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MEETING MINUTES FOR
THE BOARD OF COMMERCE AND INDUSTRY
OF THE
LOUISIANA ECONOMIC DEVELOPMENT CORPORATION
HELD AT
LASALLE BUILDING
617 NORTH 3RD STREET
BATON ROUGE, LOUISIANA
ON THE 26TH DAY OF APRIL, 2017
COMMENCING AT 9:37 A.M.

REPORTED BY: ELICIA H. WOODWORTH, CCR



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1 **Appearances of Board Members Present:**

2 Robert Adley
3 Millie Atkins
4 Robert Barham
5 Mayor Glenn Brasseaux
6 Representative Thomas Carmody
7 Major Coleman
8 Ricky Fabra
9 Manual "Manny" Fajardo
10 Heather Malone
11 Charles R. "Robby" Miller
12 Jan K. Moller
13 Don Pierson
14 Ronnie Slone
15 Bobby Williams, Jr.
16 Dr. Woodrow Wilson, Junior
17 Steve Windham

18 **Staff members present:**

19 Susan Bigner
20 Eric Burton
21 Kristen Cheng
22 Danielle Clapinski
23 Frank Favaloro
24 Brenda Guess
25 Richard House
26 Becky Lambert
27 Joyce Metoyer
28 Anne Villa



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MR. WINDHAM:

All right. I call this meeting to order, the Board of Commerce and Industry meeting for April the 26th, 2017. It's about 9:35.

Melissa -- I lost her.

MR. FAVALORO:

Frank here for her.

MR. WINDHAM:

I'm sorry. Frank/Melissa, please call the roll.

MR. FAVALORO:

Robert Adley, sitting in for --

MR. ADLEY:

Here.

MR. FAVALORO:

Robert Barham, sitting in for Lieutenant Governor.

MR. BARHAM:

Here.

MR. FAVALORO:

Representative Neil Abramson.

(No response.)

MR. FAVALORO:

Millie Atkins.

MS. ATKINS:



MEETING MINUTES

1 Here.
2 MR. FAVALORO:
3 Mayor Glenn Brasseaux.
4 MAYOR BRASSEAUX:
5 Here.
6 MR. FAVALORO:
7 Representative Thomas Carmody.
8 (No response.)
9 MR. FAVALORO:
10 Yvette Cola.
11 (No response.)
12 MR. FAVALORO:
13 Major Coleman.
14 MR. COLEMAN:
15 Here.
16 MR. FAVALORO:
17 Ricky Fabra.
18 MR. FABRA:
19 Here.
20 MR. FAVALORO:
21 Manny Fajardo.
22 MR. FAJARDO:
23 Here.
24 MR. FAVALORO:
25 Jerald Jones.



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1 (No response.)
2 MR. FAVALORO:
3 Heather Malone.
4 MS. MALONE:
5 Here.
6 MR. FAVALORO:
7 Senator Danny Martiny.
8 (No response.)
9 MR. FAVALORO:
10 Charles "Robby" Miller.
11 MR. MILLER:
12 Here.
13 MR. FAVALORO:
14 Jan Moller.
15 MR. MOLLER:
16 Here.
17 MR. FAVALORO:
18 Senator Morrell.
19 (No response.)
20 MR. FAVALORO:
21 Secretary Don Pierson.
22 (No response.)
23 MR. FAVALORO:
24 Mr. Scott Richard.
25 (No response.)



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1 MR. FAVALORO:
2 Darryl Saizan.
3 (No response.)
4 MR. FAVALORO:
5 Daniel Schexnaydre.
6 (No response.)
7 MR. FAVALORO:
8 Ronnie Slone.
9 MR. SLONE:
10 Here.
11 MR. FAVALORO:
12 Bobby Williams.
13 MR. WILLIAMS:
14 Here.
15 MR. FAVALORO:
16 Steven Windham.
17 MR. WINDHAM:
18 Here.
19 MR. FAVALORO:
20 Dr. Wilson.
21 DR. WILSON:
22 Here.
23 MR. FAVALORO:
24 We have a quorum.
25 MR. WINDHAM:



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1 Before we go forward, I'd like to thank
2 everybody for attending today's meeting, and I will
3 entertain a motion for the approval of last meeting's
4 minutes.

5 Motion made by Mr. Moller; seconded by
6 Dr. Wilson.

7 Any discussions? Any changes?

8 (No response.)

9 MR. WINDHAM:

10 All in favor, indicate with an "aye."

11 (Several members respond "aye.")

12 MR. WINDHAM:

13 All opposed with a "nay."

14 (No response.)

15 MR. WINDHAM:

16 Motion carries.

17 Mr. Burton, if you could do the Quality
18 Jobs Program, please.

19 MR. BURTON:

20 Good morning. I have two new
21 applications for Quality Jobs: 20151086, LACC, LLC US
22 in Calcasieu Parish; 20161392, Republic National
23 Distributing Company in Orleans Parish.

24 That concludes the applications.

25 MR. WINDHAM:



1 All right. Thank you, Mr. Burton.

2 Are there any questions concerning the
3 two new applications for Quality Jobs?

4 MR. ADLEY:

5 Yeah, just let me --

6 MR. WINDHAM:

7 Mr. Barham (sic).

8 MR. ADLEY:

9 Just a general question that I was asked
10 to ask while I was here. It's my understanding that
11 under Quality Jobs, LED has no -- it's strictly
12 statutory and you're guided by what the statutes say; is
13 that correct?

14 MR. BURTON:

15 That is correct.

16 MR. ADLEY:

17 The question that is raised, the Quality
18 Jobs Program has grown from 70-million to 300-million.
19 Do you know the timeframe that occurred from the 70 to
20 300?

21 MR. BURTON:

22 The 70 to the 149, approximately -- I
23 don't have the numbers with me, but I know we've gone
24 from 70 to 149 last fiscal year. The projection of the
25 TEB, the Department of Revenue projected about



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1 291-million.

2 MR. WINDHAM:

3 And that would be from fiscal year --

4 MR. BURTON:

5 Fiscal '17, ending this June. However,
6 just as a little add along for the board, I did check
7 with the Department of Revenue, and so far, what's been
8 issued as of March 31st of 2017 was about \$75-million
9 for Quality Jobs, so that's going to be significantly
10 lower than the \$291-million projected by TEB Department
11 of Revenue.

12 MR. ADLEY:

13 What number would be a fair number to
14 use?

15 MR. BURTON:

16 That's kind of hard to guess, but if I
17 had to go an a ballpark, because it depends on when they
18 decide to actually submit their filings with Department
19 of Revenue, but a good estimate on time lag and how
20 revenue would have to submit it, I'd say between 90 and
21 100.

22 MR. ADLEY:

23 Thank you very much.

24 But that's in addition to the 70 that we
25 had?



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1 MR. BURTON:
2 That would just be a total of 90 to
3 100-million.
4 MR. ADLEY:
5 Thank you very much.
6 MR. BURTON:
7 No problem.
8 MR. WINDHAM:
9 Any other questions?
10 (No response.)
11 MR. WINDHAM:
12 Any comments from the public concerning
13 these new applications for Quality Jobs?
14 (No response.)
15 MR. WINDHAM:
16 Any questions from the board members?
17 (No response.)
18 MR. WINDHAM:
19 Is there a motion for approval?
20 MR. ADLEY:
21 So moved.
22 MR. WINDHAM:
23 Mr. Adley made the motion; seconded by
24 Dr. Wilson.
25 All in favor, indicate with an "aye."



1 (Several members respond "aye.")

2 MR. WINDHAM:

3 All opposed with a "nay."

4 (No response.)

5 MR. WINDHAM:

6 Motion carries.

7 Next I believe we have the renewals.

8 MR. BURTON:

9 We have five renewals for Quality Jobs:

10 20120993, Gremillion & Pou and Associates, Inc. in Caddo
11 Parish; 20121010, John H. Carter, Inc. AND ControlWorx,
12 LLC in East Baton Rouge Parish; 20120962, Mechanical
13 Equipment Company, Inc. in St. Tammany Parish; 20129999,
14 Sasol USA Corporation in Calcasieu Parish; 20121170, UPS
15 Midstream Services, Inc. in La Salle Parish.

16 This concludes the renewal summaries.

17 MR. WINDHAM:

18 Thank you, Mr. Burton.

19 Are there any comments from the public
20 concerning these five renewals?

21 (No response.)

22 MR. WINDHAM:

23 Any comments from the board members?

24 (No response.)

25 MR. WINDHAM:



1 Is there a motion to approve?
2 Made by Mr. Slone; seconded by Ms.
3 Malone.

4 All in favor, indicate with an "aye."
5 (Several members respond "aye.")

6 MR. WINDHAM:
7 All opposed with a "nay."
8 (No response.)

9 MR. WINDHAM:
10 Motion carries.
11 Next I believe we have one late renewal.

12 MR. BURTON:
13 That is correct. We have one late
14 renewal. It's going to be 20080750, Blake International
15 USA Rigs, LLC in Terrebonne Parish. The contract
16 effective date for this contract was May 15th, 2008.
17 Board approval date was 6/22/2010. The signed contract
18 was returned to Louisiana Economic Development on
19 10/14/2015. The contract was executed by the Governor
20 on 10/19 of 2015. The initial contract expiration date
21 for this contract is 5/14 of 2013, and the late renewal
22 request date made by the company is going to be
23 4/18/2016.

24 MR. WINDHAM:
25 Is there a representative from the



1 company?

2 Please step forward and identify
3 yourself. I'm sure there are some questions related to
4 these time lags.

5 MR. ADLEY:

6 Before they get up, can we ask the
7 staff, is there no set guidelines in the rules how to
8 deal with the late renewals as there are with ITEP?

9 MR. BURTON:

10 We do have some language on the top, if
11 you'll see on your renewal, renewal documents, it says
12 in the rules that, "An application to renew a contract
13 shall be filed within 60 days of the initial contract
14 expiring. The Board may approve a request for renewal
15 filed more than 60 days, but less than five years after
16 expiration of the initial contract, and may impose a
17 penalty for the late filing of the renewal request,
18 including a reduction of the five-year renewal period."
19 That's verbatim from the Quality Jobs rules.

20 MR. ADLEY:

21 What we have done on the renewals of the
22 ITEP, as I remember, we reduced the five years to four.
23 Is that how we've been doing it?

24 MR. BURTON:

25 I think y'all went per rules on the



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1 ITEP, which I think is it's per one year for every one
2 month late, which that's going to be set --

3 MR. ADLEY:

4 I think the board's action when they --
5 I see you nodding your head, because there's going to be
6 some more late renewals, so I'm just trying to get us to
7 be consistent if we can. It applied to ITEP; we had
8 these same guidelines. We, the Board, decided to make a
9 reduction by one year. That's what we have done in the
10 past; that's correct, is it not?

11 MR. BURTON:

12 Yes.

13 MR. ADLEY:

14 Okay. That's all I wanted to know.
15 Thank you.

16 MR. WINDHAM:

17 Yes, Mr. Miller.

18 MR. MILLER:

19 Eric, for the new members here, the
20 effective date was '08. The Governor didn't sign it
21 until '15; is that normal?

22 MR. BURTON:

23 No, this is not a normal occurrence.

24 MR. MILLER:

25 Do you have an explanation on why



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1 this -- I mean, '08 and the Board approved it two years
2 later and then the contract was signed by LED in '15 and
3 the Governor in '15.

4 MR. BURTON:

5 The only lag that we mostly have, as you
6 can tell, in QJ contracts, there's going to be possibly
7 about a two-year lag from the advance date and the
8 application being due by rules, so you may see some
9 about two years later than the advance fee has.
10 However, this one does have some special occurrences
11 that happened that maybe the company would like to speak
12 on that lagged this further back to where we would have
13 a signed contract not received until almost after five
14 years from what the Board approval date is.

15 MR. MILLER:

16 Would you like to explain that?

17 MR. WINDHAM:

18 Yes. Please identify yourself.

19 MR. HENSON:

20 Thomas Henson, attorney for Blake
21 International --

22 MR. ADLEY:

23 Can you get a little closer to that
24 thing?

25 MR. WINDHAM:



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1 Is it working?

2 MR. HENSON:

3 Good morning, Board. Thomas Henson on
4 behalf of Blake International. With me today is Jules
5 Haydel, Human Resources Manager.

6 In this case, Blake International filed
7 advanced notification in 2008, mid-2008. It was a new
8 company. There was some disputes with LED as to
9 coverage of some former Pride employees. This was an
10 asset sale strictly in 2008, and there was some issues
11 raised by LED as to whether certain of the jobs created
12 qualified for Quality Jobs benefits. There was a formal
13 application and an amended application, and there was
14 also some litigation over not only the Pride issue, but
15 over the wording of the contract.

16 Because of the Pride issue, there was
17 some provisions in the contract that Blake was concerned
18 might preclude it from Quality Jobs benefits, and so
19 that was all hashed out. And it was not until that
20 litigation was concluded that we actually had a contract
21 form acceptable that was signed up, and that's the
22 reason for the delay.

23 MR. ADLEY:

24 I see the staff shook their head behind
25 you.



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1 Do y'all disagree with that statement?

2 MS. CLAPINSKI:

3 Good morning. Danielle Clapinski, staff
4 attorney at LED.

5 I don't disagree that that was the point
6 in time that the contract was executed, that the
7 contract we offered back in 2010 and the one that was
8 signed were not substantially different. I mean, there
9 was litigation in between, but --

10 MR. ADLEY:

11 Did they get credit for Quality Jobs
12 from 2010 forward?

13 MS. CLAPINSKI:

14 Yes. They have to date.

15 MR. ADLEY:

16 So they got credit for them?

17 MS. CLAPINSKI:

18 2008. So 2008, 2009, 2010, '11 and
19 whatever portion of '12, through 5/14 of '12, so the
20 renewal contract would pick back up on 5/15 of '12, if
21 it were approved, and whatever period of time.

22 MR. WINDHAM:

23 Secretary Pierson.

24 SECRETARY PIERSON:

25 Don Pierson has now arrived for the



1 official minutes. Please reflect my appearance. Thank
2 you.

3 Would you please illuminate that this
4 was essentially a discussion relative to the Pride jobs
5 were already in the state and the contract for Quality
6 Jobs should award to Blake for net new jobs and that
7 that was sort of the crux of that matter.

8 MS. CLAPINSKI:

9 That's correct. So there was a dispute
10 over whether the jobs. I think about 243 of the 245
11 employees hired were former Pride employees, and so
12 there were discussions of whether they were, in fact,
13 net new jobs. The litigation concluded because the
14 Court found that they hadn't signed the contract, that
15 the litigation was premature. They had not yet signed
16 their contract, and, therefore, they were not an
17 employer under the Quality Jobs Program and were not
18 eligible at that time to file suit.

19 MR. ADLEY:

20 I just want to make sure that we,
21 regardless of all of the litigation, the litigation was
22 finalized, the courts or whoever decided that they were
23 to get the Quality Jobs or not?

24 MS. CLAPINSKI:

25 That was not -- no, sir. That was not



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1 what they decided. They decided that at that point in
2 time, the litigation was premature. So that may still
3 be an outstanding issue that LED and the company will
4 have to deal with.

5 MR. ADLEY:

6 I got it. So the effective date for the
7 Quality Jobs was not changed by the litigation?

8 MS. CLAPINSKI:

9 That is correct.

10 MR. ADLEY:

11 Okay. So I heard your statement, and I
12 think I got it. For 2008 to 2015 or something. I think
13 the fact of the matter is the effective date was the '08
14 date.

15 MR. HENSON:

16 That's correct, and, in fact, the
17 company has been approved for substantial Quality Jobs
18 benefits '08, '09 forward for those first five years.
19 It was something over a million dollars. We still have
20 the issue -- that's for the non-counted Pride hires. We
21 still have the issue. Basically what the court said,
22 until you sign a contract, we can't resolve the Pride
23 issue, so go back and sign the contract, and then that's
24 what we did. And that's the reason for the delay in
25 execution of the contract.



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1 MR. WINDHAM:

2 So let me ask this related to that. Why
3 didn't you sign the contract?

4 MR. HENSON:

5 There was some provisions in the
6 contract, there was a dispute as to which version of the
7 Quality Jobs rules would apply to this contract. The
8 rules were substantially revised effective 2011, as I
9 recall, I think October, November of 2011, and the
10 revision to the rules we believe was actually impacted
11 by Blake's situation and so we had a dispute.

12 Originally the contract was going to
13 attach the rules that were in effect when Blake filed
14 its application in the '08/'09 time period. The rules
15 were changed in '11, and then LED wanted to attach the
16 new rules. Well, the new rules substantively would have
17 affected the coverage of the Pride employees, and that
18 was the crux of the dispute on signing the contract.

19 There still is a dispute as to whether
20 the old rules or the new Quality Jobs rules should apply
21 to this contract.

22 MR. WINDHAM:

23 I guess my confusion here is the
24 contract is the contract and that's what dictates how
25 the program or how benefits are received. So regardless



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1 of what the rules would say, the contract's the
2 contract, and if you wanted to get the benefits, the
3 contract should have been signed. Then I look at this
4 other piece in here that you didn't submit the renewal
5 until just now. So the renewal was due. The contract
6 wasn't in place; you hadn't signed it, you couldn't have
7 renewed it, but you still should have done the
8 paperwork. You should have signed the contract in order
9 to get it renewed. So I'm having difficulty making that
10 grasp of why the renew would be for the full five years
11 today.

12 MR. HENSON:

13 We had -- it was an issue in the
14 litigation as to which version of the contract should we
15 sign, whether we should attach the old rules or the new
16 rules, and that is an extremely important issue. And so
17 to sign -- and Blake was willing to sign and actually
18 signed at one point and sent to LED the contract with
19 the old rules attached and LED said, "No. We're not" --
20 first of all, they prepared the contract and sent it to
21 us with the old rules attached. And then later, after
22 they amended the rules, they pushed for amendments of
23 the Quality Jobs and rules, and then came back later and
24 said, "No, we're not going to attach those rules because
25 we want to take the position because the new rules apply



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1 even though your application was in '08/'09."

2 So it wasn't a situation where, "Just
3 sign here." It was a serious dispute. LED did not want
4 to execute the contract with the original rules that
5 were in place when Blake International filed the
6 application, they didn't want to execute --

7 MR. WINDHAM:

8 I believe through --

9 MS. CLAPINSKI:

10 Well, what I would say is that the rules
11 are not ever attached as an addendum to contracts. We
12 may have agreed to send them a copy of the rules that
13 were in place at the time, and the reason for that is
14 there are some changes that are procedural and there are
15 some changes that are substantive to the program. Some
16 of those changes, if they change, they are our
17 procedural ones about when things are due. If we change
18 it, those are still applicable to those contracts in
19 effect. So we don't ever say, "This is the set of
20 rules. This is the only set of rules that are going to
21 apply to that contract."

22 I think the why of the net new jobs is
23 really probably not an issue right now for this Board to
24 determine. That's going to have to go through the
25 litigation process. I think for now the issue before



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1 you is just based upon the fact that there was
2 litigation and that litigation was the holdup in the
3 company signing the contract, whether that has an affect
4 on the term of their renewal that you'd like to --

5 MR. WINDHAM:

6 Mr. Slone.

7 MR. SLONE:

8 So I guess I'm asking, they got
9 benefits, but the contract wasn't signed?

10 MS. CLAPINSKI:

11 No. So what happened was, once we were
12 finished with that portion of the litigation, they
13 executed a contract. At the point that they executed
14 the contract, they then filed five years worth of annual
15 payroll rebates. They did not receive anything prior to
16 having a contract, but those have -- those five years
17 have been processed by LED and they have received some
18 payroll rebates based upon those filings.

19 MR. WINDHAM:

20 So that contract, the original contract,
21 would have expired in '13?

22 MS. CLAPINSKI:

23 Correct.

24 MR. WINDHAM:

25 Now, we're in the '16 -- or '17. I'm



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1 sorry. Thank you. I was looking at this number here.

2 We're in '17. Now, we're in '17. I
3 mean, my tendency would be to say, okay, you can have
4 this last year, but you haven't been doing your
5 paperwork. These other four years, there was no
6 contract in effect. How can the state or how can we owe
7 you anything?

8 MR. HENSON:

9 As soon as the litigation was concluded
10 and resolved, the contract form was issued with the
11 corrected statement. The company was actually sent a
12 draft of the contract with the original rules attached
13 as an exhibit from Mr. Favaloro at LED at the Quality
14 Jobs Program. As soon as the litigation was concluded,
15 which was actually over the wording of the contract, it
16 would have been a situation to request renewal of a
17 contract that was never even placed. The contract was
18 not in place until the court resolved the issues with
19 respect to the language of the contract. Those were not
20 resolved until after the litigation, and then
21 immediately late filed those applications for those
22 years and requested renewal.

23 MR. WINDHAM:

24 Yes, Mr. Miller.

25 MR. MILLER:



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1 Since I'm the one who opened this can of
2 worms to go back and do this, I'll see if I can get us
3 back on track.

4 You're here for renewal that goes back
5 to '13. You didn't file for the renewal until '16,
6 three years after it expired. Is there a reason that
7 that happened? Because, if I'm not mistaken -- let me
8 make sure I'm understanding. Once you signed the
9 contract, you got credit or you got your rebate from '08
10 till '13 and you filed for it and received it; correct?

11 MR. HENSON:

12 We got partial approval. We didn't get
13 approval for the Pride employees.

14 MR. MILLER:

15 That's a legal matter that I don't think
16 we need to address here. But you took -- you went back
17 to '08 and asked for job credits through '13; is that
18 correct?

19 MR. HENSON:

20 Yes, we did.

21 MR. MILLER:

22 Okay. So you knew the contract was from
23 '08 to '13 and it needed to be renewed in '13; correct?

24 MR. HENSON:

25 We didn't have a contract in place.



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1 MR. MILLER:
2 You had to have a contract to get the
3 rebates.

4 MS. CLAPINSKI:
5 The contract was not filed until October
6 of 2015.

7 MR. MILLER:
8 But you went back --

9 MS. CLAPINSKI:
10 Yes.

11 MR. HENSON:
12 Immediately after.

13 MR. MILLER:
14 Why didn't you immediately do the
15 renewal in '15 instead of a year later? I guess what
16 I'm asking, the questions is, if it expired in '13,
17 signed the contract for the renewal, it was almost over
18 whenever you started, whenever you signed it final.

19 MR. HENSON:
20 We believe that the Court proceedings,
21 number one, would have interrupted any deadlines, and,
22 number two, once we were in a position where the Court
23 resolved the contract issue, immediately signed the
24 contract, sent the applications for benefits. And as
25 soon as Eric raised the renewal issue, we said we want



1 to be -- we want to seek renewal.

2 MR. MILLER:

3 Okay.

4 MR. ADLEY:

5 I think the normal practice would have
6 been if you were in litigation, surely your attorney
7 would have told you you have a contract, you renew the
8 contract. If you win the litigation, you will be due
9 something in addition to whatever is in this contract
10 that they interpret one way and you interpret another.

11 MR. HENSON:

12 No.

13 MR. ADLEY:

14 What's going through my mind now is if
15 they waited till 2015, two years after the fact, and you
16 file it as a renewal -- isn't that what you did?

17 MR. HENSON:

18 We signed the original contract,
19 submitted the actual applications for benefits for those
20 five years and then raised with Ms. -- with Eric the
21 renewal issue.

22 MS. CLAPINSKI:

23 I think what happened --

24 MR. ADLEY:

25 So it's your belief that the effective



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1 date of this renewal is what, what year?

2 MR. HENSON:

3 If the effective dates, I don't know
4 whether it would be -- I'm assuming it would be --

5 MR. ADLEY:

6 If you believe that you had a renewal
7 coming, you had to believe you had a contract of some
8 kind or you wouldn't have a renewal.

9 MS. CLAPINSKI:

10 I think, just to clarify what happened,
11 was the application came to the Board for approval in
12 2010. It was approved by the Board. At that point in
13 time, the contract went out to the company.

14 MR. ADLEY:

15 With what effective date?

16 MS. CLAPINSKI:

17 With the 5/15/2008 effective date. And
18 that's typical that there be a lag between the contract
19 effective date and when it's approved because they have
20 24 months after filing their advanced notification after
21 filing their application, so that is not abnormal for
22 the process. What happened --

23 MR. ADLEY:

24 The effective date is important.

25 MS. CLAPINSKI:



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1 Yes, sir.

2 MR. ADLEY:

3 It's a five-year program; right?

4 MS. CLAPINSKI:

5 Yes, sir, five years with an opportunity
6 to --

7 MR. ADLEY:

8 The effective date is 5/15?

9 MS. CLAPINSKI:

10 The effective date is 5/15/2008 with an
11 expiration of 5/14/2013.

12 MR. ADLEY:

13 So it expired in '13?

14 MS. CLAPINSKI:

15 That's correct.

16 MR. ADLEY:

17 And they didn't renew it then?

18 MS. CLAPINSKI:

19 Well, they didn't enter into the
20 original contract, the first five-year contract that
21 started in 5/15/2008, until 2015, after that original
22 five-year term had expired.

23 MR. MILLER:

24 '08 is when it got started.

25 MS. CLAPINSKI:



1 '08 is, yeah. And so at that point in
2 time, when they filed formally, I believe what happened
3 is they filed even for a sixth year and we're having to
4 say, "Look, we can only process five because there is no
5 renewal contract in place," and at that point in time,
6 they filed for renewal.

7 MR. MILLER:

8 I make a motion that we do the renewal
9 with the one-year penalty that we've done similar to the
10 ITEP.

11 MR. WINDHAM:

12 There's a motion on the floor to renew
13 with a one-year penalty.

14 MR. SLONE:

15 I'll second.

16 MR. WINDHAM:

17 Seconded by Mr. Slone.

18 Is there any other discussion related to
19 this?

20 MR. BURTON:

21 I do have one question on that.

22 MR. WINDHAM:

23 Yes.

24 MR. BURTON:

25 If we can, let me know if you or the



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1 Board wants for that renewal considered for an
2 additional five years, do we want it at the beginning or
3 do we want it at the end of the contract?

4 MR. WINDHAM:

5 My thought --

6 MR. BURTON:

7 If we have it.

8 MR. WINDHAM:

9 -- is the one year is taken off the back
10 end, so it would be from '13 until '17, so it would be
11 effectively --

12 MR. BURTON:

13 Just reducing the last year of the
14 contract.

15 MR. WINDHAM:

16 I would say take it off of the last.

17 MR. ADLEY:

18 I mean, I think that's what ends up
19 happening when we do the ITEP. It ends up being a
20 reduction over the period of time they're going to get.
21 Whatever the Court says, y'all end up doing. At the end
22 of the day, we want it be reduced by at least one year.
23 That's what we've done with everybody else. The benefit
24 of Quality Jobs and everything else we do is for the
25 company. The company's got an obligation to get that



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1 information in. Period.

2 MR. MILLER:

3 How many jobs are we talking about?

4 MR. HENSON:

5 Blake spent more than \$70-million and
6 created more than 175 new jobs. I mean, it's been a
7 substantial --

8 MR. MILLER:

9 That's what the consensus is now?

10 MR. BURTON:

11 The last filing that came into our
12 department was for 2012, and we have 108 new direct
13 jobs. Obviously we have a different opinion of former
14 Pride employees, but we reduced those out, so if we
15 exclude those, we have 108 new direct jobs. The last
16 year, the actual gross payroll was about 10.3-million,
17 and they received a \$601,411 credit in 2012.

18 MR. MILLER:

19 How many people are working right now?

20 MR. HAYDEL:

21 Currently 64.

22 MR. MILLER:

23 Sixty-four.

24 MR. HENSON:

25 Sixty-four with the downturn.



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MR. MILLER:

Total. Thank you.

MR. WINDHAM:

We do appreciate those jobs, don't get us wrong. We just want to make sure that the program is administered fairly for all of the applicants as well as the state.

Are there any other questions, Board members, related to this application?

(No response.)

MR. WINDHAM:

All right. There's a motion and a second.

All in favor, indicate with an "aye."

(Several members respond "aye.")

MR. WINDHAM:

All opposed with a "nay."

(No response.)

MR. WINDHAM:

I'm sorry. Any other comments from the public?

(No response.)

MR. WINDHAM:

Motion carries.

Thank you, Mr. Henson and Mr. Haydel.



1 Thank you, Mr. Burton.

2 MR. BURTON:

3 Next for Quality Jobs is going to be the
4 Quality Jobs specials. We have a request for change in
5 name only for the following contract: 20141102,
6 Sparkhound, Inc. to Sparkhound, LLC. That's in East
7 Baton Rouge Parish.

8 And then I have a request to cancel the
9 following contract: Contract Number 20141066,
10 Metalplate Galvanizing, LP. The company requested to
11 cancel the contract because they will not meet all
12 program requirements. No benefits have been received.
13 That is in Jefferson Parish.

14 This concludes the specials for Quality
15 Jobs.

16 MR. WINDHAM:

17 Any comments from the public concerning
18 these special considerations for the Quality Jobs
19 Program?

20 (No response.)

21 MR. WINDHAM:

22 Any questions from the Board?

23 (No response.)

24 MR. WINDHAM:

25 I'll entertain a motion.



1 Made by the Mayor; seconded by Major
2 Coleman.

3 All in favor, indicate with an "aye."
4 (Several members respond "aye.")

5 MR. WINDHAM:

6 All opposed with a "nay."
7 (No response.)

8 MR. WINDHAM:

9 Motion carries.

10 Thank you Mr. Burton.

11 Ms. Lambert, Restoration Tax Abatement
12 Program, please.

13 MS. LAMBERT:

14 Good morning. Restoration Tax Abatement
15 Program has six new applications. The first one is
16 20140791, 4141 Bienville, LLC in Orleans Parish;
17 20150238, 225 Chartres Owner, LLC in Orleans; 20161820,
18 Austin and Andrea Guntz, East Baton Rouge Parish;
19 20141431, John B. Smallpage and Rebecca G. Smallpage in
20 Orleans; 20151378, Lydia Cutrer in Orleans; and
21 20150416, Steven B. Jones in Orleans.

22 This concludes the six applications for
23 RTA.

24 MR. WINDHAM:

25 Any comments from the public concerning



1 the Restoration Tax Abatement Program applications?

2 MR. ADLEY:

3 Yes.

4 MR. WINDHAM:

5 Mr. Adley.

6 MR. ADLEY:

7 Just a statement. As I understand it,
8 because they fall in this category, regardless of the
9 age, they get benefit of it. I'm sure everybody else
10 saw what I saw when you read through it, the dates on
11 those range from 1890 to 1908, 1914, 1930 and then 1954.

12 MS. LAMBERT:

13 That's absolutely correct. The ages
14 are, on some of them, there are two qualifiers for being
15 in a historic district. One is that you are listed on
16 the National Register of Historic Properties, and the
17 other is that you are -- so you can be anywhere. You
18 can be out on farmland in one house --

19 MR. ADLEY:

20 2015 could be a historic structure if
21 you are were in a historic district; is that what you're
22 telling me?

23 MS. LAMBERT:

24 Yes, correct. You can be any age and
25 you can be in any qualified historic district --



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1 So you're saying Mr. Barham and I are
2 historic structures?

3 MS. LAMBERT:

4 Yes, sir, that's right.

5 MR. ADLEY:

6 It's just terrible. I don't know how we
7 missed that in the legislature. I'm sorry. I got it.
8 Because it's in a historic district, even though it's
9 1954, we have no choice.

10 MS. LAMBERT:

11 Correct.

12 MR. WINDHAM:

13 Motion by Mr. Williams; seconded by Ms.
14 Atkins.

15 Any comments from the Board?

16 (No response.)

17 MR. WINDHAM:

18 All in favor, indicate with an "aye."

19 (Several members respond "aye.")

20 MR. WINDHAM:

21 All opposed with a "nay."

22 (No response.)

23 MR. WINDHAM:

24 Motion carries.

25 Thank you, Ms. Lambert.



1 Ms. Metoyer, Enterprise Zone Program,
2 please.

3 MS. METOYER:

4 I have 14 new applications: 20141613,
5 Apple Core Foods, LLC, doing business as L&A Quality
6 Foods, LLC, EBR Parish; 20160266, Beaed of Louisiana,
7 St. Charles Parish; 20150002, C&C Marine and Repair,
8 LLC, Plaquemines Parish; 20130117, Cajun Industrial
9 Design & Construction, LLC, East Baton Rouge Parish;
10 20150270, Community Care Center of Ville Platte, LLC,
11 Evangeline Parish; 20151593, Delta Medical Group,
12 Terrebonne Parish; 20140456, Enlink Midstream Operating,
13 LP, Acadia Parish; 20120868, Exxon Mobil Corp Plastics,
14 East Baton Rouge Parish; 20151082, Five Star Industrial,
15 LLC, East Baton Rouge Parish; 20141154, Lake Area Hotel
16 Investments, LLC, Calcasieu Parish; 20150174, N&S
17 Hospitality, LLC, Rapides Parish; 20141291, Performance
18 Contractors, Incorporated, West Baton Rouge Parish;
19 20140994, Shiv Shakti Lodging, LLC, Calcasieu Parish;
20 and 20131070, UniFirst Holding, Incorporated, East Baton
21 Rouge Parish.

22 MR. WINDHAM:

23 Thank you, Ms. Metoyer.

24 Mr. Adley, questions?

25 MR. ADLEY:



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1 Just two quick questions. The first
2 one -- I went through this list and I saw, I think it
3 was, three hotels that received Enterprise Zone. Am I
4 reading that correct?

5 MS. METOYER:

6 Yes, sir. These advances were filed
7 prior to them being excluded. The hotels were excluded
8 either in July of '15 or the first session in '16.

9 MR. ADLEY:

10 Under today's rules, they wouldn't
11 qualify?

12 MS. METOYER:

13 They cannot apply. They can apply, but
14 they don't qualify.

15 MR. ADLEY:

16 Okay. I know there was a problem, I
17 just couldn't remember what it was. They got in before
18 the deadline; is that what you're telling me?

19 MS. METOYER:

20 I'd have to look at the paper to make
21 sure.

22 MR. ADLEY:

23 By any chance, do you know, of the four
24 manufacturing facilities that are identified there, if
25 they also get ITEP and/or inventory tax credits? Do you



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1 y'all keep track of that at all? You would be able to
2 go back and see if they got ITEP, would you not?

3 MS. METOYER:

4 Yes, sir.

5 MR. ADLEY:

6 I'll just ask you at some point after
7 this meeting is over with y'all go back and see whether
8 the four manufacturing facilities, in addition to the
9 Enterprise, are they also getting ITEP and/or inventory
10 credit?

11 MS. METOYER:

12 Which four are you referring to?

13 MR. ADLEY:

14 I'm looking at C&C Marine.

15 MS. METOYER:

16 Oh, okay.

17 MR. ADLEY:

18 Enlink, Exxon and Performance
19 Contractors. Clearly they look like manufacturers based
20 on their description of what you said, so I'm just
21 trying to find out if, in fact, they get the Enterprise
22 in addition to ITEP or inventory credit. I'd just like
23 to know that of these companies.

24 MR. WINDHAM:

25 Making a note that there's no preclusion



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1 of that.

2 MR. ADLEY:

3 Yeah. I don't think you can prohibit
4 it. I just want to know if they are getting it.

5 MS. METOYER:

6 Yes, sir.

7 MR. WINDHAM:

8 Any comments from the public concerning
9 the Enterprise Zone application in front of this Board?

10 (No response.)

11 MR. WINDHAM:

12 Any questions or comments from the Board
13 members additional?

14 (No response.)

15 MR. WINDHAM:

16 Is there a motion?

17 Made by Mr. Fabra; seconded by
18 Mr. Fajardo.

19 All in favor, indicate with an "aye."

20 (Several members respond "aye.")

21 MR. WINDHAM:

22 All opposed with a "nay."

23 (No response.)

24 MR. WINDHAM:

25 Motion carries.



1 Ms. Metoyer.

2 MS. METOYER:

3 I have one request to change ownership.
4 It's Contract 20110248, current contract only. It is
5 RJQ Management, LLC. The new name request is Jamjomar
6 1314, LLC. This is Jefferson Parish. And based on the
7 consultant is that Jamjomar, LLC purchased the
8 restaurant that was owned by RJQ Management.

9 MR. WINDHAM:

10 Any comments from the public concerning
11 this name change?

12 (No response.)

13 MR. WINDHAM:

14 There's a motion by Mr. Fajardo;
15 seconded by Dr. Wilson.

16 All in favor, indicate with an "aye."

17 (Several members respond with "aye.")

18 MR. WINDHAM:

19 All opposed with a "nay."

20 (No response.)

21 MR. WINDHAM:

22 Motion carries.

23 Ms. Metoyer.

24 MS. METOYER:

25 The terminations are: 201208 -- I'm



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MEETING MINUTES

1 sorry. 20120867, Exxon Mobil Corp, East Baton Rouge
2 Parish. The requested term date is 2/28/2015. The
3 program requirements have been met, no additional jobs
4 are anticipated. 20121158, Enlink Midstream Operating,
5 LP, East Baton Rouge Parish. The requested term date is
6 April 16th, 2015. Program requirements have been met,
7 no additional jobs are anticipated. 20120115, Axiall,
8 LLC, East Baton Rouge Parish. The requested term date
9 is 12/2/2013. The program requirements have been met,
10 no additional jobs are anticipated. 20140177, Lisa D.
11 Traina CPA, LLC, East Baton Rouge Parish. Requested
12 term date 12/1/2016. The program requirements have been
13 met, no additional jobs are anticipated. 20140184, B&G
14 Food Enterprises, LLC, Lafayette Parish. Requested term
15 date August 9th, 2016. Program requirements have been
16 met, no additional jobs are anticipated. 20111025,
17 Enlink Midstream Operating, LP, Acadia Parish.
18 Requested term date 3/25/2014. Program requirements
19 have been met, no additional jobs are anticipated.
20 20120222, Tubreaux Aviation Maintenance, LLC, Caddo
21 Parish. Requested term date 2/26/2015. The program
22 requirements have been met, no additional jobs are
23 anticipated. 20120281, Tubreaux Aviation Services, LLC,
24 Caddo Parish. Requested term date 3/7/2015. The
25 program requirements have been met, no additional jobs



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1 are anticipated. Enlink Midstream Operating, 20120853,
2 Ascension Parish. Requested term date November 14,
3 2014. Program requirements have been met, no additional
4 jobs are anticipated. 20111255, Central Louisiana
5 Surgical Hospital, LLC, Rapides Parish. Requested term
6 date 12/31/2015. Program requirements have been met, no
7 additional jobs are anticipated. 20121197, Cheniere LNG
8 O&M Services, LLC, Beauregard Parish. Requested term
9 date 12/31/2015. Program requirements have been met, no
10 additional jobs are anticipated.

11 MR. WINDHAM:

12 Thank you, Ms. Metoyer.

13 Are there any comments from the public
14 concerning Enterprise Zone contract terminations?

15 (No response.)

16 MR. WINDHAM:

17 Any questions from the Board members on
18 those?

19 (No response.)

20 MR. WINDHAM:

21 Is there a motion?

22 Made by Robert Adley (sic); seconded by
23 Mr. Slone.

24 All in favor, indicate with an "aye."

25 (Several members respond "aye.")



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MR. WINDHAM:

I'm sorry. That was not Robert Adley.
That is Robert Barham.

All in favor, indicate with an "aye."
(Several members respond "aye.")

MR. WINDHAM:

All opposed with a "nay."
(No response.)

MR. WINDHAM:

Motion carries.
Sorry about that, Mr. Barham.

MR. ADLEY:

I'm sure he's never going to forgive you
for that one.

MR. WINDHAM:

Ms. Metoyer, contract cancelations.

MS. METOYER:

I have three cancelations: 20100884,
Pre, Incorporated, doing business as Chateau De Bayou,
Lafourche Parish. The company did not meet the EZ
program hiring requirements and has been notified of
this cancelation. 20110870, Entergy, LA, LLC - Ninemile
Point. The company did not meet the EZ program
requirements and they had requested cancelation. And
20121301, Stuller, Incorporated, Lafayette Parish. The



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1 company did not meet the hiring requirements and they
2 requested cancelation.

3 MR. WINDHAM:

4 Are there any representatives from Pre,
5 Inc., Chateau De Bayou?

6 (No response.)

7 MR. WINDHAM:

8 Any comment from the public concerning
9 these cancelations?

10 (No response.)

11 MR. WINDHAM:

12 Questions or comments from the Board
13 concerning the cancelations?

14 (No response.)

15 MR. WINDHAM:

16 Is there a motion?

17 Motion made by Mr. Miller; seconded by
18 Mr. Fajardo.

19 All in favor, indicate with an "aye."

20 (Several members respond "aye.")

21 MR. WINDHAM:

22 All opposed with a "nay."

23 (No response.)

24 MR. WINDHAM:

25 Thank you, Ms. Metoyer.



1 All right. Industrial Tax Exemption
2 Program, Ms. Cheng. I believe we're going to do these
3 individually for the new ones. There are a few
4 questions for them, a number of questions.

5 MS. CHENG:

6 Good morning. These are the Industrial
7 Tax Exemptions new applications, and there are 25 of
8 them.

9 MR. ADLEY:

10 Can you get a little closer to the
11 microphone, which will help me and Mr. Barham?

12 MS. CHENG:

13 These have advanced notifications that
14 were filed prior to the Executive Order on 6/24 of 2016.

15 20151311, Boise Packaging & Newsprint,
16 LLC, Beauregard Parish; 20130018, Bollinger Fourchon,
17 Lafourche Parish --

18 MR. WINDHAM:

19 Ms. Cheng, I think we may have questions
20 on them, so we just want to do them one at a time.

21 Are there any questions on Boise
22 Packaging & Newsprint in Beauregard?

23 MR. ADLEY:

24 Discovery is the first one I have.

25 MR. WINDHAM:



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1 Is there a motion to approve Boise --

2 MR. ADLEY:

3 So moved.

4 MR. WINDHAM:

5 Moved by Mr. Adley; seconded by Ms.

6 Atkins.

7 All in favor -- any comments from the
8 public?

9 (No response.)

