AGENDA June 14, 2006

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Consider May 10, 2006 Regular Meeting Minutes for approval
- V. Consider May 24, 2006 Special Meeting Minutes for approval
- VI. Executive Director's Report
 - A. Recognition of Summer Employees
 - B. Northern Expansion Update
 - a. Construction status:
 - i. Slip B, West Bulkhead, Project #1 Joe Picciola
 - ii. Slip B, West Bulkhead, Project #2 Larry Picciola
 - iii. Leeville Mitigation Dredging Projects Larry Picciola
 - C. Airport Update
 - a. Project status
 - i. EDA Grant Funding for the Airport Road Overlay and Waterline
 - ii. FAA Grant Funding for the Airport Lighting
 - D. FEMA Updates
 - a. Wave Protection
 - b. Katrina FEMA Claims
 - E. Highway Improvements Update
- VII. Committee Reports
 - A. Executive Committee
 - a. Consider Latelco proposal to lease property at the South Lafourche Industrial Park
 - Consider Harvey Gulf Marine and Oceaneering's proposals to lease property at the corner of Flotation & Slip B
 - c. Consider Tiger Tanks and Expert Riser's proposal to lease property at the end of Slip B
 - d. Consider approving the DOTD Sponsor/State Agreement for the Emergency Generator
 - e. Consider the request by Boudreaux's Contractors to sublease to Discovery Cleaning Inc.
 - f. Consider approving VIH Helicopters lease revisions
 - g. Consider approving the smoke free policy
 - h. Consider executing the Right of Entry for the Corps Standby Dredging
 - i. Consider the request from Newpark to sublease from PMI
 - B. Permits & Waterways Committee
 - 1. Update on the USCG removal of vessels
 - 2. Update on the obstructions in Belle Pass
 - 3. Permits:
 - a. Bobby Adams
 - b. Erskine Energy LLC
 - c. Greater Lafourche Port Commission
 - d. James A. Whitson Jr.
 - C. Construction and Development Committee
 - a. Consider approving the low bid for the Dredging of Slip B
 - Consider approving the Substantial Completion from Technical Services Group for the Airport Camera System
 - c. Consider approving Change Order No. 1 from Centaur for the Fourchon Bridge Repairs
 - d. Consider approving Change Order No. 1 from Centaur for the HOS Bulkhead Repairs
 - e. Consider approving Change Order No. 1 from Shavers Whittle for the Bulkhead
 - D. Finance Committee
 - a. Consider payment of invoices and recognize expenditures over \$10,000
 - b. Consider approving the 2005 Financial Statement Audit Report
 - c. Consider approving out of state travel request
- VIII. Any other business
- IX. Public Comment

Possible Executive Session

- Discuss pending litigation defined as "Rowan Companies, Inc. et al v. The Greater Lafourche Port Commission, et al, Civil Action No. 05-0030 - Sec. K - Magistrate 2"
- X. Public Comment
- XI. Adjournment

Attachment

The following items may be discussed in an executive session:

- The pending litigation more specifically defined as "Rowan Companies, Inc. and Rowan Marine Services, Inc. v. The
 Greater Lafourche Port Commission; J. Wayne Plaisance, Inc.; Continental Construction Company, Inc.; Eustis
 Engineering Co., Inc.; Vulcan Construction Materials, LP; Vulcan Materials Company; and Core Industries, Inc., Civil
 Action No. 05-0030 Sec. K Magistrate 2".
- The pending litigation more specifically defined as "<u>David Dardar, et al vs. Greater Lafourche Port Commission</u>, Suit No. 102,795-7th JDC-Parish of Lafourche"

OFFICIAL PROCEEDINGS OF THE GREATER LAFOURCHE PORT COMMISSION June 14, 2006

The Board of Commissioners of the Greater Lafourche Port Commission met in regular session on Wednesday, June 14, 2006 at 10:30 AM.

Vice President Lafont called the meeting to order, and Secretary Cheramie called the roll.

Chuckie Cheramie, Harry Cheramie, Jimmy Lafont, Wilbert Collins, Larry Griffin, PRESENT: John Melancon, Beau Martin, and Ervin Bruce

Donald Vizier ABSENT:

Upon motion by John Melancon and second by Chuckie Cheramie, the board unanimously approved the May 10, 2006 Regular Meeting Minutes.

