

**PORT OF IBERIA DISTRICT BOARD OF COMMISSIONERS  
REGULAR MONTHLY MEETING  
TUESDAY, MAY 18, 2021  
PORT ADMINISTRATIVE OFFICE – 5:30 P.M.  
MINUTES**

The Regular Meeting of the Port of Iberia District Board of Commissioners was called to order by Commissioner Danny J. David, Sr., Board President, at the Port of Iberia Administrative Office, on Tuesday, May 18, 2021, at 5:30 P.M.

In attendance were Commissioners Danny J. David, Sr., Board President, Roy A. Pontiff, Vice-President, Shane Walet, Secretary – Treasurer, Simieon d. Theodile, Patrick Broussard, and Mark Dore’.

Commissioner Elbridge “Smitty” Smith, III. was absent.

Also, present were Craig Romero, Executive Director, Joanna Durke, Administrative Assistant, Tracy Boudreaux, Bookkeeper-Secretary, Shari Landry, Secretary-Receptionist, and Ray Allain, Port Attorney.

Thus, with a quorum being acknowledged, Commissioner Roy A. Pontiff recited the opening prayer and the Pledge of Allegiance.

- I. APPROVAL OF MINUTES – Regular Meeting Wednesday, March 24, 2021.**
- Special Meeting Thursday, April 1, 2021.
  - Special Meeting Thursday, April 8, 2021.
  - Regular Meeting Tuesday, April 20, 2021.
  - Special Meeting Thursday, May 6, 2021.

**On a motion by Commissioner Mark Dore’, and seconded by Commissioner Patrick Broussard, the Commission approved the minutes of the Regular Meeting held on Wednesday, March 24, 2021.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Patrick Broussard, and Mark Dore’.**

**Nays: None.**

**Absent at Voting: Simieon d. Theodile and Elbridge “Smitty” Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**On a motion by Commissioner Patrick Broussard, and seconded by Commissioner Mark Dore', the Commission approved the minutes of the Special Meeting held on Thursday, April 1, 2021.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Simieon d. Theodile and Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**On a motion by Commissioner Shane Walet and seconded by Commissioner Roy A. Pontiff, the Commission approved the minutes of the Special Meeting held on Thursday, April 8, 2021.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Simieon d. Theodile and Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**On a motion by Commissioner Patrick Broussard, and seconded by Commissioner Shane Walet, the Commission approved the minutes of the Regular Monthly Meeting held on Tuesday, April 20, 2021.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Simieon d. Theodile and Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**On a motion by Commissioner Mark Dore', and seconded by Commissioner Roy A. Pontiff, the Commission approved the minutes of the Special Meeting held on Thursday, May 6, 2021.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Simieon d. Theodile and Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**II. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:**

- (a) Budget Summary for Ten (10) Month Ending April 2021.**
- (b) Listing of Utility Breakdown as it Relates to Electricity, Water, & Natural Gas.**

- (c) Listing of Tenant Lease Billings for 2021.**

- Mrs. Joanna Durke stated that Diversified Materials is supposed to be bringing a check to the Port office for the balance of \$12,688.13 tomorrow. He is going to be submitting a plan to Mrs. Joanna Durke indicating how he will pay his remaining balance.

- (d) Listing of Boat Stall Tenant Lease Billings for 2021.**

- Mrs. Joanna Durke stated that she is in the process of collecting these before June 30, 2021.

- (e) Approve Payment of Bills & Checks Issued During Interim Period.**

**A motion was made by Commissioner Mark Dore', seconded by Commissioner Shane Walet, to approve and authorize the payment of bills for May 2021, and ratify those paid during the interim period.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Simieon d. Theodile and Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**III. DISCUSS FINANCE COMMITTEE RECOMMENDATIONS & FINDINGS FROM FRIDAY, MAY 14, 2021 COMMITTEE MEETING.**

- (a) Discuss and Consider FY 2021-2022 Budget.**

Mrs. Joanna Durke presented a hand out to the Board indicating the Finance Committee Recommendations from the Finance Committee Meeting held on Friday, May 14, 2021.

Commissioner Roy A. Pontiff went through these recommendations with the Board.

