

**PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS
REGULAR MEETING - TUESDAY, AUGUST 21, 2012
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 Millie Martinez, Board President, at the Port of Iberia Administrative Office, on Tuesday, August 21, 2012, at 5:30 P.M.

In attendance were Commissioners Millie Martinez, Board President, Frank Minvielle, Vice-President, Gene Jefferies, Secretary-Treasurer, Mark Dore', Mike Resweber, and Danny J. David Sr.

There were no Commissioners absent.

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

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

I. APPROVAL OF MINUTES

On a motion by Commissioner Mike Resweber, seconded by Commissioner Gene Jefferies, the Commission approved the minutes of the Regular meeting held on Tuesday, July 17, 2012.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

II. EXPANSION OF AGENDA:

A motion was made by Commissioner Mark Dore', seconded by Commissioner Danny J. David, Sr., to expand the August 21, 2012 regular meeting of the Port of Iberia District Board of Commissioners to discuss and consider entering into Executive Session regarding pending litigation on State Project #578-23-0018 Port-Site Bulkhead Phase IIA- (for the AGMAC Bulkhead Relocation & Design Project - Public Property) {James Construction Group, LLC. ET AL Versus Port of Iberia, Board of Commissioners}

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber

and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Danny David, Sr., to enter into Executive Session to discuss pending litigation as it relates on State Project #578-23-0018 Port-Site Bulkhead Phase IIA- (for the AGMAC Bulkhead Relocation & Design Project - Public Property) {James Construction Group, LLC. ET AL Versus Port of Iberia, Board of Commissioners} This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Frank Minvielle, to enter back into Regular Session to discuss State Project Number 578-23-0018 Port-Site Bulkhead Relocation Phase IIA Project.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Gene Jefferies, that the following be adopted:

**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 21th day of August, 2012 at New Iberia, Louisiana.

Upon motion duly made by Commissioner Danny J. David, Sr., seconded by Commissioner Gene Jefferies, and approved unanimously by the Board, the following resolution was adopted:

WHEREAS, the PORT OF IBERIA ("PORT") advertised for, and received bids for the construction of: PORT-SITE BULKHEAD RELOCATIONS PHASE II-A, BULKHEADS

2 THRU 4a (PHASE I OF STATE PROJECT NO. 578-23-0018/H.009021) ("The PROJECT") on July 11, 2012; and,

WHEREAS, the bid submitted by the apparent low bidder, Coastal Bridge Co. L.L.C. ("Coastal"), was submitted through electronic means and was received, prior to the deadline set by the PORT, by the Electronic Bid contractor, Central Bidding, designated by PORT to receive such bids; and,

WHEREAS, the next low bidder has obtained a Temporary Restraining Order from the 16th Judicial District Court, in and for the Parish of Iberia, prohibiting the PORT from awarding the contract on the PROJECT to anyone other than the next low bidder, James Construction Group, L.L.C. ("James") until a hearing on the suit for Injunction filed by said second low bidder, on the grounds that the bid submitted by Coastal did not contain a proper electronic signature and bid bond; and,

WHEREAS, the difference between the low bid (Coastal) and the next low bid (James) is \$257, 140.30; an interpretation of the law on this subject based on the argument put forward by the plaintiff in the said lawsuit would impose an additional burden on the PORT and all tax payers of the District and State; would be inconsistent with the purpose and intent of the Public Bid Law which seeks to ensure that public contracts for work are obtained on the most favorable terms possible; and would reduce significantly the benefit the PORT and taxpayers can achieve from the expenditure of public funds; and,

WHEREAS, the Legislature granted, in Louisiana Revised Statutes, Title 9 § 2618. to the PORT, as a public agency of the state, the power to "...determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures...";

NOW THEREFORE, the Board of Commissioners of the Port of Iberia District, to the extent that it has the authority under LRS 9:2618, does hereby determine that the bid submitted by Coastal Bridge co. L. L.C., containing an image of the Louisiana Uniform PublicWork Bid Form, bearing the signature of an officer of the company submitting the bid, and an image of a Bid Bond, valid on its face is sufficient to constitute a valid bid on the project described above.