Upon motion by Harry Cheramie and second by Larry Griffin, the board unanimously approved the May 24, 2006 Special Meeting Minutes.

Executive Director's Report

Director Falgout recognized the summer employees. He stated that Thomas Bruce, Zachary Bruce, and Nicholas Collins are working in Fourchon; Ren Cheramie and Ryder Pitre are working at the Airport; and Taylor Guidry is working at the Galliano office. Taylor Guidry is attending Nicholls majoring in Computer Science, Thomas Bruce is attending LSU majoring in Physiology Physical Therapy, Ryder Pitre is attending Nicholls majoring in Nursing, and Zachary Bruce has his Bachelors in Biological Science from LSU and will be attending LSU Medical in the fall.

Northern Expansion Update - Engineer Joe Picciola reported that James Construction has been hauling lightweight aggregate on site for Slip B, West Bulkhead, Project #1. The bulkhead is completely painted and they are currently installing the wood caps. He estimates completion in a few more weeks. Engineer Joe Picciola reported that Ronald Adams is on site for the Delmar Site Improvement project. They have started to bring in some of the riprap for the anchor storage handling areas. Later this week, they will bring in sand and lightweight aggregate for compaction over the site.

Engineer Larry Picciola reported that Shavers Whittle has 523 of the 636 pairs of sheet piles installed for Slip B, West Bulkhead, Project #2. They are currently working on the whaler beam and the bumper pipe. He stated that there are some concerns regarding the availability of lightweight aggregate for this project and he will be looking at other options to fill the area. Director Falgout questioned the completion status, which Mr. Picciola reported that there is a change order for the board's approval to cover the 45 days for the hurricanes and 39 days for the additional work from installing the Type A deadmen and the Type B deadmen. He stated that the completion time is mid November. Director Falgout questioned the dredging in front of that bulkhead, which Mr. Picciola reported that once the contractor starts installing the tie rods he will start advertising for dredging which is expected in late October. Commissioner C. Cheramie questioned the construction of Dudley Bernard road, which Mr. Breaux responded that after the Bulkhead Project #1 is complete the base, limestone, and waterline will be installed. This should be advertised within the next few months. The base will settle for a year and then paved.

Engineer Larry Picciola reported that the Bucket Dredges are complete for the Leeville Mitigation Dredging Projects. He stated that the hydraulic dredge is scheduled to be on site June

20th. The hydraulic dredge will begin on the south side and move to north side. It is expected to be finish by July 31st.

Airport Update – Director Falgout stated that the Port received EDA grant funding in the amount of \$800,000 for the Airport Access Road Overlay and Waterline Improvements. He stated that the Port originally applied for \$1.2 million. The Port reduced the scope of the project to fit the grant amount. He stated that the Port received letters of support from our Congressional delegation.

Director Falgout stated that the Commission was also successful in being approved for \$600,000 of FAA grant funding for installing a new lighting system along the runway at the Airport. He stated that our Congressional delegation is very supportive of our efforts in developing the Airport.

Commissioner C. Cheramie questioned why the whole board was not notified to take the photo with EDA, which Director Falgout stated that SLEC requested that he and President Vizier be present to receive the check. Commissioner C. Cheramie requested that the whole board be notified for any photo opportunity. Director Falgout stated that the public understands that this reflects the whole commission and the presence of more than a quorum of board members is against the open meetings law.

Airport Manager, Mr. Hunter reported that Phase I of the Runway Extension is substantially complete. He stated that Phylway Construction should begin next week on Phase II of the Runway Extension from 5.000' to 6.500'. Phase III consist of the lighting improvements which is being advertised and will open bids on July 5th. The engineer is working on the Localizer project which is a component of the landing system and should be ready to advertise by the end of the year. The NDB site is 95% complete. All the equipment has been installed and we are waiting on the frequency from FCC and a final field inspection. Rotorcraft is constructing their building and hangar on their lease site. VIH is doing site prep for their new parking facility. Commissioner C. Cheramie questioned if the maintenance department cleared out the area where Mr. Picou was injured, which Mr. Hunter replied that the area has been cleaned. Commissioner Melancon stated that he is amazed at the speed we are moving at the Airport. He complimented and thanked Mr. Hunter and the other employees for the progress at the Airport. Mr. Hunter stated that the engineer is working on the design of Phase IV the Strengthening of the Runway which should be complete by the end of this year.