The recommendations are as follows;

- Commissioner Roy A. Pontiff stated that with regards to the Salaries Budgetary Line-Item Section for Director, Administrative Assistant, Bookkeeper/Secretary, and Maintenance Supervisor, that the Executive Director is going to suggest that the Finance Committee consider a possible title change for some of the employees; and

consider the employment of a Maintenance Supervisor. The Executive Director is requesting that the Finance Committee skip over the salary adjustments at this point in order to provide to the Board additional information as to specifically the titles to make changes to and the justification for the salary adjustments and also look at an option of hiring a possible contract employee verses a full-time employee as a Maintenance Supervisor. The Executive Director would provide a "Sample" Maintenance Supervisor Contract, as well as the duties the Maintenance Supervisor will perform at the June 2021 Monthly Board Meeting

- Commissioner Roy A. Pontiff indicated that the Employee Salaries and Maintenance Supervisor position can be discussed at the June 2021 Regular Monthly Board Meeting.
- **It was the consensus of the Finance Committee to have the Administration back-out out the proposed salaries – Maintenance Supervisor Budgetary Line Item, and any other Budgetary Line-Item dollar amount which is related to the said position.**
- Executive Director proposed a Budgetary Line Item "Architectural Services" to be added to the 2021-2022 Fiscal Year Budget in the amount of \$48,000.00 for Mr. Gerald Gesser and the small projects he performs for the POI at the directives of the Executive Director. Currently small projects for Mr. Gesser have been taken from "Outside Services". This caused the "Outside Services Budgetary Line Item to exceed what was originally proposed in the FY 2020-2021 POI Budget. It is also noted that the Maintenance Outside Services Budgetary Line Item will be eliminated and zeroed out.
- Auto Allowance Budgetary Line Item – Currently @ \$22,000.00; however, proposing to increase to \$28,800.00 (\$2,000 for Executive Director & \$4,800.00 for proposed Maintenance Supervisor).
- Finance Committee recommended to rename the Budgetary Line-Item Telephone to Communication Utilities.
- Travel Director Budgetary Line item is currently \$2,500.00; the Finance Committee proposed increase to \$5,000.00.
- Seminars & Conventions Budgetary Line Item remain at the proposed amount of \$6,000.00 for 2021-2022; from the current 2020-2021 Budget amount of \$3,000.00.
- Utilities (Tenant Reimb. to POI) Budgetary Line Item is currently \$9,000.00; proposed decrease to \$6,000.00 due to Seamar & Aries having less vessels in the Slip where the former Central Gulf site is located.

Commissioner Roy Pontiff stated that the Board can adjust the budget based off of what was presented.

Mrs. Joanna Durke stated that at the Finance Committee Meeting, the committee agreed to have the Administrative Assistant meet with Mr. John Istre, Broussard, Poche', LLC and

provide Mr. Istre with a copy of the Listing Agreement for his review and advise. Mr. John Istre has reviewed the Listing Agreement and has his recommendation prepared.

- Mr. John Istre of Broussard, Poche', LLC, stated that after reading the Listing Agreement he understood the Port will be charged a 6% commission on the gross rent for the initial term of the lease. He recommends setting up an expense account called "Broker Commissions". When the Port will cut the check for the commission, code to the Broker Commission account. When the Port bills the tenant for the lease revenue, this will be coded to "Lease Income". The Broker Commission account will be a part of the operating account. Mr. John Istre does not recommend budgeting for this line item.

**A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Patrick Broussard to accept and approve as presented the Port of Iberia District Fiscal Year 2021–2022 Budget as recommended by the Finance Committee.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**(b) Discuss and Consider FY 2020-2021 Audit Engagement.**

**A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Mark Dore' that Broussard, Poche', L.L.P., be retained to perform the Fiscal Year 2020–2021 year-end audit of the financial statements of the Port of Iberia District, for a maximum fee of \$30,000.00.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**IV. REPORT FROM MRS. CARMEL BREAUX, PRESIDENT, NORRIS INSURANCE CONSULTANTS, INC., REGARDING THE PORT OF IBERIA DISTRICT'S, 2021 ANNUAL INSURANCE RENEWALS AND REQUEST FOR PROPOSALS:**

**{1} (May 12, 2021 Renewal):**

**General Liability, Automobile Liability and Physical Damage, Umbrella Liability, Public Official Errors &**

**Omissions Liability, Crime, Boiler & Machinery, Inland Marine, Equipment Floater and Building & Contents.**

- Mrs. Carmel Breaux stated that at the last meeting she presented the Board a spreadsheet of premiums for coverage. She stated that nothing has changed. The board approved for Mr. Craig Romero to make the final decision pending Mrs. Carmel Breaux receiving the Lloyds of London quote. The Lloyds of London quote did not come in with better numbers. Thus, the Board did not need to ratify their decision.
- Brown & Brown will be breaking down the insurance coverage premiums by locations at the Port.