The Board of Commissioners of Port of Iberia District, does further direct that this resolution be presented to the Judge of the 16th Judicial District Court hearing the suit on this question, in order that said judge may be aware that the Board of Commissioners has made a determination as to the proper and valid form of bids submitted to it electronically, and that the Commission believes that it is in the best interest of the District that the PORT be allowed to award the contract for the work in the above described project to the low bidder, Coastal Bridge Co. L.L.C.

This motion having been submitted to a vote, the vote thereon was as follows:
Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber
and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the Resolution was therefore passed on this the 21st day of August 2012.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Frank Minvielle, 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 21st day of August, 2012 at New Iberia, Louisiana.

Upon motion duly made by Commissioner Mark Dore', seconded by Commissioner Frank Minvielle, and approved unanimously by the Board, the following resolution was adopted:

WHEREAS, the PORT OF IBERIA ("PORT") advertised for, and received bids for the construction of: PORT-SITE BULKHEAD RELOCATIONS PHASE II-A, BULKHEADS 2 THRU 4a (PHASE I OF STATE PROJECT NO. 578-23-0018/H.009021) ("The PROJECT") on July 11, 2012; and,

WHEREAS, the bid submitted by the apparent low bidder, Coastal Bridge Co. L.L.C. ("Coastal"), was submitted through electronic means and was received, prior to the deadline set by the PORT, by the Electronic Bid contractor, Central Bidding, designated by PORT to receive such bids; and,

WHEREAS, the next low bidder has obtained a Temporary Restraining Order from the 16th Judicial District Court, in and for the Parish of Iberia, prohibiting the PORT from awarding the contract on the PROJECT to anyone other than the next low bidder, James Construction Group, L.L.C. ("James") until a hearing on the suit for Preliminary Injunction, Permanent Injunction, and Mandamus, on the grounds that the bid submitted by Coastal did not contain a proper electronic signature and bid bond; and,

WHEREAS, a hearing on the Preliminary Injunction has been scheduled in the 16th Judicial District Court Room located at the Iberia Parish Courthouse, New Iberia, Louisiana on August 29, 2012 at 10:00 a.m.; and,

WHEREAS, the Port of Iberia District's Port Attorney, Raymond E. Allain, will be unable to attend the hearing due to a scheduled surgical procedure on August 24, 2012;

NOW THEREFORE, be it resolved that the Port of Iberia District Board of Commissioners does hereby authorize Mr. Raymond E. Allain, Port Attorney, to engage special "Co-Counsel" on behalf of the Port of Iberia District Board of Commissioners to assist and represent the PORT in the pending litigation, James Construction Group, LLC, ET AL versus Port of Iberia Board of Commissioners on "THE PROJECT";

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the Resolution was therefore passed on this the 21st day of August 2012.

III. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:

- (a) Budget Summary for One (1) Month Ending July, 2012.**
- (b) Listing of Tenant Lease Billings.**
- (c) Listing of Boat Stall Lease Billings.**
- (d) Approve Payment of Bills & Checks Issued During Interim Period.**
- (e) Computer Summary of Lease Agreement Activity Sheet.**
- (f) Status of Invoices Report.**

A motion was made by Commissioner Mark Dore', seconded by Commissioner Frank Minvielle, to approve and authorize the payment of bills for July 2012, and ratify those paid during the interim period.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

IV. RATIFICATION OF RENEWAL OF CERTIFICATES OF DEPOSITS.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Mike Resweber, to approve and ratify the renewal of Certificate of Deposit Number 40000181307 which matured on July 24, 2012, with Iberia Bank for six (6) months at the rate of 0.35% and 0.35% A.P.Y.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

