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# BOSSIER PORT COMMISSION

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## Minutes of the Regular Meeting August 20, 2009

The regular monthly meeting of the Caddo-Bossier Port Commission was called to order by President James Pannell at approximately 4:40 p.m., University Club, Shreveport.

**Roll Call:** Commissioners Lynn Austin, Ernest Baylor, Erica R. Bryant, James D. Hall, Ronald J. Miciotto, Capt. Thomas F. Murphy, James L. Pannell, Michael H. Wainwright and Steve Watkins were in attendance, constituting a quorum. Commissioners absent: None.

### Public Comment/Introduction of Guests and Comments:

**Others Present:** Ryan Roberts, Wieland-Davco Corporation; Charles Tutt, Tutt, Stroud & McKay; Robert Vinet, Burk-Kleinpeter, Inc.; Anne Gremillion and Emi Fitzgerald, Gremillion & Pou and Associates, Inc.; Ted Stawasz, URS Corporation; John Burson, McInnis Bros. Construction and David Montgomery, Montgomery Agency. Staff included Eric England, Executive Port Director; Brenda Levinson, Deputy Port Director; Hugh McConnell, Director of Operations; Gloria Washington, Director of Finance & Administration; Rick Nance, Director of Engineering & Planning; Marilyn Haley, Public Relations Manager/Human Resources and Hettie Agee, Secretary.

Mr. Pannell announced at this time we would need to take care of some housekeeping items, including amending the Agenda. The Chair would entertain a motion to amend the agenda by removing the Public Hearing, Proposed Bid Disqualification. The motion was made by Commissioner Wainwright, second by Commissioner Austin. Mr. Pannell said prior to voting on the motion, he would like to see if anyone had any public comments on the amending of the agenda. Hearing no comments, the vote was taken and the vote was unanimous.

### Public Hearing – Not Exceeding \$11,000,000 Caddo-Bossier Parishes Port Commission Taxable Revenue Bonds (Louisiana Coca-Cola Bottling Company, LLC Project) Series 2009

Mr. Pannell said at this time we will now hold a Public Hearing regarding the proposed issuance, by the Caddo-Bossier Parishes Port Commission, of not to exceed \$11,000,000 in taxable revenue bonds, (Louisiana Coca-Cola Bottling Company LLC Project) Series 2009 for the purpose of the following: 1) Financing the acquisition and construction and equipping of a warehouse and distribution facility to be located within the Issuer's jurisdiction in Caddo Parish; and 2) to pay the costs incurred with the issuance of the Bonds.

The Port Commission is considering structuring of the bond issuance in a manner that would result in the Port Commission owning the property financed with the bonds. This structure would result in an exemption from all ad valorem taxes on such property during the 20-year term of the bonds.

The Bonds referred to above will be issued under the provisions of Chapter 37 of Title 34, of the Louisiana Revised Statutes of 1950, as amended, and other applicable laws of the State of Louisiana and will be payable solely from revenues paid to the Issuer by the beneficiary of the Bonds. The Bonds will be limited obligations of the Issuer, and neither the full faith and credit nor the taxing power of the Parish of Caddo, Parish of Bossier, the Issuer or the State of Louisiana or any political subdivision thereof will in any way be pledged to the payment of said Bonds.

A notice of this Public Hearing was published on July 29, 2009 in *The Times* and a copy of the Public Notice was mailed to the Caddo Parish taxing bodies on August 1, 2009.

Mr. Pannell asked if there was anyone here today that would like to speak in favor of or against the issuance of the bonds. Hearing no response in favor of or against the issuance of the bonds, the Public Hearing was ended.

"The Caddo-Bossier Port Commission is an equal opportunity provider."

MEMBERS: **James L. Pannell**, President; **James D. Hall**, Vice President; **Ronald J. Miciotto**, Secretary-Treasurer; **Lynn Austin**; **Ernest Baylor**; **Erica R. Bryant**; **Capt. Thomas F. Murphy**; **Michael H. Wainwright**; **Steve Watkins**



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of July 23, 2009: Minutes from the Regular Meeting of July 23, 2009 were  
no corrections, additions, deletions, Commissioner Miciotto moved for approval of  
Commissioner Austin and carried.

**Financial Reports, July 2009:** Commissioner Miciotto presented the July 2009 financial reports. Hearing no corrections, additions or deletions, he moved for adoption of the report. The motion was seconded by Commissioner Watkins and carried.

#### UNFINISHED BUSINESS:

**Personnel Committee Report of August 10, 2009:** The meeting was called to order by Committee Chairman Jimmy Hall at approximately 10:00 a.m. at Sci-Port Discovery Center. Committee and staff members in attendance included Lynn Austin, Ernest Baylor, Erica Bryant, James Pannell, Eric England, Marilyn Haley and Hettie Agee. Guests included Price Barker, Gayla Godfrey and Chris Demopolos. A quorum of the Committee was present.

Following a public comment period, Jimmy Hall called on Price Barker to present his report. He said the number one thing was Supervisor Training. It doesn't mean that your supervisors are not doing a good job; there is no indication that they are not doing a good job. However, there are legal requirements and discrimination statutes that you do training when you are dealing with EEOC. When they are dealing with an employee lawsuit, the first thing that comes up is what kind of training had the employees involved been through on EEO, anti-harassment and all those types of things. Supervisor Training can be an absolute defense for punitive damages under the Federal statutes. It doesn't have to be anything expensive; a couple of hours every year. The initial training would need to be a little more intensive than that, but at least once a year they need to be reminded about EEO and anti-harassment. The best way to deal with problem employees is not to hire them and he thinks the Port's supervisors need some training on the interview and hiring process that would help them identify potential problems in a candidate and potential reasons not to hire a candidate and the proper use of the introductory period if they do get somebody in that doesn't fit with your organization.