**V. REPORT FROM MR. GERALD GESSER, GESSER GROUP, APC ON:**

**(a) Proposed Facility Inspection**

**{1} Discuss/Consider Gesser Group's Proposal (Port Development & Maintenance Committee for Review).**

- This agenda item is to be discussed at a Port Development & Maintenance Committee Meeting.

**(b) Port of Iberia Small Repairs Projects**

**{1} Status Report for the "You Are Here" Port Sign Installation by Crosby Construction Services Located on David Berard Road.**

- Mr. Gerald Gesser reported that this should be completed within the next couple weeks.

**{2} Discuss/Consider Modular Construction, Co., Inc. Invoice Number 4411-21 (Port Admin. Sign Installation)**

**A motion was made by Commissioner Mark Dore', seconded by Commissioner Simieon d. Theodile to approve and authorize the payment of Invoice Number 4411-21 in the amount of \$600.00 to Modular Construction, Co., Inc. for the installation of The Port Admin. Office Sign.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**{3} Status Report for Utility Meters  
(Cleco, Lawco, Atmos, and Entergy).**

- Mr. Gerald Gesser reported that he has been working with Shari Landry on this.
- Entergy has replaced multiple meters with satellite reading meters, this eliminates the need for onsite readings.
- Mr. Gerald Gesser stated that Ted Johnson with Entergy is currently working on crediting the Port for the 72 Street Lights Bill.
- Commissioner Roy Pontiff questioned Building B credit with Entergy, Mr. Gerald Gesser stated that he will follow up with Entergy on this as well.

**{4} Discuss/Consider Gesser Group's Inv # 11-POI-SRP.**

**A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Patrick Broussard to approve and authorize the payment of Invoice 11-POI-SRP to Gesser Group, APC in the amount of \$7,400.00 for small repairs projects requested by Executive Director.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**(c) Hurricane Laura & Delta Storm Damages  
{1} Status Report on Hurricane Laura Flood Damage.**

- Mr. Gerald Gesser stated that they are currently working with a contractor to get an estimate to complete storm damage repairs at the former Diamond facility. Also, to paint the former HIS Building to complete storm damage repairs.
- Commissioner Shane Walet questioned if Ram Design is also leasing the former HIS Building from the Port. Mr. Craig Romero stated that they have already begun moving things into it. Mr. Gerald Gesser stated that they started moving things into the former Diamond Building but he is not sure about the former HIS Building. Mr. Shane Walet questioned if they were going to be leasing it. Mrs. Joanna Durke stated that the former HIS Building is not included in their lease.

**{2} Status Report on Hurricane Laura & Delta FEMA Applications.**

- Mr. Gerald Gesser stated that Tracy Boudreaux, Jenna Funk, Mr. Craig Romero,

and himself are participating in the weekly conference call with FEMA.

- FEMA has approved to reimburse the Port for the cost to install the Aqua Dam last year.
- Mr. Gerald Gesser reported that he has submitted the documentation that FEMA requested. Mr. Gerald Gesser stated that he met with Mrs. Joanna Durke & Tracy Boudreaux yesterday for the drawings of All Points Buildings G & H, these were submitted to FEMA. He does not have drawings or documents on Superior, Diamond, Central Gulf, or the West Yard. He is unsure what FEMA's position on this will be.

**{3} Discuss/Consider Modular Construction, Co., Inc. Invoice Number 4409-21 (Wall Panel Skylight 12' – All Points – Hurricane Laura Damages.**

- Mr. Gerald Gesser stated that Building 9C at All Points had a blown-out window from the storm.

**A motion was made by Commissioner Mark Dore', seconded by Commissioner Patrick Broussard to approve and authorize the payment of Invoice Number 4409-21 in the amount of \$430.00 to Modular Construction, Co., Inc. for the installation of One (1) Acrylic Wall Panel Skylight at 12' at All Points.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**{4} Discuss/Consider Gesser Group's Inv # 09-POI-HLSD.**

**A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Shane Walet to approve and authorize the payment of Invoice Number 09-POI-HLSD to Gesser Group, APC in the amount of \$4,070.00 for the period April 15, 2021 thru May 12, 2021 for architectural services provided from Hurricane Laura Storm Damages.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**



**VI. LOUISIANA PORT CONSTRUCTION & DEVELOPMENT PRIORITY PROGRAM  
SPN H.011928 “EAST & WEST YARD” EXPANSION & SITE IMPROVEMENTS  
PROJECT:**

