeale Sachse and Wilson, L.L.P. for the period July 2014, regarding Mr. Murphy Foster, Attorney representing the Port of Iberia District as "Co-Counsel" for the Port-Site Bulkhead Relocation Phase II A Project {578-23-0018/H.009021(321)}.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

{5} Discuss CB&I Invoice.

A motion was made by Commissioner Larry Rader, seconded by Commissioner Roy Pontiff, to approve and authorize payment of Invoice Number 1864350-R8-00541 in the amount of \$19,769.50, to CB&I Coastal, Inc., (f/k/a Shaw Coastal Inc.) for the period August 4, 2014 thru August 29, 2014 (reimbursable to POI by DOTD), regarding the AGMAC Bulkhead Relocation Project Phase IIA (for engineering during construction and resident project representation on Bulkheads 2,3,4,&4A) in accordance with the contract between the POI and Shaw Coastal, Inc., dated September 3, 2002 and Amendment Number 20 dated July 15, 2014.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

- (b) LA DOTD Port Construction & Development Priority Program:
Phase II of State Project Number 578-23-0018/H.009021(322) Port-Site Bulkhead Relocation Phase II A-(for the AGMAC Bulkhead Relocation & Design Project (Public Property).**

{1} Update on the Advertisement for Bids for the Public Bulkheads (#12A POI Public Dock – Commercial Canal)

Mr. Ledet reported that the revised plans and specifications were sent to the LA DOTD and approval has been provided to move forward to bidding and advertising. CB&I and the POI will proceed to set the advertisement and pre-bid meeting dates.

CB&I has provided the POI with a proposed "draft" contract regarding the construction

management and resident project representation for the project. CB&I is awaiting the Port Attorney's review and approval.

{2} Discuss/Consider Approval of an Agreement Between Owner and Engineer for Professional Services for Construction Administration and Resident Project Representation.

The Port Attorney has reviewed the Agreement and has some minor concerns and modifications to discuss with CB&I's legal counsel.

A motion was made by Commissioner Roy Pontiff, seconded by Commissioner Danny J. David, Sr., to approve and authorize the Board President to execute the Agreement between CB&I Coastal, Inc. (formerly known as Shaw Coastal, Inc.) and the Port of Iberia District for professional services for Construction Administration and Resident Project Representation for the AGMAC Port Improvements, Port-Site Bulkhead Relocations Phase II-A, Bulkhead 12A, Phase II of State Project Number 578-23-0018/H.009021; on a time and materials basis for an amount not to exceed \$323,186.00 based on an estimated 200 days of construction time, contingent upon the Port Attorney's review and approval.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

{3} Discuss/Approve CB&I Invoice.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Elbridge "Smitty" Smith, to approve and authorize payment of Invoice Number 826039-R8-00501 in the amount of \$3,923.50, to CB&I Coastal, Inc., (f/k/a Shaw Coastal Inc.), for the period August 1, 2014 thru August 29, 2014 (Design of Bulkhead 12 - Public Dock)(100% reimbursable to POI by DOTD), regarding AGMAC Project Management in accordance with the contract between the POI and Shaw Coastal, Inc., dated September 3, 2002 and Amendment Number 12 (Project Management) dated December 17, 2013.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

- (c) LA DOTD Port Construction & Development Priority Program:
Phase III of State Project Number 578-23-0018/H.009021(322) Port-Site Bulkhead Relocation Phase II A- Bulkhead 12B (for the AGMAC Bulkhead Relocation & Design Project (Public Property).**

Mr. Ledet reported that Bulkhead 12B has been placed "on hold" until additional Port Priority funding has been acquired.