10 MR. WINDHAM:

11 All in favor, indicate with an "aye."

12 (Several members respond "aye.")

13 MR. WINDHAM:

14 Motion carries.

15 Please proceed.

16 MS. CHENG:

17 20130018, Bollinger Fourchon in

18 Lafourche Parish.

19 MR. WINDHAM:

20 Any questions concerning the Bollinger
21 Fourchon application?

22 (No response.)

23 MR. WINDHAM:

24 Is there a motion to approve Bollinger
25 Fourchon?



1 Made by Robert Barham; seconded by
2 Mr. Moller.

3 All in favor indicate with an "aye."
4 (Several member respond "aye.")

5 MR. WINDHAM:

6 All opposed with a "nay."
7 (No response.)

8 MR. WINDHAM:

9 Proceed.

10 MS. CHENG:

11 20160038, Discovery Producer Services in
12 Lafourche Parish.

13 MR. ADLEY:

14 This is discovery.

15 MR. WINDHAM:

16 Is there a question?

17 MR. ADLEY:

18 Is there someone here from --

19 MR. WINDHAM:

20 Is there a representative from Discovery
21 here?

22 Please step forward, state your name and
23 who you represent.

24 MR. PERILLOUX:

25 Yes, sir. My name is Brian Perilloux



1 with Williams Companies, the parent company of Discovery
2 Producer Services, LLC. Thank you.

3 MR. WINDHAM:

4 Mr. Adley.

5 MR. ADLEY:

6 My question is, albeit it was done prior
7 to the executive order, I am trying to determine that
8 this is actually part of a manufacturing process, what
9 you've done here. I'm not following you. You said,
10 "This project consists of two primary objectives. The
11 first objective is to install pipe segment to bypass
12 offshore gas around the Larose Gas Processing Plant.
13 This project allows offshore gas to bypass LGPP
14 downstream." I'm confused. Are you moving natural gas
15 around the manufacturing facility or into the facility?
16 That's what I couldn't figure out.

17 MR. PERILLOUX:

18 Yes, sir. It's to bypass the plant. So
19 they install the bypass at the LNG processing plant to
20 bypass the plant because they don't want to process that
21 particular gas.

22 MR. ADLEY:

23 And where does that gas go?

24 MR. PERILLOUX:

25 It goes up into another line, and I



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1 apologize. I'm not familiar with the lot.

2 MR. ADLEY:

3 I'm trying to find out, to get to the
4 point, you're not moving any natural gas that ends up
5 getting re-marketed somewhere by Williams or anybody
6 else, are you? I mean, it all pertains to the
7 manufacturing in some way? That's what I need to know.
8 If you built a line to go remarket gas, that's not
9 manufacturing. That's something outside of what your
10 facility does. I just need to make sure we're not
11 creating an exemption here for something that's outside
12 the manufacturing that the facility does.

13 MR. PERILLOUX:

14 Sure, and I understand. I apologize. I
15 am not the project manager of the project, but the way
16 it was explained to me, it's to bypass the facility --

17 MR. ADLEY:

18 Bypass the facility. Where does that
19 gas go?

20 MR. PERILLOUX:

21 I think it goes into a third-party line,
22 sir.

23 MR. ADLEY:

24 And from the third-party line, somebody
25 sells it?



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1 MR. PERILLOUX:

2 Yes, sir. We merely transport it.

3 MR. ADLEY:

4 My problem is you can't be getting
5 property tax exemption to build a pipeline to go market
6 natural gas, and I just need to know -- I mean, look,
7 I'm -- if it's used in the plant, I don't have a
8 problem, but if we're granting an exemption or property
9 tax to someone for building a pipeline to market natural
10 gas, not part of the manufacturing, but go around the
11 plant and into a third-party to be marketed, that is not
12 manufacturing.

13 MR. PERILLOUX:

14 We stand with whatever the decision is,
15 sir, but that is the process, to bypass the plant. It
16 originally went into the plant --

17 MR. ADLEY:

18 Can you help him?

19 MR. PERILLOUX:

20 -- but the goal was to bypass the plant,
21 but it was built into the plant in order to bypass it.

22 MR. WINDHAM:

23 Mr. Adley, I think we are going to need
24 to defer this one to get a better explanation of what
25 happens. I mean, I don't see an alternative on this.



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1 Rather than --

2 MS. CHENG:

3 We can go do an inspection if you would
4 like.

5 MR. ADLEY:

6 Do what?

7 MS. CHENG:

8 We can go do an inspection if y'all
9 would like.

10 MR. ADLEY:

11 It would be helpful. I just need to
12 make sure you're not sitting out there getting an
13 exemption for a pipeline that's actually -- albeit, some
14 of the gas may go into facility, but if you're getting
15 an exemption for the entire cost and some of it's
16 getting marketed off, I think that's a problem. And,
17 yes, I would move that we direct LED to do get an
18 inspection before we make a final decision on this.

19 MR. WINDHAM:

20 Before they go and spend time to go do
21 an inspection, can we get a letter from the company
22 telling us what it's for? Because I hate to spend
23 manpower, time and effort to go do something --

24 MR. ADLEY:

25 I think it's really important to have



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1 LED to go do that. I think it would be very helpful for
2 that to get done.

3 MR. WINDHAM:

4 Is this pipeline above the ground or
5 below the ground?

6 MR. PERILLOUX:

7 Sir, I believe it's above ground.

8 MR. WINDHAM:

9 Above ground.

10 MR. PERILLOUX:

11 I would need to double check with the
12 project manager, but I think it is above ground. I
13 apologize.

14 MR. WINDHAM:

15 That's all right. The only reason I'm
16 saying that, Mr. Adley, is some of the inspections I've
17 done, you go out there and the pipe is underground. You
18 can see it go down, and you don't know where it goes.

19 MR. ADLEY:

20 Well, an inspection could clearly be a
21 visit by them to the home office or front office and
22 they can lay out for them the pipeline map and this is
23 how it works and you come away with an understanding.
24 You don't have to go out there with a shovel and dig up
25 pipe to go figure out where it goes, Mr. Chairman. This



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1 is not how it works. They are going to have pipeline
2 plans for them to look at and you will be able to
3 determine if this pipe is for marketing gas or it's used
4 in the manufacturing facility. That's what I mean by
5 inspection.

6 MR. WINDHAM:

7 Okay. So you mean more of an
8 investigation?

9 MR. ADLEY:

10 I don't mean a tractor and dig up pipe.
11 I don't mean that.

12 MR. WINDHAM:

13 They do perform inspections, physical on
14 site inspections to verify --

15 MR. ADLEY:

16 I think if you go to heir office,
17 they're clearly going to have everything connection to
18 that facility and they're going to have plats and maps
19 for you to look at.

20 MR. WINDHAM:

21 All right. So we'll take that as a
22 motion to defer this one until LED investigates the
23 manufacturing -- the actual manufacturing at this
24 facility of that equipment.

25 Is there a second to that deferral?



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Seconded by Dr. Wilson.
All in favor, indicate with an "aye."
(Several members respond with "aye.")
MR. WINDHAM:
All opposed with a "nay."
(No response.)
MR. WINDHAM:
Motion carries.
MR. COLEMAN:
I have a question.
MR. WINDHAM:
Oh, I'm sorry. Major Coleman.
MR. COLEMAN:
I'm a little bit confused. So each one
of these applications, so we have not determined if it's
a manufacturing job or not before it gets to us?
MS. CHENG:
They have a manufacturing NAICS Code.
MR. ADLEY:
I will tell you where I'm coming from.
These came in prior to the executive order, so under the
old rules. The old rules required that be
manufacturing, but under a different definition than we
had. In any case, it's required to be manufacturing.
Any member of this board who determines that something



1 that they see before them is not manufacturing, you
2 clearly have a right to distinguish between the two, and
3 that's what I'm trying to do here. I need to know that
4 this is part of whatever LED said the manufacturing
5 process is.

6 MR. WINDHAM:

7 And I will point out, in some cases,
8 there may be things where an entity will extract
9 resources from the ground, so the extraction equipment
10 is not part of the manufacturing process; but then once
11 it gets above the ground on their site, then they start
12 manufacturing it into another product or doing something
13 to it to change its form, et cetera, et cetera, and that
14 becomes what's eligible for manufacturing. So the
15 overall entity may have an SIC or a NAICS Code that is
16 manufacturing, but certain activity that go on may not
17 be manufacturing, and that's how they know, because it
18 has NAICS Code that indicates that they're manufacturing
19 something. Does that help?

20 Mr. Slone.

21 MR. SLONE:

22 I'm sorry. So if it bypasses the
23 process that you use, but is used to power the plant,
24 then would be manufacturing?

25 MR. WINDHAM:



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1 In my eyes, that would be considered
2 part of the manufacturing process.

3 MR. SLONE:

4 I didn't know if that would help.

5 MR. COLEMAN:

6 I was just trying to figure out whose
7 job it is to determine the eligibility of if they even
8 get to the application stage.

9 MR. WINDHAM:

10 I believe that's the staff's
11 responsibility to determine it's manufacturing when they
12 receive the application.

13 Any other questions before the deferral
14 vote is taken?

15 (No response.)

16 MR. WINDHAM:

17 All in favor of deferring?

18 (Several members respond "aye.")

19 MR. WINDHAM:

20 All opposed say, "nay."

21 (No response.)

22 MR. WINDHAM:

23 Motion carries. This one is deferred
24 for investigation.

25 MS. CHENG:



1 20111182A, DOW Chemical Company in
2 Iberville Parish.

3 MR. WINDHAM:

4 Any comments from the Board concerning
5 the DOW Chemical application?

6 (No response.)

7 MR. WINDHAM:

8 Any questions from the Board members?

9 Is there a motion for approval?

10 Made by Mr. Slone; seconded by
11 Mr. Fajardo.

12 All in favor, indicate with an "aye."

13 (Several members respond "aye.")

14 MR. WINDHAM:

15 All opposed with a "nay."

16 (No response.)

17 MR. WINDHAM:

18 Motion carries.

19 MS. CHENG:

20 20150280, Eagle US 2, LLC in Calcasieu
21 Parish.

22 MR. WINDHAM:

23 Mr. Adley, I believe you have a question
24 for this one.

25 MR. ADLEY:



1 Question for the staff. Understanding
2 it's under the initial rules, when I look at these two
3 applications, they have this one and I guess there is
4 another. This one, they just said 2015 upgrades. The
5 second one, they clearly mentioned an expansion. How do
6 you know or do you know as a staff person that these
7 were maintenance or not maintenance items? Is there any
8 way for you to know that?

9 MS. CHENG:

10 No.

11 MR. ADLEY:

12 Under the old rules, they're clearly
13 allowed regardless of what they put.

14 MS. CHENG:

15 Yes, sir.

16 MR. ADLEY:

17 Under the new rules, when they see
18 something, they just simply --

19 MS. CHENG:

20 We will have ask for an explanation of
21 what the --

22 MR. ADLEY:

23 Then this may no longer be allowed --

24 MS. CHENG:

25 Correct.



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1 MR. ADLEY:
2 -- if you find out it's for maintenance
3 purposes.

4 MS. CHENG:
5 Yes, sir.

6 MR. ADLEY:
7 All right. That's what I needed to
8 know. Thank you.

9 MR. WINDHAM:
10 Any other questions for the first Eagle
11 US 2 application?

12 (No response.)

13 MR. WINDHAM:
14 Any comments from the public?

15 (No response.)

16 MR. WINDHAM:
17 Motion to approve made by Major Coleman;
18 seconded by Ms. Atkins.

19 All in favor, indicate with an "aye."
20 (Several members respond "aye.")

21 MR. WINDHAM:
22 All opposed with a "nay."

23 (No response.)

24 MR. WINDHAM:
25 Motion carries.



1 MS. CHENG:
2 20150880A, Eagle US 2 in Calcasieu
3 Parish.

4 MR. WINDHAM:
5 Any comments from the public concerning
6 this second application by Eagle US 2?

7 (No response.)

8 MR. WINDHAM:
9 There is a motion on floor to approve
10 made by Ricky.

11 Is there a second?

12 By Mr. Williams.

13 All in favor, indicate with an "aye."

14 (Several members respond "aye.")

15 MR. WINDHAM:

16 All opposed with a "nay."

17 (No response.)

18 MR. WINDHAM:

19 Motion carries.

20 MS. CHENG:

21 Exxon Mobil Corporation has requested
22 that we defer 20152017.

23 MR. WINDHAM:

24 You said defer?

25 MS. CHENG:



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Yes.

MR. ADLEY:

Which one.

MS. CHENG:

Exxon Mobil.

MR. WINDHAM:

Exxon Mobil.

MS. CHENG:

Company has requested that the application be deferred.

MR. WINDHAM:

All right.

MS. CHENG:

20150997 FMT Shipyard & Repair, LLC in Jefferson Parish.

MR. ADLEY:

And the question on this one is they state that they constructed new office buildings, am I to understand that under the old rules, that was allowed?

MS. CHENG:

Correct.

MR. ADLEY:

And that is not allowed under the new rules; is that correct? I'm trying to get some of these



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1 things aired out before we start walking into these
2 meetings and people believe that the way they used to do
3 it's going to work.

4 Under the new rule, that would not be
5 allowed, the office building.

6 MS. CHENG:

7 Correct.

8 MR. ADLEY:

9 But under the old rule, y'all did allow
10 them and you allowed them for other companies; is that a
11 fair statement?

12 MS. CHENG:

13 Yes.

14 MR. ADLEY:

15 Okay. Thank you.

16 MR. WINDHAM:

17 Any comments from the public concerning
18 FMT Shipyard & Repair?

19 (No response.)

20 MR. WINDHAM:

21 Motion made by Mr. Slone; seconded by
22 Secretary Pierson.

23 All in favor, indicate with an "aye."

24 (Several members respond "aye.")

25 MR. WINDHAM:



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1 All opposed with a "nay."

2 (No response.)

3 MS. CHENG:

4 20141329, G.E.O. Heat Exchangers, LLC in
5 Iberville Parish.

6 MR. WINDHAM:

7 Any comments from the public concerning
8 G.E.O. Heat Exchangers?

9 (No response.)

10 MR. WINDHAM:

11 Is there a motion on the floor to
12 approve this one?

13 Made by Dr. Wilson; seconded by Ms.
14 Atkins.

15 All in favor, indicate with an "aye."
16 (Several members respond "aye.")

17 MR. WINDHAM:

18 All opposed with a "nay."
19 (No response.)

20 MR. WINDHAM:

21 Motion carries.

22 MS. CHENG:

23 20160175, Hood Container of Louisiana,
24 LLC in West Feliciana Parish.

25 MR. WINDHAM:



1 Any comments from the public concerning
2 Hood Container of Louisiana?

3 (No response.)

4 MR. WINDHAM:

5 Is there a motion to approve?

6 Made by Mr. Miller; seconded by
7 Mr. Williams.

8 All in favor, indicate with an "aye."

9 (Several members respond "aye.")

10 MR. WINDHAM:

11 All opposed with a "nay."

12 (No response.)

13 MR. WINDHAM:

14 Motion carries.

15 MS. CHENG:

16 20141572, Intralox, LLC in Jefferson
17 Parish.

18 MR. WINDHAM:

19 Mr. Adley, I believe you have a question
20 for Intralox.

21 MR. ADLEY:

22 We do.

23 MR. WINDHAM:

24 Is there a representative from Intralox?

25 Please step forward.



1 MR. ADLEY:

2 Under the old rules, they also allow --
3 go ahead and identify yourself. I'm sorry.

4 MS. RAYMOND:

5 Deanne Raymond. I'm the Director of Tax
6 for Laitram, and Intralox is one of our group of
7 companies.

8 MR. ADLEY:

9 Deanne, I don't think the application is
10 at risk. I just want you to understand that, but under
11 the old rules, they allow for software and hardware if
12 it was in an office as part of a process to be included.
13 Under the new rules, this has to be part of the process,
14 something that's used into the manufacturing itself. My
15 question to you is, the software and hardware that you
16 have purchased here, what is that for?

17 MS. RAYMOND:

18 It's probably going to be difficult for
19 me to look at this and say exactly what that's for. I
20 would probably have to go back to our IT people. I
21 mean, some of that is certainly used in the
22 manufacturing because we have -- everything's robotic
23 and computerized.

24 MR. ADLEY:

25 If you go to a Timber mill, for instance



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1 they're going to sit there on the computer out on a line
2 and they're going to push a button to cut those logs a
3 certain way and they have a computer that's using
4 Windows 10 inside of the office, that would not be
5 allowed. It will be allowed in the old rules, but will
6 not be allowed under the new rules.

7 MS. RAYMOND:

8 Okay. I understand what you're saying.

9 MR. ADLEY:

10 You don't really know what --

11 MS. RAYMOND:

12 Specifically what this one is, I would
13 have to go back and see, but certainly we use computers
14 in the whole manufacturing process, which all of the
15 injection and molding machines and the robotic equipment
16 that goes along with that.

17 MR. ADLEY:

18 And all of that certainly is approved
19 with the new rules and the old rules.

20 MS. RAYMOND:

21 Uh-huh. What specifically --

22 MS. ADLEY:

23 I only raise this, ma'am, so the
24 committee can be, again, prepared when we get to this
25 point under the new rules, if you walk in here with



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1 software and hardware, you're going to have to know the
2 difference because if it's sitting over there at an
3 office somewhere, it clearly does not meet the new
4 definition of manufacturing.

5 MS. RAYMOND:

6 Okay.

7 MR. ADLEY:

8 That's it. Thank you, ma'am.

9 MS. RAYMOND:

10 Thank you.

11 MR. WINDHAM:

12 All right. Any comments from the public
13 concerning the Intralox application?

14 (No response.)

15 MR. WINDHAM:

16 Is there a motion on the floor?

17 Made by Mr. Slone; seconded by

18 Mr. Miller.

19 All in favor, indicate with an "aye."

20 (Several members respond "aye.")

21 MR. WINDHAM:

22 All opposed with a "nay."

23 (No response.)

24 MR. WINDHAM:

25 Motion carries.



1 MS. CHENG:
2 20140198A, Lubrication Technologies,
3 Inc. in Caddo Parish.

4 MR. WINDHAM:
5 All right. Any comments from the public
6 concerning Lubrication Technologies?

7 (No response.)

8 MR. WINDHAM:
9 Is there a motion on the floor?
10 Motion made by Dr. Wilson; seconded by
11 Mayor Brasseaux.

12 All in favor -- oh, any comments from
13 the Board, questions?

14 (No response.)

15 MR. WINDHAM:
16 All in favor, indicate with an "aye."
17 (Several members respond "aye.")

18 MR. WINDHAM:
19 All opposed with a "nay."
20 (No response.)

21 MR. WINDHAM:
22 Motion carries.

23 MS. CHENG:
24 20140198B, Lubrication Technologies,
25 Inc. in Caddo Parish.



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MR. WINDHAM:

I will assume the same?

Motion made by Dr. Wilson and seconded
by Mayor Brasseaux.

Questions from the public, comments?

(No response.)

MR. WINDHAM:

Any questions from the Board members?

(No response.)

MR. WINDHAM:

All in favor, indicate with an "aye."

(Several members respond "aye.")

MR. WINDHAM:

All opposed with a "nay."

(No response.)

MR. WINDHAM:

Motion carries.

MS. CHENG:

Marathon Petroleum Company has requested
they we defer 20131404.

MR. ADLEY:

The only question, just if you -- I
think you can answer it without getting them up here.
When you see the word "revamp" in an application and
there's no further description in what they do, what



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1 does that mean?

2 MS. CHENG:

3 Which application would this be?

4 MR. ADLEY:

5 On the Marathon. Says that FCC revamp.
6 Does that mean they're maintaining it? Does that mean
7 they're rebuilding it? What does that mean?

8 MS. CHENG:

9 I'm not sure, but I can ask them.

10 MR. ADLEY:

11 That's all right. Look, it's going to
12 be approved because it's under the old rules. I'm going
13 to suggest to you that when we start moving the others
14 through under the new rules, words like that, they're
15 not going to mean anything unless you have a
16 description. A lot of these just don't have the
17 description.

18 That's it, Mr. Chairman. Thank you.

19 MR. WINDHAM:

20 Thank you, Mr. Adley.

21 MS. CHENG:

22 20141452, Sasol Chemicals USA in
23 Calcasieu Parish.

24 MR. WINDHAM:

25 I believe Mr. Adley has a question for



1 Sasol.

2 Is a there a representative for Sasol?

3 MR. ADLEY:

4 Is this the second Marathon?

5 MS. CHENG:

6 Marathon only has one.

7 MR. WINDHAM:

8 Sasol, please step forward and identify
9 yourself.

10 MR. HAYES:

11 Michael Hayes, Manager of Government
12 Relations for Sasol.

13 MR. ADLEY:

14 Thank you. Let me just ask the staff,
15 in the past, under the old rules, you allowed R&D,
16 research and development, to be part of the
17 manufacturing process; is that right or wrong?

18 MS. CHENG:

19 I believe everything was included and
20 allowed at the manufacturing site.

21 MR. ADLEY:

22 I didn't hear you, ma'am.

23 MS. CHENG:

24 Everything at the manufacturing site.

25 MR. ADLEY:



1 Whatever it was?

2 MS. CHENG:

3 Yes.

4 MR. ADLEY:

5 So when they say "the expansion of R&D
6 building for research and development that may be
7 outside of the manufacturing plant itself," you always
8 allowed that in the past?

9 MS. CHENG:

10 Yes.

11 MR. ADLEY:

12 Okay. And we're allowing it now, but I
13 have to tell you, under the new rules, I don't think
14 it's going to fit, so that you know going forward.

15 MR. HAYES:

16 If I may, this particular R&D expansion
17 is not pie-in-the-sky R&D. This is very
18 customer-process-driven R&D because we have some
19 processes that can take alumina, for example, and change
20 the properties of that alumina to suit what the customer
21 needs. So these are in the chemistry, working with a
22 manufacturing process and the customers, to modify the
23 properties of those molecules they're making so that
24 they'll suit the process. And so, to me, this type of
25 R&D was one that we'd give serious consideration.



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1 An example, one of the products that we
2 make, you know, if you remember, when photo paper for
3 computers, laser paper, was so expensive because it had
4 silver in it. We were able to work with those
5 manufacturers of photo paper to modify the properties of
6 our alumina to be able to replace the silver in photo
7 paper. So you went from something that you make jewelry
8 out of to something that's the functional equivalent of
9 dirt. You know, that's how the process --

10 MR. ADLEY:

11 I got that and it will certainly be
12 approved today, but the truth of the matter is, you can
13 be doing your R&D in London.

14 MR. HAYES:

15 Not this R&D. This R&D --

16 MR. ADLEY:

17 I think the way the law works now,
18 anything associated with R&D can be there. Here's the
19 best example I can give you: When you move natural gas
20 into your plant, and you do that over there, I'm sure,
21 before it's moved in there, they move water out of the
22 gas.

23 MR. HAYES:

24 Right.

25 MR. ADLEY:



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1 Under what your theory is, all of that,
2 too, would be subject to manufacturing.

3 MR. HAYES:

4 No, sir. That would be quality
5 assurance and would be separate from the new rules.

6 MR. ADLEY:

7 I got you. Just from the Governor's
8 office, sir, whatever it's worth, certainly we're not
9 going to object to this one because it's under the old
10 rules and R&D was clearly left out when we did the new
11 rules. Just so you know, it won't be there, at least
12 from our office.

13 MR. HAYES:

14 Okay. I would like to be able to make
15 the argument, though, in the future, if it's possible.

16 MR. ADLEY:

17 We are right over there on the fourth
18 floor. Go over there and knock on his door. He's
19 looking for friends today.

20 MR. HAYES:

21 You have a great staff here and they
22 asked for those same details.

23 MR. WINDHAM:

24 So when you do this R&D, it is related
25 to --



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1 MR. HAYES:
2 Manufacturing.

3 MR. WINDHAM:
4 -- manufacturing. I mean, getting the
5 product to the customer specs, do you bill them for this
6 or is this part billed to the cost of the production of
7 the new material?

8 MR. HAYES:
9 That's part of the service that we
10 provide because if we're able to create new products by
11 changing the properties of our existing products that
12 suit the customer's manufacturing need, then we've
13 satisfied our manufacturing need and then we've
14 satisfied their need as a customer, and that's what this
15 is all about. So these R&D guys that are doing this
16 work really are trying to modify the process to come up
17 with a new brainstorm. They're trying to make what we
18 have work in various and different circumstances.

19 Another example is we make surfactants
20 and we're using those surfactants in the hydraulic
21 fracturing process, but not every surfactant works, but
22 we're able to treat the properties of surfactants so
23 that they will run the hydraulic fracturing process
24 better to keep those cracks open, deliver the material
25 that keeps the cracks open because the surfactants are



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1 able to work better.

2 MR. WINDHAM:

3 So, in my eyes, this might be more of a
4 customizing manufacturing --

5 MR. HAYES:

6 Exactly. Exactly.

7 MR. WINDHAM:

8 -- as opposed to R&D, because I think of
9 R&D, as you said, where the scientists are in there and
10 they're trying to come up with a new widget, not taking
11 an existing widget and making sure it works for the
12 customer's needs.

13 MR. HAYES:

14 Right.

15 MR. WINDHAM:

16 So, Mr. Adley, it may be different than
17 R&D in the sense that a lot of people think of R&D.
18 This is fine tuning a product, just like making sure
19 that they're mixing it right, and, to me, it's part of
20 manufacturing because once you get the chemistry right,
21 then it flows into making that customer's product.

22 MR. ADLEY:

23 I got it. My advice to you is, if you
24 want to tell that to somebody, go tell it to him,
25 because I'm relaying to you what he has told me. We do



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1 not believe that R&D, that a company goes and does on
2 the side to go make their profit, make their money, is
3 part of the manufacturing process. It's not part of the
4 process of when you did your R&D and you said this is a
5 product I want to make, there's a manufacturing process
6 associated with that project, you go back and do some
7 more R&D and you say you want to make something else,
8 then you create another manufacturing facility, then
9 there's a manufacturing process for that one.

10 MR. HAYES:

11 Thank you, sir.

12 MR. ADLEY:

13 I think that's going to be his position.
14 Until he tells me otherwise, that's -- I just wanted you
15 to know that's where we are, and the rules, clearly the
16 issue of R&D issue came up and we very clearly kept them
17 out of the rules for that reason.

18 MR. HAYES:

19 Understood. Thank you, sir.

20 MR. ADLEY:

21 Thank you for what you're doing in Lake
22 Charles. It's pretty phenomenal what y'all are doing.

23 MR. HAYES:

24 We're pretty excited for Lake Charles
25 and Louisiana.



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1 MR. WINDHAM:
2 Any other questions by the Board?
3 (No response.)
4 MR. WINDHAM:
5 Thank you, sir.
6 Is there a motion on to the floor to
7 approve this application?
8 SECRETARY PIERSON:
9 So moved.
10 MR. WINDHAM:
11 Made by Secretary Pierson; seconded by
12 Mr. Fajardo.
13 All in favor, indicate with an "aye."
14 (Several members respond "aye.")
15 MR. WINDHAM:
16 All opposed with a "nay."
17 (No response.)
18 MR. WINDHAM:
19 Motion carries.
20 MS. CHENG:
21 20121255, SE Tylose Louisiana, LLC in
22 Iberville Parish.
23 MR. WINDHAM:
24 Any questions on this one?
25 (No response.)



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MR. WINDHAM:

Any comments from the public concerning
SE Tylose Louisiana?

(No response.)

MR. WINDHAM:

Is there a motion on the floor to
approve?

Made by Mr. Wilson; seconded by
Mr. Fabra.

All in favor, indicate with an "aye."
(Several members respond "aye.")

MR. WINDHAM:

All opposed with a "nay."
(No response.)

MR. WINDHAM:

Motion carries.

MS. CHENG:

20141393, Shell Chemical
Company-Ascension in Ascension Parish.

MR. WINDHAM:

All right. I'm going to let you go
ahead and read all of the Shells all at once. Mr. Adley
does have some questions for Shell.

MS. CHENG:

20141217, Shell Chemical Company in



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1 Ascension Parish; 20131234, Shell Chemical Company in
2 Ascension Parish; 20130770, Shell Chemical Company, LP;
3 and 20141576, Shell Chemical Company, LP in St. Charles
4 Parish.

5 MR. WINDHAM:

6 Is there a representative from Shell
7 here?

8 Please step forward and identify
9 yourself.

10 MR. BAKER:

11 Good morning, Mr. Chairman. Joe Baker
12 with Shell Oil Company. I manage the property taxes for
13 Downstream assets in Louisiana.

14 MR. ADLEY:

15 Only two quick questions. In the first
16 request you've got facilities who export ID to a mobile
17 site and then to third properties, and then in another
18 one, you've got railcar maintenance activities. Are
19 these on the site of the manufacturing facility or are
20 they elsewhere?

21 MR. BAKER:

22 They're on the site of the manufacturing
23 facility, except your question regarding the mobile
24 site, I'm going to have to find out for sure on that
25 one. I can't answer that. But as far as the rail



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1 facilities, yes, sir, they're on site.

2 MR. ADLEY:

3 We don't object to the approval of the
4 current ones that you have. I would like to ask,
5 Mr. Chairman, that the staff to look at, insofar as
6 under the new rules, I want to sure -- as I remember it,
7 we made sure that anything dealing with further
8 marketing of a product was not part of the ITEP, and so
9 I'm trying to make sure that -- I think we used language
10 to say that it had to be physically on the facility on
11 that site. Just find out for me and let me know later
12 on this application and if you can get with them so I
13 can find out exactly how this one works so I'll know for
14 the future.

15 MS. CHENG:

16 If it actually is mobile and does leave
17 the facility, they'll have to take it off. It's not
18 eligible under current rules and it will be amended in
19 the affidavit of current loss.

20 MR. ADLEY:

21 If they're not mobile under the current
22 law, it's not --

23 MS. CHENG:

24 I looked at the assets and I didn't
25 see -- they didn't seem like assets that could leave the



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1 facility, but we can check what this mobile site is.

2 MR. ADLEY:

3 Let me just make sure. You just said
4 something that I need to know. Under current rules, the
5 old rules, mobile facilities are or are not allowed?

6 MS. CHENG:

7 Are not.

8 MR. ADLEY:

9 Well, on this application, you list a
10 mobile site, a mobile site that's being shipped to be
11 part of the investment dollars used in this application.

12 MS. CHENG:

13 I believe so.

14 MR. BAKER:

15 Mr. Adley, I can't answer that, but I
16 apologize for not knowing that answer, but your question
17 is valid. I'll get back with Kristin and let her know
18 if the application needs to be amended or what have you.

19 MR. ADLEY:

20 Let me do this if I can. Let me move
21 for approval, Mr. Chairman, subject to them clarifying
22 with staff that the mobile site is not included in the
23 numbers being applied for for the ITEP.

24 MS. CHENG:

25 If that is ineligible, it can be taken



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1 off at the point of them filing their affidavit of final
2 cost.

3 MR. WINDHAM:

4 All of these are subject to
5 qualifications in the end. Even when you go out and do
6 an inspection, if you find out that something's mobile,
7 it gets removed from the contract and the assessors get
8 notified immediately that the assets did not qualify for
9 the program and everything needs to be adjusted. So
10 it's just part of the process.

11 MR. ADLEY:

12 I need you to get back to me and try to
13 clear it up if they're getting money for it.

14 Thank you.

15 MR. BAKER:

16 Thank you, Mr. Adley.

17 MR. WINDHAM:

18 Seconded by -- motion was made by
19 Mr. Adley to approve all of the Shell applications.

20 Are there any comments from the public?

21 Seconded was made by Dr. Wilson.

22 Any questions or further comments from
23 the Board members?

24 (No response.)

25 MR. WINDHAM:



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1 All in favor, indicate with an "aye."
2 (Several members respond "aye.")

3 MR. WINDHAM:

4 All opposed with a "nay."
5 (No response.)

6 MR. WINDHAM:

7 Motion carries.

8 MR. ADLEY:

9 I would ask the staff, before you leave
10 Shell, the Shell application -- I'm looking for the
11 number. I've got this sheet in front of me. Let's see.
12 The 20130770-ITE.

13 MS. CHENG:

14 Okay.

15 MR. ADLEY:

16 They make the statement that replacement
17 costs have not been retired as part of Phase 1, and the
18 Chairman's done a really good job of training me over
19 time to know that whatever the initial ITEP was, when
20 you're going to replace something, that's removed from
21 what they're eligible for in the future, so what does it
22 mean when they say that replacement costs have not been
23 retired? What does that mean?

24 MS. CHENG:

25 So that asset is probably still on site,



1 so it has not been retired yet, but when they file their
2 second phase of this application, they will reflect it
3 on that --

4 MR. ADLEY:

5 But you took in benefit the cost of that
6 when you're granting this particular ITEP that they're
7 working on? You're nodding your head. You've done
8 that. Okay. Thank you.

9 MS. CHENG:

10 20151157, Surface Performance Group, LLC
11 in Jefferson Parish.

12 MR. WINDHAM:

13 Are there any comments from the public
14 concerning Surface Performance Group?

15 MR. ADLEY:

16 Which one is it?

17 MR. WINDHAM:

18 Surface Performance Group, LLC.

19 MR. ADLEY:

20 Is this the one that does the surface
21 coating and repair?

22 MS. CHENG:

23 Yes, sir.

24 MR. ADLEY:

25 Yes.



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1 MR. WINDHAM:
2 Is there a representative --
3 MR. ADLEY:
4 I need to know from the manufacturer.
5 MR. WINDHAM:
6 Is there a representative from --
7 MR. ADLEY:
8 I knew I'd get you here sooner or later.
9 MR. WINDHAM:
10 Please step forward and identify
11 yourself.
12 MR. ZATARAIN:
13 Chuck Zatarain. I represent Surface
14 Performance Group. Nice to see everybody again.
15 MR. ADLEY:
16 And you're the gentleman who pointed out
17 to me that every meeting, you get called up here by me
18 at the start the meeting; is that right?
19 MR. ZATARAIN:
20 Yes, sir. You're very consistent with
21 that.
22 MR. ADLEY:
23 And I explained to you, without me, you
24 wouldn't have a job; is that --
25 MR. ZATARAIN:



1 You sure did.

2 MR. ADLEY:

3 So the surface coating and repair, I'm
4 trying to understand how that's part of the
5 manufacturing process or is that in the building of the
6 facility itself? What is it?

7 MR. ZATARAIN:

8 It is a repair service, coating, and
9 they also put together small tools. It's a family-owned
10 business, a husband and wife, at this operation in
11 Jefferson Parish. They service the chemical plants up
12 and down the river. They operate seven days a week.
13 When somebody comes in with a piece of equipment that
14 needs to be repaired quickly, they repair it. If they
15 have to grind it down or change it up, make it surface
16 to perform something else, they can do it on the spot.
17 They also take broken down pieces of equipment and are
18 asked to make them a new one. It's what they do. And
19 it's there terrific operation.

20 They have about eight employees at the
21 initial site. They are landlocked in Jefferson Parish,
22 so they built a new manufacturing facility and building
23 and also new equipment and doubled their payroll. So
24 they're very essential to the chemical industry up and
25 down the plant (sic).



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1 So they manufacture by grinding,
2 coating, resurfacing and also putting together new
3 pieces of equipment from the broken pieces of equipment.

4 MR. ADLEY:

5 Thank you.

6 MR. ZATARAIN:

7 Yes, sir.

8 MR. WINDHAM:

9 Any other questions for Mr. Zatarain?

10 (No response.)

11 MR. WINDHAM:

12 The motion is made by Mr. Slone to
13 approve the application; seconded by Ms. Malone.

14 All in favor, indicate with an "aye."

15 (Several members respond "aye.")

16 MR. WINDHAM:

17 All opposed with a "nay."

18 (No response.)

19 MR. WINDHAM:

20 Motion carries.

21 Thank you, Mr. Zatarain.

22 MS. CHENG:

23 20140991, Union Carbide Corporation in
24 St. Charles Parish.

25 MR. WINDHAM:



1 I believe we have a question for Union
2 Carbide. Is there a representative from Union Carbide?

3 Please step forward.

4 MR. ADLEY:

5 And you'll be glad to know it's the last
6 question I've got in this group of stuff. It makes be
7 happy and you happy, too.

8 MR. WINDHAM:

9 Please identify yourself.

10 MR. FAUCHEUX:

11 Tommy Faucheux, Government Affairs.

12 MS. DAIGLE:

13 Rona Daigle, Lead Tax Manager, DOW.

14 MR. WINDHAM:

15 Mr. Adley.

16 MR. ADLEY:

17 The installation of electrical
18 substation, have you created some kind of cogent or
19 something, is that what's going on out there? What is
20 this about?

21 MS. DAIGLE:

22 This is a substation, power-to-water
23 treatment plant.

24 MR. ADLEY:

25 Prior to doing this, where did you get



1 your power from?

2 MS.

3 We have other substations. This one's
4 for improvement and upgrade for future water treatment.

5 MR. ADLEY:

6 I got you. So it wasn't coming from a
7 private investor-owned facility from day one; you've
8 always created your own substations; is that what you're
9 telling me?

10 MS. DAIGLE:

11 This is our own substation, yes, and our
12 own --

13 MR. ADLEY:

14 And so the only question I have for
15 staff, I need to better understand this. I noted since
16 we've been here, Entergy will always have many various
17 applications as they come in and they build power
18 facilities for the plants and they apply for ITEP. What
19 happens if you have one of those facilities where you
20 have the investor-owner comes in, provides the power and
21 then decides to build a substation and Entergy Group no
22 longer is providing the power and you're eight into the
23 ITEP or, say, six years, what happens?

24 MS. CHENG:

25 If it's not --



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1 MR. ADLEY:
2 Do they no longer continue the ITEP?

3 MS. CHENG:
4 If they're no longer -- if Entergy is
5 not being used, it would be --

6 MR. ADLEY:
7 It would be disqualified?

8 MS. CHENG:
9 It would be canceled. The company would
10 come to us and say to cancel it.

11 MR. ADLEY:
12 That's what I want to know. Thank you.

13 MR. WINDHAM:
14 Any other questions for Union Carbide?
15 (No response.)

16 MR. WINDHAM:
17 Motion by Mr. Slone; seconded by Ms.
18 Atkins.

19 All in favor, indicate with an "aye."
20 (Several members respond "aye.")

21 MR. WINDHAM:
22 All opposed with a "nay."
23 (No response.)

24 MR. WINDHAM:
25 Motion carries.



1 I believe you can read the last three
2 together.

3 MS. CHENG:

4 Okay. 20130801, Westlake Petrochemical,
5 LLC in Calcasieu Parish; 20131140, Westlake Polymers, LP
6 in Calcasieu Parish; and 20160037, Williams Olefins, LLC
7 in Ascension Parish.

8 MR. WINDHAM:

9 Any comments from the public concerning
10 these three applications?

11 (No response.)

12 MR. WINDHAM:

13 Is there a motion to approve these
14 three?

15 Made by Mr. Williams; seconded by Mr.
16 Fajardo.

17 All in favor, indicate with an "aye."

18 (Several members respond "aye.")

19 MR. WINDHAM:

20 All opposed with a "nay."

21 (No response.)

22 MR. WINDHAM:

23 Motion carries.

24 MS. CHENG:

25 Now we have the new applications that



1 were received prior to the executive order being issued
2 on 6/24/16, but they do not have an advanced
3 notification.

4 MR. WINDHAM:

5 So these are MCAs received prior to the
6 executive order issuance?

7 MS. CHENG:

8 Yes.

9 MR. WINDHAM:

10 All right.

11 MR. ADLEY:

12 So the work and receipt was all prior to
13 the executive order on these?

14 MS. CHENG:

15 Yes.

16 20161240, Bayou Companies, LLC in Iberia
17 parish.

18 MR. WINDHAM:

19 All right. Any comments from the public
20 concerning Bayou Companies, LLC?

21 (No response.)

22 MR. WINDHAM:

23 Comments from the Board?

24 (No response.)

25 MR. WINDHAM:



1 Is there a motion to approve these MCAs
2 that were filed prior to issuance of the executive
3 order?

4 Oh, I'm sorry, couple of comments from
5 the public. Well, kind of public. One from the public
6 and one from LED staff. We'll start with LED staff.
7 Please identify yourself.

8 MR. HOUSE:

9 Richard House, Counsel for Economic
10 Development.

11 These are MCAs prior to June 24th. The
12 issue is whether or not they have jobs. If they have
13 jobs, then they should be approved. If they don't have
14 jobs, then under the executive order, they should not be
15 approved.

16 MR. ADLEY:

17 Richard, clarify this for us. When I
18 came over today, I was told clearly by the fourth floor
19 that that is their position. I wanted to make sure
20 about that. There were a group of these that came in
21 prior to, but they weren't received till after 6/24.

22 MS. CHENG:

23 No. These --

24 MR. ADLEY:

25 You're telling me it makes no different,



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1 makes no difference when they're received?

2 MR. HOUSE:

3 No. These are prior to June 24th. They
4 were received prior to -- the ones you're considering
5 now were received prior to June 24th.

6 MR. WINDHAM:

7 Of '16?

8 MR. HOUSE:

9 Of 2016.

10 Under the executive order, regarding
11 MCAs, Miscellaneous Capital Additions, if they have
12 jobs, then they're subject to our approval.