In addition to Supervisor Training, Price said he thought that all of the Port's employees need training at least once a year on the EEO and anti-harassment laws. Again 15/20 minutes a year, maybe an hour or two in the first session and 15/20 minutes every year with a refresher.

Price said with regard to PDO, you have a 30 day cap that will be paid at termination. The background on this is the Wage Payment Act found in RS 23:631 and the following says that it is illegal to require employees to forfeit wages upon termination. Vacation pay, i.e., PDO is going to be wages for purposes of the wage payment. So if they've got a bank of 400 hours of PDO's and they quit or get fired, that law says you've got to pay them. There is a State Statute which caps PDO for State agencies in the State at 300 hours. It is his opinion that statute does not apply to the Port. So they made some recommended changes to the Employee Handbook. Until somebody terminates, either voluntarily or involuntarily, the law doesn't come into play. And so you have a couple of ways to handle it. One, and that is what Price recommends, is if you implement a "use it or lose it" policy that says you earned vacation this year; you can carry over to the next year subject to whatever cap you decide needs to be there and then if they don't use it the following year, then it falls off. Then you have people who do have a bank built up, have them start using it up or go ahead and pay them if they leave. The concern he has is twofold. Number one, you've got the statute. You've got a violation of the Wage Payment Act if you ever carried out this 30-day cap. The other is these caps as they grow bigger are actually unfunded contingent liabilities you don't have cash for and this could be several thousand dollars especially for your long-term employees. That's a business practice. He said he didn't think it was wise to have that sitting out there.

So, Supervisor Training, fix the PDO were the two primary recommendations that he had. He believed everyone had his report and hoped they had a chance to review it. He called for questions and James Pannell asked how would you solve that problem with the long-term employees now that have time? Price answered on the long-term employees that have a bank built up what he would recommend first was that they implement a "use it or lose it policy". That's not going to effect whatever they have in the bank already. You can't change that for the past. But you put the "use it or lose it policy" in place and then you start having those employees start whittling down PDO. That's the best approach he thinks from a financial standpoint. Keep in your mind that if somebody has got 400 hours and starts whittling it down and two years from now they leave and they've still got 300 hours, you've got to pay them. Or you can do a "use it or lose it policy just for the future and allow people to keep that bank—whatever it is—knowing that when they terminate, you've going to have to pay it to them. Erica Bryant asked if our current was 30 days and Price answered yes. She said so they have about 240 hours. Erica said and you have employees that have....Eric answered in excess of 100 PDO days. She said okay and Eric said just a couple. James Pannell asked if that was the only two ways to get rid of that excess amount of hours? Price said a third way was find out what was on the books right now and pay it to them of which he didn't expect that to be a decision you would make at this point because of the cash that would be outlaid. James said as opposed to losing them for that amount of hours if you need them. Price said that's why you do it over a period of

tle it down to whatever the new cap is but he would recommend that they decide

In connection with that, Price said he thought they ought to look at the waiting period on their short-term and long-term disability. The way the long-term disability was set up right now was they had a 6 month waiting period which you've got short-term disability, but it's \$200 a week which doesn't really help much because your folks are making substantially more than that. Most of his clients had a 90 day waiting period and they allow 90 days to be banked in the PDO. That way when somebody has a serious situation they can have 90 days of PDO and then go to long-term disability. James said so like in Alonzo's situation, and if he had time, they could have given him that. His unfortunate situation is because of his past, his health issues, he believed, his PDO had been used up. Eric said our current waiting period was 180 days and that may be something the committee wants to discuss is changing the waiting period or the elimination period on the long-term disability to 90 or fewer days.

Lynn Austin said after being Police Chief and being in court many times, one of the things that was said about supervisor training will get you off the hook in a hurry as well as negligent hiring and negligent retention. The vicarious liability would go to Eric if he failed to train a supervisor properly and once you do that and prove that you do that, you're pretty much out of it. That's a big deal and it's really easy to do. It's something that you really should do. Those EEOC issues and discrimination, sexual discrimination and things, if they know that, those supervisors have to know it because they're going to them first—not the employee. If the employee gets sued, he's going to say he never was told that but you have to document that. On the day of training, what they always did was have a sign in sheet for everybody; they had the time that they were trained, what the subject matter was, who taught it, and a syllabus of what they were taught. They did that and presented it and he didn't think they had ever been held vicariously liable.

James Pannell said his main thing too was giving employees an opportunity to deal with their issues and grievances. That was the main thing that he wanted to have in place so people clearly could have a way to address their problem in a fair manner all the way to some type of resolution for them.

Price said he took a close look at that because that was one of the mandates from the Board and he didn't see any changes that needed to be made to that policy procedure. Obviously union avoidance was something he was keenly aware of and having that in place can very well help that. One, it's never really been used very much at least on a formal basis, but it is there on both a formal and informal basis to get all the way to Eric and in some circumstances beyond Eric to this Board. So Price said he didn't see anything that was broke there so he didn't think there needed to be any changes.