**(a) Report from Mr. Oneil Malbrough of GIS Engineering, LLC. on:  
{1} Port Priority & Capital Outlay Spreadsheets.**

- Mr. Oneil Malbrough presented the Board updated spreadsheets of Capital Outlay projects & Port Priority.
- Mr. Oneil Malbrough stated that Boardwalk Pipeline has completed the relocation of the pipeline. They have to remove the old pipe by digging it out & cutting it out within the next month.
- Commissioner Shane Walet questioned if the cost of the contract will increase with the digging up of the older pipe. Mr. Oneil Malbrough stated that it will not, but it could result in a change order.
- Mr. Oneil Malbrough stated that the Port has paid Boardwalk approximately \$2.8 Million Dollars. Chris Collins of LA DOTD has issued a Purchase Order, a check will be cut for reimbursement once he receives the Purchase Order.
- The Port is awaiting reimbursement from LA DOTD for the total amount of \$2,034,799.45 for Port Priority.

**(b) Report from Mr. Austin Hebert of GIS Engineering on:  
{1} Drainage Update SPN H.011928(324)**

(Phase IV of SPN H.011928).

- (a) Update on Status of Project.**  
**(b) 45-Day Clear Lien Period.**

- Dixie Electric tied the generator system to Atmos meter and performed all required load testing.

**(c) Discuss/Consider Approval of Coastal Construction  
Application for Payment No. 8.**

**A motion was made by Commissioner Mark Dore’, seconded by Commissioner Simieon d. Theodile to approve and authorize the payment of Payment Request Number 8 to Coastal Construction and Engineering, LLC in the amount of \$7,211.47 for SPN: H.011928(324) East & West Yard Expansion & Site Improvements Site Drainage and Improvements Project Phase IV of SPN H.011928 for the period November 1, 2020 thru April 15, 2021; in accordance with contract dated March 31, 2020.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore’.**

**Nays: None.**

**Absent at Voting: Elbridge “Smitty” Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**{2} Building B – POI West Yard SPN H.011928(325d)  
Crane & Ventilation Purchase & Installation  
(Phase Vd of SPN H.011928).**

**(a) Update on Status of Project.**

- Louisiana Crane completed all load testing and replaced the damaged travel motor.
- GIS Engineering conducted a final inspection with Acadiane Renovations and Louisiana Crane.

**(b) Discuss/Consider Substantial Completion to Acadiane Renovations, Ltd.**

**A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Shane Walet to accept and approve Substantial Completion of the Project regarding Acadiane’ Renovations, Ltd. Cranes & Ventilation Phase Vd of SPN H.011928; in accordance with the contract dated May 13, 2020; and motion further acknowledges that the 45-day Clear Lien Period will commence once the Substantial Completion has been recorded with the Iberia Parish Clerk of Court’s Office.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore’.**

**Nays: None.**

**Absent at Voting: Elbridge “Smitty” Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**{3} Building B – POI West Yard SPN H.011928(325a)  
Electrical Construction  
(Phase Va of SPN H.011928).**

**(a) Update on Status of Project.**

- All electrical and lighting work has been completed.

**(b) 45-Day Clear Lien Period.**

**(c) Discuss/Consider Approval of Preferred Electric, Inc. Application for Payment No. 9.**

A motion was made by Commissioner Roy A. Pontiff seconded by Commissioner Shane Walet to approve and authorize Application for Payment Number 9 to Preferred Electric, Inc. in the amount of \$4,279.75 for SPN: H.011928(325a) East & West Yard Expansion & Site Improvements Building B Electrical Construction Project Phase Va of SPN H.011928 for the period April 1, 2021 thru April 30, 2021; in accordance with contract dated June 5, 2020.

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

Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore'.

Nays: None.

Absent at Voting: Elbridge "Smitty" Smith, III.

And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.

**{4} Building B – POI West Yard SPN H.011928(325g)  
Bay 5 Repairs and Renovations  
(Phase Vg of SPN H.011928).  
(a) Update on Status of Project.**

- Flood vents are on order and will be delivered in the upcoming weeks prior to installation.

**(b) 45-Day Clear Lien Period.**

**{5} Building B – POI West Yard SPN H.011928(325e)  
Building B Multipurpose Facilities & Small Warehouse  
(Phase Ve of SPN H.011928).  
(a) Update on Status of Project.**

- Materials for wall extensions are on order and should be installed in the upcoming weeks.

**(b) 45-Day Clear Lien Period.**

**{6} Building B – POI West Yard SPN H.011928(325b)  
Concrete Construction (Bays 1-4)  
(a) Update on Status of Project**

- Mr. Austin Hebert of GIS Engineering reported that there is no update on this project.
- All items have been completed in the contract.