13 MR. ADLEY:

14 Regardless of whether they were before
15 or after 6/24 or not?

16 MR. HOUSE:

17 No, sir. They were before June 24th.

18 MR. ADLEY:

19 I'm sorry. You --

20 MR. HOUSE:

21 These were all applications before June
22 24th, 2016.

23 MR. ADLEY:

24 So your position would be if they had
25 zero jobs, we would approve them?



1 MR. HOUSE:

2 No. My position would be if they have
3 zero jobs, you would not approve them under the
4 executive order. If they have jobs, you would approve
5 them under the executive order.

6 MR. ADLEY:

7 So it is your position that all of these
8 before us that have no jobs, whether they were received
9 before or after 6/24, would not be approved by the
10 executive order?

11 MR. HOUSE:

12 Correct. If they're Miscellaneous
13 Capital Additions, that's correct.

14 MR. WINDHAM:

15 Secretary Pierson.

16 SECRETARY PIERSON:

17 Just as a point of clarification, the
18 two gateways are approval by the Board and the
19 Governor's signature.

20 MR. HOUSE:

21 Correct.

22 SECRETARY PIERSON:

23 And so the executive order stating that
24 he would classify MCAs with zero jobs as ineligible is
25 going to be subject to his signature. Whether or not



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1 the Board passes it, really it has to pass his desk, and
2 his executive order says it will not pass his desk.

3 MR. HOUSE:

4 That's correct. So if you believe that
5 he will not sign it and you want to follow that
6 indication, as I think that's been done in the past on a
7 number of different issues, then you should do that. We
8 are having new rules that I hope will be promulgated
9 today that will align these things.

10 SECRETARY PIERSON:

11 But it was prior to that point in time,
12 so that's part of the difficulty we face that those
13 applicants that had no knowledge of a pending EO.

14 MR. HOUSE:

15 Well, before June 24th, the applications
16 you're considering in this part of the agenda were filed
17 before June 24th. Some have jobs, and under the
18 executive order, if you approve these, the Governor will
19 sign those contracts.

20 Others do not have jobs, and the
21 Governor has indicated in his executive order that he
22 will not sign those contracts. We're not discussing
23 after June 24th yet. We're just discussing before June
24 24th.

25 SECRETARY PIERSON:



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MEETING MINUTES

1 Understood.

2 MR. WINDHAM:

3 But this is all '16. Not this year's
4 MCAs.

5 MR. HOUSE:

6 Well, it's not June 24th, 2017 yet.

7 MR. WINDHAM:

8 Right. These are --

9 MR. HOUSE:

10 Under the executive order as of June
11 24th, 2016 is the issue. These were filed before June
12 24th, 2016. They have jobs. If these MCAs have jobs,
13 the Governor has indicated in his executive order that
14 he will sign those contracts. If they do not have jobs,
15 even if they're before June 24th, 2016, he's indicated
16 in his executive order that we will not sign them.

17 MR. WINDHAM:

18 Thank you.

19 Mr. Bagert.

20 MR. BAGERT:

21 I'm in the rare and exciting position to
22 agree completely with Mr. House and underline the fact
23 of what he said. I would also just point out that this
24 Board has set the precedent of acting in accordance with
25 the executive order on precisely this point in the past



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1 when MCAs are submitted prior to June 24th did not have
2 jobs that are rejected. When they did have jobs, they
3 were considered eligible, and that has been established
4 as the precedence of the Board in previous meetings in
5 October, December and January as well.

6 MR. ADLEY:

7 It's your view, based on our executive
8 order, that between -- there are only two companies on
9 this list; is that right? Right or wrong? How many?

10 MS. CHENG:

11 There are a few more. Flip to the next
12 page. There are nine.

13 MR. BAGERT:

14 Nine total.

15 MR. ADLEY:

16 There are three, if I'm looking at this
17 correctly, there are two on one page and -- excuse me.
18 No, it's not. One on one page and then three on the
19 next page for a total of four that actually created jobs
20 out of the group. So a total of four out of the group
21 that have jobs.

22 It's your view, under the executive
23 order, that we would only approve -- at least expect the
24 Governor's signature, we would approve those four and
25 none other?



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1 MR. HOUSE:

2 Correct.

3 MR. ADLEY:

4 Okay. I got it.

5 Somebody back there raised their hand,
6 Mr. Chairman.

7 MR. WINDHAM:

8 Please step forward.

9 MR.

10 Good morning. I'm Rhonda Boatner with
11 Didier Properties representing Great Raft Brewing.

12 At the time of the application, they had
13 six full-time employee. There was -- I've gotten an
14 e-mail from their CPA, which states that they're now up
15 to 13 full-time employees, so they either -- if I need
16 to get something from the company or this e-mail from
17 the CPA that says they now have an additional seven new,
18 full-time employees --

19 MR. ADLEY:

20 I would assume, Mr. Chairman, that
21 albeit they may not be approved today, if they have
22 additional information for their MCA, that LED can
23 certainly take that up and bring it back to the next
24 meeting. Is that --

25 MS. CHENG:



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1 We can week defer this one and update
2 the information on the application and bring it back.

3 MR. ADLEY:

4 I'm going move, then, because of some of
5 that confusion, I'm going to move to -- it's not a
6 difference between rejecting and y'all deferring. If
7 y'all reject it, they can still bring it to you and you
8 can bring it back; is that right or wrong?

9 MS. CHENG:

10 If it's rejected, if it's denied, we
11 have to come back. They would have to come appeal your
12 decision.

13 MR. WINDHAM:

14 Yeah. We don't want to do that.

15 MS. CHENG:

16 You want to defer it so they can amend
17 their application.

18 MR. ADLEY:

19 I don't want to defer them all, and I
20 tell you why I say that, Robby, is that if someone has
21 risen and said I have a certain example, we're certainly
22 deferring. That one makes sense, but the others that
23 say nothing, I would rather reject them if they are
24 coming in here with zero, and those that say that
25 something has transpired that you don't know, then



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1 that's a different issue.

2 MR. WINDHAM:

3 Mr. Miller.

4 MR. MILLER:

5 Mr. House, wasn't there something in the
6 language that says or a compelling reason for job
7 retention?

8 MR. HOUSE:

9 That's in the language that pertains to
10 advanced notifications going forward in the future.
11 With respect to advanced notifications going forward in
12 the future, you have new, direct jobs at a facility
13 caused by either new construction or an addition, or you
14 can have a compelling reason that capital improvements
15 will retain jobs at that facility. So that's a totally
16 different area.

17 MR. ADLEY:

18 Well, to make it simple, I'd like to
19 first move that we defer -- was it Great Raft Brewing
20 that had an issue?

21 MS. CHENG:

22 Yes, sir.

23 MR. ADLEY:

24 I'd like to move to defer.

25 MR. WINDHAM:



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1 Motion made by Mr. Adley to defer Great
2 Raft; second by Mr. Williams.

3 Any further discussion on the deferral?
4 (No response.)

5 MR. WINDHAM:

6 All in favor, indicate with an "aye."
7 (Several members respond "aye.")

8 MR. WINDHAM:

9 All opposed with a "nay."

10 MR. WINDHAM:

11 Motion carries. Great Raft is deferred.

12 MR. ADLEY:

13 I'd like to move for approval of the
14 four that have created the jobs, Bayou Companies,
15 Firestone Polymers, Laitram, LLC and Walle Corporation.
16 Move for approval of those.

17 MR. WINDHAM:

18 Is there a second?

19 Seconded by Mr. Slone.

20 Any discussion from the public
21 concerning the approval of those MCAs filed prior to the
22 24th that we just read off?

23 (No response.)

24 MR. WINDHAM:

25 All in favor, indicate with an "aye."



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1 (Several members respond "aye.")

2 MR. WINDHAM:

3 All opposed with a "nay."

4 (No response.)

5 MR. WINDHAM:

6 Motion carries.

7 MR. ADLEY:

8 And then, unless there are other
9 comments to be made, I hold that motion till we hear
10 those comments and see if there's a reason for deferral
11 or rejection of the others that created no jobs.

12 MR. WINDHAM:

13 All right. Ms. Cheng, do you need to
14 read all of those names and numbers?

15 MS. CHENG:

16 The ones that were approved?

17 MR. WINDHAM:

18 Yes.

19 MS. CHENG:

20 20161240, Bayou Companies, LLC in Iberia
21 Parish; 20161081, Firestone Polymers, LLC in Calcasieu
22 Parish; 20160770, Laitram, LLC in Jefferson Parish; and
23 20161111, Walle Corporation in Jefferson Parish.

24 MR. WINDHAM:

25 Those were all approved by the Board for



1 contract.

2 Mr. Allison, please identify yourself.

3 MR. ALLISON:

4 Thank you, Mr. Chairman and members of
5 the Board. I'm here to speak on behalf of one of other
6 ones that are in this section.

7 MR. WINDHAM:

8 All right. Ms. Cheng, if you'll
9 proceed.

10 MS. CHENG:

11 We have 20160946, CertainTeed
12 Corporation in Calcasieu Parish.

13 MR. WINDHAM:

14 Is there someone here representing
15 CertainTeed Corporation?

16 (No response.)

17 MR. WINDHAM:

18 All right. Any comments from the public
19 pertaining to CertainTeed?

20 Mr. Adley, do you have a question?

21 MR. ADLEY:

22 No. I would move for denying the
23 application as it creates no jobs and there's no one
24 here to explain otherwise.

25 MR. WINDHAM:



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1 Any comments from the Board?

2 (No response.)

3 MR. WINDHAM:

4 Is there a second?

5 Seconded by Major Coleman.

6 Any questions or comments from the
7 Board?

8 Mr. Allison.

9 MR. ALLISON:

10 I'm not here to specifically speak on
11 that one, but the one that I am here to speak about is
12 in the very same situation, so maybe -- I don't want to
13 speak up too late. If I should speak up now, I want to
14 do that, and so I'm looking for some guidance on whether
15 I should or not.

16 MR. WINDHAM:

17 All right. Please.

18 MR. ALLISON:

19 Okay. I'm here to specifically speak on
20 behalf of the application from Southern Recycling, LLC
21 on this list, third from the bottom, Orleans Parish, a
22 little over a million-dollar investment.

23 I'm only going talk about the facts of
24 that one, and I think the facts of that one apply to
25 others. I guess there are five in total that show zero



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1 for the number of new jobs created.

2 MR. WINDHAM:

3 Correct.

4 MR. ALLISON:

5 So let me -- I'm going to speak about
6 Southern Recycling, but I think it applies to the rest.

7 This is an MCA application where no
8 advance notification was filed. It was filed in 2016,
9 before June 24th. As you can tell, that means this is
10 an investment that was made by this company in 2014,
11 '15. That's how the MCA process worked when we had an
12 MCA process. You did your miscellaneous capital
13 additions during the calendar year, then, on one
14 application, after the end of the year, early in the
15 next year, you filed your application for those
16 miscellaneous things you did in the previous year. So
17 sometime between January 1st of '16 and June 24th of
18 '16, this company filed their application for exemption
19 for money they spent during the calendar year 2015.

20 Now, look, I've got the executive order
21 memorized. I've got your new rules almost memorized. I
22 understand what those things say. I just want to make
23 sure everybody understands the facts of these situations
24 and how harsh the treatment is that I'm afraid you're
25 about to impose on companies in this situation.



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1 These are people that made decisions in
2 2015 to do something, to spend some money to upgrade
3 their plant to keep their plant modernized and
4 sufficient to probably retain some jobs at their plant.
5 This was -- okay. Pick a date in 2015, but it was a
6 very good chance it was a year, give or take a couple
7 months, prior to the executive order being issued, and
8 so there was no intent or no indication whatsoever that
9 there was some sort of requirement that all of the
10 requirements of the executive order created on June
11 24th, 2016. Certainly no indication that the creation
12 of jobs was a requirement, and now it appears that they
13 might be, maybe in the next few minutes, you might
14 penalize them for not creating jobs and for not meeting
15 some requirements that didn't exist when they made the
16 decision to spend this million dollars.

17 I'm just pointing that out to you, and I
18 think I'm being real candid with you, but I think that's
19 a very harsh treatment to tell somebody here in 2017
20 that something they did in 2015 under the rules that
21 existed in 2015 now doesn't qualify them for what they
22 really thought they qualified for and by all means
23 should have qualified for based on what they did when
24 they did it.

25 MR. WINDHAM:



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1 Thank you.

2 Secretary Pierson.

3 SECRETARY PIERSON:

4 Mr. Allison, I greatly appreciate you
5 pointing that out, and we certainly do want certainty
6 for our business community.

7 Where the Board could possibly take
8 issue with you about saying following a rule that was
9 not published or did not exist. Our constitution
10 clearly states that in order to allow a benefit to be
11 received by a company, there must be a corresponding
12 benefit afforded back to the public bodies, and when
13 there's no job, it very is it makes it very, very
14 difficult to forecast a pathway that would allocate a
15 benefit back to a company having seen very little in
16 terms of exchange for the public body.

17 Now, that was not the practice at the
18 time. We all get that. But the executive order changed
19 to provide accountability, and in this instance, it's
20 that element that's lacking in the exchange -- of fair
21 exchange between industry and the abatement that is
22 being provided on behalf of local communities. So I
23 think that's where our pathways diverge relative to this
24 issue. It is complex. We do regret that there was an
25 impression at the time that everything was right, but it



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1 is now the viewpoint from this administration that we
2 seek the public benefit, and it's oftentimes represented
3 in terms of jobs. And if there's another way to
4 represent that, then that's where I would encourage you
5 to look at what you might be able to make as a case, but
6 just to say that the rules then were the only rules and
7 that was the only interpretation doesn't provide us the
8 chance to right the situation.

9 MR. ALLISON:

10 I understand. Look, you-all as a Board
11 have done a really good job of making sure that you
12 honored the decisions that were made by companies prior
13 to the executive order, and I commend you for that. And
14 in keeping the State's word in making sure the companies
15 make decisions based on the rules at the time they make
16 the decisions were not damaged, again, I commend you for
17 doing that. I think this is an example, this is a case
18 where that just didn't happen. I know that's important
19 to you. I want to bring to your attention the facts of
20 this situation because I think that's what's about to
21 happen to these people if they get denied. They made a
22 decision in '15 based on the facts at the time, and now
23 they're being told something different and not being
24 given what they really, you know, thought they were
25 earning at the time.



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MEETING MINUTES

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MR. WINDHAM:

Mr. Adley.

MR. ADLEY:

Don, you've made an excellent argument, and, as always, I've listened to it carefully and we're certainly going to deliver it back to the Governor's office, but to support what Secretary Pierson just said, it was a benefit that was supposed to come to the State. The existing rules at the time didn't have just one process. You make it almost sound like we only this one process to go through. If your client chose to go through an advanced notice wherein advance of doing all of this, they actually went to LED and said this is the benefit, this is what you're going to get, they would be on that list today for approval. What created a problem from the Governor's perspective is that we had a process where people can simply sit at their computer or go up on the internet, push a button and there it was. You had it, you want and did whatever work you wanted to do and that's how the MCAs started. You didn't have to give any advance notice is what I'm telling you. You had to give some number when you got the number and you went and did the work. That's what drove him to this point of saying what Mr. Pierson said. There has to be some benefit you're required to give some benefit and



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1 the creation oaf jobs was the issue and that's how we
2 got to this point.

3 I want the members of the community to
4 at least know that that's what his thought processes
5 were.

6 MR. ALLISON:

7 I understand.

8 MR. ADLEY:

9 And the Board has been very careful of
10 all of those that had the advanced notices that turned
11 them in that, regardless of what the rules were at that
12 time.

13 MR. ALLISON:

14 The process they followed that you
15 described was a perfectly legitimate process at the
16 time. They followed the process that was in place, but
17 now it looks like they might be penalized for following
18 that process.

19 MR. WINDHAM:

20 Mr. Slone.

21 MR. SLONE:

22 So just for my clarification, I guess,
23 the process if they're denied is they have to file an
24 appeal?

25 MS. CHENG:



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1 If they want to appeal.

2 MR. SLONE:

3 If they want to appeal.

4 Also, so we're saying that Great Raft
5 Brewing has an opportunity to come back to the table
6 since they were listed here as zero jobs to show where
7 us where their jobs are?

8 MR. ADLEY:

9 That's correct.

10 MR. SLONE:

11 So what's the harm maybe in the other
12 ones given the opportunity, they may or my not even be
13 here, to, you know, to state their case? Because a
14 project can, you know, be started and finished prior to
15 6/24, and, now, similar to what Mr. Allison is saying,
16 started and finished, and with the expectation that this
17 was happening, shouldn't we allow them an opportunity,
18 those other five, maybe, to -- five total, I guess, to
19 come back to the table instead of just denying and
20 starting the whole process over again?

21 MR. WINDHAM:

22 I couldn't agree with you more because
23 I'm a little concerned in the process. If these
24 applications, which were MCAs, were received March 31st
25 of last year and they were brought to the first Board



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1 meeting of last year in 2016, this question wouldn't be
2 coming up because they were filed in 2016, which is the
3 reason I was pointing out the 2016 versus the 2017
4 point, that these were ones that were submitted timely
5 for March 31st of 2016, if -- and I'm not bashing staff.
6 You know that. But if staff had everything in order,
7 they would have come before a year later.

8 MS. CHENG:

9 These would have -- these applications
10 may have had some issues with them. I may have asked
11 the company a few questions, they hadn't gotten back to
12 us at that point, so they were not.

13 MR. WINDHAM:

14 So that's the reason, in my eyes, I'm
15 thinking, well, maybe these should be approved under the
16 previous MCA concept as if the executive order hadn't
17 even existed.

18 MR. HOUSE:

19 Let me address that because in
20 formulating the executive order, we had to consider what
21 the dates of effectiveness would be, and it wasn't
22 pulled out of the sky, it wasn't not taking into account
23 many of the things that are said. It was discussed back
24 and forth, and you have to have a date, Mr. Windham.
25 You know, you can make that date -- we could have made



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1 the date August 24th instead of June 24th. In my
2 experience, as a lawyer in public practice and in
3 private practice, there would be people who would come
4 in here in perfect good faith and tell you that August
5 24th is an unfair date. In fact, you heard this
6 morning on the Blake Drilling question that there was
7 litigation about when rules were effective and what they
8 believed and everything else. And these are always
9 legitimate issues. I'm not putting that aside.

10 The other issue that you have, if you
11 put a date down as what I qualify as placeholders,
12 people will come in and say, "Well, I might be doing
13 something, I'm going to file something," that's not in
14 bad faith, but that also opens up a whole bunch of
15 issues that all of you have to decide as to whether or
16 not, "Well, what were they thinking then? What was
17 going on? How do we do this?"

18 In fact, right now, we have a case in
19 the 19th Judicial District Court pertaining to the movie
20 legislation that took effect December 31st, 2005 and
21 certain people applied to be placeholders or whatever.
22 They say they weren't really placeholders. And we're
23 still litigating that issue. So it wasn't -- June 24th
24 wasn't picked out of the air. There was consideration
25 given to it, and I think -- and, again, this is --



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1 you're the Board, but the new rules are going to pretty
2 much follow the executive order in dealing with the old
3 issues. All I would advise -- and I know everybody here
4 is in good faith and everybody wants to do the right
5 thing, but when you open that door, just make sure that
6 when it closes behind you, you're in the room that you
7 want to be in because, otherwise, this can go on and on
8 and on.

9 And it's sort of the same principle we
10 used with respect to renewals. We believe that there
11 were contracts in place. We believe that they had
12 renewal provisions in there that were enforceable going
13 forward. It was believed that maybe there are 100 bad
14 contracts or 10 bad contracts or whatever that maybe if
15 you wouldn't have done in the first place if you were
16 this Board and maybe we shouldn't renew them, but the
17 provisions of the contract said one thing, and so to
18 continue the litigation and relitigate the
19 appropriateness of that as opposed to having business
20 certainty, the Governor and the Board decided that we
21 are going to go forward in what we've done. And that
22 has a long-term impact in and of itself.

23 So everybody has a competing position
24 here in terms of how you look at these, but the June
25 24th 2016 date was chosen. It was chosen in order to



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1 try and be fair and to try and avoid many of these
2 issues that go forward. It wasn't arbitrarily picked.
3 It wasn't done with a lack of consideration for any of
4 these factors that are going forward, and whatever date
5 or however you may want to look at that, they're going
6 to be further exceptions and other reasons and other
7 parties -- and I'm not saying people are making things
8 up. They're going to have their reasons for why they're
9 telling you what they're telling you just as Mr. Allison
10 does, so just keep that in mind.

11 MR. WINDHAM:

12 Let me see ask one question in relation
13 to that.

14 So these MCA applications were in prior
15 to June 24th of 2016, they are subject to the executive
16 order?

17 MR. HOUSE:

18 The Governor -- they're subject to the
19 executive order because the Governor has said as to what
20 he's going to do, and he said if it's an MCA and it has
21 jobs, I'm going to sign them. And, again, you can go
22 back. There are a lot of reasons why the MCA process
23 may not have been the most perfect process that we've
24 had. Again, using it doesn't mean you're in bad faith
25 or not using it or whatever. That's just a way of



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1 looking at what has been around in economic development
2 long before we got in these positions.

3 MR. WINDHAM:

4 Thank you. Mr. Barham, you have a
5 question?

6 MR. BARHAM:

7 In listening to the discussion, I
8 understand your comments about the date and the order,
9 but what I'm getting uneasy about is I think these cases
10 are a case where the rules have changed and they came
11 here under one set of rules or the applications were and
12 the rules have changed. I don't think we can ever avoid
13 situations where there will be exceptions or usual
14 situations to consider. That's our job. They will
15 continue to come in a host of situations.

16 I honestly would feel more comfortable
17 if we reconsider the vote on CertainTeed Corporation.
18 Let them come in and explain to us what their decision
19 was. And the other four. And let them come back.
20 We're here. That's what we do. I would feel a lot more
21 comfortable to let them do that.

22 MR. ADLEY:

23 And, Mr. Barham, I certainly don't
24 object to a new motion to remove that and go through the
25 deferral. The only reason I didn't move for deferral is



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1 we get back to where we've been in the past. Every time
2 we get down to it, you've got to make a decision on the
3 executive order and we defer them and they all keep
4 coming back, but that's okay. We're here.

5 I do want to make one very important
6 point. Everyone who filed an MCA or an ITEP did so
7 under the rule and under the understanding that you
8 don't get anything else until it's approved by this
9 Board. Many people were doing the things that they did
10 just believing that whatever they did is always going to
11 be approved, but that's not what the rules said when you
12 filed it. The rules were very clear and the law was
13 very clear, whatever you did was always subject to what
14 this Board wanted to do. So when you spent the money,
15 you knew that. It's just that for so many years it's
16 just how the way it works. It's just how it worked.
17 Everybody walked in and everything got approved.

18 I've got one Board member here, I'll
19 never forget, first meeting we had, I had walked in,
20 Mayor, and you said to me, you said, "Wow. We've never
21 been in one of these meetings over an hour." Because
22 nobody ever said anything. It was just what the staff
23 said and they filled it out. Then that's just the way
24 it was done.

25 I just want to make it clear, no one



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1 violated a rule here, Mr. Barham, because the rules were
2 clear. When you submitted, you were subjecting yourself
3 to approval or disapproval by this board.

4 But with that said, I personally won't
5 clearly object to if you want to defer them and go back
6 through them. Okay? And I'll spend time back with the
7 Governor and ask him what he thinks. If he thinks it's
8 a good idea, we can do that, but I don't think he does.

9 MR. WINDHAM:

10 Mr. House.

11 MR. HOUSE:

12 In prior meetings, similar applications
13 have been rejected, so you are taking an action now that
14 is inconsistent with what you did in a prior meeting or
15 prior meetings. So, again, that's -- and we discussed
16 this in connection with renewals of contracts. At some
17 point in time, when you start acting inconsistently, you
18 get into an area called arbitrary and capricious. I'm
19 not saying you're there or whatever, but what I am
20 saying is you need to -- again, like I say, about
21 opening that door, that these things were given some
22 thought. They may not meet particular popular and
23 certain situations, and so, you know, and that's
24 probably why I can tell you I wrote it because if it
25 were popular, other people would say they wrote it. But



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1 at the end of the day, you've got to make these
2 decisions and try to do these things, but I'm not trying
3 to limit what the Board does, but you have prior acts
4 you have taken to reject similar applications.

5 MR. WINDHAM:

6 Thank you. And I do want to make sure
7 that we stay consistent. That's part of the reason I'd
8 like to defer them, that we're treating everyone the
9 same across the board, all of the rules are applied the
10 same.

11 Mr. Slone.

12 MR. SLONE:

13 That's what I was going to say,
14 consistency, I think we all want that, but we should
15 also maybe take a look and see if those that were
16 rejected were done prior to 6/24. I mean, there's ways
17 to look at this.

18 MR. HOUSE:

19 They were. And you even had an issue
20 with respect to Motiva in a prior meeting where they had
21 new jobs, but they did not have new direct jobs within
22 the meaning of the executive order. So then the
23 representative said, "No, I can't say that these are
24 direct jobs resulting from what was done with the MCA."
25 So, you know, I just -- we just wanted you to be aware



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1 of that.

2 MR. WINDHAM:

3 Thank you.

4 MR. ADLEY:

5 I would ask Mr. Barham, when you make
6 your motion, at least to protect me, if you will, if you
7 would make a motion, the lady that came up that said
8 clearly we added some jobs, but it was not on the
9 application and we gave them an opportunity to bring
10 that back, if you want to defer to give people an
11 opportunity to come show that they've created jobs,
12 that's one thing, but just to have a deferral is
13 another. At least I'm going to try to follow his
14 executive order.

15 MR. HOUSE:

16 The executive order also says new direct
17 jobs. That is the issue you had with Motive where you
18 rejected the application.

19 MR. WINDHAM:

20 Yeah. We've already had a motion made
21 and approved to defer and let her come back. And I
22 think Mr. Barham was talking about the other four.

23 So is that a substitute motion, I
24 believe?

25 MR. BARHAM:



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1 We have one we took action to reject
2 CertainTeed. I would like to reconsider that to include
3 them.

4 MS. CHENG:

5 We didn't actually take a vote on that.

6 MR. WINDHAM:

7 That's when Mr. Allison started talking
8 in general.

9 So that's a substitute motion.

10 MR. BARHAM:

11 The remaining four --

12 MR. WINDHAM:

13 Remaining four.

14 MR. BARHAM:

15 -- that have the job creation at issue
16 and their circumstance and the application time, we
17 allow them to come talk to us.

18 MR. WINDHAM:

19 Seconded by Mr. Slone.

20 All in favor of that motion, indicate
21 with an "aye."

22 (Several members respond "aye.")

23 MR. WINDHAM:

24 All opposed with a "nay."

25 MR. WINDHAM:



1 Nay.

2 MR. COLEMAN:

3 Nay.

4 MR. WINDHAM:

5 Make sure that the record is clear that
6 Major Coleman and Mr. Adley are nays.

7 MR. ADLEY:

8 I'm going to try my best to follow that
9 executive order, and y'all have to do whatever you deem
10 is appropriate. I get that. I don't have a problem
11 with that at all, but I do want to be recorded as no
12 because at some point -- I think you're right,
13 Mr. House. I mean, sooner or later, you can't just --
14 we can't coming in here and just keep coming and keep
15 doing it, so I'm just going to vote not.

16 MR. WINDHAM:

17 And, also, Mr. Coleman, Major Coleman,
18 voted no.

19 MR. COLEMAN:

20 Yes, I did.

21 MR. WINDHAM:

22 All right.

23 MR. FABRA:

24 Let thee record reflect that I voted no
25 as well.



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MR. WINDHAM:
I'm sorry. Mr. Fabra voted no also.
Anything else? I'm sorry. I guess we
should do a rollcall vote, please, Mr. Favaloro.
MR. FAVALORO:
Mr. Barham.
MR. BARHAM:
Yes.
MR. FAVALORO:
Millie Atkins.
MS. ATKINS:
Yes.
For clarification, are we voting on
deferment.
MR. WINDHAM:
Deferment.
MS. ATKINS:
I vote yes.
MR. FAVALORO:
I'm sorry?
MS. ATKINS:
Yes.
MR. FAVALORO:
Mayor Brasseaux.
MAYOR BRASSEAUX:



MEETING MINUTES

1 Yes.
2 MR. FAVALORO:
3 Representative Carmody.
4 MR. CARMODY:
5 Yes.
6 MR. FAVALORO:
7 Major Coleman.
8 MR. COLEMAN:
9 No.
10 MR. FAVALORO:
11 Ricky Fabra.
12 MR. FABRA:
13 No.
14 MR. FAVALORO:
15 Mr. Fajardo.
16 MR. FAJARDO:
17 No.
18 MR. FAVALORO:
19 Heather Malone.
20 MS. MALONE:
21 Yes.
22 MR. FAVALORO:
23 Robby Miller.
24 MR. MILLER:
25 Yes.



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1 MR. FAVALORO:
2 Jan Moller.
3 MR. MOLLER:
4 No.
5 MR. FAVALORO:
6 Secretary Pierson.
7 SECRETARY PIERSON:
8 No.
9 MR. FAVALORO:
10 Ronnie Slone.
11 MR. SLONE:
12 Yes.
13 MR. FAVALORO:
14 Bobby Williams.
15 MR. WILLIAMS:
16 No.
17 MR. FAVALORO:
18 Steven Windham.
19 MR. WINDHAM:
20 Yes.
21 MR. FAVALORO:
22 Dr. Wilson.
23 DR. WILSON:
24 Yes.
25 MR. FAVALORO:



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1 Nine yes, six no.

2 MR. WINDHAM:

3 So the motion carries. So the ones with
4 zero jobs are deferred other than the CertainTeed
5 Corporation, which will come back with additional
6 information.

7 MS. CHENG:

8 That was the Great Raft Brewing Company.

9 MR. WINDHAM:

10 Oh, I'm sorry. Great Raft Brewing.

11 All right. Please proceed with the ones
12 that have jobs.

13 MS. CHENG:

14 We approved those already.

15 MR. WINDHAM:

16 We approved those.

17 MR. ADLEY:

18 We approved those.

19 MS. CHENG:

20 We have 40 MCAs that were received after
21 the executive order issued on 6/24/2016.

22 ASH Industries does want to defer,
23 20170187.

24 MR. WINDHAM:

25 Okay. We are on the 40, and I know



1 there are a number of comments to come from the public.
2 There's some questions and confusions about the timing
3 of some of the these.

4 And these are MCAs filed after June
5 24th, so they were filed between January and March 31st
6 of this year, the applications, the MCA applications?

7 MS. CHENG:

8 Yes, sir.

9 MR. WINDHAM:

10 Okay. So the ones that have zero jobs,
11 because this was after the June 24th, I would entertain
12 a motion to deny those.

13 MR. MOLLER:

14 Motion.

15 MR. WINDHAM:

16 Made by Mr. Moller; seconded by
17 Mr. Fajardo.

18 Is there any discussion -- I'll be very
19 clear on that these were MCAs, Miscellaneous Capital
20 Additions, that were received after June 24th, which
21 basically means that they were received between January
22 1st of this year and March 31st of this year, 2017, and
23 the motion is to deny them if they had zero jobs.

24 We have a motion and a second.

25 Any comments from the public on the ones



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1 with zero jobs?

2 MR. BAGERT:

3 It would seem to us, Mr. Chairman, that
4 for these, the distinction between having or not having
5 jobs is not relevant because they were submitted after
6 the signing of the executive order, and in that
7 scenario, all MCAs are disallowed under the Governor's
8 executive order and the pending rules, so there wouldn't
9 be -- at least in terms of following the Governor's
10 executive order, the distinction between those that did
11 and did not create jobs, these are categorically not in
12 step with what's going to be approved.

13 MR. WINDHAM:

14 All right. Thank you.

15 Any other questions or comments on the
16 ones that have zero jobs?

17 MR. ADLEY:

18 Only one. I really got to ask this. I
19 just got to know.

20 Out of these that created zero jobs,
21 there's a company here, Dolese Bros., St. Helena,
22 whatever it is. It's a ready-mix concrete manufacturer.

23 MR. WINDHAM:

24 Is there a representative from Dolese
25 here?



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1 (No response).

2 MR. ADLEY:

3 I just want to make -- I'm trying to
4 understand from the staff, we received this after 6/24?

5 MS. CHENG:

6 Yes, sir.

7 MR. ADLEY:

8 And this is creating a property tax
9 exemption if you run concrete trucks; is that right or
10 wrong?

11 MS. CHENG:

12 They've, I believe --

13 MR. ADLEY:

14 Are they manufacturing --

15 MS. CHENG:

16 I believe they're --

17 MR. ADLEY:

18 -- the package that you buy in the
19 store? I need to know what's going on here.

20 MS. CHENG:

21 They do have a manufacturing NAICS Code.
22 It's not the trucks that are being exempted because they
23 leave the site.

24 MR. ADLEY:

25 That means that somebody who made a cup



1 of coffee in the cafe gets the same exemption as the guy
2 making concrete. I just don't believe we meant that to
3 be manufacturing. If they're manufacturing these little
4 bags that go to Home Depot or whatever, ready-mix
5 concrete, that's a different issue, but if you're
6 running a concrete truck, I need to know if this is
7 about mixing concrete and trucks that's just being
8 delivered to various different places.

9 MS. CHENG:

10 In the past, they've always been
11 allowed --

12 MR. ADLEY:

13 I understand they have been in the past,
14 but these are after 6/24, aren't they? Did I hear that
15 right?

16 MS. CHENG:

17 Yeah, but they don't have advances
18 either.

19 MR. ADLEY:

20 They don't what?

21 MS. CHENG:

22 They don't have advanced notifications.

23 MR. ADLEY:

24 They don't have what?

25 MS. CHENG:



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1 Advanced notification.

2 MR. ADLEY:

3 I got that, but this happened since the
4 executive order. If this is mixing concrete and sending
5 it out to a job somewhere that's being poured, I'm going
6 to vote no against that one because I don't think that's
7 manufacturing. If they're making those bags or
8 ready-mix concrete that goes off somewhere to be sold,
9 that's manufacturing. I get it. I just need to know
10 which one it is.

11 MS. CLAPINSKI:

12 I don't know that we're for sure whether
13 it is the mixing to send out in trucks or it's the bags,
14 but the definition under the current rules even for
15 manufacturing is, "Working raw materials by means of
16 mass or custom production, including fabrication,
17 applying manual labor or machinery into wares suitable
18 for use or which gives shape, quality or a combination
19 to matter which already has gone through some artificial
20 process. The resulting product must be," quote,
21 "suitable for use as manufactured products that are
22 placed into commerce for sale or sold for the use of a
23 component of another product to be placed into commerce
24 for sale."

25 And I believe that definition is based



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1 upon established cases under the ITEP Program as well as
2 the constitutional definition of manufacturing.

3 MR. ADLEY:

4 I got that. That's why we went through
5 the rule change to try to implement at least what the
6 Governor thought, but, look --

7 MS. CLAPINSKI:

8 Sure. I understand, but what I'm --

9 MR. ADLEY:

10 Let me say this to you: I know what the
11 current rules say. That's what got us in this mess, but
12 I've been directed and my concern is I do not believe
13 running concrete is -- that doesn't mean that everybody
14 else has to vote no, but I'm telling you, mixing
15 concrete in cement trucks is not what the people of
16 Louisiana believe we ought to be giving the ITEP
17 exemption for. I just don't believe that.

18 MS. CLAPINSKI:

19 I understand. And that definition is
20 from the current rules that we're following. This is
21 not from the old rules. These are the ones that we're
22 currently --

23 MR. WINDHAM:

24 These are the new rules.

25 MS. CLAPINSKI:



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1 And so what I'm saying is that with the
2 manufacturing NAICS code, and -- that is a broad
3 definition. That means they take an item, they add or
4 remove something from it and it becomes a ware suitable
5 for use.

6 Just from the department's perspective,
7 we don't have that discretion to say --

8 MR. ADLEY:

9 We do. That's why I'm sitting here and
10 making the point. Bear with me. If you would let us
11 argue among ourselves what we believe it to be, then we
12 can make that discretion. That's all I'm asking.

13 If under the description of what you
14 just described, if I own a restaurant and I make coffee
15 or I make tea, I'm eligible for ITEP. We have to be, in
16 my view, very -- under that description you just gave,
17 that's what it does. It takes one thing and makes it
18 into something else.

19 SECRETARY PIERSON:

20 I would offer that where is the
21 representative of the company? The staff is here to
22 answer the questions with regards to the rules that we
23 are provided. The company would need to be the one that
24 would respond to your specific questions, Senator Adley.

25 MR. ADLEY:



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1 I agree. Is the concrete company here?

2 MR. WINDHAM:

3 No. No one stepped forward, so we'll
4 look more into that because there were, in the past,
5 there was some discussions and decisions and processes
6 that determined McDonalds would not qualify for an
7 exemption because it was deemed not to be a
8 manufacturer.

9 SENATOR PIERSON:

10 And as a note to the consensus here in
11 the room today how important it is to have your clients
12 prepared to answer these questions to the Board,
13 because, as you can see, the pathway that we've been on
14 in the past is different than the pathway we're on
15 today, and these members want to know specifics about
16 the manufacturing operations.

17 MR. MOLLER:

18 Could someone on the staff address
19 Mr. Bagert's questions about why we're even considering
20 these MCAs when they were filed after 6/24?

21 MS. CHENG:

22 The final rules haven't been
23 promulgated. It was stated in the February meeting they
24 needed today come to the Board. The Board has to take
25 action on them. They cannot just sit at LED.



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1 MR. MOLLER:
2 Okay. But so...

3 MS. CLAPINSKI:
4 Once the rules are final, the Board will
5 no longer see post-6/24 MCAs.

6 MR. MOLLER:
7 Okay.

8 MR. WINDHAM:
9 Sir, please identify yourself.

10 MR. DAVIS:
11 My name is William Davis. I'm the
12 controller of the Stupp Corporation. We have an
13 application that falls in this group. Respectfully I'd
14 like to request that application be deferred for further
15 review and submission by the Board, and it's Application
16 Number 20170150.

17 MR. ADLEY:
18 What's the name of the company?

19 MR. DAVIS:
20 Stupp Corporation.

21 MR. WINDHAM:
22 S-T-U-P-P.
23 Two of them?

24 MR. DAVIS:
25 We have two. One with jobs, one



1 without.

2 MR. WINDHAM:

3 One with jobs and one without?

4 MR. DAVIS:

5 Yes, sir.

6 MR. WINDHAM:

7 All right. You want to defer the 150,
8 the one that has zero jobs?

9 MR. DAVIS:

10 That's correct, sir.

11 MR. WINDHAM:

12 Both?

13 MR. DAVIS:

14 No, sir. Just the one without jobs,
15 150.

16 MR. WINDHAM:

17 All right. We can defer that.

18 Motion has been made by Representative
19 Carmody; seconded by Secretary Pierson.

20 Any further discussion on that deferral
21 of Stupp Corporation ending 150?

22 (No response.)

23 MR. WINDHAM:

24 All in favor, indicate with an "aye."

25 (Several members respond "aye.")



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MR. WINDHAM:

All opposed with a "nay."

(No response.)

MR. WINDHAM:

Motion carries.

MR. WINDHAM:

I couldn't understand the name of the
company.

MR. WINDHAM:

Stupp.

MR. ADLEY:

Bear with me, Mr. Chairman. For some
reason, I can't hear you. You whisper.

MR. WINDHAM:

Spell it out.

MR. DAVIS:

Stupp, S-T-U-P-P.

MS. CHENG:

It's on the second pages of the
applications, 20170150, Stupp, S-T-U-P-P, Corporation in
East Baton Rouge Parish.

MR. WINDHAM:

All right. That one has been deferred.

Sir, please step forward and identify
yourself.



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MEETING MINUTES

1 MR. MILLS:

2 Good morning. My name is Robert Mills.

3 I'm with Calumet Specialty Products in Shreveport, the
4 parent company of Calumet Lubricants Company and Calumet
5 Shreveport Lubricants & Waxes. We have several
6 applications in front of you, one of which I found
7 several clerical errors in, and I'd like to ask for
8 deferral of Application 20101889, Calumet Lubricants
9 Company in Bossier Parish. There were some numbers
10 carried over from other applications that are incorrect.
11 We'd like to bring that back to you, please.

12 MR. ADLEY:

13 Mr. Mills, as I understand, I remember
14 you had a couple applications. You had one that has
15 some jobs and one that didn't.

16 MR. MILLS:

17 It's Calumet Lubricant's application,
18 which shows an error, 27 employees. That should be
19 zero. And full-time employees in the plant, that number
20 was carried over from another location as well. 275 is
21 incorrect. It's going to be -- I don't have that exact
22 number. It's going to be maybe 125. And construction
23 jobs is in correct. That was carried over from a prior
24 application.

25 MR. ADLEY:



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1 You've got four of them that you want to
2 defer?

3 MR. WINDHAM:

4 Do you want to defer all of them?

5 MR. MILLS:

6 No. This is incorrect. I'd like to go
7 ahead and go forward with Calumet Shreveport Lubricants
8 & Waxes that are correct.

9 MR. WINDHAM:

10 Okay. Because I do have questions about
11 those. All of those have the same number of jobs, 27.

12 MR. MILLS:

13 That's correct.

14 MR. WINDHAM:

15 So that's 114 new jobs?

16 MR. MILLS:

17 No, sir. That's, as I understand, that
18 was ADP payroll information for the entire plant, 27
19 jobs.

20 MR. WINDHAM:

21 So that's for the entire plant?

22 MR. MILLS:

23 That's correct.

24 MR. WINDHAM:

25 So some of these four or three have zero



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1 jobs?