Lynn said on the sexual harassment part of it, they allowed them to report it to any supervisor and it's really three good defenses to that that you notified them of the policy and they're aware of the policy. Number two, if there's a violation that you thoroughly investigate that and if something happens, you take remedial action and do something about it. Price said he had made a recommendation in terms of the anti-harassment policy to cut the supervisor out of the reporting mechanism. His experience has been one, that supervisors often aren't trained on how to deal with it so they may not know what to do with it. Two, they've got some built-in reasons to kind of keep it quiet because it may reflect poorly on them and their knowledge. So he wants, if it's a harassment or discrimination issue, he wanted it to come into the executive offices. They have set that up in your policies. Lynn said they have a sheet where they can refer it to the top but they can report it to anyone they choose to. Price said he didn't like doing that because they'll always say they reported it to their supervisor and the supervisor will say, no you didn't or I don't remember. Lynn said they have it in writing and when they make the report, they make the report and sign it and then they refer that report to who's going to do the investigation. Of course, unless this is the person that's under investigation does it. That's why you have to give them an outlet to go to someone else and not just have one person that does it. Price said he thought they were in good shape in the reporting mechanism as revised in the...He wants to make sure if there's a discrimination or harassment allegation he wants to make sure Eric knows about it. In a small organization like yours, you're not going to have many of those he hopes. Eventually you will, but he wants to make sure he knows about it; because that way they can make sure it's done properly.

James Pannell asked how does it get to the Board if because the final responsibility rests with the Board. Is there a path for—not just that complaint—but any complaint to make it to the Board? Price said the path is to go eventually to Eric, and he doesn't recall off the top of his head if they get to go to the Board automatically but it's at the discretion of the Board. They certainly have a mechanism to get it in front of you after they go to Eric. He said he thought it was important to—even if an employee comes to you as a Board member—to refer back to that policy, that procedure. Let it work itself up because that way you'll have the facts to rely on both sides before you have to make a judgment.

Ernest Baylor said Price had indicated in his report that supervisor training was something they needed to look at. Should they implement that as soon as possible, ASAP? Price said by the end of this year he would like to have the supervisor training

would say January, no later than February, have all employees trained on those safety meetings; you have periodic meetings. Take an hour or two to discuss those. Price said it can be a joint meeting but the supervisors at least need to have a separate meeting also. The supervisors need to be told two primary things. Number one you don't do it—you don't discriminate—you don't harass; and number two, what you do to stop it, what you do when you see it or what you do about it. The employees will hear both of those, but he thinks the supervisors really need to be in a separate meeting where the importance of their role is impressed upon them and he didn't think they want to do all of that in front of all their employees because it may lessen their authority. Price said Lynn could tell you this training is not that complicated. When they think about training the first thing they think about is boredom and expense. And it doesn't have to be that. Lynn asked if Ms. Godfrey did that training and she said she does. In fact, they have it scheduled this Friday for the Port employees.

Eric said he wanted to point out that on page 24 of the Policies that "it shall be the responsibility of the immediate Supervisor to study a complaint and resolve it". If the employee feels the complaint has not been handled properly, they can forward it up to him and the Board if necessary and it provides the clarification about decisions made by the board. Jimmy Hall asked if there were any other questions.

Ernest asked if industry EEOC claims were remaining constant; have they gone up in the last two years or gone down, or do you have the knowledge? Price said his perception from his practice and from those he dealt with outside of his firm, EEOC charges have gone up since the economy has turned down which is typical. When the economy is good and somebody loses their job, even if they feel it is discriminatory, they're usually replaced and so they get on with their lives and a new job and then that becomes more difficult. A couple of things happen. They look for sources of income and two, they tend to sit around and ponder what happened to them and get angrier and then go to file an EEOC charge. What you're going to see in his opinion and you've already seen with the downturn of the economy, the number of age discrimination claims is going to go up. He doesn't think that's going to apply to the Port. He doesn't see the Port happening on a large scale. He thinks they will continue to see the number of sexual harassment claims go down which he attributes to men finally getting it and companies being on top of the investigation and handling it properly and heading it off at the path. He thinks with the new female on the Supreme Court who is Hispanic they are going to see some gender discrimination and Hispanic discrimination cases. He doesn't see that necessarily impacting your organization. One, you don't have much turnover; two, you don't have a lot of hiring so you are a very stable organization. If there is not a failure to hire or a firing, then generally people don't use the EEOC to work out their grievances. So you'll see an increase. You'll continue to see an increase. The EEOC is going after disability and pregnancy cases.

Jimmy Hall called on Eric for Personnel Policies, Forms and Procedures. Eric said when the Personnel Committee met last time in addition to getting Price underway on the report he had provided, they had asked Price and the staff to come up with the needs in terms of reports, forms, policies and procedures related to human resources. On a previous occasion to the committee they reported which forms were being developed and all these forms were provided to the committee a couple of weeks ago. They have Gayla and Marilyn here to give a recap of these forms and entertain some discussion as well if there is any.