FEMA Updates - Mr. Chiasson reported that he is meeting with FEMA this afternoon to discuss the status of all the open projects. He stated that he will also discuss the cost of moving the mats to Fourchon for the Wave Protection project. He reported that the bid opening for the Breakwater Repairs is on Friday.

Highway Improvements Update - Director Falgout reported that DOTD has filed an application for \$90 million from the Coastal Impact Assistant program to fund the remainder of Phase 1 which is the elevated highway from Leeville to Fourchon. There is a public meeting being held on June 20th in Baton Rouge and another on June 22nd in Lafavette for public comment on the CIA applications that were submitted. Mr. Boulet will forward some key points for the Commissioners to send emails in support of this project to convince the State to fund the highway project. There is \$540 million available which is allocated over 4 years and there has been \$4 billion of request. The competition for this funding will be extensive. This project can only be funded with the infrastructure money and only 23% of the total \$540 million can be spent on infrastructure. The category is minimal and the request of \$90 million is over the State's allocation. If we would get the full allocation, it would be approximately \$83 million. We will have to look at other funding sources. One of the sources identified is the Hurricane Mitigation funding of \$1.7 billion which goes to mitigating projects but this source has not traditionally funded highway projects. He stated that the House has appropriated \$1.5 million which is in Conference Committee now. We expect to receive \$1.5 million from the Supplemental Appropriations Bill which is a smaller amount of money allocated annually to highway projects of great need. This project did receive the highest amount of funding in the 3rd Congressional District which is another step closer to funding this phase. Congressman Melancon and our 2 Senators should be complimented in this effort.

Committee Reports

Executive Committee - Commissioner Lafont reported that the committee met on May 24, 2006 at the Operations Building in Fourchon. Present were Donald Vizier, John Melancon, and Jimmy Lafont and Harry Cheramie. The committee met on June 12, 2006 at the Administration Building in Galliano. All members were present. The Commission then discussed items that were discussed at the committee meetings.

Commissioner Lafont presented for the board's consideration the Latelco proposal to lease property at the South Lafourche Industrial Park. Director Falgout stated that there were some questions of their proposed location near the barn which could be needed for future growth at the Airport. The Port negotiated with Latelco and has moved the location 100' behind the barn. Upon motion by Larry Griffin and second by Chuckie Cheramie, the board unanimously approved the Latelco lease at the South Lafourche Industrial Park.

Commissioner Lafont presented for the board's consideration Harvey Gulf Marine and Oceaneering's proposals to lease property at the corner of Flotation & Slip B. Director Falgout stated that it is the recommendation of the board to accept the proposal from Harvey Gulf International. He stated that they are more advanced in their plans and ready to move on site as soon as the bulkhead project is complete. Upon motion by Harry Cheramie and second by Wilbert Collins, the board unanimously approved the proposal from Harvey Gulf International.

Commissioner Lafont presented for the board's consideration Tiger Tanks and Expert Riser's proposal to lease property at the end of Slip B. Director Falgout stated that Tiger Tanks has 2 proposals. He stated that the first proposal is to lease the whole end of Slip B which is 2,700 linear feet of waterfront property and the second proposal is for half of the end of Slip B on the western side which is 1,400 linear feet of waterfront property. He stated that the site that Expert Riser is proposing is a smaller area. After looking at the needs and the development plans of the Port, he recommends accepting Tiger Tanks' Proposal #2 which involves the 1,400 linear feet of waterfront property. He stated that Tiger Tank's also submitted a check for the implementation fee of \$93, 626.87. Director Falgout also recommended for the board to consider authorization to move forward with the engineering and design of the remaining 300 ft at the end of Slip B and 1,000 ft along the eastern side. The Port would fund this project and go out for proposals for the future developed site. This could be advertised within the next 30-60 days and by the end of the year the Port could be in a position to award proposals.