2 MR. MILLS:

3 I cannot answer that question.

4 MR. WINDHAM:

5 But do you want to defer them all?

6 MR. MILLS:

7 We should defer them all because there
8 were some jobs, but I could not give you that number
9 today.

10 MR. WINDHAM:

11 All right. So Calumet is requesting
12 that all of their applications be deferred.

13 MR. MILLS:

14 Yes, sir, please.

15 MR. WINDHAM:

16 Motion by Representative Carmody;
17 seconded by Dr. Wilson.

18 All in favor, indicate with an "aye" for
19 that deferral.

20 (Several members respond "aye.")

21 MR. WINDHAM:

22 All opposed with a "nay."

23 (No response.)

24 MR. WINDHAM:

25 Motion carries.



1 MR. MILLS:

2 Thank you.

3 MR. WINDHAM:

4 Calumet is deferred.

5 Now, we still have a motion on the floor
6 for the ones that have zero jobs to be denied because
7 they were filed after the date and had zero jobs.

8 Any further discussion from the public
9 concerning that motion?

10 (No response.)

11 MR. ADLEY:

12 And all these were filed after June the
13 24th?

14 MR. WINDHAM:

15 These have all been filed between --

16 MS. CHENG:

17 Yes. These were all filed after June
18 the 24th. We cannot not accept them because the final
19 rules haven't been promulgated.

20 MR. WINDHAM:

21 All in favor, indicate with an "aye."

22 (Several members respond "aye.")

23 MR. WINDHAM:

24 All opposed with a "nay."

25 MR. ADLEY:



1 No. This was a deferral; is that
2 correct?

3 MR. WINDHAM:

4 No. This was for denial.

5 MR. ADLEY:

6 Oh, no, if it's for denial, no. I'm for
7 that. Don't tell him I said that. I'm for that.

8 MR. WINDHAM:

9 For the record, Robert is not voting
10 against denying. He is voting to deny the ones that had
11 zero jobs. Robert Adley.

12 Motion carries.

13 Now, we'll take up the ones that had
14 jobs that were Miscellaneous Capital Additions starting
15 with the, I guess, Bancroft, all of the ones -- Ms.
16 Cheng, all of the ones with zero jobs have been denied
17 unless they were deferred.

18 MS. CHENG:

19 20170138, Bancroft Bag, Inc. in Ouachita
20 Parish.

21 MR. WINDHAM:

22 So it had six jobs.

23 Is there a representative from Bancroft
24 Bag?

25 Again, I'm going to point this out, this



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1 was a Miscellaneous Capital Addition application that
2 was received after the executive order.

3 Is there a motion to deny?

4 Made by Mr. Moller.

5 Is there a second?

6 (No response.)

7 MR. WINDHAM:

8 It was made after the executive order.

9 MCAs are no more.

10 MR. BARHAM:

11 Okay. All right.

12 MR. WINDHAM:

13 Seconded by Mr. Fajardo.

14 Is there any comment from the public
15 concerning Bancroft Bag motion to deny?

16 (No response.)

17 MR. WINDHAM:

18 All in favor, indicate with an "aye."

19 (No response.)

20 MR. WINDHAM:

21 I think we'll have to do a rollcall
22 vote.

23 MR. FAVALORO:

24 Mr. Adley.

25 MR. WINDHAM:



1 I'm sorry. We have questions.

2 Yes, Dr. Wilson.

3 DR. WILSON:

4 Do the rules call for whether or --

5 MR. WINDHAM:

6 That is my understanding of the new
7 rules.

8 MS. CHENG:

9 We have to take these up because the new
10 rules have not been promulgated and we cannot hold on to
11 them at LED. The Board has to take action on them.

12 MR. WINDHAM:

13 Ms. Malone.

14 MS. MALONE:

15 Do we have to take action individually?

16 MR. WINDHAM:

17 There are some I believe that would like
18 to have their voices heard.

19 SECRETARY PIERSON:

20 So would you take those that are present
21 and --

22 MR. WINDHAM:

23 That will be fine. Good idea. All
24 right.

25 MR. FABRA:



1 Just a question for clarity for me, Mr.
2 Chairman. If the new rules are not promulgated, does
3 the executive order take preference? I mean, I'm just,
4 you know.

5 MR. WINDHAM:

6 I'm going to let the attorneys --

7 MR. ADLEY:

8 Just to make this clear, regardless of
9 whether the rules have been promulgated or not, when it
10 hits his desk, he's going to act according to these new
11 rules. We can dance around it all we want to, and if
12 you want to send it to him, that's fine, but he's going
13 to follow the rules and I'm going to vote with him.

14 MS. CLAPINSKI:

15 So the executive order right now is in
16 place governs what the Governor said his action will be
17 on these items. The rules were written to be in
18 compliance with the executive order, so right now, the
19 rules do not bind the Board to deny, but the intention
20 of the Governor, even if they hit his desk, is to deny
21 these applications.

22 MR. FABRA:

23 Thank you.

24 MR. WINDHAM:

25 All right. In this case, we're going to



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1 divert from this. We are going to have the people that
2 would like to speak that are on this list for
3 Miscellaneous Capital Additions made during the year
4 2016, application submitted timely, to plead their case
5 specifically to their own applications.

6 MR. MANN:

7 Good morning. Melissa Mann with
8 CenturyLink.

9 CenturyLink made this investment
10 beginning in January of 2016 --

11 MR. WINDHAM:

12 Which one are we doing? Is this
13 Marketing?

14 MS. CHENG:

15 This is 20170114, Century Marketing
16 Solutions in Ouachita Parish.

17 MR. WINDHAM:

18 Please proceed, Ms. Mann.

19 MS. MANN:

20 As I said, this project was started
21 January of 2016. The installation was completed in May
22 of 2016, then the, you know, the executive order came
23 out in June 24th of 2016, so this project, the
24 investment was made in advance of the executive order,
25 but under the previous process with MCAs, when you made



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MEETING MINUTES

1 your investment, you then applied by March 31st of the
2 following year. So that's the reason that this
3 application came after the executive order, although
4 this investment was all made in advance. So that's why
5 we're here today in this position.

6 This was a \$3.5-million investment that
7 resulted in six direct new jobs. This was work that was
8 being done in Texas. We brought work back to Louisiana
9 through this under this Century Marketing Solutions.

10 MR. ADLEY:

11 So, in essence, what has occurred with
12 your application is no different than what had occurred
13 with those that we took up earlier that were actually
14 filed and completed prior to 24th where we said if
15 they're tied to jobs, we accept it. If they don't have
16 any jobs, we don't. It's my understanding that you have
17 added new jobs.

18 MS. MANN:

19 Correct.

20 MR. ADLEY:

21 And so if you were in that rule, by our
22 own action, we would have approved that.

23 MS. MANN:

24 Correct.

25 MR. ADLEY:



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1 And I have to tell you, I don't think
2 that the Governor's office has any objection whatsoever
3 to doing that with your application simply because that
4 is what we had done with the others.

5 MR. WINDHAM:

6 All right. Thank you, Mr. Adley.
7 Representative Carmody.

8 MR. CARMODY:

9 Yes, sir. I'll go ahead and move in
10 favor of Century Marketing Solutions in that they
11 created jobs.

12 MR. WINDHAM:

13 All right. Seconded by Secretary
14 Pierson.

15 Any comments from the public?

16 Please step forward. Please identify
17 yourself.

18 MR. BAGERT:

19 Roderick Bagert with Together Louisiana.

20 There's a strange sensation of being in
21 this situation because at some point one starts to hope
22 that some things are settled, and the Governor's
23 executive order couldn't be more clear and explicit on
24 directly this point. Section 2 reads, "For all pending
25 contractual applications for which no advanced



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1 notification is required under the rules of the Board of
2 Commerce & Industry, except for such contracts that
3 provide for new jobs at completed manufacturing plants
4 or establishments. This order is effective
5 immediately." And then further on, it explicitly says,
6 "Any further applications submitted subsequent to June
7 24th, 2016 that are Miscellaneous Capital Additions that
8 do not have advanced notices are no longer eligible."

9 On the day that the Governor announced
10 and signed his executive order, he sat right there and
11 he said, "We have scratched the constitutional
12 definition of addition and expansion beyond all
13 reasonable interpretation." Where routine replacements
14 of machinery are being considered additions and
15 expansions of new manufacturing, this entire category of
16 Industrial Tax Exemption, one could argue is not
17 acceptable under the constitution.

18 The Governor now has said, "We're
19 setting the deadline. Any created jobs -- that created
20 jobs before that we can consider." This is clearly not
21 an in that category. This was not submitted at the time
22 that the Governor signed his executive order, and to
23 make this exception would be to do something that this
24 Board has not yet done, which was to explicitly and
25 directly counteract the intention of the Governor.



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MEETING MINUTES

1 MR. PIERSON:

2 You said she said January '16, not
3 January '17.

4 MR. BAGERT:

5 When she made the investments. When
6 they made the investment, not the submission of
7 application. Most of the MCAs are retroactive in terms
8 of when the actual investments were being made. This
9 entire year we'll see MCAs or applications submitted in
10 Calendar Year 2017 on investments made in the prior
11 calendar year because that's how MCAs are structured.
12 So to create this loophole would be to say, "We are
13 going to have a different interpretation from what the
14 Governor said and we're not going to make it not when
15 they were submitted, but when the investments were
16 made," which is categorically not what the Governor's
17 executive order intended.

18 MR. ADLEY:

19 I'm going to back up and make it very
20 clear that the Governor felt very strongly that those
21 that -- we never expected nor saw those that came in did
22 the work before and then they filed at the end because
23 that the process. When I discussed this issue with him,
24 the language that you just read a minute ago about jobs,
25 what he pointed to, he told me, if they create jobs,



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1 yes. If they don't create jobs, no. I went to this
2 application and looked to make sure jobs were being
3 created here, and I see that they are. So is your
4 objection to the fact that the jobs that they were lying
5 on jobs or is it that you're saying this is not
6 manufacturing?

7 MR. BAGERT:

8 The standard of job creation or no job
9 creation is in play in the executive order for
10 Miscellaneous Capital Addition applications submitted
11 prior to June 24th, 2016. That standard is not relevant
12 to applications submitted subsequent to June 24th, 2016.
13 This application was submitted subsequent to June 24th,
14 2016, therefore, the distinction between whether or not
15 it created jobs isn't relative in the view of the
16 Governor's executive order. It is a new application
17 submitted after the Governor's executive order. The
18 executive order applies Miscellaneous Capital Additions
19 for when the initial exemption was submitted should not
20 be eligible.

21 MR. WINDHAM:

22 Secretary Pierson.

23 SECRETARY PIERSON:

24 I hear part of your argument as an
25 interpretation of what the Governor seeks to address



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1 here. The Governor will get that chance. This will
2 pass across his desk. It's a motion and we're happy to
3 receive the discussion today, but it's the Board that's
4 taking that position as to their interpretation of this.
5 We're seeing jobs come to Louisiana from Texas that are
6 created by this investment that was money spent, the
7 pathway forward prior to this executive order being at
8 issue. So we recognize the difference of opinion, but
9 we don't have the final say. This is part of the
10 process.

11 MR. BARHAM:

12 And in this case, all of the work was
13 completed prior to the executive order being issued.

14 MR. BAGERT:

15 Under that standard, Miscellaneous
16 Capital Additions would still apply for time in
17 mourning, but this is a very troubling precedent and
18 something this Board has not yet done.

19 SECRETARY PIERSON:

20 So they'll sign them in the future as
21 projects because they'll know that they're projects, and
22 that's the way that we'll want them packaged and they
23 will file advanced notifications and they will come to
24 us with more than five jobs and they'll qualify.

25 MR. WINDHAM:



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1 Mr. Miller.

2 MR. MILLER:

3 My question is for Century Marketing.

4 This is a project. It wasn't
5 necessarily a Miscellaneous Capital Addition; is that
6 correct? It was going to be under \$5-million, so you
7 didn't have to do an advanced notification.

8 MS. MANN:

9 That is correct. This was a new
10 investment, a new project that we felt was under the
11 \$5-million threshold, so we went through the MCA
12 process.

13 MR. MILLER:

14 Okay. If so, I think that answers my
15 question. It's a brand new project. It's not even a
16 Miscellaneous Capital Addition.

17 MR. WINDHAM:

18 That's what I'm reading here.

19 MR. MILLER:

20 It was a small project and so...

21 MR. WINDHAM:

22 It says, Century Marketing Solutions
23 placed in service two new pieces of equipment in 2016 to
24 further enhance their operations and allow them to make
25 consumer demand." This Board encourages that. I mean,



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1 that's what we're here for, to meet consumer demand,
2 create jobs.

3 MR. MILLER:

4 And I guess that's it.

5 Mr. Roderick, you're asking us -- in
6 meetings previously you asked us to put it in front of
7 the Governor and do something different, don't just
8 follow rules. That's what we're doing. We're taking on
9 our responsibility to the Board what we believe is
10 beneficial to Louisiana, and I believe these people came
11 in good faith, did everything they thought they were
12 supposed to do. If they had done just an advance
13 notification, even though it was under \$5-million,
14 they'd be fine right now. There wouldn't be any
15 question whatever. And there's a lot of these questions
16 in meetings before that many of these Miscellaneous
17 Capital Additions truly are projects, they just dont --
18 they're going in underneath, so they just did it this
19 way and they added them up. So I think this is one of
20 those exceptions. You don't make rules for the
21 exception. You have rules, then there are exceptions.

22 MR. WINDHAM:

23 All right. Question's been called.

24 Any further discussion?

25 (No response.)



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1 All in favor of -- I'm sorry. Go back
2 to the motion. The motion was to approve all of the
3 ones with jobs.

4 Any further discussions?

5 (No response.)

6 MR. WINDHAM:

7 From the public?

8 Yes, one more gentleman that wants to
9 address the board.

10 I'm sorry. This one is Century
11 Marketing specific. Let's do Century Marketing
12 specifically.

13 Question has been called.

14 All in favor of passing the request for
15 exemption for Century Marketing Solutions indicate with
16 an "aye."

17 (Several members respond "aye.")

18 MR. WINDHAM:

19 All opposed.

20 (No response.)

21 MR. WINDHAM:

22 Motion carries.

23 All right. So are there any other
24 members of the public that are here associated with
25 Miscellaneous Capital Additions that created jobs who



1 would like to address this situation? If so, please
2 come forward.

3 Sir.

4 MR. DAVIS:

5 My name is William Davis. I'm with the
6 Stupp Corporation. This is in regards to Application
7 20170149, what's called as a Miscellaneous Capital
8 Addition. This is new manufacturing capacity. It is
9 not replacement. It is not environmental requirements.
10 It does provide six new jobs, and production was
11 completed in 2016.

12 MR. WINDHAM:

13 And when was it completed?

14 MR. DAVIS:

15 In June of 2016, and I don't have the
16 exact date unfortunately. I know it falls within a very
17 time limited.

18 MR. ADLEY:

19 You're suggesting to us that you're
20 creating new jobs, but your application says zero; is
21 that correct?

22 MR. DAVIS:

23 No, sir. It says six. The application
24 says six.

25 MS. CHENG:



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1 We deferred the one that had zero jobs,
2 and we left the one that --

3 MR. ADLEY:

4 You created six jobs?

5 MR. DAVIS:

6 Yes, sir.

7 MR. ADLEY:

8 We're fixing to approve it.

9 MR. DAVIS:

10 Oh, I'm sorry. That wasn't my
11 understanding.

12 MR. WINDHAM:

13 But I think that's part of the
14 confusion, Robert. It still had to be completed before
15 June 24th. All of the rest of these had to be completed
16 before June 24th, also. Even though these created jobs,
17 June 24th is the drop dead date.

18 In the case of Century Marketing, their
19 project was initiated and completed prior to June 24th.
20 Yours is going to need to be evidenced that you were
21 completed before June 24th.

22 MR. DAVIS:

23 The project was initiated in 2015, but
24 it wasn't completed until June 2016.

25 MR. WINDHAM:



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1 Before June 24th?

2 MR. DAVIS:

3 I can't confirm that date,
4 unfortunately.

5 MR. WINDHAM:

6 I think that's an important factor.

7 MR. DAVIS:

8 I understand. And it wasn't -- because
9 it was under \$5-million, it wasn't filed with an advance
10 notification attached. It was filed as an individual
11 project, but it is -- it's a standalone, new expansion
12 in a manufacturing capacity of the current existing one.

13 MR. WINDHAM:

14 So what's the pleasure of the Board?

15 The motion has been made to defer the
16 Stupp application until you can validate and verify the
17 completion date.

18 MR. DAVIS:

19 Yes, sir.

20 MR. WINDHAM:

21 Second by Dr. Wilson. The motion was
22 made by Robert Barham, Mr. Barham.

23 Any further discussion?

24 (No response.)

25 MR. WINDHAM:



1 Any comments from the public?

2 I'm sorry.

3 MR. FAJARDO:

4 I want to make it clear. I know that we
5 have two applications, so we're going to defer the one
6 application, but we're denying the other?

7 MR. WINDHAM:

8 No. Ultimately both of them will be
9 deferred for no job creation.

10 MR. FAJARDO:

11 Okay. I'm just making sure.

12 MR. WINDHAM:

13 Correct.

14 All in favor, indicate with an "aye."

15 (Several members respond "aye.")

16 MR. WINDHAM:

17 All opposed with a "nay."

18 (No response.)

19 MR. WINDHAM:

20 Motion carries.

21 MR. DAVIS:

22 Thank you.

23 MR. WINDHAM:

24 Now, we have the ones -- I'm sorry.

25 Please step forward, identify yourself and your



1 application.

2 MR. PATE:

3 Good morning, or good afternoon, I
4 guess, now. My name is Bob Pate. I'm the Accounting
5 Manager for FMT Shipyard & Repair.

6 MR. WINDHAM:

7 FMT. That's Application Number
8 20170084, FMT Shipyard & Repair.

9 MR. PATE:

10 That is correct. Thank you. Thank you
11 for allowing me to speak today. I just want to point
12 out a couple of things in our application. Yes, we did
13 add jobs. We added a new division to our company. We
14 added approximately 30 jobs with this new division of
15 building 120-foot tow boats. These jobs were moved from
16 Alabama to Louisiana. We do think that's important.
17 The jobs -- excuse me. The process of making these
18 asset acquisitions was begun approximately January 1st,
19 2016. There were numerous components to this. There
20 was equipment. There were land improvements that were
21 made. Some of those improvements -- and there is a list
22 that was attached to the application. Slabs that had to
23 be constructed, electrical improvements that had to be
24 made, gas line expansions. That, in total, took, that
25 was approximately a million two of the 2.5-million just



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1 in those components.

2 That's not something that I can go buy
3 off the shelf. It takes a period of time, and I'm
4 willing to -- I didn't look at the dates here, but they
5 were begun in January, probably did not complete prior
6 to June 24th. Okay?

7 And, in addition, the equipment that was
8 purchased here, there was one item here, \$832,000 for a
9 used crane. That was purchased in March of 2016. The
10 application for Miscellaneous Capital Additions does not
11 require a date or list a date. I'd be happy to go back
12 and do that if that makes a difference in whether our
13 application would be approved, denied or deferred.

14 As far as --

15 MR. WINDHAM:

16 So let me ask you this related to the
17 crane. Were you able to place the crane in service
18 prior to the completion of the rest of the construction?

19 MR. PATE:

20 Yes, sir, we were.

21 MR. WINDHAM:

22 And did you?

23 MR. PATE:

24 Yes, we did. Yes. It was delivered
25 early April 2016. We purchased it, it was purchased



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1 from an out-of-state company, so it would qualify for
2 Industrial Tax Exemption, and it was purchased prior to
3 April -- excuse me. Well, in March of 2016 and was
4 delivered April. It was on eight trucks that it had to
5 be delivered to our physical location.

6 So it, again, we were within the rules
7 at the time, and the rules say that if it's less than
8 \$5-million, you accumulate all of the purchases and then
9 apply once after yearend and prior to March 31st of the
10 following year, which is what we did. So I would ask
11 your consideration that we were within the rules. We
12 had no prior knowledge of the Governor's decision to
13 change the rules after the fact. And, you know, I
14 understand why you're making these decisions, and God
15 bless the -- but we would appreciate your consideration
16 of this activity.

17 MR. WINDHAM:

18 Are there any questions by any Board
19 members of Mr. Pate?

20 Motion has been made to approve by
21 Mr. Fabra.

22 Is there a second?

23 Seconded by Mr. Williams.

24 And that's to approve it in its
25 entirety.



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MEETING MINUTES

1 MS. CLAPINSKI:

2 Steve, we don't have a quorum.

3 MR. WINDHAM:

4 I don't think we have a quorum. They'll
5 be back in a moment.

6 So a lot of our quorum, we were talking
7 about FMT Shipyard & Repairs and a motion was made to
8 approve it in its entirety and I would like to entertain
9 a discussion on that concerning what was spent.

10 Mr. Pierson, you want to talk about it
11 or you want me to -- okay.

12 So the motion has been made to approve
13 it in its entirety, and it's been properly seconded to
14 approve in its entirety. The question that I have for
15 this Board is maybe a substitute motion. The dollars
16 that were spent for assets that were received prior to
17 the issuance of the executive order, that those be
18 approved if it's not. Mr. Bank, if it's 90 percent,
19 then it's 90 percent. If it's 20 percent, then it's 20
20 percent. But going back and forth in my head, I
21 understand the executive order, but our industries and
22 our companies who really do value spent money during
23 that period of time, and if they had known that this
24 executive order was coming, then the could have filed an
25 advance or they would have filed an advance and then



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1 everything would have been eligible because these were
2 projects. So that's my thought.

3 Any discussion on that?

4 (No response.)

5 MR. WINDHAM:

6 I have to get a second. I don't know --

7 MR. FABRA:

8 Mr. Chairman, I just got this little
9 point of information. I mean, if we are going to
10 continue to look at each one of these applications on an
11 individual basis, then we can't do a clean sweep. We
12 are going to have to look at each one and find out the
13 exact completion date of each project. I mean, if we
14 are going to go through that process, you know, if it's
15 got to meet that certain deadline, then we have to give
16 that consideration. I was under the impression that --
17 I understand the fact that the MCAs in compliance with
18 the executive order are they're gone after that said
19 date, but I do understand that it was discussed that if
20 the Governor looks at these applications and these are
21 projects, not additions, and it creates jobs, then I
22 don't think he's going to have any issues with action
23 taken on job creation.

24 So I'm just kind of confused on back and
25 forth, you know, first a clean sweep on a motion, if it



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1 creates job now, there's some deadlines involved, and,
2 you know. So if we are going to do it, let's go
3 individually and look at the completion dates of each
4 project, or if the Governor's not going to have an issue
5 and it creates jobs, let's just do a clean sweep across
6 the board and move forward.

7 MR. WINDHAM:

8 All right. So as we pointed out, we do
9 have a motion and a second on FMT. There's no
10 substitute motions on it, so we'll call for the vote.

11 All in favor of approval for FMT
12 Shipyard & Repair, indicate with an "aye."

13 (Several members respond "aye.")

14 MR. WINDHAM:

15 All opposed with a "nay."

16 (No response.)

17 MR. WINDHAM:

18 Motion carries. FMT is approved.

19 I think that is what I was trying to do
20 is have the companies that were here come up and plead
21 their cases. The companies that are not here -- are
22 there any other companies that have not been heard. If
23 so, raise your hand.

24 One, two. Just two companies. So we're
25 kind of going along that line, and then we'll have to



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1 decide what we'll do with the ones that are not here and
2 are not pleading their case.

3 Ma'am, if you'll please step forward,
4 and, sir, if you'll be on deck.

5 MS.

6 I'm Melinda Maxwell. I'm the Financial
7 Director with Shield Pack in West Monroe.

8 MR. WINDHAM:

9 I'm sorry. Which one?

10 MS. MAXWELL:

11 Shield Pack in West Monroe.

12 MS. CHENG:

13 That's 20170083, Shield Pack, LLC in
14 Ouachita Parish.

15 MR. ADLEY:

16 The name again, please.

17 MS. CHENG:

18 Shield Pack.

19 MS. MAXWELL:

20 Shield Pack, Shield, S-H-I-E-L-D.

21 MR. WINDHAM:

22 All right. Go ahead, ma'am. Don't wait
23 on me to be looking.

24 MS. MAXWELL:

25 Okay. We made several additions to



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1 position and strengthen our company growth in the IBC
2 market. IBC is intermediate mediate bulk containers.
3 We sell to chemical companies for hygroscopic resins.
4 We also are entering and growing into
5 the market for aseptic and non-aseptic food products.
6 This is not a market that we've served heavily in the
7 past, but we've invested a lot into this market, and
8 while we did create six jobs last year, we invested
9 heavily in equipment. You have to understand the
10 testing process in order to get into this market,
11 because what you would do, you would probably most
12 likely and what we have done is we will hand make five
13 to 10 packages and send to a food company and they will
14 test those. If we pass that test, then the next year --
15 and we're talking about the harvest seasons of oranges
16 or tomatoes or sweet potatoes and all kinds of fruits.
17 And so then the next season, you may get to test 100
18 liners, and if you pass that, then you get maybe 10,000
19 liners. And so it may be four years past your
20 investment where we will receive job growth tied to our
21 investment, so it's a lag there. This makes it very
22 difficult for me to show these jobs that we are hoping
23 to create because, right now, we're sold out on the
24 first ship and we certainly hope and expect, you know,
25 if our studies come through, that we will be able to



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1 sell out the second and third shipment of those
2 machines, and that's what our goal is.

3 MR. ADLEY:

4 Ma'am, I'm going to say this because I
5 just think the committee needs to hear this. A moment
6 ago when we had our vote, our 9/6 vote, since that time,
7 I've just kind of sat here and just waited for things to
8 play out and let the Board do whatever it's going to do,
9 but I'm here to tell you that when it gets to the
10 Governor's desk, there is no assurance that he's not
11 going to expressly interpret his executive order. So,
12 you know, you can do whatever you want to. It's still
13 got to go to him, and I just didn't want to get your
14 hopes that the Board's doing things with no assurance
15 that it's going to the Governor's approval.

16 MS. MAXWELL:

17 You know, if I had a project that had
18 started, and some of these things that are included here
19 started early in last year, prior to the executive
20 order, there was no opportunity for me to file an
21 advanced notification because I was already into the
22 project.

23 MR. ADLEY:

24 Right.

25 MS. MAXWELL:



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1 So I did not have the opportunity to
2 file that.

3 MR. ADLEY:

4 Let me just -- when I read your
5 application, which there's not many of them I didn't
6 have questions on, I didn't have any on yours because it
7 clearly looked like you were doing the right thing, for
8 whatever it's worth.

9 MS. MAXWELL:

10 Thank you.

11 MR. WINDHAM:

12 Any other questions by any of the Board
13 members?

14 (No response.)

15 MR. WINDHAM:

16 Do you have your expenditures scheduled
17 in when you put that equipment into service? I'm going
18 to go back on that a bit because I do believe that's a
19 factor on how this is done for this Board.

20 MS. MAXWELL:

21 When it's completed, no. I don't have
22 the schedules with me, no, but it was completed, you
23 know, during this period.

24 MR. WINDHAM:

25 During the entire year?



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MEETING MINUTES

1 MS. MAXWELL:

2 Yeah.

3 MR. WINDHAM:

4 So I hate to say this, and being --

5 MS. MAXWELL:

6 I know one large piece of equipment was,
7 I think it was, pretty early. We spend anywhere from
8 probably 40 to \$120,000 on molds because every different
9 customer that we go to has a different filling equipment
10 and we have to make molds, and so those were investments
11 that we're making throughout the year and had several of
12 those injection molds, equipment.

13 MR. WINDHAM:

14 I guess without knowing that, I'm
15 reluctant to approve these because these expenditures
16 could have began, you know, July the 1st and been on the
17 second half of year and people are just rolling the
18 dice. I don't feel that that's fair to put the Governor
19 in that position. I don't feel it's fair to this Board.
20 So without knowing that information personally, I'm
21 reluctant to vote for them.

22 MS. MAXWELL:

23 I do think what we spent last year would
24 have been budgeted in the previous year, so it would
25 have been budgeted at the end of 2015 for the 2016



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1 application, so even though the money was spent in '16,
2 the process started in '15.

3 MR. WINDHAM:

4 But it still would have been, in my
5 eyes, had to have been spent before the June 24th
6 deadline, which everyone knew. They knew after June
7 24th MCAs are ineligible. So if someone wanted to do
8 something in that period of time, they --

9 MS. MAXWELL:

10 It's not like a down payment on a piece
11 of equipment in March and receive that piece of
12 equipment until December and it may not get installed,
13 so that, you know, I've got long time periods here that
14 I'm dealing with.

15 MR. WINDHAM:

16 Sure. I understand.

17 MS. MAXWELL:

18 But definitely, we are, you know, we
19 want to grow our business and we're investing a lot of
20 money.

21 MR. WINDHAM:

22 We want you to, too. Please don't take
23 this --

24 MS. MAXWELL:

25 We're really working on that one.



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MR. WINDHAM:

-- this line of questioning being
opposed. We want to support you.

So is there a motion or is there a
discussion on the remaining ones in addition to this
one?

(Inaudible.)

That's why we need verification that the
investments they made prior to the executive order,
which is --

MS. MAXWELL:

Was it made or was it started prior to
that.

MR. BARHAM:

If you make a deposit, you said you made
a deposit.

MS. MAXWELL:

I'm sorry. I can't understand you.

MR. BARHAM:

I'm sorry. You said you made a deposit.
You believe you made a deposit.

MS. MAXWELL:

We do that frequently.

MR. BARHAM:

You want to defer and come back and



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1 warrant to us the time that you're looking at on your
2 investments?

3 MS. MAXWELL:

4 Yeah, we can give a time limit on, you
5 know, everything, definitely, you know, from the time
6 that, you know, that the plans were drawn for and then,
7 you know, the initial down payments to the delivery to
8 the final selection.

9 MR. WINDHAM:

10 We have a motion to defer made by
11 Mr. Barham; seconded by Representative Carmody.

12 Any further discussions on the deferral?

13 (No response.)

14 MR. WINDHAM:

15 All in favor of the deferral, indicate
16 with an "aye."

17 (Several members respond "aye.")

18 MR. WINDHAM:

19 All opposed with a "nay."

20 (No response.)

21 MR. WINDHAM:

22 Motion carries. We look forward to
23 seeing you back here in June.

24 All right. We have -- there's some
25 more? I'm sorry. One more person.



1 Oh, yes, sir. Please step forward.

2 MR.

3 Good afternoon.

4 MR. WINDHAM:

5 Please identify yourself and who you
6 represent.

7 MR.

8 My name is Bernie David. I represent
9 Compass Minerals Louisiana.

10 MR. WINDHAM:

11 Compass, C-O-M-P-A-S-S?

12 MR. DAVID:

13 Yes, sir.

14 MR. WINDHAM:

15 All right. Bear with us.

16 MS. CHENG:

17 20170169, Compass Minerals Louisiana,
18 Inc. in St. Mary Parish.

19 MR. WINDHAM:

20 All right. Go ahead.

21 MR. DAVID:

22 We just want to say couple things about
23 our application. We, as you'll see on our application,
24 we did not add any full-time jobs because of any these
25 capital improvements, but we did spend, you know,



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1 upwards of 5-million bucks on some things that really
2 helped our manufacturing facility and helped out our
3 local economy. Again, going back to the lady who was
4 before me, you know, these projects were completed at
5 different times during 2016. They weren't all completed
6 before or after June. If that has any impact.

7 We also made a general rule of thumb
8 where we could use local suppliers and local vendors to
9 complete these projects. I have a listing of a lot of
10 those that we used and I think we submitted on our
11 application or some backup documentation. We just want
12 you guys to consider us for acceptance of our
13 application.

14 MR. WINDHAM:

15 All right. Thank you.

16 Any questions by any of the Board
17 members?

18 MR. ADLEY:

19 I show zero jobs; is that right?

20 MR. DAVID:

21 That is correct, no additional jobs, but
22 we do employ about 170 people. These were all capital
23 projects to help us out in manufacturing, become more
24 efficient, things like that, but, no, no direct hires
25 because of this.



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1 MR. ADLEY:

2 Add when you say you manufacturing salt,
3 just give me some example. I assume you you're not
4 making salt. What are you doing?

5 MR. DAVID:

6 We mine salt.

7 MR. ADLEY:

8 You mine salt?

9 MR. DAVID:

10 Yes, sir. We are a salt mine, so we are
11 a unique, I suppose, type of industry for Louisiana
12 because there's not a whole lot of salt mines, but part
13 of our operation, I suppose, could be considered mining
14 and some have, and the other part can be considered
15 manufacturing. We're underground and we're actually
16 drilling and blasting for salt. We run it through
17 different processes and then ship it out. That part I
18 think would be considered manufacturing.

19 MR. WINDHAM:

20 But if you look at the other
21 applications that the Board has decided to either defer
22 or grant, they were all tied to jobs. You're telling us
23 there are no jobs associated with this one?

24 MR. DAVID:

25 No, sir. That is correct. Now, that



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1 doesn't mean that potentially because of this in the
2 future, we may have some jobs because of this, but right
3 now, no.

4 MR. ADLEY:

5 I got it. Thank you. I appreciate your
6 honesty. Thank you very much.

7 MR. WINDHAM:

8 I believe we've already voted on the
9 ones that had zero jobs.

10 MS. CHENG:

11 That's correct.

12 MR. WINDHAM:

13 I thought so.

14 Is there any action to reconsider this
15 one?

16 (No response.)

17 MR. WINDHAM:

18 No.

19 Thank you for your comments.

20 MR. DAVID:

21 All right. Thank you.

22 MR. WINDHAM:

23 Anyone else from the public for any of
24 the jobs or any of the companies?

25 Please step forward. I know you're not



1 with a company. Please step forward, identify yourself.

2 MS. DUNN:

3 My name is Ann Dunn and I'm with
4 Together Louisiana and this is just a general comment on
5 all of these that have been received after June the
6 24th. To reiterate what the executive order says, the
7 Governor very specifically says the applications for
8 Miscellaneous Capital Additions will not be approved or
9 issued contracts by the Governor, and there's, of
10 course, an exception for those that were pending and
11 were filed before the June the 24th, but that does not
12 apply to these.

13 I also want to point out that the
14 executive order also requires in Sections 5, 6 and 7
15 that the application include a cooperative endeavor
16 agreement with the State on a part of the applicant and
17 have an exhibit showing the approval of the local
18 government, and I know the rules are not yet in effect,
19 but the whole concept is a cooperative endeavor
20 agreement.

21 As Secretary Pierson pointed out
22 earlier, it's really related to constitutional
23 provisions under the pledge of any kind of thing of
24 valuable belonging to the State, and this certainly is,
25 and so the whole idea of cooperative endeavor agreement



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1 showing what the applicant will provide to the State as
2 well as what the State is providing to the applicant is
3 certainly something that ought to be very seriously
4 considered by this Board. And since the executive order
5 is in effect and the Governor's going to be look at
6 those issues, I particularly think that's important, as
7 well as, of course, which we've talked about a lot in
8 consideration of the committee, the commission's, rules,
9 the whole idea of what do the local governments have to
10 say about this.

11 So I just wanted to say, the executive
12 order is in effect. There's an exception because we
13 know the ones here that were filed before June the 24th
14 and that did provide for jobs. Aside from that, there's
15 no exceptions, so that's what the Governor has said.

16 Thank you.

17 MR. WINDHAM:

18 Thank you very much, Ms. Dunn.

19 Are there any other questions at this
20 time from the Board?

21 (No response.)

22 MR. WINDHAM:

23 All right. At this time, we had a few
24 of the outliers and ones that did not have
25 representation here to address, so the Board now needs



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1 to consider. We had a package of zero jobs that had
2 been eliminated. We've had some deferrals. We've
3 approved one or two or three, but now we have some
4 companies that were not represented here today, they do
5 have jobs that they indicate that they have, but we
6 don't know about the timing. We don't have the ability
7 to address the company specifically, so the Board is
8 going to have to consider how they wish to proceed.

9 Representative Carmody.

10 MR. CARMODY:

11 I would make a motion that these
12 applicants did show that they did create jobs, but
13 they're not here today, to go ahead and defer them to
14 allow them to come back before the Board and explain.

15 MR. WINDHAM:

16 All right. And we'll notify them.

17 MR. CARMODY:

18 Yes.

19 MR. WINDHAM:

20 Is there a second to that?

21 Seconded by Dr. Wilson.

22 All in favor of the motion to defer the
23 ones that were not discussed today, indicate with an
24 "aye."

25 (Several members respond "aye.")



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MR. WINDHAM:

All opposed with a "nay."

(No response.)

MR. WINDHAM:

Motion carries.

Please proceed.

MS. CHENG:

I have 98 renewals --

MR. ADLEY:

Let me just ask a general question so we don't have to go through all 98 of these. These all fall within prior to June 24th, the agreement that we made on the five year and the five-year ITEP applications and y'all have reviewed every one of them and they meet all of the guidelines and requirements for renewal?

MS. CHENG:

Yes, sir.

MR. ADLEY:

And they were done prior to the executive order?

MS. CHENG:

Correct.

MR. WINDHAM:

Is there a motion to approve these in



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1 globo?

2 Motion made by Dr. Wilson; seconded by
3 Major Coleman.

4 Any discussion from the public
5 concerning the renewals?

6 (No response.)

7 MR. WINDHAM:

8 Any further discussion from the Board
9 members?

10 (No response.)

11 MR. WINDHAM:

12 All in favor, indicate with an "aye."
13 (Several members respond "aye.")

14 MR. WINDHAM:

15 All opposed with a "nay."
16 (No response.)

17 MR. WINDHAM:

18 Motion carries.

19 MS. CHENG:

20 I have 16 late renewals. I do want to
21 mention, I provided y'all with a revised late renewal
22 agenda because there was an issue with the spreadsheet
23 showing 32,943,947 as the ad valorem. That is
24 incorrect. It's been corrected, and it would only be
25 610,835.



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1 MR. WINDHAM:

2 And do we have representatives from the
3 companies concerning their late renewals?

4 All right. Please proceed.

5 MS. CHENG:

6 We have 20100898, Blade Dynamics, LLC in
7 Orleans Parish. Their initial contract expired on 7/31
8 of '16. They requested their renewal on 9/21 of '16.

9 MR. WINDHAM:

10 Is there a representative from Blade
11 Dynamics?

12 (No response.)

13 MR. WINDHAM:

14 No representative from Blade Dynamics,
15 and they were two months late. In the past, I believe
16 it's been one year when they're late, so is there a
17 motion to reduce their exemption by one year?

18 Mr. ADLEY:

19 Now, wait a minute. I'm trying to find
20 out exactly how we've been handling this. When they
21 were late and they were here, we had penalized them by a
22 year?

23 MS. CHENG:

24 Yes, sir.

25 MR. ADLEY:



1 If they were not here at all --

2 MS. CHENG:

3 They were denied.

4 MR. ADLEY:

5 I believe we've been -- have we been
6 denying them?

7 MS. CHENG:

8 Yes, sir.

9 MR. ADLEY:

10 That's what I thought. I think if we
11 follow consistency, we need to make a motion to deny
12 them because they have no representation here.

13 MR. PIERSON:

14 What I would like to let the record
15 reflect, in terms of Blade Dynamics, they are located in
16 NASA Michoud where the tornado impacted their operations
17 with significant damage. That is not a total excuse, I
18 do understand, but certainly I think it's a contributing
19 factor.

20 MS. CHENG:

21 This one was deferred at the last board
22 meeting already.

23 MR. WINDHAM:

24 This one was deferred?

25 MS. CHENG:



1 At the last board meeting.

2 MR. WINDHAM:

3 Have we contacted them?

4 MS. CHENG:

5 Yes, sir.

6 MR. WINDHAM:

7 Is there a motion -- motion is to deny
8 made by Mr. Fajardo; seconded by Dr. Wilson for denial
9 of the renewal.

10 Any discussion from the public?

11 (No response.)

12 MR. WINDHAM:

13 Any discussion from the Board?

14 (No response.)

15 MR. WINDHAM:

16 All in favor, indicate with an "aye."

17 (Several members respond "aye.")

18 MR. WINDHAM:

19 Motion carries.

20 MS. CHENG:

21 20100221, Hydra Tech Systems, Inc. in
22 Ouachita Parish. Their initial contract expired on
23 12/31/15. Their late renewal was received 12/21 of '16.

24 MR. WINDHAM:

25 Is there a representative from Hydra



1 Tech?

2 Were they asked last time -- have they
3 been deferred before?

4 MS. CHENG:

5 No, sir.

6 MR. WINDHAM:

7 Okay.

8 MS. CHENG:

9 I do want to mention that we do notify
10 all applicants that their renewals and applications are
11 coming before the Bard.

12 MR. ADLEY:

13 They have all been notified?

14 MS. CHENG:

15 Yes.

16 MR. WINDHAM:

17 What's the pleasure?

18 Millie.

19 MS. ATKINS:

20 I'd like to make a motion to defer this
21 one.

22 MR. WINDHAM:

23 Motion to defer?

24 MS. ATKINS:

25 Yes.



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MR. WINDHAM:

Is there a second?

By Representative Carmody.

Any further discussion from the public on this deferral for Hydra Tech Systems?

(No response.)

MR. WINDHAM:

Any further discussion from the Board members?

(No response.)

MR. WINDHAM:

All in favor, indicate with an "aye."

(Several members respond "aye.")

MR. WINDHAM:

All opposed with a "nay."

(No response.)