- (d) **Port-Site Bulkhead Relocation Phase II B- All Private Bulkheads (for the AGMAC Bulkhead Relocation & Design Project (Private Property)).**
 - {1} **Update on Reconnaissance and Design of Private Bulkhead Numbers 1, 6, 7, 11, and 14, in accordance with the Engineering Contract with CB&I Coastal, Inc. f/k/a Shaw Coastal, Inc. dated September 3, 2002.**

Mr. Ledet gave a Power Point Presentation on the Port-Site Bulkhead Relocation Phase II B- All Private Bulkheads (for the AGMAC Bulkhead Relocation & Design Project (Private Property)). CB&I is currently in the process of the procurement for the Reconnaissance Level Surveying and Geotechnical Services for Bulkhead 1, 6, 7, 11 and 14. Bulkhead 1 is located along Bayou Companies – Rodere Canal; Bulkhead 6 & 7 is located along Cal Dive – Rodere Canal; Bulkhead 11 is located at the corner of Slip C-8 at Migues Fuel Dock; and Bulkhead 14 is located along Bayou Companies - Port Canal.

- (e) **Status of the AGMAC Project.**

Mr. Ledet reported that the USACE is working on Implementation Guidance to be used to provide the policy and procedures necessary for the implementation of the reevaluation of the AGMAC Project. Commissioner Roy Pontiff has been working with the Congressional Delegation's staff to work through the appropriation process. The staff has been working on various alternatives that are being reviewed regarding the appropriations for the USACE District Engineering Staff to commence the reevaluation.

IX. MR. CRAIG ROMERO TO ADDRESS THE BOARD REGARDING HIS INTEREST TO APPLY AND SUBMIT A RESUME' FOR THE EXECUTIVE DIRECTOR POSITION FOR THE PORT OF IBERIA DISTRICT, DUE TO THE RETIREMENT OF MR. ROY PONTIFF ON AUGUST 31, 2014.

Mr. Craig Romero addressed the Board and thanked them for allowing him to be able to provide a Resume' and Biography for the Executive Director position for the Port of Iberia District due to the retirement of Mr. Roy Pontiff on August 31, 2014.

X. DISCUSS AND CONSIDER THE RECRUITMENT PROCESS FOR THE HIRING OF A NEW EXECUTIVE DIRECTOR DUE TO THE RETIREMENT OF MR. ROY PONTIFF ON AUGUST 31, 2014.

Lengthy discussion ensued with regards to the recruitment process for the hiring of a new Executive Director due to the retirement of Mr. Roy Pontiff on August 31, 2014. In addition, various alternatives were discussed.

A motion was made by Commissioner Roy Pontiff, seconded by Commissioner Larry Rader, to authorize the Board President and Port Attorney to enter into negotiations an Employment Contract with Mr. Craig Romero for the POI District Executive Director position; and motion further authorizes the Acting Director to place an employment advertisement for the POI District Executive Director's position and publish in The Daily Iberian (the official journal of the POI), three times within the next two weeks, in order to receive resume's for the Board to review prior to the regular October 21, 2014 Board meeting; and motion further authorizes the Acting Director to use the same employment advertisement that was previously published in 2012 and to run the advertisement in a Sunday, Wednesday, and Sunday publication.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

XI. REPORT FROM ACTING DIRECTOR ON:

- (a) Status of Lease Agreement Between National Oilwell Varco, L.P. & the Port of Iberia District ("raw land" only, excluding improvements at this particular time) Regarding Tract "R" (2.88 acres) and Tract "S" (10.92 acres) Located on the POI Millennium Expansion Phase II Property Site.**

Mrs. Joanna D. Durke, Acting Director, reported that the signed Lease Agreement has been recorded, and currently NOV is in the process of obtaining their necessary insurance endorsement and security deposit, as well as providing the Port with the Lease payment on Tracts "R" and "S".

- (b) Status of POI Acquiring 140.81 Acres of Property Owned by the City of New Iberia as Identified in a 99 Year Lease Signed by the Port and City on July 28, 1948.**

The Acting Director indicated that at the August 19, 2014 regular Board meeting, the commission passed a motion which approved and authorized the Executive Director and Port Attorney to proceed with the necessary steps to offer the City of New Iberia to purchase the 140.81 acres of property (based on an appraisal of 107.81 "Usable" Acreage) owned by the City of New Iberia as identified in the 99 year Lease signed by the Port and City on July 28, 1948, for a purchase price of \$4,162,500.00; and the

motion further approves and authorizes the initial payment of \$2,081,250.00 upon the execution of the sale documents, \$1,040,625.00 on July 1, 2015 and \$1,040,625.00 on July 1, 2016; and motion further authorizes the Board President to execute the necessary Cash Sale, and any other pertinent documents with regards to the purchase of the 140.81 acres.