**(b) 45-Day Clear Lien Period.**

**{7} Building B – POI West Yard SPN H.011928(325c)  
Steel Repairs & Installation (Bays 1-4)  
(Phase Vc of SPN H.011928).  
(a) Update on Status of Project.**

- Flood vents are on order and will be delivered to the project site in the upcoming weeks prior to installation.
- Mr. Austin Hebert stated Change Order No. 6 is for new roof flashing and repairs for B2-Bay 1. Frisco gave GIS Engineering a plan to put in a new flashing and additional material to stop the leak.

**(b) Discuss/Consider Approval of Change Order No. 6.**

**A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Patrick Broussard to approve and authorize Change Order Number 6 regarding SPN H.011928 (325c) East & West Yard Expansion & Site Improvements Project Building B Steel Repairs and Installation as it relates to an increase of \$13,095.00 for the installation of new wall to Roof Flashing System and Repairs made to damaged walls; the revised contract amount is \$1,272,852.24, and Motion further adds 10 contract days with a revised completion date of May 31, 2021 and motion further authorizes the Board President to execute said Change Order Number 6, and forward to LA DOTD for review and approval.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore’.**

**Nays: None.**

**Absent at Voting: Elbridge “Smitty” Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**{8} Discuss/Consider Approval to Request Quotes for work under Proposed Phase 325h with Contingency.**

- Mr. Austin Hebert of GIS Engineering stated that Seadrill is requesting upgrades to the existing crane system to implement a control device to operate the Bay 2 cranes in tandem and to include a load cell device.
- Mr. Austin Hebert reported that Acadiane Renovations, Ltd. Insurance has expired in May and ARL was unable to get a renewal.
- LA DOTD said that they would participate if the Port requested an additional phase of the project. Austin Hebert stated that they have to get Three (3) quotes. Mr. Austin Hebert also stated that Seadrill has agreed to pay for this as well.

- Mr. Oneil Malbrough stated that they are assuming it will be around \$50,000 but they will go with the lowest bid on the project.

**A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Shane Walet to approve and authorize GIS Engineering, LLC to Request Quotes for work under Proposed Phase 325h with Contingency upon LA DOTD approval of adding in the Phase.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore’.**

**Nays: None.**

**Absent at Voting: Elbridge “Smitty” Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**{8} Discuss/Approve GIS Engineering, LLC April Invoice Number 70005895 POI West Yard Expansion.**

**A motion was made by Commissioner Patrick Broussard, seconded by Commissioner Roy A. Pontiff to approve and authorize the payment of Invoice Number 70005895 to GIS Engineering, LLC in the amount of \$53,951.25 for the period April 1, 2021 thru April 30, 2021 which includes April activities Building B Design & Construction Oversight and Site/Drainage Improvements Construction Oversight; in accordance with contract dated August 21, 2018.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore’.**

**Nays: None.**

**Absent at Voting: Elbridge “Smitty” Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**VII. REPORT FROM MR. ONEIL MALBROUGH OF GIS ENGINEERING, LLC ON:**

**(a) Port Millennium Expansion Phase III Project – Site Excavations & Dredging.**

**{1} Update on the Status of the Port Millennium Expansion Phase III Project.**

- Survey will begin after the property has been cleared out.
- Mr. Craig Romero stated he will try to get the parish to clear out the property.

**(b) Port Millennium Expansion Phase II Property Site SPN H.011756 Tract's "O" and "P" Site Improvements.**

**{1} Update on Status of Tract's "O" and "P" Site Improvements.**

- GIS Engineering implemented markups to the plans and specifications as per LA DOTD comments.

**{2} Update on Advertisement for Bids.**

- Advertising for bids began on Wednesday, May 12, 2021.
- Pre-bid conference is scheduled for Thursday, May 20, 2021.
- Bid Opening is scheduled for Wednesday, June 9, 2021.

**{3} Discuss/Approve GIS Engineering, LLC April Invoice Number 70005893.**

**A motion was made by Commissioner Shane Walet, seconded by Commissioner Mark Dore' to approve and authorize the payment of Invoice Number 70005893 to GIS Engineering, LLC in the amount of \$59,972.50 for the period April 1, 2021 thru April 30, 2021 which covers April 2021 activities including Construction Admin, Construction oversight, bidding and negotiations phase, and Engineering surveys; in accordance with contract dated March 4, 2021.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**(c) AGMAC Project General Engineering and Consulting Services:**

**{1} Update on Status of AGMAC Project.**

**{2} AGMAC Port's Maintenance Dredging Permit Update.**

**(d) AGMAC Phase I Dredging Project:**

**{1} Project Update.**

- GIS Engineering is working to finalize pipeline plan sheets that will be incorporated into the Construction Plan Set.
- Mr. Oneil Malbrough stated that Energy Transfer has given them an estimate of \$2.5

for the lowering of the pipeline.