MR. WINDHAM:

Motion carries.

MR. CARMODY:

Can I ask one question of the staff?

When y'all contact these applicants and let them know that the Board has moved to defer and we will be convening at our next meeting and you give them that date?

MS. CHENG:



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1 Yes, sir.

2 MR. CARMODY:

3 They were aware that these are follow-up
4 questions, you have a representative that will be
5 attending and --

6 MS. CHENG:

7 We tell them to have a representative
8 attending and then -- we tell them it's been deferred
9 and that it will go to the next board meeting. And then
10 once we create this agenda, once it's final for the next
11 meeting, they're notified again.

12 MR. CARMODY:

13 Okay. That's proper notice, I would
14 think, constructive notice that the only other thing you
15 can tell them that the custom of the committee, that
16 those who don't appear, have been denied. Just a
17 little -- all right.

18 Thank you, sir.

19 MR. WINDHAM:

20 Mr. Williams.

21 MR. WILLIAMS:

22 I just wanted to point out,
23 Mr. Chairman, Blade Dynamics, we denied that one when
24 they requested two months after the expiration date, and
25 Hydra Tech was a full year after their expiration date



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1 and we deferred it. Just wanted to point that out.

2 MR. WINDHAM:

3 And I believe we had already deferred
4 Blade once in a previous meeting.

5 SECRETARY PIERSON:

6 Once.

7 MR. WINDHAM:

8 They were given a chance.

9 SECRETARY PIERSON:

10 So we'll give Hydra Tech once.

11 MR. WINDHAM:

12 We'll give them one shot to be deferred,
13 which is why I had asked them to be deferred before.

14 MS. CHENG:

15 We have 20110187, Ardagh Glass in
16 Lincoln Parish. Initial contract expired 12/31 of '15.
17 Late renewal was requested on 11/15 of '16.

18 MR. WINDHAM:

19 Is there a representative from Ardagh
20 Glass here?

21 Please step forward and identify
22 yourself. Please identify yourself.

23 MR. SHONKWILER:

24 Jeff Shonkwiler. I'm the Tax Director
25 for Ardagh Glass.



MEETING MINUTES

1 MR. WINDHAM:

2 All right. Can you tell us why you were
3 late?

4 MR. SHONKWILER:

5 We've had several of these in the past
6 that the process had been for years that Lori Weber with
7 LED would just send us the renewal forms when one of
8 these were coming up, and we didn't receive the renewal
9 forms and realized the next year after we filed our
10 property tax return that that one should have probably
11 been renewed and that's why it's late. So we should
12 have caught it, but I think it was just change in the
13 process is why it slipped through the cracks.

14 MR. ADLEY:

15 I just want to say that all of these
16 prior to you that have come in like that that were
17 depending upon them telling them, albeit, I don't know
18 if they had or they hadn't, these exceptions are for the
19 benefit of the company. And as we have always pointed
20 out that it's critical that you file and that you file
21 on time, and unlike what people seem to think, that it's
22 just automatic, they send you a notice and everything
23 gets renewed, I hope after sitting through five or six
24 hours today, you recognize that that's not the case.
25 Under the law, we are limited to certain things that we



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1 can and cannot do, I guess, approve or deny or limit.
2 Now, what the Board has done in the past on all late
3 renewals is to remove one year of the exemption, which
4 is a 20 percent reduction, and I would make that motion
5 again today.

6 MR. WINDHAM:
7 Secretary Pierson.

8 SECRETARY PIERSON:
9 Mr. Shonkwiler, did Lori send those to
10 Ardagh or did she send these documents to Saint-Gobain?

11 MR. SHONKWILER:
12 She sent them to both. Ardagh is
13 nothing more than a name change to Saint-Gobain
14 Containers.

15 SECRETARY PIERSON:
16 And how long has the name change been in
17 effect?

18 MR. SHONKWILER:
19 2014.

20 SECRETARY PIERSON:
21 I'm just trying to look for -- we always
22 working towards staff improvement and process
23 improvement, so I'm trying to understand why anything
24 would have changed. Of course, Lori Weber is no longer
25 with the department due to retirement. Your company has



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1 had a change of name. I don't know personally at
2 Saint-Gobain or Ardagh, you know, whether there were any
3 personnel changes there, but just trying to understand.
4 We think the onus is on the company to follow through,
5 but certainly as a staff courtesy and staff
6 responsibility that I direct that we try to make the
7 most supportive efforts that we can, but at the end of
8 the day, I don't feel like we can manage in 64 parishes
9 all of the companies and when their renewals aren't
10 present. We have to allow the corporate folks to do
11 that.

12 MS. CHENG:

13 Secretary Pierson, there was a process
14 change internally. Prior to 2014, we did send all of
15 the renewal documents to the company, but in 2014, we
16 had the company start requesting renewals from the
17 department.

18 MR. WINDHAM:

19 There's a motion on the floor.

20 MR. SHONKWILER:

21 We always got them, so it was just there
22 was no notice there was going to be a change in
23 procedure. I think the 20 percent reduction is fair,
24 but you asked me to explain, and that's our response.

25 MR. WINDHAM:



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1 I do appreciate your explanation.

2 Motion has been made to reduce by one
3 year the Industrial Tax Program.

4 Representative Carmody has seconded the
5 motion.

6 Is there any further discussion on the
7 motion?

8 (No response.)

9 MR. WINDHAM:

10 All in favor, indicate with an "aye."

11 (Several members respond "aye.")

12 MR. WINDHAM:

13 All opposed with a "nay."

14 (No response.)

15 MR. WINDHAM:

16 Motion carries.

17 Thank you, sir.

18 MS. CHENG:

19 20110384, Calumet Lubricants Company, LP
20 in Webster Parish.

21 MR. WINDHAM:

22 Are all of the Calumets represented by
23 the same individual?

24 MS. CHENG:

25 Yes, sir.



1 MR. WINDHAM:

2 Please step forward.

3 And you can finish reading.

4 MS. CHENG:

5 Calumet, 20110385, Calumet Lubricants
6 Company, LP in Bossier Parish; 20100329, Calumet
7 Packaging, LLC in Caddo Parish; 20110386, Calumet
8 Shreveport Lubricants & Waxes, LLC in Caddo Parish;
9 20110387, Calumet Shreveport Lubricants & Waxes, LLC in
10 Caddo Parish; 20110388, Calumet Shreveport Lubricants &
11 Waxes, LLC in Caddo Parish; 20110389, Calumet Shreveport
12 Lubricants & Waxes, LLC in Caddo Parish; and 20110392,
13 Calumet Shreveport Lubricants & Waxes, LLC in Caddo
14 Parish. The initial contracts expired on 12/31 of '15.
15 We received late renewal on 12/19 of '16.

16 MR. WINDHAM:

17 Please identify yourself and tell us why
18 you're late.

19 MR. MILLS:

20 Robert Mills, Calumet Specialty Products
21 from Shreveport, and our tax director is in
22 Indianapolis, Indiana. And I have heard a story that
23 involves prior, previous staff, and I really hate to get
24 into that she-said type of issue. And if I can't, I
25 would respectfully ask to defer this, let my tax



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MEETING MINUTES

1 director tell you that story. I don't want to interpret
2 what she told me, and I'm sure there's clerical error
3 and oversight, especially on both parties' sides. So,
4 you know, if I can defer it and have her explain it,
5 that's fine. If you want to make a decision today, just
6 treat me as you do everybody else, and I certainly can't
7 complain about that.

8 MR. ADLEY:

9 I want this committee to know something,
10 Robert. I just told Mr. Carmody, you happen to be one
11 of the closest friends I have in the world, as you know,
12 and we've known each other for a long, long time and I
13 have all of the respect in the world for you. And God
14 knows I hate to be standing here to vote against you,
15 but I have to tell you that it is the obligation of the
16 companies to get it in, and we have only three choices
17 by law. We can either reject it outright or reduce it
18 or approve it, and we've not approved any that came in
19 late. And early on, we decided that if it's a five-year
20 renewal, we remove one year, it's a 20 percent
21 reduction, meaning you'll get four years and not five.

22 And in fairness, regardless of what they
23 would say, we really -- everybody's got a different
24 story about why and how it happens, but to be
25 consistent, I don't think we have any choice but to do



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1 that.

2 MR. MILLS:

3 As I said, just fair and consistent, and
4 with 2,000 employees, I assure you, this is not my only
5 problem.

6 MR. WINDHAM:

7 I'll take that as a motion.

8 MR. CARMODY:

9 I'll second the motion.

10 MR. WINDHAM:

11 Representative Carmody seconds.

12 Any further discussion?

13 (No response.)

14 MR. WINDHAM:

15 All in favor, indicate with an "aye."

16 (Several members respond "aye.")

17 MR. WINDHAM:

18 Motion carries.

19 MR. ADLEY:

20 I am glad I told you to be sure and be
21 here today. I am glad. It would have been a denial
22 outright, so I'm glad you came.

23 MR. MOMS:

24 There's a new day.

25 MR. WINDHAM:



1 Ms. Cheng.

2 MS. CHENG:

3 We have 20140960, CARBO Ceramics, Inc.

4 MR. WINDHAM:

5 Is there a representative for CARBO
6 Ceramics?

7 Please step forward and tell us why
8 you're late.

9 MS. TUCKER:

10 I'm Katie Tucker, CARBO Ceramics' tax
11 manager.

12 So we kind of sat here and explained why
13 we're late. We actually requested renewal back in
14 before, I think, June 8th, 2016, before all of this kind
15 of went a different direction, but same excuse as
16 everyone else. It just slipped through the cracks. We
17 had, you know, personnel changes, and, also,
18 historically, before all of the changes, when you did
19 have a late renewal, it was just kind of automatically
20 approved. It wasn't considered different, I think. So,
21 I mean, we don't really have a good reason, but I will
22 say it was before June 24th, 2015, and hopefully that
23 would be considered.

24 MR. WINDHAM:

25 Mr. Adley.



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1 MR. ADLEY:

2 I appreciate your honesty and it gains
3 you 80 percent being honest here today.

4 MS. TUCKER:

5 It's been deferred many times because
6 the first time that I did come and explain, you know,
7 you guys had asked us to get local support, which we
8 have done for the most part. We haven't really been
9 able to get in touch with the sheriff's office. I
10 believe they have kind of their hands full with some
11 legal matters.

12 Mr. Windham has kind of been helpful in
13 trying to help us contact them and get them, and it's
14 been unsuccessful, but I will say the parish council
15 approved the resolution to support all of our -- the
16 continuation of all of our contracts knowing that we are
17 in a downturn. We have had some layoffs unfortunately.
18 The school aboard also approved it at a 12-to-1 vote, so
19 we do have local support for the most part.

20 MR. WINDHAM:

21 All right. Thank you, Ms. Tucker.

22 Mr. Adley, I assume you are going to
23 make a motion?

24 MR. ADLEY:

25 Yes. I think to be consistent, we



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1 reduce it by 20 percent, meaning one year, and receive
2 the ITEP for four.

3 MR. WINDHAM:

4 Seconded by Dr. Wilson.

5 Any further discussion?

6 (No response.)

7 MR. WINDHAM:

8 All in favor, please vote with an "aye."

9 (Several members respond "aye.")

10 MR. WINDHAM:

11 All opposed with a "nay."

12 (No response.)

13 MR. WINDHAM:

14 Motion carries.

15 MS. TUCKER:

16 While I'm up here, I just wanted to ask,
17 you know, again, months ago whenever we asked for just
18 our contract continuations --

19 MR. WINDHAM:

20 We're going to do that all at once.

21 MS. TUCKER:

22 I'm not sure I'm on there.

23 MS. CHENG:

24 It's not on this one because they were
25 not in the group from December that were asked to come



1 back in April. So the CARBO Ceramics contracts are not
2 on this agenda.

3 MS. TUCKER:

4 Is that able to change or we're done
5 with CARBO for the day?

6 MS. CHENG:

7 We're done. We can add it to the June
8 agenda.

9 MR. WINDHAM:

10 Yeah, let's do it in June.

11 MS. TUCKER:

12 Okay. No problem. Thank you.

13 MR. WINDHAM:

14 Thank you.

15 Ms. Cheng.

16 MS. CHENG:

17 20110338, General Electric Company. The
18 initial contract expired on 12/31/15 and late renewals
19 requested on 8/25 of '16.

20 MR. WINDHAM:

21 Is there a representative from GE,
22 General Electric?

23 (No response.)

24 MR. ADLEY:

25 Holy moly.



1 MR. WINDHAM:

2 Wow. All right. Pleasure of the Board
3 is to defer?

4 MR. MILLER:

5 Is this their first time up or the
6 second?

7 MR. WINDHAM:

8 Is this their first time?

9 MS. CHENG:

10 I believe it was up one time and they
11 requested to defer it.

12 MR. ADLEY:

13 Did you say it's General Electric?

14 MS. CHENG:

15 Yes, sir.

16 MR. ADLEY:

17 Fellows, ladies, clearly there are
18 enough employees in that facility to have somebody here
19 if it was that important to them.

20 I'm going to move to deny. I mean,
21 sooner or later you have to do that.

22 MR. WINDHAM:

23 Is there a second?

24 Seconded by Dr. Wilson. Moved by
25 Mr. Adley.



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1 Any discussion on the denial of General
2 Electric's renewal?

3 (No response.)

4 MR. WINDHAM:

5 All in favor, indicate with an "aye."

6 (Several members respond "aye.")

7 MR. WINDHAM:

8 All opposed with a "nay."

9 (No response.)

10 MR. WINDHAM:

11 Motion carries.

12 MS. CHENG:

13 20110529, Southern Recycling in Orleans
14 Parish. Initial contract expired on 7/31 of '16. Late
15 renewal was requested 12/29 of '16.

16 MR. WINDHAM:

17 Representative -- yes. Please step
18 forward and identify yourself.

19 MR. LEONARD:

20 Jimmy Leonard with Advantous Consulting.

21 MR. DIEFENTHAL:

22 Eddie Diefenthal with Southern
23 Recycling.

24 MR. LEONARD:

25 We had five locations approved many



1 years ago for the exemption. All five of those
2 locations got entered into the deadline. They were
3 faced with the same deadline of this coming up the last
4 December. It was not until we started processing those
5 locations that the erroneous deadline date for the
6 Orleans Parish application got entered in. Orleans
7 Parish is the one parish of the state that has a
8 different deadline from all of the exemption
9 applications, and as you can see, it was filed along
10 with all of the other renewals, so it was -- what
11 brought us here today was a misstep in our tax calendar.

12 MR. ADLEY:

13 So it's reduced, it will only be reduced
14 under the one parish?

15 MS. CHENG:

16 Yes.

17 MR. ADLEY:

18 All of the others will be at 100
19 percent?

20 MR. LEONARD:

21 Yes. All of the other locations were
22 filed timely in December.

23 MR. ADLEY:

24 Then I would make the same motion for
25 the one that was late.



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MR. WINDHAM:

Motion made by Mr. Adley; seconded by
Major Coleman.

Any further discussion on Southern
Recycling?

(No response.)

MR. WINDHAM:

All in favor, indicate with an "aye."

(Several members respond "aye.")

MR. WINDHAM:

All opposed with a "nay."

(No response.)

MR. WINDHAM:

Motion carries.

MS. CHENG:

I have 10 changes in name. This is for
Hunt Forest Products, Inc. for contracts 20090342,
20100314, 20110273, 20120364, 20130873, 20140314 and
20150381. This is in Grant Parish. They're changing
their name to Hunt Forest Products, LLC.

MR. WINDHAM:

Is there a motion to approve the name
change?

Made by Representative Carmody; seconded
by Mr. Williams.



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1 All in favor, indicate with an "aye."
2 (Several members respond "aye.")

3 MR. WINDHAM:

4 All opposed with a "nay."
5 (No response.)

6 MR. WINDHAM:

7 Motion carries.

8 MS. CHENG:

9 We have Hunt Forest Products, Inc.,
10 Contracts 20100393, 20130874, 20150481 in LaSalle
11 Parish. They're changing their name to Hunt Forest
12 Products, LLC.

13 MR. WINDHAM:

14 Motion made by Representative Carmody;
15 seconded by Mr. Miller.

16 All in favor, indicate with an "aye."
17 (Several members respond "aye.")

18 MR. WINDHAM:

19 All opposed with a "nay."
20 (No response.)

21 MR. WINDHAM:

22 Motion carries.

23 MS. CHENG:

24 I have five transfers of Tax Exemption
25 contracts: Nestle Health Sciences-Pamlab, Inc. in Caddo



1 Parish, 20120609, 20130503, 20140600, 20150395 and
2 20161224. They're being transferred to ALFASIGMA USA,
3 Inc.

4 MR. WINDHAM:

5 Motion made by Dr. Wilson; seconded by
6 Mr. Fajardo.

7 All in favor, indicate with an "aye."
8 (Several members respond "aye.")

9 MR. WINDHAM:

10 All opposed with a "nay."
11 (No response.)

12 MR. WINDHAM:

13 Motion carries.

14 MS. CHENG:

15 I have 15 contract cancelations. I have
16 a correction to make on this first one, Entergy New
17 Orleans, Inc.-Michoud is not in Caddo Parish. It's in
18 Orleans Parish. And they're requesting to cancel all of
19 their active contracts because the facility is no longer
20 operational.

21 MR. WINDHAM:

22 So we'll take that motion in globo to
23 cancel all of their active contacts in the Orleans
24 facility.

25 Is there are a motion?



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1 Motion made by Dr. Wilson; seconded by
2 Mayor Brasseaux.

3 All in favor, indicate with an "aye."
4 (Several members respond "aye.")

5 MR. WINDHAM:

6 All opposed with a "nay."
7 (No response.)

8 MR. WINDHAM:

9 Motion carries.

10 MS. CHENG:

11 Halliburton Energy Services, Inc.,
12 20080132 and 20080878 in Vermilion Parish. The facility
13 was closed. The company requests cancelation.

14 MR. WINDHAM:

15 Cancelation motion by Major Coleman;
16 seconded by Ms. Malone.

17 All in favor, indicate with an "aye."
18 (Several members respond "aye.")

19 MR. WINDHAM:

20 All oppose with a "nay."
21 (No response.)

22 MR. WINDHAM:

23 Motion carries.

24 MS. CHENG:

25 I have 14 special requests. These are



1 the contract continuations that were brought before
2 y'all in December and they were asked to go to their
3 local governing authorities to receive approval for
4 these contracts to be continued as they're currently
5 idle.

6 MR. WINDHAM:

7 And I believe we have representation for
8 Halliburton.

9 Please step forward.

10 As you guys will -- guys and ladies will
11 remember, this was the idle facility that needed to get
12 the local support from their local bodies being the
13 police jury, the sheriff's office or the school board so
14 that the continuation of exemption can exist during this
15 economic downturn that we have in these areas.

16 So please identify yourself.

17 MR. LEBLEU:

18 Mr. Chairman, members of the Board, my
19 name is Doug Lebleu. I'm representing Halliburton on
20 these idle facility requests. I think we should just
21 start with Bossier. I mean, I have three parishes.

22 We do not have today what you requested.
23 You requested a letter from the sheriff's office
24 supporting the continuation, a resolution from the
25 school board and a resolution from the police jury.



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1 We began discussions with these entities
2 in January. I think we were on a pretty good track to
3 the point where on April the 6th I traveled to Bossier
4 from Baton Rouge to answer questions and concerns of the
5 school board. They had a finance committee on April 6th
6 followed by a board meeting where I believe they were
7 going to vote an recommendation to the finance committee
8 to approve of this continuation. About five minutes
9 before the meeting started, the attorney for the school
10 board came up, introduced himself to me and informed me
11 that the agenda item was being pulled for consideration.
12 And when I ask why, he told me there seemed to be
13 confusion as to whether LED was actually -- or the Board
14 of Commerce & Industry was actually requiring this
15 particular resolution.

16 At that point, I didn't have a whole lot
17 of credibility with them other than to simply say I'm
18 here at the direction of the board. The folks at the
19 department have a different interpretation of what I
20 had, so that was their side of the story. And I'm glad
21 Kristen's here because Kristen received a phone call
22 right prior to that meeting from the local economic
23 development official with a completely different
24 question. It didn't have anything to do with the
25 continuation.



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1 As you know, this request that you made
2 was not in the rules. It was made to be in the support
3 of what the Governor is attempting to accomplish here
4 and that us get local involvement in the process.

5 Subsequent to that, we have not been
6 rescheduled on the school board. At this point, I
7 really have to thank Chairman Windham, who has been
8 involved in this process, not as an advocate for
9 Halliburton, but as one who has picked up the phone and
10 called officials to explain to them what the intent of
11 the Board is what can he do to move the process along.
12 We have a deadline of April 26th. In fact, last week he
13 had discussions with Mr. Bill Altimus, that's who the
14 parish school board --

15 MR. WINDHAM:

16 Let me interrupt you right there.
17 He's -- the police jury did send me a letter that I was
18 unable to print out and it basically asks for a
19 continuation. It says, "Dear, sir," per me. I called
20 all of these parishes and all of these entities. "May
21 4th, '17, May 4, 2017 meeting, the Bossier Parish Police
22 Jury will have an item on its agenda to discuss the
23 continuation of Halliburton Industry Services Industrial
24 Exemption Contracts Numbers 24 and 24A for one
25 additional year. This date is the first available date



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1 for the police jury to meet and take any official action
2 on this matter. I apologize for any inconvenience this
3 may cause. If you have any questions or need any
4 information, please let me know."

5 So we can defer again?

6 MR. LEBLEU:

7 Mr. Chairman, that's what we would like
8 to request, another deferment for two more months to see
9 if we can wrap this process up, and we would really
10 appreciate your consideration for this.

11 MR. WINDHAM:

12 And that's just the Bossier because the
13 other ones came through. I think we got something from
14 them.

15 MR. LEBLEU:

16 We have everything done with them.

17 MR. WINDHAM:

18 So there's been a motion by
19 Representative Carmody; seconded by Dr. Wilson to defer
20 that one till the next board meeting to get those
21 letters of support.

22 MR. LEBLEU:

23 Thank you very much.

24 MR. WINDHAM:

25 Is there any discussion?



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1 (No response.)

2 MR. WINDHAM:

3 All in favor, indicate with an "aye."

4 (Several members respond "aye.")

5 MR. WINDHAM:

6 All opposed with a "nay."

7 (No response.)

8 MR. LEBLEU:

9 Cameron Parish, we have everything from
10 Cameron Parish that the Board required, and Ms. Cheng
11 has a copy of the resolutions and the letter from the
12 sheriff.

13 The third one, Plaquemines Parish --

14 MR. WINDHAM:

15 All right. Let's take care of the
16 second one then.

17 MR. LEBLEU:

18 I'm sorry.

19 MR. WINDHAM:

20 For the second one, you have all of the
21 information, Ms. Cheng?

22 MS. CHENG:

23 I do have it.

24 MR. WINDHAM:

25 And it's all in support?



1 MS. CHENG:

2 Yes.

3 MR. WINDHAM:

4 Is there a motion to allow the
5 continuation for the Cameron Parish contracts?

6 Made by Ms. Millie; seconded by Mr.
7 Coleman.

8 All in favor -- any further
9 discussion on that one?

10 (No response.)

11 MR. WINDHAM:

12 All in favor, indicate with an "aye."

13 (Several members respond "aye.")

14 MR. WINDHAM:

15 All opposed with a "nay."

16 (No response.)

17 MR. WINDHAM:

18 That continuation is approved.

19 MR. LEBLEU:

20 Thank you very much.

21 Item number three for us is Plaquemines
22 Parish. Again, we began discussions with Plaquemines
23 Parish officials back in the middle of January. My
24 initial discussions were with the attorney for the
25 sheriff's office. He informed me that there was going



1 to be a meeting between the school board, the police
2 jury and the sheriff's office to discuss this issue.
3 That meeting occurred. They had a second meeting where
4 they asked a member of LED staff to come in and explain
5 exactly what was being required and what the
6 implications were. Then there was a third meeting on
7 March 31st with that same group where I traveled to
8 Belle Chasse, met with that group and answered their
9 questions.

10 We have not heard anything from any of
11 these entities since March 30th. I spoke with
12 Representative Chris Leopold on Monday, and, again, I
13 can't tell you Chris Leopold, Representative Leopold, is
14 for this issue, but he's advocating the decision be
15 made. So I know he's making the phone calls to try to
16 move the process along. So we would request
17 consideration as we did for Bossier on this one, also,
18 for another two months to see if we can wrap the process
19 up.

20 MR. COLEMAN:

21 Make a motion.

22 MR. WINDHAM:

23 Motion has been made by Mr. Coleman to
24 defer for one more board meeting, two months; seconded
25 by Dr. Wilson.



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1 Any further discussion on this one?
2 Representative Carmody.
3 MR. CARMODY:
4 Affirmation that Representative Leopold
5 approached me and said that there was an effort on his
6 part to try to get resolution for this, and he did ask
7 for consideration for deferment today.
8 MR. LEBLEU:
9 Thank you very much.
10 MR. WINDHAM:
11 All right. Thank you.
12 All in favor, indicate with an "aye."
13 (Several members respond "aye.")
14 MR. WINDHAM:
15 All opposed with a "nay."
16 (No response.)
17 MR. WINDHAM:
18 Motion carries.
19 MR. LEBLEU:
20 Thank you very much.
21 MR. WINDHAM:
22 Thank you, Mr. Lebleu.
23 I think that's going to be one of the
24 changes these rules move forward is getting some of
25 these bodies because I know personally I called Altimus



MEETING MINUTES

1 one, two, three times and sent him three or four
2 e-mails, you know, just describing it. I sent him
3 copies of the minutes showing what we had asked so that,
4 you know, as Doug said, what it required. Well, no. It
5 was requested for one of your companies here, and if you
6 want to support them, then we need something, and that's
7 all we needed.

8 MR. LEBLEU:

9 You know, if I could make one comment.
10 I had a little discussion yesterday with Deputy Miller
11 at the sheriff's office in Bossier, and everyone is
12 taking this process very seriously because, you know,
13 it's coming home to roost they may lose revenues here,
14 so everyone's thinking very, very seriously. As he
15 explained to me, he said, "Doug, you know, we don't have
16 to think just about this issue and this project. We're
17 setting a precedent here. We've got to ask the right
18 questions. We've got to make the right decisions."

19 So, Secretary Pierson, as you had
20 indicated, we are going through a learning curve here,
21 and I know you're -- the problem is going to be
22 providing direction and how the steps might go, the
23 considerations that might be made, but it's been an
24 interesting process. I've got to meet a lot of great
25 people. I admire the locals and the incent and due



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1 diligence they're doing on these. So thank you.

2 MR. WINDHAM:

3 Thank you, Mr. Lebleu.

4 MS. CHENG:

5 M-I SWACO, Contract 060022 in Cameron
6 Parish.

7 MR. WINDHAM:

8 Please identify yourself.

9 MR. MURPHY:

10 Richard Murphy, Duff & Phelps,
11 representing M-I SWACO.

12 At the last April meeting, y'all asked
13 for the three resolutions and the letter, and I do have
14 those. I've asked for photocopies of each. We got that
15 e-mail last night.

16 MS. CHENG:

17 If y'all want to see them, I can make
18 copies.

19 MR. MURPHY:

20 We have the letters and the resolution.

21 MR. WINDHAM:

22 You'll verify them?

23 MS. CHENG:

24 I do have them.

25 MR. WINDHAM:



1 You do? They're all good?

2 MS. CHENG:

3 Yes.

4 MR. WINDHAM:

5 Is there a motion to approve the
6 continuation of M-I SWACO?

7 Made by Mr. Miller; seconded by
8 Mr. Ricky.

9 All in favor, indicate with an "aye."
10 (Several members respond "aye.")

11 MR. WINDHAM:

12 All opposed with a "nay."

13 (No response.)

14 MR. WINDHAM:

15 Motion carries.

16 MR. MURPHY:

17 Thank you.

18 MR. WINDHAM:

19 Thank you, Richard.

20 MS. CHENG:

21 Now, we have Quality Iron Fabricators,
22 Inc. in Livingston Parish.

23 MR. LEONARD:

24 Thanks to the help of David Bennett and
25 the Livingston Economic Development Council, we also



1 appear before you today with the necessary resolutions
2 and letter from the sheriff's office. We were able to
3 get support from all of the requisite parts.

4 MR. WINDHAM:

5 Great job.

6 Please identify yourself.

7 MR. BENNETT:

8 David Bennett, President of the
9 Livingston Economic Development Council.

10 MR. WINDHAM:

11 All right. Is there a motion to approve
12 for continuation?

13 MR. COLEMAN:

14 I so move, sir.

15 MR. WINDHAM:

16 Motion is made by Mr. Coleman; seconded
17 by Millie Atkins.

18 All in favor, indicate with an "aye."

19 (Several members respond "aye.")

20 MR. WINDHAM:

21 All opposed with a "nay."

22 (No response.)

23 MR. WINDHAM:

24 Motion carries. Thank you.

25 MS. CHENG:



1 This concludes the Industrial Tax
2 Exemption portion of the agenda.

3 MR. WINDHAM:

4 All right. Next on the agenda is
5 Consideration of Public Comments on ITEP Program Rules
6 from the March '17 Potpourri.

7 MS. CLAPINSKI:

8 Good afternoon.

9 MR. WINDHAM:

10 Please identify yourself.

11 MS. CLAPINSKI:

12 Danielle Clapinski, Staff Attorney at
13 LED.

14 I'm sure all of you remember we met in
15 February and y'all approved some additional substantive
16 changes to the rules. Those substantive changes were
17 published as Potpourri in the March 2017 Edition of the
18 Louisiana Register. That also necessitated additional
19 public hearing and an additional public comment period.
20 That was public hearing was held last Thursday. I
21 believe y'all received an e-mail Monday afternoon with a
22 copy of the Potpourri with the -- I'm sorry -- the
23 public comments received as well as LED's recommendation
24 to approve or not approve based upon the public
25 comments.



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1 I don't know how in depth you guys want
2 me to go, comment by comment, or...

3 MR. ADLEY:

4 It would really just be helpful if we
5 heard whatever you heard because I think there were like
6 three or four minor changes.

7 MS. CLAPINSKI:

8 There were, I think, a total of five
9 specific concerns addressed, and of those five, LED
10 recommends making changes based upon two of those
11 comments.

12 MR. WINDHAM:

13 Secretary Pierson.

14 SECRETARY PIERSON:

15 Please outline, just so there's
16 understanding in the record, the difference between a
17 substantive change and these, well, non-substantive or
18 tweaks or whatever. I think it's important that
19 everyone understands that there's a boundary that we
20 can't change major things, but we can align better for
21 more efficiency.

22 MS. CLAPINSKI:

23 Sure. So I have spoken to the Louisiana
24 Register on a couple of the comments that we recommend
25 changes on. They have deemed those changes



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1 non-substantive. That's because those changes are
2 clarify or they don't change the intent or the action or
3 what anyone has to do.

4 Some of the other suggested comments or
5 suggested changes would be considered substantive
6 changes. For purposes of rule promulgation purposes, a
7 non-substantive change, the next step for us is they are
8 approved and only non-substantive changes are approved,
9 an oversight committee report would be sent to the House
10 and Senate Commerce committees where they would have a
11 30-day period to call their own hearing on the rules,
12 and at that point in time, they either approve or
13 disapprove the rules. If they choose not to call a
14 hearing during that 30-day period, we can pro/SWAED file
15 promulgation.

16 If the Board decides to make any further
17 substantive changes to the rules, that will require us
18 to publish another Potpourri and have another public
19 hearing period and another public comment and public
20 hearing. So that's the different tracks that we would
21 be on depending upon what you decide today.

22 MR. WINDHAM:

23 All right. And can you give us, of
24 those five, just a highlight of what those comments
25 were?



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1 MS. CLAPINSKI:

2 Sure. And I'll go through it. I think
3 everyone received that document that lays out who
4 attended the hearing and who submitted the written
5 comments, and I don't think there are really any
6 comments that were different than the written comments.
7 They were just reiterated at the public hearing.

8 So the first set of written comments was
9 from LIDEA. Their first comment was dealing with
10 Section 501(a)(1) where there was a redundant use of the
11 term "tax exemption" in a sentence. That has been there
12 since the first version of the rules, however, the
13 Register does deem it a non-substantive change. It
14 doesn't hurt anything to remove that. It doesn't change
15 to intent. So the Department has recommended adoption
16 of that change.

17 The second is a concern by LIDEA that
18 there is a potential conflict because we allow, you
19 know -- we require now under these new rules new jobs or
20 a compelling reason for the retention of jobs. However,
21 under the disallowance of environmentally-required
22 capital upgrades, we say that those are upgrades
23 required to avoid filing closure of a company. I think
24 the problem is we still don't believe we should be
25 incentivising something the company has to do, and it's



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1 a requirement. It's not -- you know, they may retain
2 some jobs, but they're still not necessarily creating
3 new jobs. So we do not recommend making that change.

4 The third comment from LIDEA is
5 regarding posting -- I think at the last board meeting,
6 one of the changes that was adopted was that LED and its
7 website would be a central point for the publication of
8 the written notices from the companies that they send
9 out to the local governing authorities because we needed
10 a time to start that 120-day period for them to make a
11 decision. And it was decided that LED would publish
12 those to be sort of a centralized location for those to
13 our website.

14 There was a concern that LED being the
15 body to do that would somehow misrepresent our role in
16 that process and that we had some authority over the
17 locals. I think, you know, LED's recommendation is to
18 not -- they wanted to require the locals to post it on
19 their website instead of LED. We don't recommend making
20 that change. We do think there is benefit to a
21 centralized location for all of these postings. We will
22 place language that clearly states that this is for
23 information purposes only. LED is not a part of the
24 local approval process, but our rules also cannot bind a
25 local governing authority on what they have to do. So



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MEETING MINUTES

1 even if they wanted to change that, we can't tell
2 Cameron Parish Police Jury they have to publish it on
3 their website. So that was the reason we chose not
4 recommend that change.

5 We also received two comments from
6 Together Louisiana. The first was that same issue about
7 publication of a notice of the written request for
8 governmental approval. It doesn't proactively state on
9 the website. That was, I believe, the intent when we
10 discussed that. It just on the website, it just says we
11 will post. Where we will post did not get added. We
12 have talked to Louisiana Register. They've agreed that
13 on the website as a clarifying change to make the rule
14 clear where that's going to be published is
15 non-substantive. We don't see any harm since that was
16 the intent all along, so we recommend making that
17 change.

18 The last comment was that Together
19 Louisiana still believes that the part of the rules that
20 deals with compelling reason for the retention of jobs
21 is still very broad and allows for almost any situation
22 to potentially argue that there are compelling reason
23 for retention. And I think, one, that would be a
24 substantive change and it would change the process that
25 we're under, but, additionally, LED does not recommend



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1 making that change because the constitution allows the
2 Board and the Governor that discretion. And I think as
3 you try to put very specific guidelines of "X" number of
4 jobs or something like that to be retained, you limit
5 that discretion. And, you know, 25 jobs in North
6 Louisiana and 25 jobs in Baton Rouge may not mean the
7 same thing, and we did not want to pigeonhole ourself or
8 the Board or the Governor into having that strict of
9 requirements, so that's why we did not recommend that
10 change.

11 There was a general comment received
12 from Mr. Patterson with LABI. Not written, but just
13 verbal at the meeting. It was a general comment about
14 the direction of the program, legislation that had been
15 passed last year dealing with inventory tax and ITEP. I
16 have a little write-up for you on that page, but as
17 there were no specific requests to change language other
18 than a general concern about the direction of program,
19 he did not suggest any changes based upon that comment.
20 And Mr. Allison spoke. He basically said echoes LIDEA's
21 comments and had some concerns about Together
22 Louisiana's comment wanting to more tightly define the
23 retention issue.

24 MR. WINDHAM:

25 Are there any questions by any of the



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1 Board members of any of the comments concerning the
2 Potpourri rules?

3 (No response.)

4 MR. WINDHAM:

5 Any comments from the public concerning
6 the comments?

7 Kind of redundant itself.

8 Please step forward, Ms. Dunn, and
9 identify yourself.

10 MS. DUNN:

11 I'm Anne Dunn with Together Louisiana.

12 I particularly want to comment on the
13 concern about posting on the website things that the
14 Board was indicating was their intent and follow that up
15 with a statement and make sure that was a
16 non-substantiative change.

17 What I want to says is that we do have
18 continuing concerns about how you go about determining
19 what a compelling reason is for retaining jobs, and I
20 think the discussion that we had at the rules meeting
21 was basically that this is really a tough call. And
22 they asked us to bring a recommendation, and we're not
23 prepared to do that at this time, but we would like to
24 take the opportunity to see what's in the best practices
25 are around the country and see if we can come up with



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1 something that would be helpful to the Board just to
2 kind of, you know, give you a courage when you make the
3 decisions.

4 So thank you very much. We're pleased
5 to see what's happening.

6 MR. WINDHAM:

7 Thank you, Ms. Dunn. Thank you,
8 Together Louisiana for their input in this process,
9 also.

10 All right. With that, Mr. Adley, I believe
11 it's appropriate for you to make a motion to move the
12 rules to the next step.

13 SM. CLAPINSKI:

14 I think we need to approve or not
15 approve any of the changes as recommended by the
16 Department and then to move forward with the rules
17 process.

18 MR. ADLEY:

19 Let me move that we accept the
20 recommendations of the changes and get that done first.

21 MR. WINDHAM:

22 Is there a second?

23 Seconded by Dr. Wilson.

24 Is there any further discussion on the
25 new rules, Potpourri rules or any other rules with this



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1 program?

2 (No response.)

3 MR. WINDHAM:

4 All in favor, indicate with an "aye."

5 (Several members respond "aye.")

6 MR. WINDHAM:

7 All opposed with a "nay."

8 (No response.)

9 MR. WINDHAM:

10 Motion carries.

11 MR. ADLEY:

12 I would now move that we move forward
13 with the proper notification, whatever we have to do to
14 get --

15 MS. CLAPINSKI:

16 Oversight committee, yes, sir.

17 MR. ADLEY:

18 -- to move forward and follow the
19 Administrative Procedures Act.

20 MR. WINDHAM:

21 All right. So there's a motion and a
22 second made by Representative Carmody.

23 Any further discussion on moving forward
24 for promulgation of these rules from the public or the
25 Board?



1 (No response.)

2 MR. WINDHAM:

3 All in favor, indicate with an "aye."

4 (Several members respond "aye.")

5 MR. WINDHAM:

6 All opposed with a "nay."

7 (No response.)

8 MR. WINDHAM:

9 I want to thank all of the staff for
10 their hard work with this, too.

11 Now we're election of officers.

12 Mr. Adley.

13 MR. ADLEY:

14 Can I just make a comment? What I've
15 been told is normally what happens is the Chairman
16 rules, the committee moves the chair and then we put
17 somebody in there. I'm going to ask you, from the
18 Governor's office, if you will, if you'll allow us to
19 leave Steve in place until we finish this rules process.
20 We thought it would already be done. We don't know when
21 it is going to be done, but I'd like make a motion that
22 we let him remain as chairman until the Board decides
23 what they want to do from there if that's okay.

24 MR. FABRA:

25 So moved.



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MEETING MINUTES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
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MR. WINDHAM:

Motion made and seconded.

Does anybody else want to run?

(No response.)

MR. WINDHAM:

I accept the nomination I guess is the proper procedure.

All in favor, indicate with an "aye."

(Several members respond "aye.")

MR. WINDHAM:

All opposed with a "nay."

(No response.)

MR. WINDHAM:

Motion carries.

All right. Secretary Pierson, comments, please.

SECRETARY PIERSON:

I know the hour grows late, so I'll just make these very brief remarks. I apologize for my late arrival this morning. We are multitasking at the Capital and other things going on.

I want to echo Chairman Windham's remarks regarding the staff that continue to operate on two fronts. One is the proper and appropriate adoption of all of the rules that are associated with the



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1 executive order and with the execution of all of the
2 administrative elements with these very large numbers of
3 contracts and notifications and all of the things that
4 go into the day-to-day work that the staff has to do to
5 cover 64 parishes. So thank to each and every one of
6 you for those efforts.

7 I want to call a note to just say that I
8 hope it is observed, but we took all of the comments
9 that came to us from the public and the public groups out
10 there very seriously. We spent time with them. We
11 spent dialog, and we want to continue to do that. We
12 think it's a very important part of the process.

13 I can recall times in the past where,
14 you know, we'd just check the blocks and said, "Yep, we
15 talked to them," and away we go. I think this has been
16 a very engaged and active dialog that will continue, and
17 so I thank the Board for that opportunity and the
18 leadership that's been exhibited along the way. And
19 certain what the board has stood for today, which is
20 what we're trying to implement relative to
21 accountability and bringing that statement from the
22 corporations as to what they're going to provide and
23 being sure that that has a return back to the public.
24 So thank you for all of people that have been very
25 active in that effort, certainly all of the members of



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1 this Board.

2 Doug Lebleu, thanks for being the tip of
3 the spear to go out there and begin the engagements with
4 the communities, these political subdivisions. I know
5 this is not new territory to you, that probably 25 years
6 ago you were standing in front of those same bodies
7 asking if they wanted to grant a resolution to
8 participate in the Enterprise Zone Program or all of the
9 other programs that we've had out there, but that local
10 voice is back at the table. And we know it's a learning
11 curve associated with it, as you noted, but that's
12 important and we'll get that job done.

13 We are working internally at LED to
14 conduct these regional workshops throughout the state,
15 both with the economic development professionals and the
16 political subdivisions. We've done some. We have a lot
17 more to do, and as soon as we get everybody trained, a
18 lot of them will leave office and new people will be
19 training. So we know it's an ongoing effort and we'll
20 be glad to have that. That's what it takes to get the
21 program effectively working and we're pledged to that.