Marilyn said in the very beginning Price did recommend they utilize Gayla. Gayla comes with 25 years of experience in human resource and she also holds a lifetime designation as a Senior Professional Human Resource Certification. Along with her 100 current clients she has, she also represents seven labor attorneys and has served as resource in several litigations as well as support for them. She is a former Human Resource Manager for ITT and CenturyTel and owns her own consulting firm and lives in Monroe. She did an audit on all of our personnel files and helped us to make sure they got all of that organized as well as documents they did not have possession of that will help them to make sure that they position themselves so that they can have documentation and have it filed in the appropriate files. Currently all forms have been created and have been sent out via email. Copies are available also. All updates have been done in the employees' files and corrections have been done to the employee handbook and sent that out to look at. The scheduling of training has been scheduled for all employees on this Friday. Gayla will be going over EEO and Diversity training and another component. All the job descriptions have been updated and formatted in a concise manner. The Procedures and Supervisors Manual that was recommended by Price is the only thing that has not been developed and that will be done in the near future. The training will be ongoing. Jimmy Hall asked if the procedures in the Supervisors Manual will consist of the process to take place in the event something is reported. Price said there that will be one, but for instance you have a supervisor on the dock, there will be certain procedures that will have to be followed. You are going to have an accounting supervisor. There will be certain procedures followed in that department. That will be the primary component of that manual; this is how they do this and this. It will be laid out in a step by step format at some level of degree. Jimmy asked is that how they do their job or not related just to the human resources side – it's procedures on how they function in that particular position? Price said it would probably end up being a fourth or third on human resources but primarily on how they do their jobs on a day to day basis. He said he's sure there are environmental issues; there's government paper work that's got to be done in certain areas and they want to make sure they know what their job entails and if they do it, it will give you a great measuring stick to evaluate their performance. He thinks the process that they have been through with all of the various audits are going to get you at least a measuring stick. Jimmy said as a retention or retain the knowledge of what that position is suppose to do in the event that somebody leaves. Price said you don't lose the institutional mileage much when you



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s the pleasure of the members—A motion was made by Commissioner Baylor to  
nel policy, job descriptions, and all other human resources forms, policies and  
otion was seconded by Commissioner Hall. Motion carried.

Eric asked if they wanted to discuss the particular issue of the PDO. With regard to what Price was reporting, our PDO policy will only be able to be paid for 30 days upon termination or resignation. Lynn said his recommendation is to implement our policy, like Price said, of not carrying over so many days, “use it or lose it”, but the people that already have accumulated days, hold them down, it will be more expensive later to pay them as their salary goes up, get the books clean. Mr. Pannell said that was his position. That was why he was asking about the third option because he just saw carrying this thing over can’t get better. Erica said at some point you have to pay that out when they leave. Erica said her question is, the rate because they’re recommending paying it out now. Could they freeze as far as what rate you pay that out even if you paid it out later, or do you have to pay it out at the rate they’re at later? Because every time they get a raise, that increases your contingent liability. Erica said she liked the idea of you setting a cap. For those people that are obviously beyond the cap, they don’t earn any more and allow them to use their time over time. They’re not earning any more so you’re not necessarily increasing, because to her paying out the expense today—they can use it. Today if they take vacation next week, they get to use those days and whittle down to that cap, to whatever that cap is. They could not earn anymore because they are at the cap, but as they take time off, they would come closer and closer to the cap. So if they have 500 hours and their cap is 300, you’re saying you can’t earn anymore and when you take vacation, you use up to 300. Eric said he thought what Price was saying was if you have 500 hours that you would have earned those 500 hours and anything you earn above those 500 hours, you’ve got to “use it or lose it”. Is that right? Price said, right, but what she is saying is the policy can say once you reach the cap, you don’t earn any more vacation. That’s certainly illegal to do. Erica said if they set a cap at 300 and you have 500, they’re saying you obviously are beyond the 300, you can’t earn any more; we allow you to go ahead and use that too so you’re not using it; they’re just saying use it and that way you get closer to the cap. As it stands now, you’re going to pay them out for the 200 today and then they could start using the 300. So in her opinion, that was an additional expense when you can allocate your expense over time and eventually she would say you set a date if they haven’t used it by such and such time, then you pay it out, but still your liability is less at that point when you pay it out because they used some time. Lynn said he was worried about the adverse impact on the small number of people they do have working and if those that accumulate so many hours would put a strain on the productivity. Erica said they can’t just take off. This has got to be approved. Jimmy said the problem is in a large organization it can be a lot orderly than in a small organization and you start saying you can’t take off and you can’t use it, it’s a catch 22. You’ve always got a crisis coming up; you’ve got an issue coming up. Does anybody have any knowledge as to what the total of the liability is in terms of the payout if they clean the boards and set it? Eric said he could have that answer in 10 minutes if he called Gloria. Jimmy said he thought he ought to call her. James said even if you did a combination—if you didn’t do—pay the hours down and even pay them out because that’s a huge situation when somebody can just take off when they feel like it and there’s nothing. James said there’s not going to be much you can do about it. Erica said she didn’t understand why it was different. They have the hours now. They can use them now. All he was saying was let’s go ahead and reduce your balance and pay it out. As it stands now, they can take off now. They have 500 hours. All they said was when they resign, we’re only paying you for 30 days. So right now they can use it. It’s the pleasure of the Board. Eric said Gloria was on her way to the Audit Meeting right now. Jimmy said you take it or lose it, but the issue to him is that you can tell somebody they can’t take vacation; but it’s hard to do when they’ve got that much time and fit it into a year without it impacting the organization. His theory would be to find out what the total liability is and then maybe they can work on a combination of the two or something and then get that sorted out. James said based on who the employees are and how—all of them are important to the Board—but some of them are a little more key than other people and so if the staff looks at it and if it’s no more than two people, he doesn’t see them being able to sit down and work this out and bring the recommendation back where it’s fair for the employee and for the Board because it’s kind of hard for them to sit there and make a decision that they can see what that impact is upon somebody where they’re not going to be there so they don’t know what kind of impact that’s going to be. He thinks they need to evaluate that and bring a recommendation back to them as to whether they need to pay them for the whole hours or combination or what’s best for the employee and the Port itself. Charles said at some point they’ve got to come to a resolution of this because he thought they had solved this before when they came to the 30 hour deal. He thought they were past that. It’s been hanging around for a while. Erica said it seemed to her they had two issues. Jimmy said was not 30 hours, it was 30 days. Erica said so it’s 240 hours. So they have two issues; one, what do you do with the people that are over the 240; two, she thinks they set the max at 240 and all they’re saying is they have a max of 240 and that’s what they would like to pay out when somebody terminates, 240 hours. What they are dealing with is getting those people that are above the 240—handling those people. That’s really the issue. Jimmy said if he heard her right through the way you maintain this is you exceed 240, you would “use it or you lose” it at the end of the year. So the max you could ever accrue or carry forward at the end of the year is 240 but so their issue is what’s their liability for that which has been accrued up to now. Jimmy said to him he thought they could make pretty short order of it but would kind of like to know what that number is and he thinks once they get that, then can...He assumes they need to reword their policy and just say “you shall not exceed/carry forward 240 hours of accrued time. You can use PDO earned during a calendar year, but if you don’t use it during the calendar year, you lose it or something to that effect. He said what he would recommend that they get that wording lined out and submit it to the Board, they get a total number of what it would take to clean the balance sheets now and leave people with whatever this year’s....that 240 hours less that 240 hours for 2009 and they can come up with a decision of whether they do a mixture of taking