**{2} AGMAC Dredging Project – Update on Permit LDNR and USACE.**

**LDNR**

- LDNR has issued the Coastal Use Permit.

**LDEQ**

- LDEQ has issued the Water Quality Certificate.

**The Army Corps of Engineers**

- The final permit has been issued.

**{3} AGMAC Dredging Project – Pipeline Coordination.**

**❖ Shell Pipeline (Zydeco Pipeline)**

**(a) Update on Pipeline Relocation.**

- Shell contractor mobilized to the project site on April 19, 2021.
- 22” Piping has since been pulled back across Commercial Canal.
- Excavation for stopple installation and tie-in fabrication is in progress.
- Pipeline shutdown for tie-in is tentatively scheduled for May 24, 2021.

**(b) Discuss/Consider Approval of Shell Pipeline Company, LP (Zydeco Pipeline) Invoice.**

**A motion was made by Commissioner Simieon d. Theodile, seconded by Commissioner Shane Walet to approve and authorize the payment of Invoice Number 90000905 to Shell Pipeline Company, LP in the amount of \$57,809.85 for work completed regarding AGMAC Phase I Dredging Project – Pipeline Relocation.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore’.**

**Nays: None.**

**Absent at Voting: Elbridge “Smitty” Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**❖ Boardwalk (Texas Gas)**

**(a) Update on Pipeline Relocation.**

- Pipeline relocation has been completed and the pipeline is back in service.
- Boardwalk/Progressive scheduled to return pipeline removal prior to dredging.

**(b) Discuss/Consider Approval of Boardwalk Invoice.**

A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Patrick Broussard to approve and authorize the payment of Invoice Number 13929361 to Texas Gas Transmission, LLC in the amount of \$1,627,997.17 for work completed regarding AGMAC Phase I Dredging Project – Pipeline Relocation.

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

Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore’.

Nays: None.

Absent at Voting: Elbridge “Smitty” Smith, III.

And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.

**❖ Kinder Morgan (Tennessee Gas)**

**(a) Update on Pipeline Relocation.**

- Kinder Morgan’s pipeline contractor mobilized to the project site on Monday, May 10, 2021.
- REM Drilling Equipment is being mobilized.
- Mr. Oneil Malbrough stated that Kinder Morgan will possibly begin drilling on Thursday, May 20, 2021.

**❖ Energy Transfer**

**(a) Update on Pipeline Matting.**

**(b) Update on Discussions Regarding a Reimbursement Agreement b/t POI & Energy Transfer.**

- Reimbursement Agreement has been finalized.
- Final Design and Cost Estimate is currently in progress based on recent soil boring data.
- Mr. Oneil Malbrough stated that the Port has funding to handle this once approved.
- Mr. Oneil Malbrough stated that this pipeline is being lowered not relocated.

**{4} Survey and Right-of-Way Update.**

**➤ AGMAC Right-of-Way Acquisition Team Update.**

- Mr. Oneil Malbrough stated that the abstract work was completed today. The drawings will be ready by 12:00 P.M. tomorrow. Right-of-Way agents are ready to



begin meeting with the land owners.

**{5} Discuss/Approve GIS Engineering, LLC April Invoice Number 70005894 for AGMAC Phase I Dredging Project.**

**A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Mark Dore' to approve and authorize the payment of Invoice Number 70005894 to GIS Engineering, LLC in the amount of \$83,815.11 for the period of April 1, 2021 thru April 30, 2021 which includes Permitting, LERRD's, Ed Landgraf March & April Invoice, and GeoEngineers, Inc.; as per contract dated August 29, 2019 and Amendment #1 dated May 19, 2020.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore'.**

**Nays: None.**

**Absent at Voting: Elbridge "Smitty" Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

**VIII. REPORT FROM PORT ATTORNEY.**

There is no update on the above agenda item

**IX. REPORT FROM EXECUTIVE DIRECTOR ON:**

**(a) Discuss/Consider Approval of "Fee Agreement and Authority to Represent" Agreement to Engage H. Kent Aguillard, Attorney at Law, Regarding Chapter 11 Case of Seadrill Limited on the Docket of the United States Bankruptcy Court, Southern District of Texas, Houston Division.**