22 Thank you very much.

23 MR. WINDHAM:

24 Thank you, Mr. Secretary.

25 Do we have a motion to adjourn?



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1 Oh, I'm sorry. Don't adjourn. Don't
2 leave.

3 Ms. Clapinski.

4 MS. CLAPINSKI:

5 Just because the board rules do require
6 annual election of officers, there was a motion made on
7 the chair, but not the vice chair position, so is the
8 intent to have both stay? I just need for a point of
9 order just to have that clarified for us.

10 MR. WINDHAM:

11 Yes. Who's vice chair? You are? All
12 right.

13 So I guess the motion has been made by
14 Representative Carmody; seconded by Dr. Wilson.

15 All in favor of Robert Adley staying as
16 vice chair, indicate with an "aye."

17 (Several members respond "aye.")

18 MR. WINDHAM:

19 All opposed with a "nay."

20 (No response.)

21 MR. WINDHAM:

22 Motion carries.

23 Meeting's adjourned based upon the
24 motion by Mr. Fajardo and seconded by Mr. Williams.

25 (Meeting concludes at 1:22 p.m.)



MEETING MINUTES

1 REPORTER'S CERTIFICATE:

2 I, ELICIA H. WOODWORTH, Certified Court
3 Reporter in and for the State of Louisiana, as the
4 officer before whom this meeting for the Board of
5 Commerce and Industry of the Louisiana Economic
6 Development Corporation, do hereby certify that this
7 meeting was reported by me in the stenotype reporting
8 method, was prepared and transcribed by me or under my
9 personal direction and supervision, and is a true and
10 correct transcript to the best of my ability and
11 understanding;

12 That the transcript has been prepared in
13 compliance with transcript format required by statute or
14 by rules of the board, that I have acted in compliance
15 with the prohibition on contractual relationships, as
16 defined by Louisiana Code of Civil Procedure Article
17 1434 and in rules and advisory opinions of the board;

18 That I am not related to counsel or to the
19 parties herein, nor am I otherwise interested in the
20 outcome of this matter.

21 Dated this 13th day of May, 2017.

22

23

24

25

ELICIA H. WOODWORTH, CCR

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<hr/> \$ <hr/>	12 17:19,20	1930 36:11	20110338 204:17
\$120,000 174:8	12-to-1 202:18	1954 36:11 37:9	20110384 197:19
\$291-million 9:10	12/1/2016 43:12	19th 117:19	20110385 198:5
\$3.5-million 151:6	12/19 198:15	1:22 238:25	20110386 198:7
\$5-millian 166:8	12/2/2013 43:9	1st 109:17 131:22 164:18 174:16	20110387 198:9
\$5-million 157:6,11 158:13 162:9	12/21 189:23	<hr/> 2 <hr/>	20110388 198:10
\$601,411 32:17	12/29 206:15	2 59:20 61:11 62:2,6 152:24	20110389 198:11
\$70-million 32:5	12/31 193:16 198:14	2,000 200:4	20110392 198:12
\$75-million 9:8	12/31/15 189:23 204:18	2.5-million 164:25	20110529 206:13
\$832,000 165:8	12/31/2015 44:6,9	2/26/2015 43:21	20110870 45:22
<hr/> 0 <hr/>	120-day 228:10	2/28/2015 43:2	20111025 43:16
060022 221:5	120-foot 164:15	20 167:19 195:4 196:23 199:20 203:1	20111182A 59:1
08 14:20 15:1 19:13,18 25:9,17,23 29:24 30:1	125 142:22	2005 117:20	20111255 44:4
08/09 20:14	13 23:21 25:5,10,17,23 26:16 29:13 31:10 102:15	2008 12:16 16:7,10 17:18 19:12	2012 32:12,17
08/09." 22:1	1314 42:6	20080132 211:12	20120115 43:7
09 19:18	14 38:4 44:2 211:25	20080750 12:14	20120222 43:20
<hr/> 1 <hr/>	149 8:22,24	20080878 211:12	20120281 43:23
1 86:17	15 14:21 15:2,3 26:15 39:8 109:11 112:22 175:2 193:16 198:14 210:15	2009 17:18	20120364 208:18
10 68:4 118:14 171:13 208:16	150 140:7,15,21	20090342 208:17	20120609 210:1
10,000 171:18	15th 12:16	2010 17:7,12,18 28:12	201208 42:25
10.3-million 32:16	16 23:25 25:5 39:8 97:7 100:3 109:17,18 154:2 175:1 186:20 187:8 189:23 193:17 198:15 204:19 206:14,15	20100221 189:21	20120853 44:1
10/14/2015 12:19	16th 43:6	20100314 208:18	20120867 43:1
10/19 12:20	17 9:5 23:25 24:2 31:10 154:3 214:21 224:6	20100329 198:6	20120868 38:13
100 9:21 118:13 171:17 207:18	170 179:22	20100393 209:10	20120962 11:12
100-million 10:3	175 32:6	20100884 45:18	20120993 11:10
108 32:12,15	1890 36:11	20100898 187:6	20121010 11:11
11 17:18 20:15	1908 36:11	20101889 142:8	20121158 43:4
11/15 193:17	1914 36:11	2011 20:8,9	20121170 11:14
114 143:15		20110187 193:15	20121197 44:7
		20110248 42:4	20121255 80:21
		20110273 208:18	20121301 45:25
			20129999 11:13
			2013 12:21
			20130018 47:16 48:17
			20130117 38:8



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MEETING MINUTES

April 26, 2017
Index: 20130503..6/24

20130503 210:1	2015 12:20 19:12 26:6 27:15 29:21 36:20 43:6 60:4 109:19 110:2,5,20, 21 161:23 174:25 201:22	20161111 106:23	<hr/> 3 <hr/>
20130770 82:2		20161224 210:2	
20130770-ITE 86:12		20161240 95:16 106:20	3/25/2014 43:18
20130801 94:4		20161392 7:22	3/7/2015 43:24
20130873 208:18	20150002 38:7	20161820 35:17	30 164:14
20130874 209:10	20150174 38:16	2017 9:8 100:6 110:19 116:3 131:22 154:10 214:21 224:17	30-day 226:11,14
20131070 38:20	20150238 35:17	20170083 170:13	300 8:20
20131140 94:5	20150270 38:10	20170084 164:8	300-million 8:18
20131234 82:1	20150280 59:20	20170114 150:15	30th 218:11
20131404 71:20	20150381 208:19	20170138 146:19	31st 9:8 115:24 116:5 117:20 131:5,22 151:1 166:9 218:7
2014 44:3 109:10 195:19 196:14,15	20150395 210:1	20170149 160:7	32,943,947 186:23
20140177 43:10	20150416 35:21	20170150 139:16 141:20	<hr/> 4 <hr/>
20140184 43:13	20150481 209:10	20170169 178:17	4 214:21
20140198A 70:2	20150880A 62:2	20170187 130:23	4/18/2016 12:23
20140198B 70:24	20150997 63:14	225 35:17	40 130:20,25 174:8
20140314 208:18	20151082 38:14	24 28:20 214:24	4141 35:16
20140456 38:12	20151086 7:21	243 18:10	4th 214:21
20140600 210:1	20151157 87:10	245 18:10	<hr/> 5 <hr/>
20140791 35:16	20151311 47:15	24A 214:24	5 182:14
20140960 201:3	20151378 35:20	24th 96:11 97:3,5,17,22 99:15,17,23,24 100:6, 11,12,15 101:1 105:22 109:9,17 110:11 117:1, 5,23 118:25 119:15 131:5,11,20 145:13,18 150:23 151:14 153:7 155:11,12,13 161:15, 16,17,19,21 162:1 165:6 175:5,7 182:6,11 183:13 185:12 201:22	5/14 12:21 17:19
20140991 90:23	20151593 38:11	25 47:7 230:5,6 237:5	5/14/2013 29:11
20140994 38:19	20152017 62:22	26th 214:12	5/15 17:20 29:8
20141066 34:9	2016 43:15 47:14 97:9, 22 100:11,12,15 109:8 110:11 116:1,2,3,5 118:25 119:15 150:4, 10,21,22,23 153:7 155:11,12,14 157:23 160:11,15 161:24 164:19 165:9,25 166:3 174:25 179:5 201:14	27 142:18 143:11,18	5/15/2008 28:17 29:10, 21
20141102 34:5	20160037 94:6	275 142:20	501(a)(1) 227:10
20141154 38:15	20160038 49:11	291-million 9:1	<hr/> 6 <hr/>
20141217 81:25	20160038 49:11		6 182:14
20141291 38:17	20160175 65:23		6/22/2010 12:17
20141329 65:4	20160175 65:23		6/24 47:14 96:21 97:15 98:9 115:15 123:16
20141393 81:18	20160266 38:6		
20141431 35:19	20160266 38:6		
20141452 72:22	20160770 106:22		
20141572 66:16	20160946 107:11		
20141576 82:3	20161081 106:21		
20141613 38:4			



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133:4 134:14 138:20	accept 145:18 151:15 232:19 235:6	224:15,18,19	24 134:12,19,23 135:2 136:3,9 137:8,24,25 139:17 141:11 142:12, 25 145:11,25 146:5,11 147:24 149:7 151:10, 20,25 152:6 154:18 160:18 161:3,7 170:15 172:3,23 173:3 179:18 180:1,7 181:4 185:9,19 187:18,25 188:4,9 190:12 194:14 199:8 200:19 201:25 202:1, 22,24 204:24 205:12, 16,25 207:12,17,23 208:2 225:3 232:10,18 233:11,17 234:12,13 238:15	
6/24/16 95:2	acceptable 16:21 153:17	additionally 229:25	administered 33:6	
6/24/2016 130:21	acceptance 179:12	additions 97:11 98:13 109:13 131:20 146:14 150:3 153:7,14 155:18 156:16 158:17 159:25 165:10 168:21 170:25 182:8	administration 112:1	
60 13:13,15	accomplish 214:3	address 25:16 116:19 138:18 155:25 159:9 160:1 183:25 184:7	administrative 233:19 236:2	
610,835 186:25	accordance 100:24	addressed 225:9	admire 220:25	
64 32:21 196:8 236:5	account 116:22	adjourn 237:25 238:1	adopted 228:6	
6th 213:3,5	accountability 111:19 236:21	adjourned 238:23	adoption 227:15 235:24	
<hr/> 7 <hr/>	Accounting 164:4	adjusted 85:9	ADP 143:18	
7 182:14	accumulate 166:8	Adley 8:4,8,16 9:12,22 10:4,20,23 13:5,20 14:3,13 15:22 16:23 17:10,15 18:19 19:5,10 27:4,13,24 28:5,14,23 29:2,7,12,16 31:17 36:2,5,6,19 37:5 38:24, 25 39:9,15,22 40:5,13, 17 41:2 44:22 45:2,12 47:9,23 48:2,5 49:13,17 50:4,5,22 51:2,17,23 52:3,17,23 53:5,10,24 54:16,19 55:9,15 56:19 59:23,25 60:11,16,22 61:1,6 63:2,16,23 64:8, 14 66:19,21 67:1,8,24 68:9,17,22 69:7 71:21 72:4,10,20,25 73:3,13, 21,25 74:4,11 75:10,16, 25 76:6,16 78:16,22 79:12,20 81:22 82:14 83:2,20 84:2,8,15,19 85:11,16,19 86:8,15 87:4,15,19,24 88:3,7, 15,22 89:2 90:4 91:4, 15,16,24 92:5,13 93:1, 6,11 95:11 96:16,24 97:13,18,23 98:6 101:6, 15 102:3,19 103:3,18 104:17,23 105:1,12 106:7 107:20,21 113:2, 3 114:8 115:8 120:22 124:4 126:6,7 130:17 132:17 133:2,7,13,17,	administered 33:6	advance 15:7,9 109:8 113:12,21 150:24 151:4 158:12 162:9 167:25
7/31 187:7 206:14	acquisitions 164:18	act 149:10 233:19	advanced 16:7 28:20 47:13 95:2 104:10,11 113:12 114:10 134:22 135:1 152:25 153:8 156:23 157:7 172:21	
70 8:19,22,24 9:24	act 149:10 233:19	acting 100:24 122:17	advances 39:6 134:17	
70-million 8:18	acting 100:24 122:17	action 14:4 122:13 125:1 138:25 148:11,15 149:16 151:22 168:22 181:14 215:1 226:2	Advantous 206:20	
<hr/> 8 <hr/>	active 210:19,23 236:16,25	activities 82:18	advice 78:23	
8/25 204:19	activities 82:18	activity 57:16 166:16	advise 118:3	
80 202:3	acts 123:3	actual 27:19 32:16 55:23 154:8	advocate 214:8	
8th 201:14	actual 27:19 32:16 55:23 154:8	ad 186:23	advocating 218:14	
<hr/> 9 <hr/>	add 9:6 137:3 164:13 178:24 180:2 204:7	added 124:8 151:17 158:19 164:13,14 229:11	Affairs 91:11	
9/21 187:8	addendum 22:11	addition 9:24 27:9 40:8,22 104:13 147:1 153:12 155:10 157:5,16 160:8 165:7 176:5	affect 23:3	
9/6 172:6	addition 9:24 27:9 40:8,22 104:13 147:1 153:12 155:10 157:5,16 160:8 165:7 176:5	additional 31:2 41:13 43:3,7,10,13,16,19,22, 25 44:3,7,10 102:17,22 130:5 179:21 214:25	affected 20:17	
90 9:20 10:2 167:18,19	ad 186:23			
98 185:8,11	add 9:6 137:3 164:13 178:24 180:2 204:7			
9th 43:15	added 124:8 151:17 158:19 164:13,14 229:11			
<hr/> A <hr/>	addendum 22:11			
abatement 35:11,14 36:1 111:21	addition 9:24 27:9 40:8,22 104:13 147:1 153:12 155:10 157:5,16 160:8 165:7 176:5			
ability 184:6	additional 31:2 41:13 43:3,7,10,13,16,19,22, 25 44:3,7,10 102:17,22 130:5 179:21 214:25			
abnormal 28:21				
aboard 202:18				
absolutely 36:13				
Acadia 38:13 43:17				



affidavit 83:19 85:1	amend 103:16	178:23 179:11,13 182:15 207:6	98:9 102:21 106:16,25 116:15 121:8,11,17 124:21 130:14,16,18 132:12 151:22 165:13 167:18 169:18 182:8 184:3 199:18 201:20 202:15,18 206:25 217:18 224:15 226:8
Affirmation 219:4	amended 16:13 21:22 83:18 84:18	applications 7:21,24 8:3 10:13 24:21 26:24 27:19 35:15,22 36:1 38:4 47:7 56:15 60:3 85:19 92:17 94:10,25 97:21 99:15 115:24 116:9 119:14 120:11 122:12 123:4 131:6 141:20 142:6,10,14 144:12 149:21 150:5 152:25 153:6 154:9 155:10,12 163:5 168:10,20 180:21 182:7 185:14 190:10 207:9	approximately 8:22 164:14,18,25
afforded 111:12	amendments 21:22	and/or 39:25 40:9	April 43:6 165:25 166:3,4 204:1 213:3,5 214:12 221:12
afraid 109:24	Andrea 35:18	Ann 182:3	arbitrarily 119:2
afternoon 164:3 178:3 224:8,21	Ann 182:3	Anne 231:11	arbitrary 122:18
age 36:9,24	announced 153:9	announced 153:9	Ardagh 193:15,19,25 195:10,12 196:2
agenda 99:16 186:22 192:10 204:2,8 213:11 214:22 224:2,4	annual 23:14 238:6	annual 23:14 238:6	area 38:15 104:16 122:18
ages 36:13	answers 157:14	anticipated 43:4,7,10, 13,16,19,23 44:1,4,7,10	areas 212:15
agree 100:22 115:22 138:1	apologize 51:1,14 54:13 84:16 215:2 235:19	appeal 103:11 114:24 115:1,3	argue 137:11 153:16 229:22
agreed 22:12 229:12	appearance 18:1	appears 110:12	argument 76:15 113:4 155:24
agreement 182:16,20, 25 185:12	Apple 38:5	Apple 38:5	arrival 235:20
ahead 67:3 81:22 143:7 152:9 170:22 178:20 184:13	applicable 22:18	applicant 182:16 183:1,2	arrived 17:25
air 117:24	applicant 182:16 183:1,2	applicants 33:6 99:13 184:12 190:10 191:21	artificial 135:19
aired 64:1	application 13:12 15:8 16:13 20:14 22:1,6 28:11,21 33:9 41:9 48:21 58:8,12 59:5 61:11 62:6 63:10 67:9 69:13 71:24 72:3 80:7 83:12 84:9,11,18 86:10 87:2 90:13 102:12 103:2,17 107:23 108:20 109:7,14,15,18 124:9, 18 125:16 139:13,14,15 142:8,17,24 147:1 150:4 151:3,12 152:3 154:7 155:2,13,16 160:6,20,23 162:16 163:6 164:1,7,12,22 165:10,13 173:5 175:1	approval 7:3 10:19 12:17 15:14 25:12,13 28:11 59:9 83:3 84:21 97:12 98:18 105:13,16, 21 113:15 122:3 169:11 172:15 182:17 212:3 228:24 229:8	Ascension 44:2 81:19 82:1,2 94:7
Alabama 164:16	approach 18:1	approve 12:1 13:14 48:1,24 61:17 62:9 65:12 66:5 80:7 81:7 85:19 90:13 94:13 96:1 97:25 98:3,4 99:18 101:23,24 159:2 161:8 166:20,24 167:8,12,14 174:15 185:25 195:1 199:18 208:22 213:8 222:5 223:11 224:24 226:12 232:14,15	aseptic 171:5
albeit 50:6 53:13 102:21 194:17	approached 219:5	approved 15:1 17:21 19:17 28:12,19 68:18 72:12 75:12 96:13,15	ASH 130:22
ALFASIGMA 210:2	appropriateness 118:19		asks 214:18
align 99:9 225:20	approval 7:3 10:19 12:17 15:14 25:12,13 28:11 59:9 83:3 84:21 97:12 98:18 105:13,16, 21 113:15 122:3 169:11 172:15 182:17 212:3 228:24 229:8		assessors 85:7
Allison 107:2,3 108:8, 9,18 109:4 111:4 112:9 114:6,13 115:15 119:9 125:7 230:20	approves 110:12		asset 16:10 86:25 164:18
allocate 111:14	Apple 38:5		assets 82:13 83:24,25 85:8 167:16
allowed 60:13,23 63:20,24 64:5,10 68:5,6 73:15,20 74:8 84:5 134:11	applicant 182:16 183:1,2		Associates 11:10
allowing 74:12 164:11	applicants 33:6 99:13 184:12 190:10 191:21		assume 71:2 102:20 180:3 202:22
alternative 52:25	application 13:12 15:8 16:13 20:14 22:1,6 28:11,21 33:9 41:9 48:21 58:8,12 59:5 61:11 62:6 63:10 67:9 69:13 71:24 72:3 80:7 83:12 84:9,11,18 86:10 87:2 90:13 102:12 103:2,17 107:23 108:20 109:7,14,15,18 124:9, 18 125:16 139:13,14,15 142:8,17,24 147:1 150:4 151:3,12 152:3 154:7 155:2,13,16 160:6,20,23 162:16 163:6 164:1,7,12,22 165:10,13 173:5 175:1		assuming 28:4
Altimus 214:13 219:25	appeal 103:11 114:24 115:1,3		
alumina 74:19,20 75:6	appearance 18:1		



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assurance 76:5 172:10,14	65:15,16 66:8,9 69:19, 20 70:16,17 71:11,12 80:13,14 81:10,11 86:1, 2 90:14,15 93:19,20 94:17,18 105:6,7,25 106:1 125:21,22 140:24,25 144:18,20 145:21,22 147:18 159:16,17 163:14,15 169:12,13 177:16,17 184:24,25 186:12,13 189:16,17 191:12,13 197:10,11 200:15,16 203:8,9 206:5,6 208:8,9 209:1,2,16,17 210:7,8 211:3,4,17,18 216:3,4 217:12,13 219:12,13 222:9,10 223:18,19 233:4,5 234:3,4 235:8,9 238:16,17	Baker 82:10,11,21 84:14 85:15	believed 117:8 118:13
assure 200:4	ballpark 9:17	believes 229:19	
Atkins 37:14 48:6 61:18 65:14 93:18 127:10,11,17,21 190:19,24 223:17	Bancroft 146:15,19,23 147:15	believing 121:10	
attach 20:13,15 21:15, 24	Bank 167:18	Belle 218:8	
attached 21:19,21 22:11 24:12 162:10 164:22	Bard 190:11	belonging 182:24	
attempting 214:3	Barham 8:7 37:1 45:3, 11 47:11 49:1 120:4,6, 23 122:1 124:5,22,25 125:10,14 127:6,7 147:10 156:11 162:22 176:14,19,24 177:11	beneficial 158:10	
attended 227:4	based 23:1,18 40:19 42:6 101:7 110:23 112:15,22 135:25 224:24 225:10 230:19 238:23	benefit 31:23 36:9 87:5 111:10,12,15 112:2 113:8,14,25 194:19 228:20	
attending 7:2 192:5,8	bashing 116:5	benefits 16:12,18 19:18 20:25 21:2 23:9 26:24 27:19 34:12	
attention 112:19	basically 19:21 131:21 214:18 230:20 231:21	Bennett 222:24 223:7,8	
attorney 15:20 17:4 27:6 213:9 217:24 224:12	basis 168:11	Bernie 178:8	
attorneys 149:6	Baton 11:12 34:7 35:18 38:9,14,15,18,20 43:1, 5,8,11 141:21 213:4 230:6	Bienville 35:16	
August 43:15 117:1,4	Bayou 45:19 46:5 95:16,20 105:14 106:20	bill 77:5 214:13	
Austin 35:18	Beaed 38:6	billed 77:6	
authorities 212:3 228:9	Bear 137:10 141:12 178:15	bind 149:19 228:24	
authority 228:16,25	Beauregard 44:8 47:16,22	bit 56:14 173:18	
automatic 194:22	began 174:16 213:1 217:22	Blade 187:6,10,14 188:15 192:23 193:4	
automatically 201:19	begin 237:3	Blake 12:14 15:20 16:4, 6,17 18:6 20:13 21:17 22:5 32:5 117:6	
Aviation 43:20,23	beginning 31:2 150:10	Blake's 20:11	
avoid 119:1 120:12 227:23	begun 164:18 165:5	blasting 180:16	
award 18:6	behalf 16:4 107:5 108:20 111:22	bless 166:15	
aware 123:25 192:3	belief 27:25	blocks 236:14	
Axiall 43:7		board 9:6 10:16 11:23 12:17 13:14 14:8 15:1, 14 16:3 22:23 28:11,12 31:1 33:8 34:22 37:15 41:9,12 44:17 46:12 56:25 59:4,8 70:13 71:8 80:2 85:23 95:23 98:18 99:1 100:24 101:4 106:25 107:5 108:1,7 111:7 112:10 114:9 115:25 118:1,16,20 121:9,14,18 122:3 123:3,9 138:12,24	
aye 7:10,11 10:25 11:1 12:4,5 33:14,15 35:3,4 37:18,19 41:19,20 42:16,17 44:24,25 45:4, 5 46:19,20 48:11,12 49:3,4 56:2,3 58:18 59:12,13 61:19,20 62:13,14 64:23,24	back 15:12 17:7,20 19:23 21:23 25:2,3,4,16 26:8 31:9 40:2,7 67:20 68:13 79:6 84:17 85:12 102:5,23 103:2,8,11 111:12,15 113:6 115:5, 19 116:11,23 119:22 120:19 121:1,4 122:5,6 124:10,21 130:5 142:11 151:8 154:19 159:1 165:11 167:5,20 168:24 173:18 176:25 177:23 179:3 184:14 201:13 204:1 217:23 236:23 237:10		
	backup 179:11		
	bad 117:14 118:13,14 119:24		
	Bag 146:19,24 147:15		
	Bagert 100:19,20 101:13 132:2 152:18,19 154:4 155:7 156:14		
	Bagert's 138:19		
	bags 134:4 135:7,13		



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139:4,15 148:11 149:19 153:1,24 156:3,18 157:25 158:9 159:9 162:14 166:18 167:15 169:6 172:8 173:12,19 174:19 179:16 180:21 183:4,20,25 184:7,14 186:8 188:21 189:1,13 191:8,22 192:9 195:2 205:2 212:13,18,25 213:5,6,10,13,18 214:6, 11,14 215:20 216:10 218:1,24 226:16 228:5 230:2,8 231:1,14 232:1 233:25 234:22 236:17, 19 237:1 238:5	bringing 236:21 broad 137:2 229:21 broken 89:17 90:3 Bros 132:21 brought 115:25 151:8 207:11 212:1 bucks 179:1 budgeted 174:24,25 build 52:5 92:17,21 building 52:9 64:5 74:6 89:5,22 164:15 buildings 63:18 built 51:8 52:21 89:22 bulk 171:2 bunch 117:14 Burton 7:17,19 8:1,14, 21 9:4,15 10:1,6 11:8, 18 12:12 13:9,24 14:11, 22 15:4 30:20,24 31:6, 12 32:10 34:1,2 35:10 business 38:5 45:19 89:10 111:6 118:19 175:19 button 68:2 113:18 buy 133:18 165:2 bypass 50:11,13,18,19, 20 51:16,18 52:15,20, 21 bypasses 57:22	38:16,19 59:20 62:2 72:23 94:5,6 106:21 107:12 calendar 109:13,19 154:10,11 207:11 call 148:4 169:10 213:21 226:11,13 231:21 236:7 called 88:17 122:18 158:23 159:13 160:7 214:10,19 219:25 calls 218:15 Calumet 142:3,4,8,17 143:7 144:11 145:4 197:19 198:5,6,7,9,10, 11,13,20 Calumets 197:22 Cameron 216:9,10 217:5 221:5 229:2 cancel 34:8,11 93:10 210:18,23 cancelation 45:22,24 46:2 211:13,15 cancelations 45:16,18 46:9,13 210:15 canceled 93:9 candid 110:18 capacity 160:8 162:12 capital 97:11 98:13 104:14 109:12 131:19 146:14 147:1 150:3 153:7 155:10,18 156:16 157:5,16 158:17 159:25 160:7 165:10 178:25 179:22 182:8 227:22 235:21 capricious 122:18 Carbide 90:23 91:2 93:14 CARBO 201:3,5,10 204:1,5 care 38:10 216:15	careful 114:9 carefully 113:5 Carmody 128:3,4 140:19 144:16 152:7,8 177:11 184:9,10,17 191:3,19 192:2,12 197:4 199:10 200:8,11 208:24 209:14 215:19 219:2,3 233:22 238:14 carried 142:10,20,23 carries 7:16 11:6 12:10 33:24 35:9 37:24 41:25 42:22 45:10 48:14 56:8 58:23 59:18 61:25 62:19 65:21 66:14 69:25 70:22 71:17 80:19 81:16 86:7 90:20 93:25 94:23 105:11 106:6 130:3 141:5 144:25 146:12 159:22 163:20 169:18 177:22 185:5 186:18 189:19 191:18 197:16 200:18 203:14 206:11 208:14 209:7,22 210:13 211:9, 23 219:18 222:15 223:24 233:10 235:14 238:22 Carter 11:11 case 16:6 56:24 112:5, 17 115:13 117:18 120:10 149:25 150:4 156:12 161:18 170:2 194:24 cases 57:7 120:9 136:1 169:21 categorically 132:11 154:16 category 36:8 153:15, 21 caught 194:12 caused 104:13 cement 136:15 Center 38:10 central 44:4 228:7
board's 14:4 172:14 Boatner 102:10 boats 164:15 Bob 164:4 Bobby 129:14 bodies 111:12 212:12 219:25 237:6 body 111:16 228:15 Boise 47:15,21 48:1 Bollinger 47:16 48:17, 20,24 Bossier 142:9 198:6 212:21 213:3 214:21 215:12 218:17 220:11 bottom 108:21 boundary 225:19 brainstorm 77:17 brand 157:15 Brasseaux 70:11 71:4 127:24,25 211:2 Brewing 102:11 104:19 115:5 130:8,10 Brian 49:25 bring 102:23 103:2,7,8 112:19 124:9 142:11 231:22	C		



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centralized 228:12,21	check 9:6 54:11 84:1 236:14	Chuck 88:13	13 58:5 61:17 108:5 126:2,6,17,19 128:7,8 186:3 208:3 211:15 217:7 218:20,23 223:13,16
Century 150:15 151:9 152:10 157:3,22 159:10,11,15 161:18	chemical 59:1,5 81:18, 25 82:1,2,3 89:11,24 171:3	circumstance 125:16	
Centurylink 150:8,9	Chemicals 72:22	circumstances 77:18	
Ceramics 201:3,6 204:1	chemistry 74:21 78:20	Clapinski 17:2,3,13,17 18:8,24 19:8 22:9 23:10,22 26:4,9 27:22 28:9,16,25 29:4,9,14, 18,25 135:11 136:7,18, 25 139:3 149:14 167:1 224:7,11,12 225:7,22 227:1 232:13 233:15 238:3,4	combination 135:18
Ceramics' 201:10	Cheng 47:2,5,12,19 48:16 49:10 53:2,7 56:17 58:25 59:19 60:9, 14,19,24 61:4 62:1,20, 25 63:4,8,13,21 64:6,12 65:3,22 66:15 70:1,23 71:18 72:2,8,21 73:5, 18,23 74:2,9 80:20 81:17,24 83:15,23 84:6, 12,24 86:13,24 87:9,22 90:22 92:24 93:3,8 94:3,24 95:7,14 96:22 101:10 102:25 103:9,15 104:21 106:13,15,19 107:8,10 114:25 116:8 125:4 130:7,13,19 131:7 133:5,11,15,20 134:9,16,21,25 138:21 141:18 145:16 146:16, 18 148:8 150:14 160:25 170:12,17 178:16 181:10 185:7,17,22 186:19 187:5,23 188:2, 7,20,25 189:4,20 190:4, 8,14 191:25 192:6 193:14 196:12 197:18, 24 198:4 201:1,2 203:23 204:6,15,16 205:9,14 206:12 207:15 208:15 209:8,23 210:14 211:10,24 216:10,21,22 217:1 221:4,16,23 222:2,20 223:25	clarification 98:17 114:22 127:13	comfortable 120:16,21
Certainteed 107:11, 15,19 120:17 125:2 130:4	Chairman's 86:18	clarified 238:9	commend 112:13,16
certainty 111:5 118:20	chance 39:23 110:6 112:8 156:1 193:8	clarify 28:10 96:17 226:2	comment 46:8 147:14 182:4 220:9 224:19 225:2 226:19 227:9 228:4 229:18 230:11, 13,19,22 231:12 234:14
cetera 57:13	change 22:16,17 34:4 42:3,11 57:13 74:19 89:15 136:5 166:13 194:12 195:13,16 196:1,14,22 204:4 208:23 225:17,20 226:2,7 227:13,14,16 228:3,20 229:1,4,13,17, 24 230:1,10,17 231:16	clarifying 84:21 229:13	comments 10:12 11:19,23 33:20 34:17 35:25 37:15 41:8,12 42:10 44:13 46:12 48:7 59:4 61:14 62:5 64:17 65:7 66:1 69:12 70:5,12 71:5 81:2 85:20,22 87:13 94:9 95:19,23 96:4 106:9,10 107:18 108:1,6 120:8 131:1,25 132:15 152:15 163:1 181:19 224:5,23,25 225:11,24 226:4,24 227:5,6,8 229:5 230:21 231:1,5,6 235:15 236:8
chair 234:16 238:7,11, 16	changed 19:7 20:15 111:18 120:10,12 195:24	clarity 149:1	commerce 135:22,23 153:2 213:14 226:10
chairman 54:25 72:18 82:11 83:5 84:21 102:6, 20 107:4 132:3 141:12 149:2 168:8 192:23 212:18 214:7 215:7 234:15,22 235:22	changing 77:11 208:19 209:11	classify 98:24	commission's 183:8
Chairman's 86:18	Charles 38:7 79:22,24 82:3 90:24	clean 168:11,25 169:5	committee 68:24 172:5 183:8 192:15 199:9 213:5,7 226:9 233:16 234:16
chance 39:23 110:6 112:8 156:1 193:8	Chartres 35:17	clear 85:13 121:12,13, 25 122:2 126:5 131:19 149:8 152:23 154:20 163:4 229:14	committees 226:10
change 22:16,17 34:4 42:3,11 57:13 74:19 89:15 136:5 166:13 194:12 195:13,16 196:1,14,22 204:4 208:23 225:17,20 226:2,7 227:13,14,16 228:3,20 229:1,4,13,17, 24 230:1,10,17 231:16	Chasse 218:8	clerk 142:7 199:2	communities 111:22 237:4
changed 19:7 20:15 111:18 120:10,12 195:24	Chateau 45:19 46:5	client 113:11	community 38:10 111:6 114:3
changing 77:11 208:19 209:11		clients 138:11	companies 40:23 50:1 64:10 67:7 95:16,20 101:8 105:14 106:20 109:25 112:12,14 167:22 169:20,21,22,24 171:3 181:24 184:4 187:3 196:9 199:16
Charles 38:7 79:22,24 82:3 90:24		closed 211:13	
Chartres 35:17		closer 15:23 47:10	
Chasse 218:8		closes 118:6	
Chateau 45:19 46:5		closest 199:11	
		closure 227:23	
		coating 87:21 89:3,8 90:2	
		code 56:18 57:15,18 133:21 137:2	
		coffee 134:1 137:14	
		cogent 91:18	
		Coleman 35:2 56:9,12,	



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220:5 228:8	computerized 67:23	consistent 14:7 88:20 123:7 199:25 200:3 202:25	12,15,17,19 25:9,22,25 26:2,5,17,23,24 27:7,8, 9,18 28:7,13,18 29:20 30:5 31:3,14 34:5,9,11 42:4 44:14 45:16 85:7 107:1 118:17 187:7 189:22 193:16 203:18 204:18 206:14 210:15 212:1 221:5
company 7:23 11:13 12:22 13:1 15:11 16:8 19:3,17 23:3 24:11 28:13 31:25 34:10 45:20,23 46:1 50:1 53:21 59:1 63:9 71:19 79:1 81:25 82:1,2,3,12 93:9 102:16 109:10,18 111:11,15 116:11 130:8 132:21 137:21,23 138:1 139:18 141:8 142:4,9 164:13 166:1 171:1,13 182:1 184:7 194:19 195:25 196:4,15,16 197:19 198:6 204:17 211:13 227:23,25	computers 68:13 75:3	consists 50:10	contract's 21:1
company's 31:25	concept 116:16 182:19	constitution 111:9 153:17 230:1	Contractors 38:18 40:19
Company-ascension 81:19	concern 136:12 227:17 228:14 230:18 231:13	constitutional 136:2 153:11 182:22	contracts 15:6 22:11, 18 99:19,22 100:14 118:11,14 122:16 153:2 182:9 198:14 202:16 204:1 208:17 209:10,25 210:19 212:4 214:24 217:5 236:3
Compass 178:9,11,17	concerned 16:17 115:23	constructed 63:18 164:23	contractual 152:25
compelling 104:6,14 227:20 229:20,22 231:19	concerns 213:4 225:9 230:21 231:18	construction 38:9 104:13 142:22 165:18	contributing 188:18
competing 118:23	concluded 16:20 18:13 24:9,14	constructive 192:14	controller 139:12
complain 199:7	concludes 7:24 11:16 34:14 35:22 224:1 238:25	consultant 42:7	Controlworx 11:11
complete 165:5 179:9	concrete 132:22 133:9 134:2,5,6,7 135:4,8 136:13,15 138:1	Consulting 206:20	convening 191:23
completed 150:21 151:14 153:3 156:13 160:11,13 161:14,15, 19,21,24 173:21,22 179:4,5	conduct 237:14	consumer 157:25 158:1	cooperative 182:15, 19,25
completely 100:22 213:23	confirm 162:3	contact 191:21 202:13	copies 220:3 221:18
completion 162:17 165:18 168:13 169:3	conflict 227:18	contacted 189:3	copy 22:12 216:11 224:22
complex 111:24	conflict 227:18	contacts 210:23	Core 38:5
compliance 149:18 168:17	confused 50:14 56:14 168:24	Container 65:23 66:2	Corp 38:13 43:1
component 135:23	confusion 20:23 103:5 161:14 213:13	containers 171:2 195:14	corporate 196:10
components 164:19 165:1	confusions 131:2	continuation 202:16 212:14,24 213:8,25 214:19,23 217:5,18 222:6 223:12	Corporation 11:14 62:21 90:23 105:15 106:23 107:12,15 120:17 130:5 139:12,20 140:21 141:20 160:6
computer 68:1,3 113:17	connection 55:17 122:16	continuations 203:18 212:1	corporations 236:22
	consensus 32:9 138:10	continue 93:2 118:18 120:15 168:10 235:23 236:11,16	correct 8:13,15 12:13 14:10 18:9 19:9,16 23:23 25:10,18,23 29:15 36:13,24 37:11 39:4 60:25 63:22,25 64:7 98:12,13,21 99:4
	consideration 74:25 117:24 119:3 166:11,15 168:16 183:8 213:11 215:10 218:17 219:7 224:5	continued 212:4	
	considerations 34:18 220:23	continuing 231:18	
	considered 31:1 58:1 101:3 153:14 180:13, 14,18 183:4 201:20,23 226:5	contract 12:15,16,17, 19,20,21 13:12,13,16 15:2,13 16:15,17,20 17:6,7,20 18:5,14,16 19:22,23,25 20:3,6,7, 12,18,21,24 21:2,3,5,8, 14,18,20 22:4,21 23:3, 9,13,14,16,20 24:6,10,	
	consistency 123:14 188:11		