Commissioner Chuckie Cheramie made a motion to accept Tiger Tanks' Proposal #2 for 1,400 linear feet of waterfront. The motion was seconded by John Melancon and the floor was open for discussion. Commissioner Martin requested to table this item because there are 18 different companies that expressed interest in property at Fourchon. He stated that although the Port has been advertising for proposals, he recommended letting everyone know what is going on before we commit to this. He stated that he does like the proposal from Tiger Tanks but he would like to take the time for everyone to know this property is available. Commissioner Lafont stated that Tiger Tanks has sent their implementation fee and is serious about this property. He is ready to move forward and approve their request. Commissioner Collins agreed with Mr. Lafont. Mr. Breaux stated that when Tiger Tanks initially leased the non-waterfront property adjacent to this area in December 2004 they wanted the waterfront property at the end of Slip B at that time. Commissioner Martin stated that there are other proposals being worked on right now which would compliment and work with this one and if we don't take the time to look at them we will be missing out on big opportunities. Director Falgout questioned the other proposals that Mr. Martin was referring to.

Commissioner Martin stated that he has had discussions with someone interested right now and requested to table this for 30-60 days. The board then voted which resulted in 7 yeas, 1 absent, and 1 nay by Commissioner Martin.

Upon motion by Chuckie Cheramie and second by John Melancon, the board took a twothirds vote to add to the agenda the authorization for the Port to move forward with designing the additional bulkhead along Slip B. Upon motion by Wilbert Collins and second by Larry Griffin, the board unanimously approved to proceed with the bulkhead design and engineering of 1,300 linear feet along Slip B.

Upon motion by Chuckie Cheramie and second by Beau Martin, the board unanimously approved the DOTD Sponsor/State Agreement for the Emergency Generator at the Airport.

Upon motion by John Melancon and second by Harry Cheramie, the board unanimously approved the request by Boudreaux Contractors to sublease 49% of their lease to Discovery Cleaning Inc.

Chairman Lafont presented for the board's consideration VIH Helicopters lease revisions. Mr. Autin stated that the proposal from VIH is to decrease the rent from \$.10 per sq. ft. to \$.08 per sq. ft. and remove the 49% subleasing restriction. VIH has agreed to the 2% escalation rate and presenting all sublease requests for board's approval. Director Falgout recommended removing the limitations for subleasing at the Airport. He stated that in the beginning of establishing the Seaport the companies were allowed to sublease 100% of their property. This encouraged companies to bring in other companies to offset expenses. Commissioner Lafont questioned if this would affect the leases at the Seaport, which Director Falgout stated that this does not change anything at the Seaport. At some point in the future, this decision can be changed with newer leases at the Airport. Commissioner Collins questioned the amount of improvements VIH will be placing on the site, which Director Falgout stated that they will invest over \$6-\$8 million. They will develop a state of the art aircraft facility with security that is non-existent anywhere in the Gulf of Mexico. Director Falgout stated that VIH has been going forward with their investment plans using Go Zone bonds. He stated that as part of this lease, the Commission can add language documenting their investment.

Commissioner Wilbert Collins made a motion to decrease the rental and remove the 49% subleasing provision from VIH's lease at the Airport. The motion was seconded by John Melancon and the floor was open for discussion. Commissioner Chuckie Cheramie stated that he can't vote on the removal of the subleasing provision. He stated that we need to stay consistent and not encourage subleasing property. Commissioner Melancon stated that he was involved in the negotiations with VIH and stated that the subleasing provision could be a deal breaker if not approved. He stated that they are one of the first companies willing to invest in our development and we do not have 16 companies asking for property at the Airport. When we bought the Airport, we knew we wouldn't make much money but we did it to invest in our community. We can change this policy later and he recommended giving VIH the opportunity to invest in our Airport. Commissioner Harry Cheramie agreed with Director Falgout to add to the lease the investment language. He feels that it is a good idea to allow subleasing to get the Airport developed which will in turn create jobs for our community. Commissioner Wilbert Collins made a motion to amend to include the investment language and time limit. The motion was seconded by John Melancon and the floor was open for discussion. Mr. Bill MacDonald with VIH addressed the board. He stated that he has been at the Airport for 2 years. He stated that VIH is not going to sublease anytime soon because they have plans for construction and growth. The board then voted on the motion to amend the main motion which adds the time limit and investment language to the lease. The vote resulted in all yeas. The original motion as amended was then voted on and unanimously approved.