A motion was made by Commissioner Mike Resweber, seconded by Commissioner Danny J. David, Sr., to approve and ratify the renewal of Certificates of Deposit

Numbers 40001342851 and 40001342878, which matured on July 31, 2012, with Iberia Bank, for Six (6) months at the rate of 0.35% and 0.35% A.P.Y.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Frank Minvielle, to approve and ratify the renewal of Certificate of Deposit Number 1144084 (Diamond Offshore Company Security Deposit) which matured on August 18, 2012, with Iberia Bank for twelve (12) months at the rate of 0.40% and 0.40% A.P.Y.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

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

(a) Update on Obtaining Cost Estimates Regarding Upgrading the Port's Technology on Port Video & Power Point Presentation.

*****Recommendation from Further Review of "Request for Proposals".**

A letter dated August 17, 2012 from Mr. Gerald Gesser, Architect, regarding his recommendation for the Port's upgraded technology for video and powerpoint presentations, was presented to the Board for review. An email dated August 21, 2012 from Mr. Gesser was also presented which included additional options for the Board to review and consider. Mr. Gesser explained the cost breakdown associated with the various options. It is noted that there were two firms which submitted proposals (Music Vision and Intermedia Technologies). Music Vision requested that their proposal be removed from consideration. Discussion ensued. Commissioner Mark Dore' feels that two (2) 80" monitors would suffice and be able to accommodate the current and future technological needs of the Port. Commissioner Frank Minvielle questioned Mr. Gesser on what his thoughts and recommendation would be based on the various options presented. Mr. Gesser recommended the two (2) 80" monitors for the conference room. The Executive Director is in agreement with the Project Architect's recommendation. Further discussion ensued.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Mark Dore', to approve and authorize the Executive Director to enter into a Contract with Intermedia Technologies for the purchase of two (2) 80" tv/monitors for the POI

Administrative Office Conference/Board Meeting Room and one (1) 42" tv/monitor for the Executive Director's office regarding upgrading the Port's Technology on Port Video & Power Point Presentation, with the budgetary amount for the project not to exceed \$28,000.00; and motion further authorizes the Board President to execute the Contract document regarding same.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

VI. REPORT FROM MR. O'NEIL MALBROUGH & MR. GLENN LEDET, SHAW COASTAL, INC., ON:

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

{1} Discuss/Consider Award of Construction Contract.

{2} Discuss Kracht, Frazier, Madison LLP, Correspondence on Behalf of James Construction Group, LLC.

{3} Discuss/Consider Submitting a "Revised" LA DOTD Port Priority Application for State Project #578-23-0018.

The Port Attorney reported that with regards to State Project #578-23-0018, a suit has been filed and a Temporary Restraining Order has been obtained which prevents the Port Commission from taking any action on the award of the Construction Contract at this time. He indicated that the pending litigation would further be discussed in Executive Session later in the Agenda.

The Executive Director presented a letter dated August 7, 2012 from the LA DOTD which depicts the award of \$3,476,262 as the allocated funding amount for Fiscal Year 2012-2013 for the AGMAC Port-Site Bulkhead Relocations Phase II-A Project. This amount supplements funding (\$4.084 Million) made available previously. A total of \$7,560,000 has now been made available for the Project, and the LA DOTD's funding share has been totally satisfied. Mr. Glenn Ledet, Shaw Coastal, Inc., indicated that Shaw Coastal, Inc. is in the process of beginning to work on the design submittals to get approval from the LA DOTD to advertise the project for the remaining public bulkheads.

A letter dated July 16, 2012 from Senator Fred Mills Jr., Representative Taylor Barras, Representative Simone Champagne, and Representative Terry Landry, Sr., addressed to Mr. Paul Rainwater, Commissioner with the Division of Administration was presented to the Board for review. The letter requests that the \$8 Million in Capital Outlay funding be released to allow the Port of Iberia District to advance forwards with the construction of

Phase III (private bulkheads) of the AGMAC Bulkhead Relocations Project in a timely manner.