- Mr. Craig Romero stated that Mr. Kent Aguillard was unable to make the meeting; however, the Board can call him and ask any questions.
- Commissioner Shane Walet called Mr. Kent Aguillard on the phone during the Regular Monthly Board Meeting to discuss and ask questions regarding the Seadrill Bankruptcy Case Number 21-30427(DRJ); Docket No. 600. Commissioner Roy Pontiff asked Mr. Kent Aguillard for his opinion on allowing Seadrill to occupy "Building B" right now.
- Mr. Kent Aguillard stated that he will give a "legal opinion" and a "business opinion";
- Mr. Kent Aguillard gave a business opinion stating that Seadrill has spent a lot of money moving their operations to the Port of Iberia. If the Port allows them to occupy the facility right now, the Port will have a strong argument for an "Administrative Claim". This means the Port provided a service/good for a debtor that benefits the

debtor estate and provision of services are reasonable and useful to the debtor. This is an “Administrative Expense” for the Port. This ranks with the attorney fees of the debtor. Mr. Kent Aguillard stated that he is comfortable to let them occupy in this instance.

- Mr. Kent Aguillard stated the downside of this is that if Seadrill does occupy the facility and then they don’t accept the lease, the Port will then need to evict Seadrill. Mr. Aguillard thinks this will not happen.
- He stated that legally, there are issues there. The Port would be liable for someone getting hurt if Seadrill would occupy the facility. The Port is covered for this. Mr. Kent Aguillard stated that the Port needs to receive documentation that the Port is an “Additional Insured” from Seadrill.
- Mr. Kent Aguillard stated that the Port needs to make a business decision. He stated that he would let them occupy because the Port already has a strong “Administrative Claim”.
- Commissioner Roy Pontiff discussed the payment issues with Mr. Kent Aguillard. Mr. Kent Aguillard stated that the Port has the lease, if Seadrill wants to assume the lease, the Port can tell them to pay a lump sum. Commissioner Roy Pontiff also stated that the Board will need to decide if they will accept monthly payments or not.
- Mr. Kent Aguillard discussed “Adequate Assurance of Future Performance”, which is a form of deposit. Seadrill needs to do something that shows they are able to perform in the future for the Port.
- Mr. Kent Aguillard stated that he would not settle automatically with the monthly payments. He stated if Seadrill does not pay on June 1<sup>st</sup>, the Port can force Seadrill to accept or reject the lease. Mr. Aguillard can take legal action at that point.
- Commissioner Roy Pontiff asked for Mr. Aguillard to study the lease and give the Board feedback on the lease payments before the June Regular Monthly Board Meeting. Commissioner Roy Pontiff stated that Seadrill is supposed to be coming to the June Regular Monthly Board Meeting to hand the Board a lease payment.
- Mr. Kent Aguillard stated that he will study the Lease Agreement and he will look at the Docket Report so he can be aware of what is going on. Mr. Kent Aguillard will also try to attend the June Monthly Board Meeting.

**A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Simieon d. Theodile to adopt the following:**

**RESOLUTION  
PORT OF IBERIA DISTRICT  
BOARD OF COMMISSIONERS**

A meeting of the Board of Commissioners of the **PORT OF IBERIA DISTRICT** was held on the 18th day of May, 2021 at New Iberia, Louisiana.

**Upon motion duly made by Commissioner Roy A. Pontiff, seconded by Commissioner Simieon d. Theodile, and approved unanimously by the Board, the following Resolution was adopted:**

**WHEREAS**, the PORT OF IBERIA DISTRICT (“PORT”) has received correspondence from the United States Bankruptcy Court, Southern District of Texas, Houston Division regarding Seadrill Limited, et al., Debtors Chapter 11 Case No. 21-30427 (DRJ); Re: Docket No. 600; and

**WHEREAS**, the Notice of Deadlines for the Filing of Proofs of Claim (Official Form 410), Including Requests for Payment Pursuant to Section 503(b)(9) of the Bankruptcy Code is June 14, 2021 at 5:00 p.m. (Central Time); and

**WHEREAS**, the mailing address to submit to is Seadrill Limited Claims Processing Center c/o Prime Clerk, LLC, 850 Third Avenue, Suite 412, Brooklyn, NY 11232; and

**WHEREAS**, the PORT entered into a Lease Agreement with Seadrill Americas, Inc. for a Primary Term of Ten (10) years period beginning June 1, 2020, and ending May 31, 2020 containing and comprising an area of 57.4 acres, recorded in the Iberia Parish Clerk of Court’s Office on July 8, 2020; File Number 2020-00005271; Book 1688; Page 756; and