Chairman Lafont presented for the board's consideration to approve the smoke free policy. Director Falgout stated that this will prohibit smoking in all public facilities such as all Port buildings and vehicles. He stated that the only way an employee is allowed to smoke in their vehicle

is if they are the only person in it or that person asks permission. Upon motion by Jimmy Lafont and second by Larry Griffin, the floor was open for discussion. Commission Melancon questioned the penalties, which Director Falgout stated that it is the same as all policies from reprimands to the severity of firing. Commissioner Martin questioned if multiple people are using the same vehicle that the smell is still there, which Director Falgout explained that the majority of the Harbor Police smoke and it would cause inefficiency in our operations if they would need to get out of their vehicle to smoke. The board then voted which resulted in 6 yeas, 1 absent and 2 nays by Wilbert Collins and Chuckie Cheramie.

Upon motion by Ervin Bruce and second by Chuckie Cheramie, the board unanimously approved that Director Falgout execute the Right of Entry for the Corps of Engineers Standby Dredging of Belle Pass. Commissioner Martin stated that this is a good move to line up dredging of the channel prior to storms which was discussed in the Port's hurricane planning meetings.

Commissioner Lafont presented for the board's consideration the request from Newpark to sublease 100% from PMI. Upon motion by Larry Griffin and second by Chuckie Cheramie, the board unanimously voted that Newpark have further negotiations with PMI to assign their lease to Newpark rather than sublease 100%. Director Falgout stated that Newpark originally subleased from PMI and the Port required PMI to maintain a presence of 10% of the property. PMI currently has no activity on the site.

Permits & Waterways Committee - Chairman Chuckie Cheramie reported that the committee met on May 24, 2006 at the Operations Building in Fourchon. Present were Chuckie Cheramie, Donald Vizier, Jimmy Lafont and Beau Martin. The committee met on June 12, 2006 at the Administration Building in Galliano. All members were present. The Commission then discussed items that were discussed at the committee meetings.

Director Falgout updated the board on the USCG removal of vessels. He stated that 14 vessels were removed from Bayou Lafourche. The USCG was going to originally remove 7 vessels but from extensive negotiations by Mr. Callais, the Port was able to increase the number. Commissioner C. Cheramie questioned where these vessels will be placed, which Mr. Callais stated that the vessels will be brought to Chalmette. Director Falgout stated that all the vessel owners in this area have signed off for them to take the vessels. Commissioner Lafont questioned the charge of removing these vessels, which Director Falgout stated that the charge to remove the 7 additional vessels totaled \$600,000 but this cost was waived due to the negotiations made with the USCG. Commissioner C. Cheramie questioned the barge in Leeville that was unstable, which Mr. Callais reported that ropes were placed to stabilize the barge.

Director Falgout updated the board on the obstructions in Belle Pass. He stated that the Seacor vessel that sank in Belle Pass was outside the channel. He stated that NOAA divers found 4-8 ton boulders along that area which were moved by the storm from the rock jetties. We are working with the USCG and the Corp to mark the channel better and discourage vessels from going outside the channel. The USCG will mark the hazards in the channel, review the range lights, and the day marker situation. We approached the Corp to use the existing contractor which is Bertucci to remove the rocks. They are currently in negotiations.

Chairman Cheramie presented the permits by Bobby Adams, Erskine Energy LLC, Greater Lafourche Port Commission, and James A. Whitson Jr. Chairman Cheramie requested that a letter be sent to DNR objecting to the extensive wheel washing for the James A. Whitson permit.

Construction and Development Committee - Chairman Bruce reported that the committee met on May 24, 2006 at the Operations Building in Fourchon. Present were Ervin Bruce, Donald Vizier, Larry Griffin, and Wilbert Collins. The committee met on June 12, 2006 at the Administration Building in Galliano. All members were present. The Commission then discussed items that were discussed at the committee meetings.

Chairman Bruce presented for the board's consideration the low bid for the Dredging of Slip B. Director Falgout stated that the Port is not ready to approve this bid which is considerably higher than the estimated cost. Further negotiations need to be addressed with FEMA. Upon motion by Larry Griffin and second by Wilbert Collins, the board unanimously tabled the bid for the Northern Expansion Dredging.

Upon motion by Harry Cheramie and second by Larry Griffin, the board unanimously approved the Substantial Completion Certificate from Technical Services Group for the Airport Camera System and authorized Director Falgout to execute.