Mr. Ledet informed the Board of the need to submit a "Revised" LA DOTD Port Priority Application for State Project #578-23-0018. Due to inflation and the rise in the price of steel over the last four years since the Port Priority Application was submitted for the bulkhead project, the construction cost for the project has risen. Mr. Ledet indicated that by using the prices from the apparent low bid for Phase II-A (Part 1) of the bulkhead project, the shortfall would total approximately \$2.5 Million. This dollar amount would be included in the revised application and submitted prior to the September 1, 2012 deadline. **A motion was made by Commissioner Mike Resweber, seconded by Commissioner Mark Dore', to approve and authorize the Executive Director and Shaw Coastal, Inc., to submit a "Revised" LA DOTD Port Priority Application for State Project 578-23-0018/H.009021 (prior to the deadline September 1, 2012) in the amount of \$2.5 Million for the Port-Site Bulkhead Relocation Phase II A-(for the AGMAC Bulkhead Relocation & Design Project (Public Property), to compensate for the current shortfall to the construction costs due to inflation and the rise in the price of steel over the last four years since the original Port Priority Application was submitted to the LA DOTD.**

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

A motion was made by Commissioner Gene Jefferies, seconded by Commissioner Danny David, Sr., to approve and authorize payment of Invoice Number 712298-R8-00501 in the amount of \$3,000.00 (Basic Services), to Shaw Coastal, Inc., for the period thru July 31, 2012 (reimb to POI by DOTD), regarding the Port-Site Bulkhead Relocation Phase IIA Project in accordance with the contract between the POI and Shaw Coastal, Inc., dated September 3, 2002 and Amendment Number 13 dated April 24, 2007.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

(b) Status of the AGMAC Project.

- {1} Discuss/Consider Engaging Dr. Bob Gramling, ULL Economist, to Compare BOEM-EIS 2012-2017 Offshore Lease Sale Platform**

Activity to GEC's 2010 Economic Report.

Mr. O'Neil Malbrough, Shaw Coastal, Inc., informed the Board that the Minerals Management Service (MMS) is now the Bureau of Ocean Energy Management (BOEM). The BOEM has just completed a 40-year projection of the deepwater development in lease sales for the period 2012-2017. Mr. Malbrough asked the Board if they would consider engaging Dr. Bob Gramling, ULL Economist to compare the BOEM-EIS 2012 Offshore Lease Sale Platform Activity to GEC's 2010 Economic Report. Dr. Gramling anticipates it will take him approximately 38 hours to perform his review for approximately \$3,850.00. The scope of work would entail reviewing the BOEM report, meeting with BOEM officials, updating the data and report back his findings as it relates to the economics on the AGMAC Project. Mr. Malbrough noted that Dr. Gramling's fees would be 100% reimbursable to the POI by the LA DOTD.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Mike Resweber, to approve and authorize the Executive Director and Shaw Coastal, Inc., to engage Dr. Bob Gramling, ULL Economist, to provide professional services to compare the BOEM-EIS 2012-2017 Offshore Lease Sale Platform Activity to GEC's 2010 Economic Analysis Report on the AGMAC Project, and further provide the full Board with a report of his findings at a cost not to exceed \$3,850.00 (100% reimbursable to the POI by LA DOTD).

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Mark Dore', to approve and authorize payment of Invoice Number 712310-R8-00501 in the amount of \$3,194.50, to Shaw Coastal, Inc., for the period July 1, 2012 thru July 31, 2012 (100% reimb to POI by DOTD), regarding AGMAC Project Management in accordance with the contract between the POI and Shaw Coastal, Inc., dated September 3, 2002 and Amendment Number 10 (Project Management) dated December 20, 2011.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

(c) Report on Port Millennium Expansion Phase II Project.

{1} Status of Joint Permit Application (USACE & DNR).