it. He thinks if it's not an overwhelming or shocking number then they might  
anality. He knows it's hard enough in some organizations to get the 240 hours a  
That was the only concern he had. In the small organizations, it impacts you a  
lot different than it does in big ones. Erica said if they have to pay that out, can you determine whether you have to pay  
retirement on that because retirement is going up to 15.75 and so if they do, she preferred to pay it out in 2009 while it's at 12.25.  
James asked if he put that in a motion, Jimmy? Commissioner Hall said he did make a motion, that they get the previously  
described wording changed, get the calculation total amount and then let's...when is our next Board meeting? Eric said  
Thursday, August 20. Jimmy said what about having a 4:00 p.m. Personnel Meeting to make the final decision on that by then if  
they have the numbers and then they can just dispose of the whole thing next week. Eric said they have an Intergovernmental  
Meeting they might shift to earlier and roll into 4:00 Personnel. The motion was seconded by Commissioner Austin and carried.

There being no further business, the meeting adjourned at 10:57 a.m.

Hearing no corrections, additions or deletions, Commissioner Hall made a motion for adoption of the report, second by  
Commissioner Austin. The motion carried.

**Finance Audit Committee Report of August 10, 2009:** The meeting was called to order by Commissioner James Pannell  
at approximately 11:00 a.m. at Sci-Port Discovery Center. Committee and staff members in attendance included Lynn Austin,  
Ernest Baylor, Erica Bryant, Jimmy Hall, James Pannell, Michael Wainwright, Eric England, and Hettie Agee. Guests included  
Tim Nielson and Jerrod Tinsley, Heard, McElroy & Vestal and Chris Demopulos.

After opening the meeting by calling for public comments, James Pannell called on Tim Nielsen to present the 2008 Audit  
which had been previously forwarded to the Board.

They issued an unqualified opinion on the Financial Statements. They had two reports. Their main report covers  
noncompliance and auditor regulations. They didn't find any of those issues that needed to be reported. There is a  
Management Discussion and Analysis at the front of the statements. Tim gave a brief overview of each section of the first report.

That was their comments and did not have any control issues they reported. They talked about several things, payroll  
assistance and outsource to APS and that had been done. They had talked about getting an investment policy and he had  
picked up some samples for Eric to look over for formalization.

Erica asked about employee retirement, do we provide health insurance? Eric answered no. Erica asked when an employee  
retires and they're on your health insurance the whole time, if they're not 65, then they don't have health insurance? Tim said  
they would have access to Cobra and would have to pay that themselves. Erica said the reason she asked that if an employee  
works here 30 years and they leave and don't have insurance, they need to consider providing coverage at least to Age 65 and  
part of what Eric is eluding to is if they did provide that benefit, then they would need to make some accrual for their years of  
service. As they worked, you would make the accrual for that and once they retire, then when you paid it you would just reduce  
that liability. That's a good point; some people retire earlier that have been there a long time. Erica said if you've worked all your  
life and retire at Age 60, obviously your premiums for private insurance are going to be.....Tim said you could only get insurance  
through Cobra for 18 months. You would really be short and it's something you would really want to think about.

Eric said they were a couple of months out from the budget and could certainly bring some quotes into the budget process.  
Erica said not forever, just until they get Medicare. Tim said you might want to put some cap of some of those issues.

Erica said she had one comment. They didn't issue a Management letter, right? To her that was wonderful not to get a  
Management letter and that you all didn't find anything that you needed to document and put in a letter and communicate to the  
Board. Just to the staff she wanted to commend them for that achievement. Tim said they look at travel, entertainment, cell  
phones and those types of expenses. Even though a lot of your travel is convention related or going to promoting and marketing,  
so they certainly do always test and look at those issues. That's necessary in governmental type auditing.

Eric thanked Tim for his comments and said Gloria and her staff are the ones really responsible and expressed our  
appreciation to her for the wonderful job that she directs.

Eric said he wanted to point out the \$67 Million of debt the Commission has. 2008 was a busy year in terms of bond issues.  
Of that \$37 additional million that was issued last year, \$23 Million of that was project driven, ones in which the Port will receive  
revenues. \$9 Million will close within 45 days and they will receive revenue for the next 30 years based on 6.5%. Of that \$23  
Million, the Port also refinanced approximately \$5 million dollars and the other bulk of that \$37 Million was the tax bond issue that  
we did for \$15 Million in July of last year and is tied to our property tax term, 2018. The property tax bond issue for \$15 Million is

omer. It's for the general infrastructure of the Port. For example, the Regional  
the South Whittington rail project.