At the regular City Council meeting held on Tuesday, September 16, 2014, the New Iberia City Council unanimously approved an ordinance to sell the 140.81 acres of land to the Port of Iberia.

The Acting Director presented a copy of Ordinance No. 2014-01 regarding same, as well as a copy of the minutes of the September 16, 2014 meeting.

The Acting Director has spoken with the City of New Iberia, and Thursday, October 2, 2014 is the last day of the public comment period.

The Port Attorney reported that in the City of New Iberia's Ordinance No. 2014-01, Section 3 stipulates that the Port of Iberia District shall be responsible for determining merchantability of title and determining access to and adequacy of utility access.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Larry Rader to approve and authorize the Port Attorney to perform a Title Examination on the 140.81 acres of property owned by the City of New Iberia as identified in a 99 year Lease signed by the Port and the City on July 28, 1948; and motion further approves and authorizes that the Port of Iberia District purchase Title Insurance once the Title Opinion has been rendered in connection with the acquisition of the property.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

(c) Discuss/Approve the Lease Agreement Between Ram Design, LLC & the Port of Iberia District for Tract "L" (14.37 acres) Located on the POI Millennium Expansion Phase II Property Site.

The Acting Director reported that the Port Attorney has approved the Lease Agreement between Ram Design, LLC & the Port of Iberia District for Tract "L" (14.37 acres) Located on the POI Millennium Expansion Phase II Property Site. The tenant is currently out of the country and will execute the Lease Agreement upon return.

A motion was made by Commissioner Roy Pontiff, seconded by Commissioner Simieon d. Theodile, to approve and authorize the Board President to execute the Lease Agreement between Ram Design, LLC & the Port Of Iberia District For Tract

“L” (14.37 acres) Located on the POI Millennium Expansion Phase II Property Site.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore’, Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge “Smitty” Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

(d) Iberia Parish Levee, Hurricane, and Conservation District Budget Report as of December 31, 2013.

The Acting Director presented a letter dated August 26, 2014 from Mr. Ronald Gonsoulin, Chairman of the Iberia Parish Levee, Hurricane, and Conservation District which provides the POI with a Budget Report as of December 31, 2013. The Budget Report was submitted in accordance with the Intergovernmental Agreement between the Port of Iberia District and the Iberia Parish Levee, Hurricane, and Conservation District effective July 1, 2013. The District has not expended the \$25,000.00; however, the District has appropriated \$1,000 for the advertisement of a part-time Director and is awaiting the final billing for payment to be made accordingly.

(e) Announcements.

***** City of Jeanerette Commission Appointment effective September 20, 2014.**

The Acting Director reported that Simieon d. Theodile was appointed to the Port of Iberia District Board of Commissioners for a six (6) year term by the City of Jeanerette effective September 20, 2014.

***** Acknowledgement of Years of Service for Commissioners Millie Martinez, Frank Minvielle, and Mike Resweber.**

The Acting Director expressed appreciation on behalf of the Board and Administrative Staff in thanking Commissioners Martinez, Minvielle, and Resweber for their dedicated and hardworking years of service as Port Commissioners. Commissioner Martinez served for nearly 10 years, Commissioner Minvielle for 17 years and Commissioner Resweber for 18 years. A round of applause was then given by everyone in attendance.

***** IDF Resolution of Appreciation to Roy Pontiff for his Dedicated Service to the Port of Iberia.**

The Acting Director presented a copy of a Resolution of Appreciation adopted by the IDF on September 11, 2014 recognizing Mr. Roy Pontiff for his seventeen years of service as the Port Director of the Port of Iberia. The Resolution also recognizes Mr. Pontiff's dedicated passion to the Iberia Parish Economic Development and Port of Iberia Businesses.