Mr. Ledet reported to the Board that at the July 17, 2012 regular monthly meeting, Shaw

Coastal submitted the preliminary design, contract documents and specifications outline, and engineer's probable construction cost estimate for review. Shaw Coastal, Inc., is currently in the process of finalizing the design, contract documents and specifications, and anticipates to have the process complete within the next few weeks.

The joint permit application and drawings were re-submitted in response to comments from the LA DNR. The permit was placed on Public Notice on July 24, 2012. Shaw Coastal, Inc., continues to address the bankline protection and stabilization comments from both the LA DNR and the USACE. The Public Notice period ends on August 24, 2012. The LA DNR and USACE will then organize the comments from the agencies and forward to the POI. Shaw Coastal, Inc., does not expect any adverse comments, and feels that a permit will be issued by mid-September 2012. Upon receipt of the permit, the Port would then be able to move forwards with the advertisement for bids and subsequent construction.

A motion was made by Commissioner Mark Dore', seconded by Commissioner Mike Resweber, to approve and authorize payment of Invoice Number 1312174-R8-00541 in the amount of \$84,937.90 (\$83,466.40 Basic Services & \$1,471.50 Additional Services - Permitting) to Shaw Coastal, Inc., for the period thru August 13, 2012 regarding the Port of Iberia District Port Millennium Expansion Phase II Project, in accordance with the contract between the POI and Shaw Coastal, Inc. dated January 17, 2012.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

{2} Discuss/Consider Dredging Within the Navigation Servitude on Miguez Property at the Intersection of Commercial Canal and Slip C-8.

Mr. Ledet presented a schematic drawing prepared by Shaw Coastal, Inc., depicting Miguez Fuel property and their interest to "clean-up" their bankline along Slip C-8. Mr. Ledet explained that a large portion of the Miguez property is contained in the existing navigation servitude. The Port would like to "regain" that portion of the navigation servitude. Shaw Coastal, Inc. and the Executive Director met with representatives of Miguez Fuel in an effort to discuss the possibility of removing the existing bulkhead and excavating a portion of the bankline (also depicted in the schematic drawing). Miguez Fuel expressed their need to have mooring structures, such as pile clusters, to moor vessels during storm events. The vessels draft approximately 9ft. and the bank slope is proposed to be 2:1(H:V). Therefore, the pile clusters would be approximately 26ft from the top of the bank. This could possibly infringe upon navigation within the channel. Mr. Ledet indicated that Shaw Coastal, Inc., would like to discuss a resolution for a path forward to finalize the design of the dredging along the existing Slip C-8. Lengthy discussion ensued.

Because of the "Clear Navigation Ordinance", moored vessels cannot occupy more than 25% of the channel, thus, it was the consensus of the Board that the Executive Director propose two (2) options to Miguez Fuel: {1} Locate the pile clusters no more than 20 feet from the top of the northern bank to allow vessels to be moored within 50 feet of the proposed bank; or {2} Relocate the mooring area further West at Miguez Fuel's cost, and report back his findings to the full Board at the September 18, 2012 regular Board meeting.

VII. RECOMMENDATIONS & FINDINGS FROM THE POLICIES & PROCEDURES COMMITTEE MEETING HELD ON THURSDAY, AUGUST 9, 2012:

(a) U.S. Congressional Delegation Washington, D.C. - Scheduled Meetings Regarding AGMAC Project.

The Executive Director would like a few Board members to accompany him for a significant series of meetings with the U.S. Congressional delegation in Washington, D.C. in early September 2012 to discuss the AGMAC Project. The Executive Director plans on discussing alternative funding sources (Restore Act, Energy Security Act, RAMP Act, and several other Environmental and Coastal Restoration type funds). Discussion ensued. **A motion was made by Commissioner Gene Jefferies, seconded by Commissioner Mike Resweber, to approve and authorize that any Port Commissioner who travels and attends the series of meetings with the Executive Director and the U.S. Congressional Delegation in mid September 2012, in Washington, D.C., regarding the AGMAC Project, be allowed to waive their customary allocated budgetary amount of \$3,500.00 to attend and participate in the significant series of meetings, with the travel expenses incurred not being assessed as part of the Commissioner's \$3,500.00 annual allocation.**

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

(b) Recruitment Process as it Relates to the Hiring of a New Executive Director due to the Current Executive Director Retiring December 31, 2012.