Eric said we would place this on the agenda for approval next week.

There being no further business, the meeting was adjourned at 11:21 a.m.

Hearing no corrections, additions or deletions, Commissioner Miciotto made a motion for adoption of the report, second by Commissioner Wainwright. The motion carried.

**Marketing Committee Report of August 10, 2009:** The meeting was called to order by Commissioner Jimmy Hall at approximately 12:00 p.m. August 10, 2009 at Sci-Port Discovery Center. Mr. Hall began with introduction of guests and an opportunity for public comment. Port Commissioners Lynn Austin, Ernest Baylor; Erica R. Bryant, James D. Hall, James L. Pannell, Capt. Tom Murphy, Ronald Miciotto & Michael Wainwright were present. Others included: Ken Francis, Wright & Percy Insurance; Ted Stawasz, URS Corporation; Chris Demopoulos, DFA; Shawn Lesley and Brian Roberts, Weiland-Davco; Robert Vinet, Burk Kleinpeter; Jim Davis, CCS Midstream Services; Frank Crockett and John Hubbard, SWEPCO; Kevin Bryan, Kevin Bryan Architects; Gayla Godfrey, Management Consultant; Charles G. Tutt, Tutt, Stroud & McKay, LLC; Anne Gremillion and Emi Fitzgerald, Gremillion & Pou and Associates. Staff included Eric England, Brenda Levinson, Hugh McConnell, Gloria Washington, Marilyn Haley, Rick Nance, and Hettie Agee.

Jimmy Hall called on Brenda to provide an update on Port customers. 1) Brenda said on Pratt paper, the mill produced slightly fewer tons in July than they did the previous month. The MRF continues to supply paper, work on the curbside and paper that is being bought from outside sources. They are doing some additional hiring; part of it is off the engineering staff or any internal application. There may be some turnover, they are interviewing for new operators on the paper machine, looking at internal candidates then going on to external candidates. They're looking for a couple of people on the maintenance side and in shipping and storage. And when the folks complete a 90 day temp at the waste yard and on the MRF, they will be taking those from 90 day temp to full term permanent. September 15 is the date that has been set for the Grand Opening of the facility. 2) Omni had another excellent July. Homelite, one of the newest accounts they have picked up and supplies product to Home Depot, they are ordering beyond their expectations, in which they committed to Omni they would do. Stihl's business is ahead of July's. Their business is doing very well. They have executives from a company's parent company in Germany coming in and spending the better part of the month of August and they will be at the facility at the Port the last part of August. O'Reilly continues to do very well. The business on the West Coast is part of it as they transitioned all the old product into the new O'Reilly's product. Their business is so big they are bringing on a new oil buyer and that oil buyer is coming into the facility at the Port this month. This is the buyer that Omni has worked with for a number of years, just to be able to see the operation and production and meet the people they will be dealing with. Lowe's also had another good month. They thought their business had stabilized and that they would be sort of maintaining but they are having increases this late in the season which is a little unusual for the products they sell to them. 3) Ternium is going through a restructuring. They had an International Division, which the facility at the Port fell under the International Division; they will now be a part of Ternium North. They had another good July and are expecting a good August. At the rate they are going and the orders they are seeing both in house and advanced orders, they are actually expecting the fall to be better than they anticipated considering the year they had last year. They took some down time on the metal coating line in August for annual maintenance. They along with Pratt and several of our other tenants experienced water pressure issues with it so dry and with the brakes the City has had on their lines, we've had difficulty keeping the water tower filled at a level that helps them maintain pressure. They've have all come together; the City has been very helpful. They've actually addressed filling the water tower later at night where they could put pressure to it in order to get on a level that helps them maintain an operating level. The rains have helped get the level up in the tower. It's helped all the tenants as well. 4) TruSouth business continues to hold steady and they're well pleased with all the business they're doing on the charcoal side. They have picked up a new parts store called "Race Pro". They will start doing a private label packaging for them in August.

Brenda moved on to Port Site New Business/Prospects. On Project Pine, they have had some communications back and forth and pretty much sitting on hold until we hear that's it is not going to happen, the fact is we are still in the race. Unless there has been some change, the Board for Project Pine is still scheduled to meet in October.

Project Navigator is the welded seamless pipes manufacturing company, the one LED brought to us. It had a lot of potential prospect for employment but LED has been unable to get a commitment out of them on which sites are moving forward at this time, so it was temporarily put on hold until the consultant can get through and decide their path forward and what are the sites in Louisiana that are going to work for them. They are into all the natural gas exploration; the Haynesville Shale is a real plus. If there is a possibility of coming to the State, we will have a better shot.

We had a meeting with our tenants on the 16<sup>th</sup> and Mr. Baylor was able to make that meeting. Also there were some Sci-Port representatives there to talk about their plans for their new display and having a Port day. They met with some excellent reception from the tenants about being able to participate. There is also some restructuring at the Labor Department. We had

Group that met with the tenants to talk about changes that are taking place and that there are programs that are available to assist them. The water pressure issues have been contacted by the various folks that are associated with the natural gas piece, especially those with long term contracts with their gas prices being told that they would not renew those contracts so they wanted to renegotiate. Part of that goes back to having bought gas at a higher price and doing an average and they're looking at some way to recover. Jeff Wiese and John Pollock who is out of the Houston office have made themselves available to talk with any of the tenants and visit with them and we know the tenants will take advantage of that and maybe give them some direction and guidance on moving forward and what to do as far as those contracts and what they may want to check on. Around the first of July with the loss of power that SWEPCO had there were quiet a few power outages around the city but that is one thing that the Port did not experience any of those outage issues. She just wanted to let you know what had happened and that a lot of the cutbacks from consumption was voluntary which was a help to getting the system back on line. They did not have anyone experience any problems at all.