**WHEREAS**, the Port of Iberia District’s Executive Director, Craig F. Romero, has recommended that the PORT retain Mr. H. Kent Aguillard, Attorney at Law, to assist and protect the PORT’s interest; regarding Seadrill Limited, et al., Debtors Chapter 11 Case Number 21-30427 (DRJ) RE: Docket No. 600, and other pertinent matters relevant to said Bankruptcy matters;

**NOW THEREFORE, BE IT RESOLVED** that the Port of Iberia District Board of Commissioners has a real necessity for hiring the outside counsel of H. Kent Aguillard, Attorney at Law, who is certified by the American Board of Certification and the Louisiana State Bar Association as a specialist in Business Bankruptcy; and his rates reflect what is currently approved by the Bankruptcy Courts in which he practices; and the Port of Iberia District Board of Commissioners does hereby authorize the engagement of H. Kent Aguillard, Attorney at Law, as “Special Counsel” on behalf of the Port of Iberia District Board of Commissioners to assist and represent the PORT in this matter, at a rate of \$450.00 per hour for Kent Aguillard and \$125.00 per hour for paralegal services; and furthermore that this Resolution be submitted to the Attorney General of the State of Louisiana for approval, as required by law.

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard and Mark Dore’.**

**Nays: None.**

**Absent at Voting: Elbridge “Smitty” Smith, III.**

**And the Resolution was therefore adopted on this the 18<sup>th</sup> day of May, 2021.**

- (b) Discuss/Approve the Authorization for the Board President and Secretary-Treasurer to Execute the Louisiana Compliance Questionnaire (for Audit Engagements of Governmental Agencies) in Connection with the Audit of the POI’s Financial Statements as of June 30,2021 which includes the period July 1, 2020 thru June 30, 2021.**

**A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Mark Dore’ to approve and authorize the Board President and Secretary-Treasurer to execute the Louisiana Compliance Questionnaire (for Audit Engagements of Governmental Agencies) in Connection with the Audit of the POI’s Financial Statements as of June 30, 2021 which includes the period of July 1, 2020 thru June 30, 2021.**

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

**Yeas: Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Patrick Broussard, and Mark Dore’.**

**Nays: None.**

**Absent at Voting: Elbridge “Smitty” Smith, III.**

**And the motion was therefore passed on this the 18<sup>th</sup> day of May, 2021.**

- (c) Status Report on Proposed Plans for the Upgrade & Additional Footage to the Bulkhead for Prairie Contractors Asphalt Plant Site.**

- Mr. Craig Romero stated that he has not heard anything back on this item.
- Mr. Oneil Malbrough stated that the AGMAC Channel goes up Port Canal up to the Prairie Contractors site. He stated that they need to finalize where to stop the channel. He stated that the Corp plans to stop the channel at Prairie Contractors.

- (d) Executive Director’s Monthly Report.**

- Mr. Craig Romero discussed the Omega Property. Mr. Craig Romero stated he talked to Omega and they think the property is valued at more than the appraisal. Mr. Craig Romero stated that he spoke with the President of Omega and they are working on a contract that will begin in 2022 to build government tankers. Mr. Craig Romero stated that the President of Omega would lease the property to the prospect. Mr. Craig also stated that the prospect mentioned the possibility of partnering with Omega in the future.

- Mr. Craig Romero discussed Baywater Drilling, LLC who has rigs parked at the Port of Iberia. Baywater Drilling would like to lease a building for Six (6) months to retrofit Two (2) rigs to send to Nigeria.
- Mr. Craig Romero stated that Atmos Energy is relocating their transmission line that passes along Port Road and goes to Dynamic. There are Two (2) Right-of-Way issues; Lynell Sutton and Nexen Petroleum. Mr. Craig Romero stated that Lynell Sutton will talk with his kids and told Mr. Craig to call him Friday. Nexen Petroleum's Lawyer and Trey Hill of Atmos will resolve it on their end.
- Mr. Craig Romero stated he will send the Board the AGMAC Right-of-Way Acquisition Team conference call information for the meeting on next Tuesday, May 25, 2021 at 1:30 P.M.

**(e) Announcements:**

**\*\*\* Ethics Training due by June 30, 2021.**

**X. ADJOURNMENT.**

**On a motion made by Commissioner Shane Walet, and seconded by Commissioner Mark Dore' the meeting was adjourned at 7:41 p.m.**

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**SECRETARY-TREASURER**

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**PRESIDENT**