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102:2 109:3 115:9 140:10 142:23 143:8, 13,23 146:2 151:19,24 157:6,9 160:21 163:13 164:10 179:21 180:25 181:11 185:23	155:3,15 156:6 159:25 161:4,16	Danielle 17:3 224:12	decided 14:8 18:22 19:1 118:20 180:21 199:19 228:11
corrected 24:11 186:24	creates 107:23 168:21 169:1,5	date 12:16,17,20,22 14:20 15:7,14 17:14 19:6,13,14 28:1,15,17, 19,24 29:8,10 43:2,5,8, 12,15,18,21,24 44:2,6,9 110:5 116:24,25 117:1, 5,11 118:25 119:4 120:8 145:7 160:16 161:17 162:3,17 165:11 168:13,19 191:24 192:24,25 207:5 214:25	decides 92:21 226:16 234:22
correction 210:16	creating 51:11 110:14 133:8 160:20 228:2	David 178:8,12,21 179:20 180:5,9,24 181:20 222:24 223:8	decision 52:14 53:18 103:12 110:16 112:22 120:18 121:2 166:12 199:5 218:14 228:11
correctly 101:17	creation 110:11 114:1 125:15 155:8,9 163:9 168:23	Davis 139:10,11,19,24 140:4,9,13 141:16 160:4,5,14,22 161:5,9, 22 162:2,7,18 163:21	decisions 110:1 112:12,15,16 123:2 138:5 166:14 220:18 232:3
cost 53:15 77:6 85:2 87:5	credibility 213:17	dates 28:3 36:10 116:21 165:4 169:3	deck 170:4
costs 86:17,22	credit 17:11,16 25:9 32:17 40:10,22	day 31:22 92:7 123:1 153:9 196:8 200:24 204:5	deem 126:9 227:13
council 202:14 222:25 223:9	credits 25:17 39:25	day-to-day 236:4	deemed 138:7 225:25
Counsel 96:9	critical 194:20	days 13:13,15 89:12	defer 52:24 55:22 62:22,24 71:20 103:1, 16,19 104:19,24 105:1 121:3 122:5 123:8 124:10,21 130:22 140:7,17 143:2,4 144:5, 7 162:15 163:5 176:25 177:10 180:21 184:13, 22 190:20,23 191:22 198:25 199:4 205:3,11 215:5,19 218:24
counteract 153:25	crux 18:7 20:18	De 45:19 46:5	deferment 127:14,16 215:8 219:7
country 231:25	cup 133:25	dead 161:17	deferral 55:25 58:13 105:3 106:10 120:25 124:12 140:20 142:8 144:19 146:1 177:12,15 191:5
couple 96:4 110:6 142:14 164:12 178:22 225:24	current 42:4 83:4,18, 19,21 84:4 135:14 136:11,20 162:12	deadline 39:18 153:19 168:15 175:6 207:2,3,5, 8 214:12	deferrals 184:2
courage 232:2	curve 220:20 237:11	deadlines 26:21 169:1	deferred 58:23 63:10 105:11 130:4 139:14 141:23 144:12 145:4 146:17 161:1 163:9 165:13 188:21,24 190:3 192:8 193:1,3,12,13 202:5
court 18:14 19:21 24:18 26:20,22 31:21 117:19	custom 135:16 192:15	deal 13:8 19:4	deferring 58:17 103:6, 22
courtesy 196:5	customer 74:20 77:5, 14 174:9	dealing 83:7 118:2 175:14 227:9 230:15	define 230:22
courts 18:22	customer's 77:12 78:12,21	deals 229:20	
cover 236:5	customer-process- driven 74:18	Deanne 67:5,9	
coverage 16:9 20:17	customers 74:22	Dear 214:19	
CPA 43:11 102:14,17	customizing 78:4	December 101:5 117:20 175:12 203:25 207:4,22 212:2	
cracks 77:24,25 194:13 201:16	cut 68:2	decide 9:18 117:15 170:1 226:21	
crane 165:9,17	Cutrer 35:20		
create 77:10 79:8 132:11 154:12,25 155:1 158:2 171:8,23 184:12 192:10	<hr/> D <hr/>		
created 16:11 32:6 91:18 92:8 101:19 105:14 106:11 109:1 110:10 113:15 124:11 132:20 152:11 153:19	Daigle 91:12,13,21 92:10		
	damage 188:17		
	damaged 112:16		
	dance 149:11		



definition 56:23 69:4 135:14,25 136:2,19 137:3 153:12	details 76:22	disapproval 122:3	Dolese 132:21,24
delay 16:22 19:24	determine 22:24 50:7 55:3 58:7,11	disapprove 226:13	dollars 19:19 84:11 110:16 167:15
deliver 77:24 113:6	determined 56:15 138:6	discovery 47:24 49:11, 14,20 50:1	Don 17:25 113:4
delivered 134:8 165:24 166:4,5	determines 56:25	discretion 137:7,12 230:2,5	dont 158:17
delivery 177:7	determining 231:18	discuss 214:22 218:2	door 76:18 118:5 122:21
Delta 38:11	development 12:18 73:16 74:6 96:10 120:1 213:23 222:25 223:9 237:15	discussed 116:23 122:15 154:23 168:19 184:23 229:10	double 54:11
demand 157:25 158:1	dialog 236:11,16	discussing 99:22,23	doubled 89:23
denial 146:4,6 189:8 200:21 206:1	dice 174:18	discussion 18:4 30:18 105:3,20 120:7 131:18 140:20 145:8 156:3 158:24 162:23 167:9 168:3 176:5 186:4,8 189:10,13 191:4,8 197:6 200:12 203:5 206:1 208:4 215:25 217:9 219:1 220:10 231:20 232:24 233:23	Doug 212:19 220:4,15 237:2
denied 103:10 112:21 114:23 145:6 146:16 165:13 188:3 192:16,23	dictates 20:24	discussions 7:7 18:12 138:5 159:4 177:12 213:1 214:13 217:22,24	DOW 59:1,5 91:13
deny 131:12,23 146:10 147:3,15 149:19,20 188:11 189:7 195:1 205:20	Didier 102:11	dispute 18:9 20:6,11, 18,19 22:3	downstream 50:14 82:13
denying 107:22 115:19 146:10 163:6 188:6	Diefenthal 206:21,22	disputes 16:8	downturn 32:25 202:17 212:15
department 8:25 9:7, 10,18 32:12 195:25 196:17 213:19 227:15 232:16	difficult 67:18 111:14 171:22	disqualified 93:7	draft 24:12
department's 137:6	difficulty 21:9 99:12	distinction 132:4,10 155:14	drawn 177:6
depending 194:17 226:21	dig 54:24 55:10	distinguish 57:2	drilling 117:6 180:16
depends 9:17	diligence 221:1	Distributing 7:23	drop 161:17
deposit 176:15,16,20, 21	direct 32:12,15 53:17 104:12 123:21,24 124:16 151:7 179:24 196:6	district 36:15,21,25 37:8 117:19	drove 113:23
Depot 134:4	directed 136:12	diverge 111:23	due 15:8 21:5 22:17 27:8 195:25 220:25
depth 225:1	direction 201:15 213:18 220:22 230:14, 18	divert 150:1	Duff 221:10
Deputy 220:10	directly 152:24 153:25	division 164:13,14	Dunn 182:2,3 183:18 231:8,10,11 232:7
describing 220:2	director 67:5 170:7 193:24 198:21 199:1	document 227:3	Dynamics 187:6,11,14 188:15 192:23
description 40:20 71:25 72:16,17 137:13, 16	dirt 75:9	documentation 179:11	<hr/>
Design 38:9	disagree 17:1,5	documents 13:11 195:10 196:15	E
desk 99:1,2 149:10,20 156:2 172:10	disallowance 227:21		<hr/>
	disallowed 132:7		e-mail 102:14,16 221:15 224:21
			e-mails 220:2
			Eagle 59:20 61:10 62:2, 6
			earlier 151:13 182:22
			early 109:14 165:25 172:19 174:7 199:19



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earning 112:25	eliminated 184:2 218:11	Exchangers 65:4,8
East 11:12 34:6 35:18 38:9,14,15,20 43:1,5,8, 11 141:21	employ 179:22	excited 79:24
EBR 38:6	employee 102:13	exciting 100:21
echo 235:22	employees 16:9 18:11 20:17 25:13 32:14 89:20 102:15,18 142:18,19 200:4 205:18	exclude 32:15
echoes 230:20	employer 18:17	excluded 39:7
economic 12:18 96:9 120:1 212:15 213:22 222:25 223:9 237:15	encourage 112:4	excuse 101:17 164:17 166:3 188:17 201:15
economy 179:3	encourages 157:25	execute 22:4,6
Eddie 206:22	end 31:3,10,21 85:5 109:14 123:1 154:22 174:25 196:7	executed 12:19 17:6 23:13
Edition 224:17	endeavor 182:15,19,25	execution 19:25 236:1
effect 20:13 22:19 24:6 117:20 182:18 183:5,12 195:17	ending 9:5 140:21	executive 47:14 50:7 56:21 95:1,6,13 96:2,14 97:10 98:4,5,10,23 99:2,18,21 100:10,13, 16,25 101:7,22 109:20 110:7,10 111:18 112:13 116:16,20 118:2 119:15,19 121:3 123:22 124:14,16 126:9 130:21 132:6,8,10 135:4 147:2, 8 149:3,15,18 150:22, 24 151:3 152:23 153:10,22 154:17 155:9,16,17,18 156:7, 13 167:17,21,24 168:18 172:11,19 176:9 182:6, 14 183:4,11 185:21 236:1
effective 12:16 14:20 19:6,13 20:8 27:25 28:3,15,17,19,24 29:8, 10 117:7 153:4	ends 31:18,19 51:4	exempted 133:22
effectively 31:11 237:21	Energy 211:11	exemption 47:1 51:11 52:5,8 53:13,15 109:18 133:9 134:1 136:17 138:7 153:16 155:19 159:15 166:2 187:17 195:3 207:1,8 209:24 212:14 214:24 224:2 227:11
effectiveness 116:21	enforceable 118:12	Exemptions 47:7
efficiency 225:21	engaged 236:16	exhibit 24:13 182:17
efficient 179:24	engagements 237:3	exhibited 236:18
effort 53:23 219:5 236:25 237:19	enhance 157:24	exist 110:15 111:9 212:14
efforts 196:7 236:6	Enlink 38:12 40:18 43:4,17 44:1	existed 110:21 116:17
election 234:11 238:6	enter 29:19	
Electric 204:17,22 205:13	entered 207:2,6	
Electric's 206:2	Energy 45:22 92:16,21 93:4 210:16	
electrical 91:17 164:23	entering 171:4	
element 111:20	Enterprise 38:1 39:3 40:9,21 41:9 44:14 237:8	
elements 236:2	Enterprises 43:14	
eligibility 58:7	entertain 7:3 34:25 131:11 167:8	
eligible 18:18 57:14 83:18 86:21 101:3 137:15 153:8 155:20 168:1	entire 53:15 143:18,21 153:15 154:9 173:25	
	entirety 166:25 167:8, 13,14	
	entities 213:1 214:20 21	
	entity 57:8,15	
	environmental 160:9	
	environmentally- required 227:21	
	EO 99:13	
	equipment 11:13 55:24 57:9 68:15 89:13, 17,23 90:3 157:23 164:20 165:7 171:9 173:17 174:6,9,12 175:11,12	
	equivalent 75:8	
	Eric 14:19 26:25 27:20	
	erroneous 207:5	
	error 142:18 199:2	
	errors 142:7	
	essence 151:11	
	essential 89:24	
	essentially 18:4	
	established 101:3 136:1	
	establishments 153:4	
	estimate 9:19	
	Evangeline 38:11	
	everybody's 199:23	
	everyone's 220:14	
	everything's 67:22	
	evidenced 161:20	
	exact 142:21 160:16 168:13	
	excellent 113:4	
	exception 153:23 158:21 182:10 183:12	
	exceptions 119:6 120:13 158:20,21 183:15 194:18	
	exchange 111:16,20, 21	



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existing 77:11 78:11 113:9 162:12		falls 139:13 160:16	20:13 22:5 23:14 24:21 25:10 26:5 30:2,3,6 39:6 47:14 96:2 99:16 100:11 105:21 109:8, 15,18 116:2 121:6,12 131:4,5 138:20 145:7, 12,15,17 151:14 154:22 162:9,10 167:24,25 182:11 183:13 194:9 207:9,22
expansion 60:5 74:5, 16 153:12 162:11	F	familiar 51:1	
expansions 153:15 164:24	Fabra 41:17 81:9 126:23 127:2 128:11,12 148:25 149:22 166:21 168:7 234:24	family-owned 89:9	
expect 101:23 171:24	fabrication 135:16	farmland 36:18	
expectation 115:16	Fabricators 222:21	Faucheux 91:10,11	
expected 154:21	face 99:12	Favaloro 24:13 127:4, 5,9,19,23 128:2,6,10, 14,18,22 129:1,5,9,13, 17,21,25 147:23	filing 13:17 28:20,21 32:11 85:1 227:23
expenditures 173:16 174:15	faced 207:3	favor 7:10 10:25 12:4 33:14 35:3 37:18 41:19 42:16 44:24 45:4 46:19 48:7,11 49:3 56:2 58:17 59:12 61:19 62:13 64:23 65:15 66:8 69:19 70:12,16 71:11 80:13 81:10 86:1 90:14 93:19 94:17 105:6,25 125:20 140:24 144:18 145:21 147:18 152:10 159:1,14 163:14 169:11 177:15 184:22 186:12 189:16 191:12 197:10 200:15 203:8 206:5 208:8 209:1,16 210:7 211:3, 17 216:3 217:8,12 219:12 222:9 223:18 233:4 234:3 235:8 238:15	filings 9:18 23:18
expensive 75:3	facilities 39:24 40:8 82:16 83:1 84:5 92:18, 19		filled 121:23
experience 117:2	facility 50:15 51:10,12, 16,18 53:14 55:4,18,24 79:8 82:19,23 83:10,17 84:1 89:6,22 92:7 104:12,15 179:2 205:18 210:19,24 211:12 212:11,20		filling 174:9
expiration 12:20 13:16 29:11 192:24,25	fact 18:12 19:13,16 23:1 27:15 40:21 100:22 117:18 155:4 166:13 168:17 214:12		final 26:18 53:18 85:1 138:22 139:4 145:18 156:9 177:8 192:10
expired 23:21 25:6 26:16 29:13,22 187:7 189:22 193:16 198:14 204:18 206:14	factor 162:6 173:19 188:19		finalized 18:22
expiring 13:14	factors 119:4		finance 213:5,7
explain 15:16 107:24 120:18 184:14 196:24 199:4 202:6 214:10 218:4	facts 108:23,24 109:23 112:19,22	FCC 72:5	Financial 170:6
explained 51:16 88:23 201:12 220:15	fair 9:13 64:11 111:20 119:1 174:18,19 196:23 200:3	February 138:23 224:15	find 40:21 51:3 61:2 82:24 83:11,13 85:6 168:12 187:19
explanation 14:25 52:24 60:20 197:1	fairly 33:6	fee 15:9	fine 78:18 148:23 149:12 158:14 199:5
explicit 152:23	fairness 199:22	feel 120:16,20 174:18, 19 196:8	finish 198:3 234:19
explicitly 153:5,24	faith 117:4,14 118:4 119:24 158:11	Feliciano 65:24	finished 23:12 115:14, 16
export 82:16	Fajardo 41:18 42:14 46:18 59:11 80:12 94:16 128:15,16 131:17 147:13 163:3,10 189:8 210:6 238:24	Fellows 205:17	Firestone 105:15 106:21
expressly 172:11	fall 36:8 185:12	felt 154:20 157:10	fiscal 8:24 9:3,5
extract 57:8		figure 50:16 54:25 58:6	fit 74:14
extraction 57:9		file 18:18 25:5 27:16 87:1 114:23 117:13 156:23 172:20 173:2 194:20 226:14	five-year 13:18 29:3, 20,22 185:13 199:19
extremely 21:16		filed 13:13,15 16:6	fixing 161:8
Exxon 38:13 40:18 43:1 62:21 63:5,7			Flip 101:11
eyes 58:1 78:3 116:14 175:5			floor 30:12 62:9 65:11 69:16 70:9 76:18 80:6 81:6 96:18 145:5 196:19
EZ 45:20,23			flows 78:21



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FMT 63:14 64:18 164:5,
7,8 167:7 169:9,11,18**folks** 196:10 213:18**follow** 99:5 118:2
124:13 126:8 149:13
158:8 188:11 196:4
231:14 233:18**follow-up** 192:3**food** 43:14 171:5,13**Foods** 38:5,6**forecast** 111:14**Forest** 208:17,20
209:9,11**forget** 121:19**forgive** 45:13**form** 16:21 24:10 57:13**formal** 16:12**formally** 30:2**forms** 194:7,9**formulating** 116:20**forward** 7:1 13:2 17:12
19:18 49:22 66:25 73:8
74:14 82:8 88:10 91:3
102:8 104:10,11
118:13,21 119:2,4
138:3 141:24 143:7
152:16 156:7 160:2
163:25 169:6 170:3
177:22 178:1 181:25
182:1 193:21 198:2
201:7 206:18 212:9
219:24 231:8 232:16
233:12,18,23**found** 18:14 142:6**Fourchon** 47:16 48:17,
21,25**fourth** 76:17 96:18**fract** 117:5**fracturing** 77:21,23**frequently** 176:23**friends** 76:19 199:11**front** 41:9 54:21 86:11
142:6 158:6 237:6**fronts** 235:24**fruits** 171:16**full** 21:10 192:25
202:10**full-time** 102:13,15,18
142:19 178:24**functional** 75:8**future** 76:15 83:14
86:21 92:4 104:10,12
156:20 181:2

G

G.E.O. 65:4,8**gains** 202:2**Galvanizing** 34:10**gas** 50:12,13,14,21,23
51:4,8,19 52:6,10 53:14
55:3 75:19,22 164:24**gateways** 98:18**gave** 124:9 137:16**GE** 204:21**general** 8:9 125:8
179:7 182:4 185:10
204:17,22 205:13 206:1
230:11,13,18**gentleman** 88:16
159:8**give** 74:25 75:19 110:6
113:21,22,25 124:10
144:8 168:15 177:4
180:3 191:23 193:10,12
226:23 232:2**giving** 136:16**glad** 91:5 200:20,21,22
213:20 237:20**Glass** 193:15,20,25**globo** 186:1 210:22**goal** 52:20 172:2**God** 166:14 199:13**good** 7:20 9:19 16:3
17:3 35:14 47:6 82:11
86:18 102:10 110:6
112:11 117:4 118:4
122:8 142:2 148:23
150:7 158:11 164:3
178:3 201:21 213:2
222:1 224:8**governing** 212:3
228:9,25**government** 73:11
91:11 182:18**governmental** 229:8**governments** 183:9**Governor** 12:19 14:20
15:3 99:18,21 100:13
118:20 119:18,19 122:7
136:6 149:16,20 153:9,
18,22,25 154:14,20
155:25 156:1 158:7
168:20 174:18 182:7,9
183:15 214:3 230:2,8**Governor's** 76:7 98:19
101:24 113:6,16 132:7,
9 152:2,22 154:16
155:16,17 166:12 169:4
172:10,15 183:5 234:18**governs** 149:16**grant** 180:22 208:19
237:7**granting** 52:8 87:6**grasp** 21:10**great** 76:21 102:11
104:19 105:1,11 115:4
130:8,10 220:24 223:5**greatly** 111:4**Gremillion** 11:10**grind** 89:15**grinding** 90:1**gross** 32:16**ground** 54:4,5,7,9,12
57:9,11**group** 38:11 67:6
87:10,14,18 88:14 91:6
92:21 96:20 101:20
139:13 203:25 218:7,8**groups** 236:9**grow** 175:19**growing** 171:4**grown** 8:18**grows** 235:18**growth** 171:1,20**guess** 9:16 20:23 23:8
26:15 60:3 108:25
114:22 115:18 127:3
146:15 158:4 164:4
174:14 195:1 235:6
238:13**guidance** 108:14**guided** 8:12**guidelines** 13:7 14:8
185:15 230:3**Guntz** 35:18**guy** 134:1**guys** 77:15 179:12
202:7 212:10 225:1

H

half 174:17**Halliburton** 211:11
212:8,19 214:9,23**hand** 102:5 169:23
171:12**handling** 187:20**hands** 202:10**happen** 112:18,21
199:10**happened** 15:11 23:11
25:7 27:23 28:10,22
30:2 135:3**happening** 31:19
115:17 232:5**TORRES REPORTING & ASSOCIATES, INC.**

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happy 91:7 156:2 165:11	27:11,17 28:2 32:4,24 33:25	123:18 124:15 126:13 226:9	138:11 162:6 164:16 183:6 205:19 225:18 236:12 237:12
hard 9:16 234:10	highlight 226:24	Human 16:5	impose 13:16 109:25
hardware 67:11,15 69:1	hired 18:11	Hunt 208:17,20 209:9, 11	impression 111:25 168:16
harm 115:11 229:15	hires 19:20 179:24	hurt 227:14	improvement 92:4 195:22,23
harsh 109:24 110:19	hiring 45:21 46:1	husband 89:10	improvements 104:14 164:20,21,23 178:25
harvest 171:15	historic 36:15,16,20, 21,25 37:2,8	Hydra 189:21,25 191:5 192:25 193:10	Inaudible 176:7
hashed 16:19	historically 201:18	hydraulic 77:20,23	Inc.-michoud 210:17
hate 53:22 174:4 198:23 199:14	hit 149:20	hygroscopic 171:3	incent 220:25
Haydel 16:5 32:20 33:25	hits 149:10		incentivising 227:25
Hayes 73:10,11 74:15 75:14,23 76:3,13,20 77:1,8 78:5,13 79:10, 18,23	hold 106:9 148:10	I	include 125:2 182:15
head 14:5 16:24 87:7 167:20	Holding 38:20	IBC 171:1,2	included 67:12 73:19 84:22 172:18
Health 209:25	holdup 23:2	Iberia 95:16 106:20	including 13:18 135:16
hear 73:22 106:9 134:14 141:13 155:24 172:5	Holy 204:25	Iberville 59:2 65:5 80:22	inconsistent 122:14
heard 19:11 117:5 148:18 169:22 198:22 218:10 225:5	home 54:21 134:4 220:13	ID 82:16	inconsistently 122:17
hearing 224:19,20 226:11,14,19,20 227:4, 7	honest 202:3	idea 122:8 148:23 182:25 183:9	inconvenience 215:2
Heat 65:4,8	honestly 120:16	identified 39:24	Incorporated 38:18,20 45:19,25
Heather 128:19	honesty 181:6 202:2	identify 13:2 15:18 67:3 73:8 82:8 88:10 91:9 96:7 107:2 139:9 141:24 152:16 163:25 178:5 182:1 193:21,22 198:17 206:18 212:16 221:8 223:6 224:10 231:9	incorrect 142:10,21 143:6 186:24
heavily 171:6,9	honored 112:12	idle 212:5,11,20	Indiana 198:22
heir 55:16	Hood 65:23 66:2	illuminate 18:3	Indianapolis 198:22
held 224:20	hope 99:8 152:21 171:24 194:23 236:8	immediately 24:21 26:12,14,23 85:8 153:5	indicating 231:14
Helena 132:21	hopes 172:14	impact 118:22 179:6	indication 99:6 110:8, 11
helped 179:2	hoping 171:22	impacted 20:10 188:16	individual 162:10 168:11 197:23
helpful 53:11 54:1 202:12 225:4 232:1	Hospital 44:5	implement 136:5 236:20	individually 47:3 148:15 169:3
Henson 15:19,20 16:2, 3 19:15 20:4 21:12 24:8 25:11,19,24 26:11,19	Hospitality 38:17	implications 218:6	Industrial 38:8,14 47:1,6 153:16 166:2 197:3 214:23 224:1
	host 120:15	important 21:16 28:24 53:25 112:18 121:5	industries 130:22 167:21
	Hotel 38:15		
	hotels 39:3,7		
	hour 121:21 235:18		
	hours 194:24		
	house 36:18 96:8,9 97:2,8,16,20 98:1,11,20 99:3,14 100:5,9,22 102:1 104:5,8 116:18 119:17 122:10,11		



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K	lags 13:4	19 22:3 23:17 24:13 53:17 54:1 55:22 57:4 96:6 102:22 113:13 138:25 148:11 194:7 213:13 218:4 224:13 225:9 228:6,11,14,19, 23 229:25 237:13	litigation 16:14,20 17:9 18:13,15,21 19:2,7 21:14 22:25 23:2,12 24:9,14,20 27:6,8 117:7 118:18
Katie 201:10	Laitram 67:6 105:15 106:22	Lake 38:15 79:21,24	Livingston 222:22,25 223:9
keeping 112:14	Lambert 35:11,13 36:12,23 37:3,10,25	land 164:20	LLC 7:21 11:12 12:15 34:6 35:16,17 38:5,6,8, 9,10,15,16,17,19 42:5, 6,7 43:8,11,14,20,23 44:5,8 45:22 47:16 50:2 59:20 63:14 65:4,24 66:16 80:21 87:10,18 94:5,6 95:16,20 105:15 106:20,21,22 108:20 170:13 187:6 198:7,8,9, 11,12,13 208:20 209:12
kind 9:16 28:8 91:18 96:5 168:24 169:25 172:7 182:23 201:12, 14,19 202:10,12 231:7 232:2	landlocked 89:21	language 13:10 24:19 83:9 104:6,9 154:24 228:22 230:17	LNG 44:7 50:19
kinds 171:16	large 174:6 236:2	Larose 50:12	local 111:22 179:3,8 182:17 183:9 202:7,19 212:3,12 213:22 214:4 228:9,24,25 237:9
knew 25:22 88:8 121:15 175:6	Lasalle 209:10	laser 75:3	locals 220:25 228:17, 18
knock 76:18	late 12:11,13,21 13:8,17 14:2,6 24:21 108:13 186:20,21 187:3,15,16, 21 189:23 193:17 194:3,11 195:2 198:15, 18 199:19 201:8,13,19 204:18 206:14 207:25 235:18,19	Larose 50:12	located 188:15
knowing 84:16 174:14, 20 202:16	law 75:17 83:22 121:12 194:25 199:17	Lasalle 209:10	location 142:20 166:5 228:12,21
knowledge 99:13 166:12	lawyer 117:2	laser 75:3	locations 206:25 207:2,5,21
Kristen 213:21	lay 54:22	late 12:11,13,21 13:8,17 14:2,6 24:21 108:13 186:20,21 187:3,15,16, 21 189:23 193:17 194:3,11 195:2 198:15, 18 199:19 201:8,13,19 204:18 206:14 207:25 235:18,19	Lodging 38:19
Kristen's 213:21	layoffs 202:17	law 75:17 83:22 121:12 194:25 199:17	logs 68:2
Kristin 84:17	lays 227:3	lawyer 117:2	London 75:13
L	Lead 91:13	labor 135:17	long 120:2 175:13 195:16 199:12
L&a 38:5	leadership 236:18	Labi 230:12	long-term 118:22
La 11:15 45:22	learning 220:20 237:10	LABI 230:12	longer 60:23 92:22 93:2,4 139:5 153:8 195:24 210:19
LABI 230:12	leave 83:16,25 86:9 133:23 234:19 237:18 238:2	labor 135:17	looked 83:24 155:2 173:7
LACC 7:21	Lebleu 212:17,19 215:6,15,22 216:8,17 217:19 219:8,19,22 220:8 221:3 237:2	Lack 119:3	loophole 154:12
lack 119:3	LED 8:11 15:2 16:8,11 17:4 19:3 20:15 21:18, 19 22:3 23:17 24:13 53:17 54:1 55:22 57:4 96:6 102:22 113:13 138:25 148:11 194:7 213:13 218:4 224:13 225:9 228:6,11,14,19, 23 229:25 237:13	lacking 111:20	Lori 194:6 195:9,24
ladies 205:17 212:10	LED'S 224:23 228:17	ladies 205:17 212:10	
lady 124:7 179:3	left 76:10 161:2	Lafayette 43:14 45:25	
Lafayette 43:14 45:25	legal 25:15 202:11	Lafourche 45:20 47:17 48:18 49:12	
Lafourche 45:20 47:17 48:18 49:12	legislation 117:20 230:14	lag 9:19 15:5,7 28:18 171:21	
lag 9:19 15:5,7 28:18 171:21	legislature 37:7	lagged 15:12	
lagged 15:12	legitimate 114:15 117:9		
	Leonard 206:19,20,24 207:20 222:23		
	Leopold 218:12,13 219:4		
	letter 53:21 212:23 214:17 216:11 221:13 223:2		
	letters 215:21 221:20		
	LGPP 50:13		
	LIDEA 227:9,17 228:4		
	LIDEA'S 230:20		
	limit 123:3 177:4 195:1 230:4		
	limited 160:17 194:25		
	Lincoln 193:16		
	liners 171:18,19		
	Lisa 43:10		
	list 39:2 84:9 101:9 108:21 113:15 150:2 164:21 165:11		
	listed 36:15 115:6		
	listened 113:5		
	listening 120:7		
	listing 179:9		
	litigating 117:23		



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MEETING MINUTES

<p>lose 220:13</p> <p>loss 83:19</p> <p>lot 51:1 72:16 78:17 119:22 120:20 158:15 167:6 171:7 175:19 179:9 180:12 183:7 213:16 220:24 237:16, 18</p> <p>Louisiana 12:18 38:6 44:4 65:23 66:2 79:25 80:21 81:3 82:13 136:16 151:8 152:19 156:5 158:10 164:16 178:9,17 180:11 182:4 224:18 225:23 229:6, 12,19 230:6 231:11 232:8</p> <p>Louisiana's 230:22</p> <p>lower 9:10</p> <p>LP 34:10 38:13 43:5,17 82:2,3 94:5 197:19 198:6</p> <p>Lubricant's 142:17</p> <p>Lubricants 142:4,5,8 143:7 197:19 198:5,8,9, 10,12,13</p> <p>Lubrication 70:2,6,24</p> <p>Lydia 35:20</p> <p>lying 155:4</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M-i 221:5,11 222:6</p> <p>machinery 135:17 153:14</p> <p>machines 68:15 172:2</p> <p>made 7:5 10:23 12:2,22 35:1 41:17 44:22 46:17 49:1 59:10 61:17 62:10 64:21 65:13 66:6 69:17 70:10 71:3 80:11 81:8 83:7 85:18,21 90:12 94:15 105:1 106:9 109:10 110:1,15 112:12,21 113:4 116:25</p>	<p>124:20 131:16 133:25 140:18 147:4,8 150:3,9, 24,25 151:4 154:5,6,8, 10,16 162:15,22 164:21,24 166:20 167:7,12 170:25 176:9, 12,15,20,21 177:10 179:7 185:13 186:2 189:8 197:2 208:2,24 209:14 210:5 211:1 214:1,2 217:6 218:15, 23 220:23 222:7 223:16 233:22 235:2 238:6,13</p> <p>maintaining 72:6</p> <p>maintenance 43:20 60:7 61:2 82:18</p> <p>major 35:1 56:12 61:17 108:5 126:6,17 128:7 186:3 208:3 211:15 225:20</p> <p>make 14:8 18:20 25:8 30:8 33:5 39:20 51:10 53:12,18 75:2,7 76:14 77:17,19 79:2,5,7 83:9 84:3 86:16 89:15,18 96:19 104:18 109:22 112:5,15 113:10 116:25 118:5 121:2,5,25 123:1, 6 124:5,7 126:5 133:3 137:12,14,15 149:8 153:23 154:14,19 155:2 157:24 158:20 163:4 171:12 174:10 176:15 184:11 188:11 190:20 195:4 196:6 199:5 202:23 207:24 210:16 218:21 220:9,18 221:17 226:16 228:10 229:13 231:15 232:2,11 234:14,21 235:19</p> <p>makes 91:6 96:25 97:1 103:22 111:13 137:17 165:12 171:21</p> <p>making 21:9 40:25 74:23 78:11,18,21 112:11,14 119:7 134:2 135:7 137:10 163:11 164:17 166:14 174:11 180:4 218:15 225:10 228:3,19 229:16 230:1</p>	<p>Malone 12:3 90:13 128:19,20 148:13,14 211:16</p> <p>manage 82:12 196:8</p> <p>Management 42:5,8</p> <p>manager 16:5 51:15 54:12 73:11 91:13 164:5 201:11</p> <p>Mann 150:6,7,18,19 151:18,23 157:8</p> <p>manpower 53:23</p> <p>manual 135:17</p> <p>manufacture 90:1</p> <p>manufactured 135:21</p> <p>manufacturer 88:4 132:22 138:8</p> <p>manufacturers 40:19 75:5</p> <p>manufacturing 39:24 40:8 50:8,15 51:7,9,12 52:10,12 55:4,23 56:16, 18,23,24 57:1,4,10,12, 14,16,17,18,24 58:2,11 67:14,22 68:14 69:4 73:17,20,24 74:7,22 76:2 77:2,4,12,13 78:4, 20 79:3,5,8,9 82:19,22 89:5,22 133:14,21 134:3 135:7,9,15 136:2 137:2 138:16 153:3,15 155:6 160:8 162:12 179:2,23 180:2,15,18</p> <p>map 54:22</p> <p>maps 55:18</p> <p>Marathon 71:19 72:5 73:4,6</p> <p>March 9:8 115:24 116:5 131:5,22 151:1 165:9 166:3,9 175:11 218:7, 11 224:6,17</p> <p>Marine 38:7 40:14</p> <p>market 52:5,9 171:2,5, 6,7,10</p>	<p>marketed 52:11 53:16</p> <p>marketing 55:3 83:8 150:13,15 151:9 152:10 157:3,22 159:11,15 161:18</p> <p>Mary 178:18</p> <p>mass 135:16</p> <p>material 77:7,24</p> <p>materials 135:15</p> <p>matter 18:7 19:13 25:15 75:12 135:19 215:2</p> <p>matters 202:11</p> <p>Maxwell 170:6,10,19, 24 172:16,25 173:9,20 174:1,5,22 175:9,17,24 176:11,17,22 177:3</p> <p>Mayor 35:1 70:11 71:4 121:20 127:24,25 211:2</p> <p>MCA 102:22 109:7,11, 12 116:16 119:14,20,22 121:6 123:24 131:6 157:11</p> <p>MCAS 95:5 96:1,11 97:11 98:24 100:4,12 101:1 105:21 113:20 115:24 130:20 131:4,19 132:7 138:20 139:5 147:9 150:25 154:7,9, 11 168:17 175:7</p> <p>Mcdonalds 138:6</p> <p>meaning 123:22 199:21 203:1</p> <p>means 109:9 110:22 131:21 133:25 135:15 137:3</p> <p>meant 134:2</p> <p>Mechanical 11:12</p> <p>mediate 171:2</p> <p>Medical 38:11</p> <p>meet 45:20,23 46:1 69:3 122:22 158:1 168:15 215:1 220:24</p>
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meet all 34:11 185:15	met 43:3,6,9,13,16,19, 22,25 44:3,6,9 218:8 224:14	110:13 213:8 220:3	150:7 164:3 235:20
meeting 7:2 40:7 88:17,18 102:24 110:14 116:1 121:19 122:14 123:20 138:23 188:22 189:1 191:23 192:9,11 193:4 213:6,9,22 214:21 215:20 218:1,3, 6,24 221:12 228:5 230:13 231:20 238:25	Metalplate 34:10	miscellaneous 97:11 98:12 109:12,16 131:19 146:14 147:1 150:3 153:7 155:10,18 156:15 157:5,16 158:16 159:25 160:7 165:10 182:8	motion 7:3,5,16 10:19, 23 11:6 12:1,10 30:8,12 33:12,24 34:25 35:9 37:13,24 41:16,25 42:14,22 44:21 45:10 46:16,17 48:1,14,24 55:22 56:8 58:23 59:9, 18 61:17,25 62:9,19 64:21 65:11,21 66:5,14 69:16,25 70:9,10,22 71:3,17 80:6,19 81:6,16 85:18 86:7 90:12,20 93:17,25 94:13,23 96:1 105:1,11 106:6,9 120:24 124:6,7,20,23 125:9,20 130:3 131:12, 14,23,24 140:18 141:5 144:16,25 145:5,9 146:12 147:3,15 156:2 159:2,22 162:15,21 163:20 166:20 167:7, 12,15 168:25 169:9,18 176:4 177:10,22 184:11,22 185:5,25 186:2,18 187:17 188:11 189:7,19 190:20,23 191:18 195:4 196:19 197:2,5,7,16 200:7,9,18 202:23 203:14 206:11 207:24 208:2,14,22 209:7,14,22 210:5,13, 22,25 211:1,9,15,23 215:18 217:4 218:21,23 219:18 222:5,15 223:11,16,24 232:11 233:10,21 234:21 235:2,14 237:25 238:6, 13,22,24
meeting's 7:3 238:23	Metoyer 38:1,3,23 39:5,12,19 40:3,11,15 41:5 42:1,2,23,24 44:12 45:16,17 46:25	misrepresent 228:15	motions 169:10
meetings 64:2 101:4 121:21 122:12,15 158:6,16	Michael 73:11	missed 37:7	Motiva 123:20
Melinda 170:6	Michoud 188:16	misstep 207:11	Motive 124:17
Melissa 150:7	microphone 47:11	mistaken 25:7	mourning 156:17
member 49:4 56:25 121:18 218:4	mid-2008 16:7	mixing 78:19 134:7 135:4,13 136:14	move 53:17 75:19,21 84:20 103:4,5 104:19, 24 105:13,16 107:22 120:25 152:9 169:6 205:20 214:11 218:16 219:24 223:14 232:11, 16,19 233:12,18
members 7:11 10:16 11:1,23 12:5 14:19 33:9,15 35:4 37:19 41:13,20 42:17 44:17, 25 45:5 46:20 48:12 56:3 58:18 59:8,13 61:20 62:14 64:24 65:16 66:9 69:20 70:17 71:8,12 80:14 81:11 85:23 86:2 90:15 93:20 94:18 105:7 106:1 107:4 114:3 125:22 138:15 140:25 144:20 145:22 159:17,24 163:15 166:19 169:13 173:13 177:17 179:17 184:25 186:9,13 189:17 191:9,13 197:11 200:16 203:9 206:6 208:9 209:2,17 210:8 211:4, 18 212:18 216:4 217:13 219:13 222:10 223:19 231:1 233:5 234:4 235:9 236:25 238:17	middle 217:23	mobile 82:16,23 83:16, 21 84:1,5,10,22 85:6	
memorized 109:21	Midstream 11:15 38:12 43:4,17 44:1	modernized 110:3	
mention 186:21 190:9	mill 67:25	modify 74:22 75:5 77:16	
mentioned 60:5	Miller 14:17,18,24 15:15 24:24,25 25:14, 21 26:1,7,13 27:2 29:23 30:7 32:2,8,18,22 33:1 46:17 66:6 69:18 104:3, 4 128:23,24 157:1,2,13, 19 158:3 205:4 209:15 220:10 222:7	molding 68:15	
mess 136:11	Millie 127:10 190:18 217:6 223:17	molds 174:8,10,12	
	million 19:19 110:16 164:25	molecules 74:23	
	million-dollar 108:22	Moller 7:5 49:2 129:2,3 131:13,16 138:17 139:1,6 147:4	
	Mills 142:1,2,13,16 143:5,12,16,22 144:2,6, 13 145:1 198:19,20 200:2	moly 204:25	
	mind 27:14 119:10	moment 167:5 172:5	
	mine 180:6,8,10	MOMS 200:23	
	Minerals 178:9,17	Monday 218:12 224:21	
	mines 180:12	money 79:2 85:13 109:19 110:2 121:14 156:6 167:22 175:1,20	
	mining 180:13	Monroe 170:7,11	
	minor 225:6	month 14:2	
	minute 154:24 187:19	months 28:20 110:7 187:15 192:24 203:17 215:8 218:18,24	
	minutes 7:4 18:1	morning 7:20 16:3 17:3 35:14 47:6 82:11 102:10 117:6 142:2	