Upon motion by John Melancon and second by Harry Cheramie, the board unanimously approved Change Order No. 1 from Centaur, LLC for the Fourchon Bridge Repairs to remove the windstorm, earthquake, and flood from the Builders Risk insurance requirement which results in a reduction of \$2,500.00. Commissioner Griffin questioned the timeframe that the project will be completed, which Director Falgout replied that they will begin within the next few weeks and should be complete by September. Director Falgout was authorized to execute the Change Order.

Upon motion by Beau Martin and second by Chuckie Cheramie, the board unanimously approved Change Order No. 1 from Centaur, LLC for the HOS Bulkhead Repairs to remove the windstorm, earthquake, and flood from the Builders Risk insurance requirement which is a reduction of \$614.00. Director Falgout was authorized to execute the Change Order.

Upon motion by John Melancon and second by Wilbert Collins, the board unanimously approved Change Order No. 1 from Shavers Whittle for the Northern Expansion Bulkhead for the additional amount of \$150,065.00. Director Falgout stated that this involves the extra days from the hurricanes and the installation of Type A and Type B deadmen. The new completion date is October 26th. Director Falgout was authorized to execute the Change Order.

Finance Committee - Chairman John Melancon reported that the committee met on May 24, 2006 at the Operations Building in Fourchon. Present were John Melancon, Larry Griffin, Wilbert Collins, and Donald Vizier. The committee also met on June 12, 2006 at the Administration Building in Galliano. All members were present. The Commission then discussed items that were discussed at the committee meetings.

Upon motion by John Melancon and second by Wilbert Collins, the board unanimously approved payment of invoices and recognition of expenditures over \$10,000.

Chairman Melancon presented for the board's consideration to approve the 2005 Financial Statement Audit report. Mr. Mark Felger, CPA with Lanaux and Felger presented to the board the highlights of the financial statement. He stated that it resulted in an unqualified opinion and the financials are in a fair representation in accordance with general audit provisions. Some financial highlights are: \$87.7 million of assets which is a 22% increase from last year, \$11.6 million of annual operating revenues a 12% increase, \$12.6 million of cash a 12% increase, \$4 million of operating profits a 32% increase, \$6.3 million of net income a 35% increase, \$9.5 million of capital grants, and \$818,000 of expense and maintenance grants. The total revenues and capital additions by source are identified by 49% are self generated, 39% are State and Federal Capital Construction grants, 3% are State and Federal Disaster Relief grants, 7% of Ad Valorem taxes, and 2% other. Mr. Felger stated that he has been serving as the Port's auditor for a number of years and thanked the staff for its cooperation with the process. He stated that the Port is in overall excellent financial shape and has been improving growth in revenues due to the expansion of the Port and good financial management. Commissioner Melancon questioned the rate of depreciation for assets, which Mr. Felger stated that it is determined by a straight line depreciation rate and depends on the type of asset it is. Director Falgout thanked Lanaux and Felger for doing the audit and also commended the entire organization for the progress. He stated that the employees and the leadership

of this organization allowed much of this to happen. Upon motion by Ervin Bruce and Wilbert Collins, the board unanimously approved the 2005 Financial Statement Audit Report.

Upon motion by Larry Griffin and second by Chuckie Cheramie, the board unanimously approved the out of state travel request from Jon Callais to attend the AAPA Emergency Preparation & Response Conference in Oregon.

Vice President Lafont opened the floor for any other business. Two more summer employees introduced themselves: Nicholas Collins is attending South Eastern University majoring in Business Management and Ren Cheramie is attending Nicholls State University and majoring in Accounting.

Director Falgout recommended entering into executive session to discuss the Rowan Litigation. Upon motion by John Melancon and second by Wilbert Collins, a roll call vote was taken which resulted in 8 yeas by C. Cheramie, H. Cheramie, Lafont, Collins, Griffin, Melancon, Martin, Bruce and 1 absent by Vizier. The board then requested that all legal counsel be present. The board returned to the regular meeting. Upon motion Jimmy Lafont and second by Larry Griffin, the board unanimously approved to give authority to Frilot and Partridge to issue a counterproposal to Rowan consistent with the discussion in the executive session.

Upon motion by Larry Griffin and second by Chuckie Cheramie, the board unanimously adjourned the regular meeting.

ATTEST:

June 14, 2006 Minutes 7