A motion was made by Commissioner Gene Jefferies, seconded by Commissioner Mark Dore', to approve and authorize payment in the amount of \$1,075.00 to The HR Design Company, L.L.C. as it relates to HR Consulting Services for the month of July 2012, in order to facilitate the hiring of a new Executive Director for the Port of Iberia District.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

VIII. RECOMMENDATIONS & FINDINGS FROM THE POLICIES & PROCEDURES COMMITTEE MEETING HELD ON WEDNESDAY, AUGUST 15, 2012:

(a) Status on the Discussions with the Current Executive Director for the Possible Continuation of Employment with the Port of Iberia District.

Lengthy discussion ensued with regards to the continuation of employment of the current Executive Director, Roy Pontiff. Board members discussed their opinions on the matter as well as the proposed terms and conditions for the contract extension as presented and approved for recommendation to the full Board by the Policies & Procedures Committee on August 15, 2012.

A motion was made by Commissioner Danny David, Sr., seconded by Commissioner Mark Dore', to approve and authorize the Port Attorney to prepare the 10th Amendment to the Employment Contract Agreement for Roy Pontiff, Executive Director, with the following provisions: {1} The term of the contract is September 1, 2012 through August 31, 2014; {2} Termination by either party on 60 day notice; {3} Salary increase \$123,250.00 effective September 1, 2012 and \$126,800.00 effective September 1, 2013; and {4} Annual Leave increased from 1.75 days of leave earned per month to 3.5 days of leave earned per month; and motion further authorizes the Board President to execute the 10th Amendment to the Employment Contract Agreement.

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

Yeas: Millie Martinez, Frank Minvielle, Mark Dore', and Danny J. David, Sr.

Nays: Gene Jefferies and Mike Resweber.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

(b) The H.R. Design Company Report on the Notification of the Top Six Candidates & the Candidates Salary Expectations.

A motion was made by Commissioner Gene Jefferies, seconded by Commissioner Danny David, Sr., to authorize that the employment interviews for the top six candidates scheduled for the Policies & Procedures Committee for Wednesday, August 22, 2012 and Thursday, August 23, 2012, via telephone conferencing, be performed as discussed at the August 15, 2012 P & P Committee Meeting.

Lengthy discussion ensued on the reasoning to continue with the search for an Executive Director since the current Executive Director's contract has been extended.

Iberia Parish Councilman Roger Duncan attended the Board Meeting and requested to address the Commission with public comment. Mr. Duncan indicated that he felt the current Executive Director does an excellent job and wishes that Mr. Pontiff would stay; however, he feels that if the contract is being extended for Mr. Raymond Bernard to be

appointed in the next two years (& he added that Mr. Bernard would do an excellent job) as the next Executive Director, and Mr. Pontiff receives an additional salary during the next two years to hold the position for Mr. Bernard - in his opinion this is wrong. Mr. Duncan also feels that Mr. Bernard should have gotten off the Board two years ago.

Commissioner Millie Martinez stated to Mr. Duncan that she has been asking Mr. Pontiff to stay on for the last two years because she feels that he is the best Port Director that the Port of Iberia District has ever had. She went on to say that Mr. Pontiff has done a terrific job and she would like to see him stay on indefinitely.