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moved 10:21 48:3,5 75:21 80:9 164:15 191:22 205:24 234:25	138:24 212:11 220:7 228:9	86:11 99:7 109:1 113:22 131:1 139:16 142:19,22 143:11 144:8 164:7 217:21 230:3	Oil 82:12	
moves 234:16	Nestle 209:25		Olefins 94:6	
movie 117:19	net 18:6,13 22:22	numbers 8:23 84:23 106:14 142:9 214:24 236:2	one's 92:3	
moving 50:14 51:4 72:13 233:23	Newsprint 47:15,22		one-year 30:9,13	
multitasking 235:20	Nice 88:14	numerous 164:19	ongoing 237:19	
Murphy 221:9,10,19 222:16	night 221:15		onus 196:4	
	Ninemile 45:22	<hr/> O <hr/>	open 77:24,25 118:5	
<hr/> N <hr/>	nodding 14:5 87:7		opened 25:1	
	nomination 235:6	O&m 44:8	opening 122:21	
	non-aseptic 171:5	oaf 114:1	opens 117:14	
N&s 38:16	non-counted 19:20	object 76:9 83:3 120:24 122:5	operate 89:12 235:23	
NAICS 56:18 57:15,18 133:21 137:2	non-substantiative 231:16	objection 152:2 155:4	Operating 38:12 43:4, 17 44:1	
names 106:14	non-substantive 225:17 226:1,7,8 227:13 229:15	objective 50:11	operation 89:10,19 180:13	
NASA 188:16	normal 14:21,23 27:5	objectives 50:10	operational 210:20	
National 7:22 36:16	North 230:5	obligation 31:25 199:15	operations 138:16 157:24 188:16	
natural 50:14 51:4 52:6,9 75:19	note 40:25 138:10 236:7	observed 236:8	opinion 32:13 156:8	
nay 7:13 11:3 12:7 33:17 35:6 37:21 41:22 42:19 45:7 46:22 49:6 56:5 58:20 59:15 61:22 62:16 65:1,18 66:11 69:22 70:19 71:14 80:16 81:13 86:4 90:17 93:22 94:20 105:9 106:3 125:24 126:1,3 141:2 144:22 145:24 163:17 169:15 177:19 185:2 186:15 191:15 197:13 203:11 206:8 208:11 209:4,19 210:10 211:6,20 216:6 217:15 219:15 222:12 223:21 233:7 234:6 235:11 238:19	noticed 92:15 237:11	occurred 8:19 151:11, 12 218:3	opportunity 29:5 115:5,12,17 124:9,11 172:20 173:1 231:24 236:17	
	notice 113:12,21 192:13,14 194:22 196:22 229:7	occurrence 14:23	oppose 211:20	
nays 126:6	notices 114:10 153:8 228:8	occurrences 15:10	opposed 7:13 11:3 12:7 33:17 35:6 37:21 41:22 42:19 45:7 46:22 49:6 56:5 58:20 59:15 61:22 62:16 65:1,18 66:11 69:22 70:19 71:14 78:8 80:16 81:13 86:4 90:17 93:22 94:20 105:9 106:3 118:19 125:24 141:2 144:22 145:24 159:19 163:17 169:15 176:3 177:19 185:2 186:15 191:15 197:13 203:11 206:8 208:11 209:4,19 210:10 211:6 216:6 217:15 219:15 222:12 223:21 233:7 234:6 235:11 238:19	offer 137:20
necessarily 157:5 228:2	notification 16:7 28:20 95:3 109:8 135:1 153:1 157:7 158:13 162:10 172:21 233:13	October 20:9 26:5 101:5	offered 17:7	
necessitated 224:18	notifications 47:13 104:10,11 134:22 156:23 236:3	offer 137:20	office 54:21 55:16 63:18 64:5 67:12 68:4 69:3 76:8,12 113:7 152:2 202:9 212:13,23 217:25 218:2 220:11 223:2 234:18 237:18	
needed 25:23 61:7	notified 45:21 85:8 190:13 192:11	officers 234:11 238:6	official 18:1 213:23 215:1	
	notify 184:16 190:9	officials 214:10 217:23	offshore 50:12,13	
	November 20:9 44:2	oftentimes 112:2		
	number 9:13 24:1 26:21,22 34:9 47:4			



oranges 171:15		14,17 182:16 202:8,19 219:6 228:23 229:19 236:12	236:24 237:18
order 21:8 47:14 50:7 52:21 56:21 95:1,6,13 96:3,14 97:10 98:4,5, 10,23 99:2,18,21 100:10,13,16,25 101:8, 23 109:20 110:7,10 111:10,18 112:13 116:6,16,20 118:2,25 119:16,19 120:8 121:3 123:22 124:14,16 126:9 130:21 132:6,8,10 135:4 147:2,8 149:3,15, 18 150:22,24 151:3 152:23 153:4,10,22 154:17 155:9,16,17,18 156:7,13 167:17,21,24 168:18 171:10 172:11, 20 176:9 182:6,14 183:4,12 185:21 236:1 238:9	P		
original 22:4 23:20 24:12 27:18 29:20,21	p.m. 238:25	partial 25:12	percent 167:18,19,20 195:4 196:23 199:20 202:3 203:1 207:19
originally 20:12 52:16	Pack 170:7,11,13,18,20	participate 237:8	perfect 117:4 119:23
Orleans 7:23 35:16,17, 20,21 108:21 187:7 206:13 207:6 210:17, 18,23	package 133:18 184:1	parties 119:7	perfectly 114:15
Ouachita 146:19 150:16 170:14 189:22	packaged 156:22	parties' 199:3	perform 55:13 89:16
ourself 230:7	packages 171:13	parts 223:3	Performance 38:17 40:18 87:10,14,18 88:14
out-of-state 166:1	Packaging 47:15,22 198:7	pass 99:1,2 156:2 171:14,18	Perilloux 49:24,25 50:17,24 51:13,20 52:1, 13,19 54:6,10
outliers 183:24	pages 141:19	passed 230:15	period 13:18 17:21 20:14 31:20 32:1 165:3 167:23 173:23 175:8 224:19 226:11,14,19 228:10
outline 225:15	paper 39:20 75:2,3,5,7	passes 99:1	periods 175:13
outright 199:17 200:22	paperwork 21:8 24:5	passing 159:14	person 60:6 177:25
outstanding 19:3	parent 50:1 142:4	past 14:10 73:15 74:8 99:6 100:25 121:1 134:10,13 138:4,14 171:7,19 187:15 194:5 195:2 236:13	personally 122:4 174:20 196:1 219:25
oversight 199:3 226:9 233:16	parish 7:22,23 11:11, 12,13,14,15 12:15 34:7, 13 35:16,18 38:6,7,8,9, 11,12,13,14,15,16,17, 18,19,21 42:6 43:2,5,8, 11,14,17,21,24 44:2,5,8 45:20,25 47:16,17 48:18 49:12 59:2,21 62:3 63:15 65:5,24 66:17 70:3,25 72:23 80:22 81:19 82:1,2,4 87:11 89:11,21 90:24 94:5,6,7 95:17 106:21, 22,23 107:12 108:21 141:21 142:9 146:20 150:16 170:14 178:18 187:7 189:22 193:16 197:20 198:6,7,8,10,11, 12,14 202:14 206:14 207:6,7,14 208:19 209:11 210:1,17,18 211:12 214:14,21 216:9,10,13 217:5,22, 23 221:6 222:22 229:2	Pate 164:2,4,9 165:19, 23 166:19	personnel 196:3 201:17
owe 24:6	parishes 196:8 212:21 214:20 236:5	pathway 111:14 138:13,14 156:7	perspective 113:16 137:6
owned 42:8	part 50:8 52:10 57:4,10 58:2 67:12,13 73:16 77:6,9 78:19 79:3 83:8 84:11 85:10 86:17 89:4 99:12,16 123:7 155:24 156:9 161:13 180:12,	pathways 111:23	pertaining 107:19 117:19
Owner 35:17		Patterson 230:12	pertains 51:6 104:9
ownership 42:3		payment 175:10	Petrochemical 94:4
		payments 177:7	Petroleum 71:19
		payroll 23:15,18 32:16 89:23 143:18	phase 86:17 87:2
		penalize 110:14	Phelps 221:10
		penalized 114:17 187:21	phenomenal 79:22
		penalty 13:17 30:9,13	phone 213:21 214:9 218:15
		pending 99:13 132:8 152:24 182:10	photo 75:2,5,6
		people 32:19 64:2 67:20 78:17 110:1 112:21 113:17 117:3, 12,21 119:7 121:9 122:25 124:10 136:15 150:1 158:10 174:17 179:22 194:21 220:25	photocopies 221:14
			physical 55:13 166:5
			physically 83:10



pick 17:20 110:5	plats 55:18	post-6/24 139:5	primary 50:10
picked 117:24 119:2 214:9	Platte 38:10	posting 228:5 231:13	principle 118:9
pie-in-the-sky 74:17	play 155:9 172:8	postings 228:21	print 214:18
piece 21:4 89:13 174:6 175:10,11	plead 150:4 169:20	potatoes 171:16	prior 23:15 39:7 47:14 50:6 56:21 91:25 95:1, 5,12 96:2,11,21 97:3,4, 5 99:11 101:1 105:21 110:7 112:12 115:14 119:14 122:12,14,15 123:3,16,20 142:23 151:14 154:10 155:11 156:7,13 161:19 165:5, 18 166:2,9,12 167:16 172:19 176:9,12 185:12,20 194:16 196:14 198:23 213:22
pieces 89:17 90:3 157:23	pleading 170:2	potentially 181:1 229:22	
Pierson 17:23,24,25 64:22 80:8,11 98:15,16, 22 99:10,25 111:2,3 113:7,24 129:6,7 137:19 138:9 140:19 148:19 152:14 154:1 155:22,23 156:19 167:10 182:21 188:13 193:5,9 195:7,8,15,20 196:13 220:19 225:13, 14 235:15,17	pleased 232:4	Potpourri 224:6,17,22 226:18 231:2 232:25	
	pleasure 162:14 190:17 205:2	Pou 11:10	
	pledge 182:23	poured 135:5	
	pledged 237:21	power 57:23 92:1,17, 20,22	
	point 17:5 19:1 21:18 23:13 28:12 30:1,5 40:6 45:23 51:4 57:7 68:25 85:1 98:17 99:11 100:23,25 113:24 114:2 116:4,12 121:6 122:17 126:12 137:10 146:25 152:21,24 164:11 168:9 182:13 192:22 193:1 213:3,16 214:6 226:12 228:7 238:8	power-to-water 91:22	private 92:7 117:3
	pointed 88:16 154:25 169:8 182:21 194:19	practice 27:5 111:17 117:2,3	pro/swaed 226:14
	pointing 110:17 111:5 116:3	practices 231:24	proactively 229:8
	police 212:13,25 214:17,21 215:1 218:1 229:2	Pre 45:19 46:4	problem 10:7 39:16 52:4,8 53:16 113:15 126:10 200:5 204:12 220:21 227:24
	political 237:4,16	precedence 101:4	procedural 22:14,17
	Polymers 94:5 105:15 106:21	precedent 100:24 156:17 220:17	procedure 196:23 235:7
	popular 122:22,25	precisely 100:25	Procedures 233:19
	portion 17:19 23:12 224:2	preclude 16:18	proceed 48:15 49:9 107:9 130:11 150:18 184:8 185:6 187:4
	position 21:25 26:22 79:13 96:19 97:24 98:2, 7 100:21 118:23 151:5 156:4 171:1 174:19 238:7	preclusion 40:25	proceedings 26:20
	positions 120:2	preference 149:3	process 22:25 28:22 30:4 50:8,20 52:15 57:5,10,23 58:2 67:12, 13 68:14 73:17 74:22, 24 75:9 77:16,21,23 79:3,4,5,9 85:10 89:5 109:11,12 113:10,11,16 114:14,15,16,18,23 115:20,23 119:22,23 135:20 150:25 154:23 156:10 157:12 164:17 168:14 171:10 175:2 194:6,13 195:22 196:13 214:4,8,11 215:9 218:16,18 220:12,24
	possibly 15:6 111:7	premature 18:15 19:2	
	post 228:18 229:11	prepared 21:20 68:24 138:12 231:23	
		present 148:20 196:10	
		President 223:8	
		pretty 79:22,24 118:1 174:7 213:2	
		previous 101:4 109:16 116:16 150:25 174:24 193:4 198:23	
		previously 158:6	
		Pride 16:9,14,16 18:4, 11 19:20,22 20:17 25:13 32:14	
placeholder 230:7			
pipe 50:11 54:17,25 55:3,10			
pipeline 52:5,9 53:13 54:4,22 55:1			
place 21:6 22:5,13 24:18 25:25 30:5 114:16 118:11,15 149:16 165:17 228:22 234:19			
placeholders 117:11, 21,22			
places 134:8			
plans 55:2 177:6			
plant 50:12,18,19,20 52:7,11,15,16,20,21 57:23 74:7 75:20 89:25 91:23 110:3,4 142:19 143:18,21			
plants 89:11 92:18 153:3			
Plaquemines 38:8 216:13 217:21,22			
Plastics 38:13			



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228:16,24 229:24 232:8,17 234:19 236:12	promulgation 226:6, 15 233:24	165:8,9,25 166:2	58:13 59:8 61:10 70:13 71:5,8 80:2,24 81:23 82:15 85:22 90:9 93:14 108:6 116:11 131:2 132:15 137:22,24 138:12,19 143:10 148:1 158:15 166:18 173:6,12 179:16 183:19 192:4 213:4 215:3 218:9 220:18 230:25
processed 23:17	proper 192:13 233:13 235:7,24	purchases 166:8	quick 39:1 82:15
processes 74:19 114:4 138:5 180:17	properly 167:13	purposes 61:3 226:6 228:23	quickly 89:14
processing 50:12,19 207:4	properties 36:16 74:20,23 75:5 77:11,22 82:17 102:11	push 68:2 113:18	quorum 167:2,4,6
Producer 49:11 50:2	property 52:5,8 82:12 133:8 194:10	pushed 21:22	quote 135:20
product 57:12 77:5 78:18,21 79:5 83:8 135:20,23	protect 124:6	put 60:13 89:9 117:11 158:6 173:17 174:18 230:3 234:16	
production 77:6 135:16 160:10	provide 77:10 111:19 112:7 153:3 160:10 183:1,14 236:22	putting 90:2 117:9	
products 75:1 77:10, 11 135:21 142:3 171:5 198:20 208:17,20 209:9,12	provided 111:22 137:23 186:21	<hr/> Q <hr/>	<hr/> R <hr/>
professional 237:15	providing 92:22 183:2 220:22	QJ 15:6	R&d 73:15 74:5,16,17, 18,25 75:13,15,18 76:10,24 77:15 78:8,9, 17 79:1,4,7,16
profit 79:2	provisions 16:17 20:5 118:12,17 182:23	qualifications 85:5	Raft 102:11 104:19 105:2,11 115:4 130:8, 10
program 7:18 8:18 18:17 20:25 22:15 24:14 29:3 33:5 34:12, 19 35:12,15 36:1 38:1 43:3,6,9,12,15,18,21,25 44:3,6,9 45:21,23 47:2 85:9 136:1 197:3 224:5 230:14,18 233:1 237:8, 21	public 236:9	qualified 16:12 36:25 110:22,23	raise 82:25
programs 237:9	public 10:12 11:19 33:21 34:17 35:25 41:8 42:10 44:13 46:8 48:8 61:14 62:5 64:17 65:7 66:1 69:12 70:5 71:5 81:2 85:20 87:13 94:9 95:19 96:5 105:20 107:18 111:12,16 112:2 117:2 131:1,25 145:8 147:14 152:15 159:7,24 163:1 181:23 186:4 189:10 191:4 224:5,19, 20,23,24 226:18,19 227:7 231:5 233:24 236:9,23	qualifiers 36:14	railcar 82:18
prohibit 41:3	publication 228:7 229:7	qualify 39:11,14 85:8 110:21 117:11 138:6 156:24 166:1	raise 68:23 169:23
project 50:10,13 51:15 54:12 79:6 115:14 150:20,23 157:4,10,15, 20 161:19,23 162:11 168:13 169:4 172:17,22 220:16	publish 226:18 228:11 229:2	quality 7:17,21 8:3,11, 17 9:9 10:13 11:9 13:19 16:12,18 17:11 18:5,17, 23 19:7,17 20:7,20 21:23 24:13 31:24 34:3, 4,14,18 38:5 76:4 135:18 222:21	raised 8:17 16:11 26:25 27:20 102:5
projected 8:25 9:10	published 111:9 224:17 229:14	question 8:9,17 30:21 49:16 50:6 56:10 59:23 60:1 63:17 66:19 67:15 71:22 72:25 82:23 84:16 91:1,6 92:14 107:20 116:1 117:6 119:12 120:5 144:3 149:1 157:3,15 158:15 159:13 167:14 185:10 191:20 213:24	range 36:11
projection 8:24	pulled 116:22 213:11	Question's 158:23	Rapides 38:17 44:5
projects 156:21 158:17 168:2,21 179:4,9,23	purchased 42:7 67:16	questioning 176:2	rare 100:21
promulgated 99:8 138:23 145:19 148:10 149:2,9		questions 8:2 10:9,16 13:3 26:16 33:8 34:22 38:24 39:1 41:12 44:17 46:12 47:4,19,21 48:20	raw 135:15



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ready-mix 132:22 134:4 135:8	recommends 225:10	relaying 78:25	replacements 153:13
real 110:18	reconsider 120:17 125:2 181:14	relevant 132:5 155:11	report 226:9
realized 194:9	record 126:5,24 146:9 188:14 225:16	relitigate 118:18	represent 49:23 88:13 112:4 178:6,8
reason 16:22 19:24 22:13 25:6 54:15 79:17 104:6,14 106:10 116:3, 14 120:25 123:7 141:13 151:2 201:21 227:20 229:3,20,22 231:19	recorded 126:11	reluctant 174:15,21	representation 183:25 188:12 212:7
reasonable 153:13	Recycling 108:20 109:6 206:13,23 208:5	remain 234:22	representative 12:25 49:20 66:24 73:2 82:6 88:2,6 91:2 123:23 128:3 132:24 137:21 140:18 144:16 146:23 152:7 177:11 184:9 187:10,14 189:25 191:3 192:4,7 193:19 197:4 200:11 201:5 204:21 206:17 208:24 209:14 215:19 218:12,13 219:2,4 233:22 238:14
reasons 119:6,8,22	reduce 187:17 197:2 199:17 203:1	remaining 125:11,13 176:5	representatives 46:4 187:2
rebate 25:9	reduced 13:22 31:22 32:14 207:13	remarket 51:8	represented 112:2 184:4 197:22
rebates 23:15,18 26:3	reducing 31:13	remarks 235:19,23	representing 102:11 107:14 212:19 221:11
Rebecca 35:19	reduction 13:18 14:9 31:20 195:4 196:23 199:21	remember 13:22 39:17 75:2 83:6 142:13 212:11 224:14	Republic 7:22
rebuilding 72:7	redundant 227:10 231:7	remove 120:24 137:4 195:3 199:20 227:14	request 12:22 13:14,17 24:16 34:4,8 42:3,5 82:16 139:14 159:14 214:1 215:8 218:16 229:7
recall 20:9 236:13	referring 40:12	removed 85:7 86:20	requested 24:22 34:10 43:2,5,8,11,14,18,21,24 44:2,5,8 45:24 46:2 62:21 63:9 71:19 187:8 192:24 193:17 201:13 204:19 205:11 206:15 212:22,23 220:5
receipt 95:12	reflect 18:1 87:2 126:24 188:15	renew 13:12 21:10 27:7 29:17 30:12 118:16	requesting 144:11 196:16 210:18
receive 23:15 58:12 156:3 171:20 175:11 194:8 203:1 212:3	regional 237:14	renewal 11:16 12:11, 14,21 13:11,14,17,18 17:20 21:4,5 23:4 24:16,22 25:4,5 26:15, 17,25 27:1,16,21 28:1, 6,8 30:5,6,8 31:1 118:12 185:16 186:21 187:8 189:9,23 193:17 194:7,8 196:15 198:15 199:20 201:13,19 206:2,15	requests 211:13,25 212:20 230:17
received 15:13 20:25 23:17 25:10 32:17 34:12 39:3 95:1,5 96:21 97:1,4,5 98:8 111:11 115:24 130:20 131:20, 21 133:4 147:2 167:16 182:5 189:23 198:15 213:21 224:21,23 227:3 229:5 230:11	Register 36:16 224:18 225:24 227:13 229:12	renewals 11:7,9,20 13:8,21 14:6 118:10 122:16 185:8 186:5,20 187:3 190:10 195:3 196:9,16 204:18 207:10	require 165:11 226:17 227:19 228:18 238:5
recognize 156:8 194:24	regret 111:24	renewed 21:7,9 25:23 194:11,23	required 56:22,24 113:25 153:1 216:10 218:5 220:4 227:23
recommend 225:24 228:3,19 229:4,16,25 230:9	reiterate 182:6	repair 38:7 63:14 64:18 87:21 89:3,8,14 164:5,8 169:12	
recommendation 213:7 224:23 228:17 231:22	reiterated 227:7	repaired 89:14	
recommendations 232:20	reject 103:7,23 123:4 125:1 199:17	Repairs 167:7	
recommended 227:15 232:15	rejected 101:2 103:10 122:13 123:16 124:18	replace 75:6 86:20	
	rejecting 103:6	replacement 86:16,22 160:9	
	rejection 106:11		
	related 13:3 20:2 30:18 33:9 76:24 165:16 182:22		
	relation 119:12		
	Relations 73:12		
	relative 18:4 111:23 155:15 236:20		



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requirement 110:9,12 228:1	response 7:8,14 10:10, 14,17 11:4,21,24 12:8 33:10,18,22 34:20,23 35:7 37:16,22 41:10,14, 23 42:12,20 44:15,19 45:8 46:6,10,14,23 48:9,22 49:7 56:6 58:15,21 59:6,16 61:12, 15,23 62:7,17 64:19 65:2,9,19 66:3,12 69:14,23 70:7,14,20 71:6,9,15 80:3,17,25 81:4,14 85:24 86:5 90:10,18 93:15,23 94:11,21 95:21,24 105:4,23 106:4 107:16 108:2 133:1 140:22 141:3 144:23 145:10 147:6,16,19 158:25 159:5,20 162:24 163:18 168:4 169:16 173:14 177:13,20 181:16 183:21 185:3 186:6,10, 16 187:12 189:11,14 191:6,10,16 196:24 197:8,14 200:13 203:6, 12 204:23 206:3,9 208:6,12 209:5,20 210:11 211:7,21 216:1, 7 217:10,16 219:16 222:13 223:22 231:3 233:2,8 234:1,7 235:4, 12 238:20	retaining 231:19	Ronnie 129:10
requirements 34:12 43:3,6,9,12,15,18,22,25 44:3,6,9 45:21,24 46:1 110:10,15 160:9 185:15 230:9	responsibility 58:11 158:9 196:6	retention 104:7 227:20 229:20,23 230:23	room 118:6 138:11
requires 182:14	rest 109:6 161:15 165:18	retired 86:17,23 87:1	roost 220:13
requiring 213:14	restaurant 42:8 137:14	retirement 195:25	Rouge 11:12 34:7 35:18 38:9,14,15,18,21 43:1,5,8,11 141:21 213:4 230:6
requisite 223:3	Restoration 35:11,14 36:1	retroactive 154:7	routine 153:13
rescheduled 214:6	resulted 151:7	return 194:10 236:23	RTA 35:23
research 73:16 74:6	resulting 123:24 135:20	returned 12:18	rule 64:4,9 111:8 121:7 122:1 136:5 151:21 179:7 226:6 229:13
resins 171:3	resurfacing 90:2	revamp 71:24 72:5	rules 13:7,12,19,25 15:8 20:7,8,10,13,14, 16,20 21:1,15,16,19,21, 22,23,24,25 22:4,10,12, 20 24:12 39:10 56:22 60:2,12,17 63:19,25 67:2,11,13 68:5,6,19,25 72:12,14 73:15 74:13 76:5,10,11 79:15,17 83:6,18 84:4,5 99:8 109:21 110:20 112:6,15 113:9 114:11 117:7 118:1 120:10,11,12 121:11,12 122:1 123:9 132:8 135:14 136:11, 20,21,24 137:22 138:22 139:4 145:19 148:4,7, 10 149:2,9,11,13,17,19 153:1 158:8,20,21 166:6,7,11,13 182:18 183:8 214:2 219:24 224:5,16 226:11,13,17 227:12,19 228:24 229:19 231:2,20 232:12,16,25 233:24 234:16,19 235:25 238:5
resolution 202:15 212:24,25 213:15 219:6 221:20 237:7	retain 104:15 110:4 228:1	revenue 8:25 9:7,11, 19,20	run 77:23 133:9 180:16 235:3
resolutions 216:11 221:13 223:1	retained 230:4	revenues 220:13	running 134:6 136:13
resolve 19:22		review 139:15	
resolved 24:10,18,20 26:23		reviewed 185:14	
resources 16:5 57:9		revised 20:8 186:21	
respect 24:19 104:11 118:10 123:20 199:13		revision 20:10	
respectfully 139:13 198:25		Rhonda 102:10	
respond 7:11 11:1 12:5 33:15 35:4 37:19 41:20 42:17 44:25 45:5 46:20 48:12 49:4 56:3 58:18 59:13 61:20 62:14 64:24 65:16 66:9 69:20 70:17 71:12 80:14 81:11 86:2 90:15 93:20 94:18 105:7 106:1 125:22 137:24 140:25 144:20 145:22 159:17 163:15 169:13 177:17 184:25 186:13 189:17 191:13 197:11 200:16 203:9 206:6 208:9 209:2,17 210:8 211:4, 18 216:4 217:13 219:13 222:10 223:19 233:5 234:4 235:9 238:17		Richard 96:9,17 221:10 222:19	
		Ricky 62:10 128:11 222:8	
		Rigs 12:15	
		risen 103:21	
		risk 67:10	
		river 89:12	
		RJQ 42:5,8	
		Robby 103:20 128:23	
		Robert 44:22 45:2,3 49:1 142:2 146:9,11 161:14 162:22 198:20 199:10 238:15	
		robotic 67:22 68:15	
		Roderick 152:19 158:5	
		role 228:15	
		rollcall 127:4 147:21	
		rolling 174:17	
		Rona 91:13	
			S
			S-h-i-e-l-d 170:20
			S-t-u-p-p 139:22 141:17,20



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Saint-gobain 195:10, 13 196:2	Secretary 17:23,24 64:22 80:8,11 98:15,16, 22 99:10,25 111:2,3 113:7 129:6,7 137:19 140:19 148:19 152:13 155:22,23 156:19 182:21 193:5,9 195:7,8, 15,20 196:13 220:19 225:13,14 235:15,17 237:24	settled 152:22	sides 199:3
sale 16:10 135:22,24	section 107:6 152:24 227:10	Shakti 38:19	sign 14:20 19:22,23 20:3 21:15,17 22:3 99:5,19,22 100:14,16 119:21 156:20
Salle 11:15	Sections 182:14	shape 135:18	signature 98:19,25 101:24
salt 180:2,4,6,8,10,12, 16	seek 27:1 112:2	she-said 198:24	signed 12:17 15:2,13 16:21 17:8 18:14,15 21:3,6,8,18 23:9 25:8 26:17,18,23 27:18 153:10,22
Sasol 11:14 72:22 73:1, 2,8,12	seeks 155:25	sheet 86:11	significant 188:17
sat 153:10 172:7 201:12	segment 50:11	shelf 165:3	significantly 9:9
sates 111:10	selection 177:8	Shell 81:18,23,25 82:1, 2,3,6,12 85:19 86:10	signing 20:18 23:3 132:6
satisfied 77:13,14	sell 171:3 172:1	Shells 81:22	silver 75:4,6
scenario 132:7	sells 51:25	sheriff 216:12	similar 30:9 115:15 122:12 123:4
scheduled 173:16	Senate 226:10	sheriff's 202:9 212:13, 23 217:25 218:2 220:11 223:2	simple 104:18
schedules 173:22	Senator 137:24 138:9	Shield 170:7,11,13,18, 20	simply 60:18 113:17 152:3 213:17
school 202:18 212:13, 25 213:5,9 214:6,14 218:1	send 22:12 135:13 149:12 171:13 194:7,22 195:9,10 196:14 214:17 228:8	ship 171:24 180:17	sir 18:25 29:1,5 37:4 39:6 40:4 41:6 49:25 50:18 51:22 52:2,15 54:7 60:15 61:5 76:4,8 79:11,19 80:5 83:1 87:23 88:20 90:7 97:17 104:22 131:8 133:6 139:9 140:5,10,14 141:24 143:17 144:14 152:9 160:3,23 161:6 162:19 165:20 170:4 178:1,13 180:10,25 185:18 187:24 188:8 189:5 190:5 192:1,18 197:17,25 205:15 214:19 223:14 233:16
Sciences-pamlab 209:25	sending 135:4	shipment 172:1	sitting 53:12 69:2 137:9 194:23
scientists 78:9	sensation 152:20	shipped 84:10	
scratched 153:11	sense 78:17 103:22	Shipyards 63:14 64:18 164:5,8 167:7 169:12	
season 171:17	sentence 227:11	Shiv 38:19	
seasons 171:15	separate 76:5	Shonkwiler 193:23,24 194:4 195:9,11,18 196:20	
seconded 7:5 10:23 12:2 30:17 35:1 37:13 41:17 42:15 44:22 46:17 48:5 49:1 56:1 59:10 61:18 64:21 65:13 66:6 69:17 70:10 71:3 80:11 81:8 85:18, 21 90:13 93:17 94:15 105:19 108:5 125:19 131:16 140:19 144:17 147:13 152:13 166:23 167:13 177:11 184:21 186:2 189:8 197:4 203:4 205:24 208:2,24 209:15 210:5 211:1,16 215:19 217:6 218:24 222:7 223:16 232:23 235:2 238:14,24	served 171:6	shook 16:24	
seconds 200:11	service 77:9 89:8,11 157:23 165:17 173:17	shot 193:12	
	Services 11:15 43:23 44:8 49:11 50:2 211:11 214:23	shovel 54:24	
	session 39:8	show 108:25 115:6 124:11 171:22 179:19 184:12	
	set 13:7 14:2 22:19,20 100:24 120:11 227:8	showing 182:17 183:1 186:23 220:3	
	setting 153:19 220:17	shows 142:18	
		Shreveport 142:3,5 143:7 198:8,9,10,11,13, 21	
		sic 8:7 44:22 57:15 89:25	
		side 79:2 213:20	



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situation 20:11 22:2 24:16 108:12 109:25 112:8,20 152:21 160:1 229:21	specials 34:4,14	started 26:18 29:21,24 113:20 115:14,16 125:7 150:20 172:18,19 175:2 176:12 207:4 213:9	strict 230:8
situations 109:23 120:13,14,15 122:23	Specialty 142:3 198:20	starting 115:20 146:14	strictly 8:11 16:10
sixth 30:3	specific 137:24 159:11 225:9 230:3,17	starts 152:21	strongly 154:20
Sixty-four 32:23,25	specifically 68:12,21 108:10,19 150:5 159:12 182:7 184:7	state 18:5 24:6 33:7 49:22 63:18 113:8 115:13 182:16,24 183:1,2 207:7 229:8 237:14	structure 36:20
sky 116:22	specifics 138:15	State's 112:14	structured 154:11
Slabs 164:22	specs 77:5	stated 138:23	structures 37:2
slipped 194:13 201:16	Spell 141:15	statement 17:1 19:11 24:11 36:7 64:11 86:16 231:15 236:21	studies 171:25
Slone 12:2 23:6,7 30:14,17 44:23 57:20, 21 58:3 59:10 64:21 69:17 90:12 93:17 105:19 114:20,21 115:2,10 123:11,12 125:19 129:10,11	spend 53:20,22 110:2, 16 122:6 174:7 178:25	states 102:14 228:22	stuff 91:6
SM 232:13	spent 32:5 109:19 121:14 156:6 167:9,16, 22 174:23 175:1,5 236:10,11	stating 98:23	Stuller 45:25
small 89:9 157:20	spoke 218:11 230:20	statutes 8:12	Stupp 139:12,20 140:21 141:10,17,20 160:6 162:16
Smallpage 35:19	spoken 225:23	statutory 8:12	subdivisions 237:4,16
software 67:11,15 69:1	spot 89:16	stay 123:7 238:8	subject 76:2 84:21 85:4 97:12 98:25 119:15,18 121:13
sold 135:8,22 171:23	spreadsheet 186:22	staying 238:15	subjecting 122:2
Solutions 150:16 151:9 152:10 157:22 159:15	St 11:13 38:7 82:3 90:24 132:21 178:18	step 13:2 49:22 66:25 73:8 82:8 88:10 91:3 102:8 132:12 141:24 152:16 163:25 170:3 178:1 181:25 182:1 193:21 198:2 201:7 206:17 212:9 226:7 231:8 232:12	submission 139:15 154:6
something's 85:6	staff 13:7 16:24 17:3 60:1,6 73:14 76:21 83:5 84:22 86:9 92:15 96:6 116:5,6 121:22 133:4 137:21 138:18 191:20 195:22 196:5 198:23 218:4 224:12 234:9 235:23 236:4	stepped 138:3	submit 9:18,20 21:4
sooner 88:8 126:13 205:21	staff's 58:10	steps 220:22	submitted 27:19 101:1 116:4 122:2 132:5 150:4 153:6,21 154:9, 15 155:10,12,13,17,19 179:10 227:4
sort 18:7 110:9 118:9 228:12	stage 58:8	Steve 167:2 234:19	subsequent 153:6 155:12,13 214:5
sound 113:10	stand 52:14	Steven 35:21 129:18	substantial 19:17 32:7
Southern 108:20 109:6 206:13,22 208:4	standalone 162:11	stood 236:19	substantially 17:8 20:8
Sparkhound 34:6	standard 155:8,11 156:15	store 133:19	substantive 22:15 224:15,16 225:17 226:5,17 229:24
speak 15:11 107:5 108:10,11,13,19 109:5 150:2 164:11	standing 199:14 237:6	story 198:22 199:1,24 213:20	substantively 20:16
spear 237:3	Star 38:14	strange 152:20	substation 91:18,22 92:11,21
special 15:10 34:18 211:25	start 57:11 64:1 72:13 88:18 96:6 122:17 196:16 212:21 228:10	strengthen 171:1	substations 92:3,8



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suggest 72:13 230:19	167:10	Texas 151:8 156:5	199:12 202:6 205:5,8, 10 226:12 228:10 231:23 236:10
suggested 226:4,5	talked 183:7 229:12 236:15	thee 126:24	timeframe 8:19
suggesting 160:19	talking 32:3 124:22 125:7 167:6 171:15	theory 76:1	timely 116:4 150:4 207:22
suit 18:18 74:20,24 77:12	Tammany 11:13	thing 15:24 118:5,17 124:12 137:17 173:7 182:23 192:14 230:7	times 179:5 202:5 220:1 236:13
suitable 135:17,21 137:4	tax 35:11,14 36:1 39:25 47:1,7 52:5,9 67:5 91:13 133:8 153:16 166:2 193:24 194:10 197:3 198:21,25 201:10 207:11 209:24 224:1 227:11 230:15	things 22:17 57:8 64:1 99:9 109:16,22 116:23 119:7 121:9 122:21 123:2 152:22 164:12 172:7,14,18 178:22 179:1,24 194:25 225:20 231:13 235:21 236:3	timing 131:2 184:6
summaries 11:16	taxes 82:12	thinking 116:15 117:16 220:14	tip 237:2
suppliers 179:8	tea 137:15	thinks 122:7	today 16:4 21:11 75:12 76:19 96:18 99:9 102:21 113:15 138:11, 15,24 144:9 151:5 156:3 164:11 184:4,13, 23 194:24 195:5 199:5 200:21 202:3 207:11 212:22 219:7 223:1 226:21 236:19
support 113:7 176:3 202:7,15,19 212:12 214:2 215:21 216:25 220:6 223:3	TEB 8:25 9:10	third-party 51:21,24 52:11	today's 7:2 39:10
supporting 212:24	Tech 189:21 190:1 191:5 192:25 193:10	Thomas 15:20 16:3	told 27:7 78:25 96:18 112:23 154:25 199:2,10 200:20 213:12 234:15
supportive 196:7	Technologies 70:2,6, 24	thought 31:5 110:22 112:24 114:4 122:22 136:6 158:11 168:2 181:13 188:10 234:20	tomatoes 171:16
suppose 180:11,13	telling 36:22 39:18 53:22 92:9 96:25 113:21 119:9 136:14 180:22 194:17	threshold 157:11	Tommy 91:11
supposed 113:8 158:12	tells 79:14	thumb 179:7	tools 89:9
surely 27:6	tendency 24:3	Thursday 224:20	top 13:10
surface 87:10,14,18,20 88:13 89:3,15	term 23:4 29:22 43:2,5, 8,12,14,18,21,24 44:2, 5,8 227:11	thursday 224:20	tornado 188:16
surfactant 77:21	terminations 42:25 44:14	thursday 224:20	total 10:2 33:2 101:14, 19,20 108:25 115:18 164:24 188:17 225:8
surfactants 77:19,20, 22,25	terms 111:16 112:3 118:24 132:9 154:7 188:15	thursday 224:20	totally 104:15
Surgical 44:5	Terrebonne 12:15 38:12	thursday 224:20	touch 202:9
SWACO 221:5,11 222:6	terrible 37:6	thursday 224:20	tough 231:21
sweep 168:11,25 169:5	terrific 89:19	thursday 224:20	tow 164:15
sweet 171:16	territory 237:5	thursday 224:20	track 25:3 40:1 213:2
Systems 189:21 191:5	test 171:14,17	thursday 224:20	tracks 226:20
<hr/>	testing 171:10	thursday 224:20	tractor 55:10
T		thursday 224:20	Traina 43:11
<hr/>		thursday 224:20	trained 237:17
table 115:5,19 237:10		thursday 224:20	
takes 137:17 165:3 237:20		thursday 224:20	
taking 78:10 116:22 122:13 156:4 158:8 220:12		thursday 224:20	
talk 108:23 125:17		thursday 224:20	



MEETING MINUTES

training 86:18 237:19	92:15 109:22 112:10 114:7 120:8 133:4 134:13 136:8,19 141:7 142:13 143:17 162:8 166:14 167:21 168:17, 19 171:9 175:16 176:18 188:18 195:23 196:3	verbatim 13:19	wanting 230:22
transferred 210:2		verification 176:8	ware 137:4
transfers 209:24		verify 55:14 162:16 221:22	wares 135:17
transpired 103:25		Vermilion 211:12	warrant 177:1
transport 52:2		version 20:6 21:14 227:12	water 75:21 92:4
traveled 213:3 218:7	understanding 8:10 25:8 54:23 60:1 121:7 148:6 151:16 161:11 225:16	versus 116:3	Waxes 142:5 143:8 198:8,9,11,12,13
treat 77:22 199:6	understands 109:23 225:19	vice 238:7,11,16	ways 123:16
treating 123:8	Understood 79:19 100:1	view 101:7,22 137:16 155:15	Weber 194:6 195:24
treatment 91:23 92:4 109:24 110:19	uneasy 120:9	viewpoint 112:1	website 228:7,13,19 229:3,9,10,13 231:13
troubling 156:17	unfair 117:5	Ville 38:10	Webster 197:20
truck 134:6	Unifirst 38:20	violated 122:1	week 89:12 103:1 214:12
trucks 133:9,22 134:7 135:13 136:15 166:4	Union 90:23 91:1,2 93:14	visit 54:21	West 38:18 65:24 170:7,11
truth 75:12	unique 180:11	voice 237:10	Westlake 94:4,5
Tubreaux 43:20,23	unlike 194:21	voices 148:18	whatsoever 110:8 152:2
Tucker 201:9,10 202:4, 21 203:15,21 204:3,11	unsuccessful 202:14	vote 58:14 120:17 125:5 126:15 127:4,18 135:6 136:14 147:22 149:13 169:10 172:6 174:21 199:14 202:18 203:8 213:7	whisper 141:13
tuning 78:18	update 103:1	voted 126:18,24 127:2 181:8	widget 78:10,11
turned 114:10	upgrade 92:4 110:2	voting 127:13 146:9,10	wife 89:10
tweaks 225:18	upgrades 60:4 227:22		William 139:11 160:5
two-year 15:7	UPS 11:14	W	Williams 37:13 50:1 51:5 62:12 66:7 94:6,15 105:2 129:14,15 166:23 192:20,21 208:25 238:24
Tylose 80:21 81:3	upwards 179:1		Wilson 7:6 10:24 42:15 56:1 65:13 70:10 71:3 81:8 85:21 129:22,23 144:17 148:2,3 162:21 184:21 186:2 189:8 203:4 205:24 210:5 211:1 215:19 218:25 232:23 238:14
type 74:24 180:11 198:24	USA 11:14 12:15 72:22 210:2		win 27:8
typical 28:18	usual 120:13		Windham 7:9,12,15,25 8:6 9:2 10:8,11,15,18, 22 11:2,5,17,22,25 12:6,9,24 14:16 15:17, 25 17:22 20:1,22 22:7
U	V		
Uh-huh 68:21	valid 84:17	wait 170:22 187:19	
Ultimately 163:8	validate 162:16	waited 27:15 172:7	
unable 214:18	valorem 186:23	walk 68:25	
underground 54:17 180:15	valuable 182:24	walked 121:17,19	
underline 100:22	vendors 179:8	walking 64:1	
underneath 158:18	verbal 230:13	Walle 105:15 106:23	
understand 36:7 51:14 63:19 67:10 68:8 89:4		wanted 14:14 20:15 21:2 79:14 96:19 113:19 121:14 123:25 175:7 183:11 192:22 193:1 203:16 228:18 229:1 237:7	



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MEETING MINUTES

April 26, 2017
Index: Windham's..Zone

23:5,19,24 24:23 30:11, 16,22 31:4,8,15 33:3, 11,16,19,23 34:16,21, 24 35:5,8,24 36:4 37:12,17,20,23 38:22 40:24 41:7,11,15,21,24 42:9,13,18,21 44:11,16, 20 45:1,6,9,15 46:3,7, 11,15,21,24 47:18,25 48:4,10,13,19,23 49:5, 8,15,19 50:3 52:22 53:19 54:3,8,14 55:6, 12,20 56:4,7,11 57:6,25 58:9,16,19,22 59:3,7, 14,17,22 61:9,13,16,21, 24 62:4,8,15,18,23 63:6,11 64:16,20,25 65:6,10,17,20,25 66:4, 10,13,18,23 69:11,15, 21,24 70:4,8,15,18,21 71:1,7,10,13,16 72:19, 24 73:7 76:23 77:3 78:2,7,15 80:1,4,10,15, 18,23 81:1,5,12,15,20 82:5 85:3,17,25 86:3,6 87:12,17 88:1,5,9 90:8, 11,16,19,25 91:8,14 93:13,16,21,24 94:8,12, 19,22 95:4,9,18,22,25 97:6 98:14 100:2,7,17 102:7 103:13 104:2,25 105:5,8,10,17,24 106:2, 5,12,17,24 107:7,13,17, 25 108:3,16 109:2 110:25 113:1 114:19 115:21 116:13,24 119:11 120:3 122:9 123:5 124:2,19 125:6, 12,18,23,25 126:4,16, 21 127:1,15 129:18,19 130:2,9,15,24 131:9,15 132:13,23 136:23 138:2 139:8,21 140:2,6,11,16, 23 141:1,4,6,9,14,22 143:3,9,14,20,24 144:4, 10,15,21,24 145:3,14, 20,23 146:3,8,21 147:7, 12,17,20,25 148:5,12, 16,22 149:5,24 150:11, 17 152:5,12 155:21 156:25 157:17,21 158:22 159:6,18,21 160:12 161:12,25	162:5,13,20,25 163:7, 12,16,19,23 164:6 165:15,21 166:17 167:3 168:5 169:7,14,17 170:8,21 173:11,15,24 174:3,13 175:3,15,21 176:1 177:9,14,18,21 178:4,10,14,19 179:14 180:19 181:7,12,17,22 183:17,22 184:15,19 185:1,4,24 186:7,11,14, 17 187:1,9,13 188:23 189:2,6,12,15,18,24 190:6,16,22 191:1,7,11, 14,17 192:19 193:2,7, 11,18 194:1 195:6 196:18,25 197:9,12,15, 21 198:1,16 200:6,10, 14,17,25 201:4,24 202:12,20 203:3,7,10, 13,19 204:9,13,20 205:1,7,22 206:4,7,10, 16 208:1,7,10,13,21 209:3,6,13,18,21 210:4, 9,12,21 211:5,8,14,19, 22 212:6 214:7,15 215:11,17,24 216:2,5, 14,19,24 217:3,11,14, 17 218:22 219:10,14, 17,21 221:2,7,21,25 222:4,11,14,18 223:4, 10,15,20,23 224:3,9 225:12 226:22 230:24 231:4 232:6,21 233:3,6, 9,20 234:2,5,8 235:1,5, 10,13 237:23 238:10, 18,21	175:25 195:22 237:13, 21 works 54:23 55:1 75:17 77:21 78:11 83:13 121:16 workshops 237:14 world 199:11,13 worms 25:2 worth 23:14 76:8 173:8 Wow 121:20 205:2 wrap 215:9 218:18 write-up 230:16 written 149:17 227:4,6, 8 228:8 229:7 230:12 wrong 33:5 73:17 101:9 103:8 133:10 wrote 122:24,25	121:15 171:19 194:6 199:21 207:1 237:5 yesterday 220:10 you-all 112:10
<hr/> Z <hr/>			
Zatarain 88:12,13,19, 25 89:7 90:6,9,21			
Zone 38:1 39:3 41:9 44:14 237:8			
<hr/> Y <hr/>			
y'all 13:25 17:1 31:21 40:1,7 53:8 64:9 79:22 103:6,7 126:9 185:14 186:21 191:21 212:2 221:12,17 224:15,21			
year 8:24 9:3 14:1,9 24:4 26:15 28:1 30:3 31:9,13,22 32:16 109:13,14,15,16,19 110:6 115:25 116:1,7 131:6,22 150:3 151:2 154:9,10,11 166:10 171:8,14 172:19 173:25 174:11,17,23,24 185:13 187:16,17,22 192:25 194:9 195:3 197:3 199:20 203:1 214:25 230:15			
year's 100:3			
yearend 166:9			
years 13:15,22 15:1,9, 14 19:18 21:10 23:14, 16 24:5,22 25:6 27:15, 20 29:5 31:2 92:23			
Windham's 235:22			
Windows 68:4			
word 71:24 112:14			
wording 16:15 24:15			
words 72:14			
work 64:3 75:4 77:16, 18 78:1 95:12 113:19, 23 151:7,8 154:22 156:12 234:10 236:4			
worked 109:11 121:16			
working 16:1 32:19 74:21 87:7 135:15			



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