Jimmy called on Eric for monthly reports and he said the contact report and the PR report was in their packages. On the calendar of activities some related to meetings and some related to activities. The Intergovernmental meeting was originally scheduled for 3:30 p.m. next Thursday, prior to the Regular Board meeting. In light of what happened in the Personnel Committee meeting today, there will be need for a meeting immediately prior to the Board meeting as well. We are going to check to see if the Intergovernmental meeting can be changed perhaps to 3:00 p.m. instead of 3:30p.m. Brenda did mention the Pratt Grand Opening, just wanted to mention it again – it will be held on September 15, Governor Bobby Jindal is on the program. Everyone is aware of the conduit bond issue we have been working through, we will hold the public hearing for the Coca-Cola project at the Thursday Board meeting on the 20<sup>th</sup>. As you will recall the Coca-Cola entity has remained the same, however, the investors that will do the Bond deal and sub-lease to Coca-Cola have changed to Bright-Shreveport. The State Bond Commission, given that change in the investment, wanted a complete redo of the process, therefore, we are going to hold another Public Hearing similar to the one that was held in Bossier earlier this year. In addition, in September we will hold the TEFRA hearing for the Northwest Pipe Project and we anticipate following the TEFRA hearing on the Northwest Pipe project to close by the end of the month. One thing in regard to Coca-Cola, in closing we are waiting for clarification from the State Bond Commission on an order they gave regarding degree of approval from the taxing bodies in Caddo Parish.

Hearing no further questions or comments, Commissioner Hall adjourned the meeting at 12:14 p.m.

Commissioner Hall presented the Marketing Committee report, and hearing no additions, deletions or corrections, he moved for adoption of the August 10, 2009 report. Motion carried.

**Operations Committee Report of August 10, 2009:** The meeting was called to order by Commissioner Ron Miciotto at approximately 12:16 p.m. August 10, 2009 at Sci-Port Discovery Center. Mr. Miciotto opened with an opportunity for public comment. Port Commissioners Lynn Austin, Ernest Baylor, Erica R. Bryant, James D. Hall, James L. Pannell, Capt. Tom Murphy, Ronald Miciotto & Michael Wainwright were present. Others included: Ken Francis, Wright & Percy Insurance; Ted Stawasz, URS Corporation; Chris Demopoulos, DFA; Shawn Lesley and Brian Roberts, Weiland-Davco; Robert Vinet, Burk Kleinpeter; Jim Davis, CCS Midstream Services; Frank Crockett and John Hubbard, SWEPCO; Kevin Bryan, Kevin Bryan Architects; Gayla Godfrey, Management Consultant; Charles G. Tutt, Tutt, Stroud & McKay, LLC; Anne Gremillion and Emi Fitzgerald, Gremillion & Pou and Associates. Staff included Eric England, Brenda Levinson, Hugh McConnell, Gloria Washington, Marilyn Haley, Rick Nance, and Hettie Agee.

Mr. Miciotto called on Hugh to give the Operations report. Hugh said July was a good month in rail activity. They not only increased their tonnage but also brought on a new tenant at the Intermodal Yard/Southwest Storage yard, Southern Precision Sand, which is a frac sand distributor. Hugh said he has talked to with some representatives of T.G. Mercer and there is a pipe train that is due in this week. All the equipment seems to be running well. We have made a lot of progress with the request of the operations review we had last year. All tracks have been ID'd and built and documented a lot of our policy and procedures. Large volume movers for rail through the Port this month was the aggregate and ceramic proppant, which is normal for us. They accounted for 41 of the 52,000 tons that moved through the Port this past month. In total, they had 52,980 tons by rail. That was 607 cars and 1,400 switches performed. As mentioned earlier, that is about 25-30% increase from last month and also from a year ago this month.

Moving on to barge activity, it has been a slow year. This past month we did not receive any barges nor did Oakley. Red River Terminals had 4 barges of outbound fuel and 1 barge of inbound caustic. But we have been talking to a scrap broker that is looking to stage some scrap steel so that he could ship it outbound by barge. In total, for the month were 5 barges, 22,467 tons.

Also he wanted to mention the Merchant Marine Academy Cadets and Internship this past month. It was very well received and we had a lot of good press. The cadets that were here enjoyed themselves and learned a lot that they normally wouldn't



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Gulf Coast or on the East or West Coast—hands on and see all the different d they would pass the word very favourably and that we can in the future look

Mr. Miciotto then called on Rick for a report on Port projects. Rick said they were beginning to close out some of the projects for Pratt. The Pratt road, Part B – the repaving of the original access road that we did temporarily to get them started has now been paved, closed out and it's done. Pratt aprons, they had the last concrete joint sealing done over the weekend; they finally got a space in the area between the MRF and the main building. Now the apron and access area is all cleaned up; the final inspection will be done tomorrow. On the Ternium dock, the Gassiot contract is due back today. Robert Vinet has already received it and as soon as it gets to us, we will start the actual construction aspect of that to get the contract finally signed and down to DOTD and then a pre-construction meeting started. On the South Whittington Rail, they had been awaiting a meeting with UP Rail.