A substitute motion was made by Commissioner Mike Resweber, seconded by Commissioner Mark Dore', to suspend the Executive Director Employment Search based on the developments of the extension of the Employment Contract for the current director, Mr. Roy Pontiff, and furthermore not have the top six candidates interviewed at this time but retain their resumes' in the event of a change of status in the next two years.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

IX. REPORT FROM EXECUTIVE DIRECTOR ON:

- (a) Designate a Delegate to the AAPA Annual Convention Annual Meeting to be held on Thursday, October 25, 2012 in Mobile, Alabama.**

A motion was made by Commissioner Gene Jefferies, seconded by Commissioner Mark Dore', to approve and authorize that Roy A. Pontiff, Executive Director, be appointed accredited as delegate to the AAPA Annual Convention October 21-25, 2012, and Annual Meeting to be held on Thursday, October 25, 2012 in Mobile, Alabama, with authority to cast the vote of the POI on all motions and resolutions.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

- (b) Dr. Jim Richardson, LSU, Economic Report on the Impact the Port of Iberia has on Acadiana and the State of Louisiana.**

The Executive Director reported that the Economic Report has been completed and he is currently in the process of reviewing the "draft" report. Once the report has been finalized, the Executive Director will ask that the Board schedule a "special" Commission meeting to have Dr. Richardson conduct a Powerpoint Presentation to disseminate the information.

(c) Status of the Repairs being Performed by Frank's Casing Crew & Rental Tools, Inc. Regarding the Damaged Power & Fiber Lines of the Port's Security Camera's Located at Frank's Casing Crew & Rental Tools, Inc.

The Executive Director presented an email dated August 17, 2012 from Mr. Mickey Bellott, Royal Security Solutions, Inc., which provides an update that due to wet conditions as a result of the recent rains, the project has not been able to commence.

A motion was made by Commissioner Frank Minvielle, seconded by Commissioner Gene Jefferies, to approve and authorize the payment of Invoice Number 20120442 in the amount of \$340.00 to Royal Security Solutions, Inc., for services to oversee the repairs by Frank's Casing Crew & Rental Tools, Inc., on the damaged power/fiber lines of the Port's Security Cameras located at Franks' Casing Crew & Rental Tools, Inc.

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

Yeas: Millie Martinez, Frank Minvielle, Gene Jefferies, Mark Dore', Mike Resweber and Danny J. David, Sr.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of August 2012.

(d) Iberia Parish Government Bridge Replacement Project.

The Executive Director presented an email dated August 17, 2012 from the Iberia Parish Public Works Department which stipulates that all of the piles have been driven on Bents 4 and 5 of the David Dubois over Commercial Canal Bridge. The dismantling and moving of the crane to the West side of the bridge, forming and pouring the caps on Bents 4 and 5 and continuing to remove the existing asphaltic pavement on Lewis Street is scheduled to be the next phase of the project. The tentative schedule for opening Lewis Street is Monday, September 24, 2012. Commissioner Danny David reported that he spoke with the foreman on the job recently and the foreman indicated September 1, 2012 as the opening of Lewis Street. It was the consensus of the Board that the Executive Director contact Public Works for clarification of an accurate opening date.

(e) Status of Twelfth Amendment of Lease Between All Points Oilfield Services, L.L.C. and the POI Regarding Lot 14R-A (.992 Acres) (11th Amendment Expired 6/30/12).

The Executive Director reported that the Twelfth Amendment of Lease between All Points Oilfield Services, L.L.C. and the POI regarding Lot 14R-A will be executed by the Board President this meeting date.

(f) MAMMOET USA SOUTH, INC.:

{1} Status of First Amendment to Lease Agreement Regarding Lots 8R-13R (6.140 acres) @ the POI.

The Executive Director indicated that he is waiting on Mammoet to execute the First Amendment and forward back to the POI for the Board President to execute accordingly.

(g) ANNOUNCEMENTS.

***AAPA Annual Convention - October 21-25, 2012 - Mobile, Alabama.

X. ADJOURNMENT

On a motion made by Commissioner Frank Minvielle, seconded by Commissioner Gene Jefferies, the meeting was adjourned at 8:07 p.m.


SECRETARY-TREASURER


PRESIDENT