XII. EXECUTIVE SESSION TO DISCUSS PENDING & THREATENING LITIGATION REGARDING:

- (a) **POI vs. LBC Port, LLC in Iberia Docket No. 124906.**
 - ◆ **Suit to Cancel Lease.**
- (b) **Coastal Bridge Contract Dispute.**
- (c) **Premiere Tugs, LLC, vs. POI in Iberia Docket No. 124704 Claiming Damages Caused by Channel Blockage.**
- (d) **Robert and Betty Paul vs. POI in Iberia Docket No. 124547 Claiming Injuries/Damages Sustained at Cameron, Inc.**
- (e) **Yekema Jenkins and Rondell Young vs. POI in Iberia Docket No. 124337 Claiming Survival and Wrongful Death Damages.**
- (f) **Valerie Antoine King vs. POI in Iberia Docket No. 124757 Claiming Survival and Wrongful Death Damages.**

A motion was made by Commissioner Larry Rader, and seconded by Commissioner Danny J. David, Sr., for the Port of Iberia District Board of Commissioners to enter into Executive Session at 6:40 p.m., to discuss pending and threatening litigation regarding the following: {1} POI vs. LBC Port, LLC in Iberia Docket No. 124906; {2} Coastal Bridge Contract Dispute; {3} Premiere Tugs, LLC, vs. POI in Iberia Docket No. 124704 Claiming Damages Caused by Channel Blockage; {4} Robert and Betty Paul vs. POI in Iberia Docket No. 124547 Claiming Injuries/Damages Sustained at Cameron, Inc; {5} Yekema Jenkins and Rondell Young vs. POI in Iberia Docket No. 124337 Claiming Survival and Wrongful Death Damages; and {6} Valerie Antoine King vs. POI in Iberia Docket No. 124757 Claiming Survival and Wrongful Death Damages.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

A motion was made by Commissioner Larry Rader, and seconded by Commissioner Danny J. David, Sr., for the Port of Iberia District Board of Commissioners to enter back into Regular Session at 7:00 p.m., to discuss pending and threatening litigation regarding the following: {1} POI vs. LBC Port, LLC in Iberia Docket No. 124906; {2} Coastal Bridge Contract Dispute; {3} Premiere Tugs, LLC, vs. POI in Iberia Docket No. 124704 Claiming Damages Caused by Channel Blockage; {4} Robert and Betty Paul vs. POI in Iberia Docket

No. 124547 Claiming Injuries/Damages Sustained at Cameron, Inc; {5} Yekema Jenkins and Rondell Young vs. POI in Iberia Docket No. 124337 Claiming Survival and Wrongful Death Damages; and {6} Valerie Antoine King vs. POI in Iberia Docket No. 124757 Claiming Survival and Wrongful Death Damages.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

The Port Attorney reported that discussion was held in Executive Session regarding the aforementioned various pending and threatening litigation matters, and there was no action taken in Executive Session.

A motion was made by Commissioner Elbridge "Smitty" Smith III, seconded by Commissioner Simieon d. Theodile, to expand the Port of Iberia District Board of Commissioners regular monthly meeting of September 23, 2014 to discuss the POI vs. LBC Port, LLC in Iberia Docket No. 124906 regarding a Cancellation of Lease.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Roy Pontiff, to approve and authorize the Port Attorney to prepare a Cancellation of Lease Agreement between the Port of Iberia District and LBC Port, LLC Regarding Tract "K" (15.61 acres), Tract "L" (14.37 acres), and Tract "M" (18.77 acres) Located on the POI Millennium Expansion Phase II Property Site; and motion further authorizes the Board President to execute the Cancellation of Lease Agreement.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Larry G. Rader, Roy A. Pontiff, Elbridge "Smitty" Smith III, and Simieon d. Theodile.

Nays: None.

Absent at Voting: Gene L. Jefferies.

And the motion was therefore passed on this the 23rd day of September 2014.

XIII. ADJOURNMENT.

On a motion made by Commissioner Roy A. Pontiff, and unanimously seconded by the Board of Commissioners, the meeting was adjourned 7:00 p.m.



SECRETARY-TREASURER



PRESIDENT