Eric said with regards to the Regional Commerce Center, the Commission awarded the contract back in June. Boggs and Poole did file an Injunction to the project. Subsequent to that or in addition to that, Weiland-Davco filed Exception Motions as well. Judge Lafitte ruled on the Exceptions that the Injunction was not to proceed that it was untimely. Boggs and Poole appealed those Exceptions to the Court of Appeal and the Court of Appeal has agreed to hear those arguments. In light of that, the three parties, Boggs & Poole, Weiland-Davco and the Port, jointly filed a motion for the matter to be returned to the trial court to proceed with the Injunction Hearing. The earliest that this Injunction Hearing will proceed is on the 24<sup>th</sup>. We still have to check with the court on this. We will keep you all posted.

Proceeding to Land Acquisition, the survey is complete on the Cupples Tract. We are well underway on the abstract of title and the writing of the title policy and we should close within 30 days. We have followed up with the Shell property and have notified them of our intent to terminate the remaining term of that lease for the acreage left on that lease.

Eric said just to give a general overview, as you can see we have several projects, different engineers. The Pratt Rail, Part A & B, as introduction, as you will recall the Pratt rail was divided from the civil work to the rail work to increase the opportunities for MBE's and DBE's general contractors on the Part A which is the same project; but it is divided. The ADS warehouse will be discussed by Kevin Bryan followed with Robert Vinet and following that will be Ted Stawasz with the pump station which is for the grey water system to the Port.

Robert Vinet, BKI was asked to give his report. Providing a visual presentation and handouts to the Commission, Robert said the project is provided by 1200 sq. ft. of rail siding from the Port's existing rail yard to the loading dock of Pratt. As Eric mentioned, it is broken in to two parts. Each part has its own state project number. Part A contains primarily the earth work part of the project, excavation embankment grading, concrete pavement that will have to be replaced as they went through, some drainage, erosion control and riprap as part of the drainage. Part B will be the actual speciality of rail installation this is where they would install the turnouts, the grade crossings and the actual ballasts for the track itself. So Part A got them all the way up to the sub-ballast and when the Part B contractor comes on, all he has to do is lay the rail and tie it in. On Part A, we had a bid opening on July 28, 2009, 10:00 a.m. at the Port. We had zero bids received through Bid Sync. We had four sealed paper bids. In the handout given, you will see there is two packages, Part A which provides a summary of all the basic documentation and summarized project. The next sheet shows an itemized bid tabulation that shows all of the actual bid items and what each contractor bid along with the estimate. The apparent low bidder on that project is Speciality Trackhoe and Dozer Service out of Shreveport with a base of \$228,672.00. Upon bid opening and upon being the apparent low bidder, they requested they submit their DBE information according to the specs. They received that in a timely fashion; their good faith performance was in order and they have made up 6.3% of their DBE participation minimum with two subcontractors doing all the work. Based on their review with staff and counsel, their recommendation is to award a contract to Speciality Trackhoe & Dozer Inc. for items in the matter of \$228,672.00.

Part B, Robert said they had a bid opening on Friday, August 7, 2009 at 9:00 a.m. at the Port. They had zero bids received on Bid Sync and six paper bids. Again, you will see in the second part of the package there is project summary that gives us summary of the bids received an itemized bid tab and also all the DBE information we received. On this project the apparent low bidder was North American Railway Services, Inc. They've done other projects at the Port and are very familiar with the Port. Their base bid was \$196,260.00. Upon review of their bid, it appeared in order so they were notified that they were the apparent low bidder, requested their DBE information which they have submitted. Unfortunately, there is a 0.0% goal on that project; however, they did satisfy the letter of the spec in making all their contacts. Keeping in mind that this part was a specialty part of the project for splitting it out, based on their review with staff and counsel, they would recommend that we make an award the contract to North American Railway for items in the matter of \$196,260.00. Hearing no questions, they moved on.

Kevin Bryan of Kevin Bryant Architects was asked to report on the Warehouse and Distribution Facility, known as ADS Logistics warehouse. We had an estimated construction cost of \$10-11M. As you can recall this is actually the second time this

the first time, and this time we had 5 bidders. They had 10 going into the project  
3. Kevin refreshed everyone's memory by showing a power point presentation.  
out three quarters of a mile away down Doug Attaway Blvd. on the north side. A  
100,000 sq. ft. warehouse distribution facility, that project was the turn key project for the buildings, grounds, site and rail work.  
Bids are going to be listed in alphabetical order not numerical. The first bid received, by Boggs & Poole, in the amount of  
\$10,090,000, Brown Builders \$10,399,527.04, McInnis Brothers \$10,743,332.00. The low bid was by Southern Industrial  
Contractors \$9,812,415.67; second low bidder was Weiland-Davco \$9,913,830.90. They received no bids via Bid Sync. All five  
were paper bids. Bids were received on July 30, 2009. The following week Kevin said he contacted Southern Industrial and  
asked them to submit their DBE participation forms and did receive those in a timely manner. Those were reviewed and taken to  
the Port office for Rick and Charles's review.

Eric briefed the committee on a matter in regard to Southern Industrial Contractors. For many who are aware and those who  
are not, the Port does have experience with Southern Industrial Contractors. Eric said they engaged them to contract a concrete  
hardstand project some time ago. That particular project resulted in a couple of lawsuits, breach of contract as well as personal  
injury. Given the lawsuit history with this company as well as the Port's firsthand knowledge of their business operations and  
general matters, it is staff recommendation that the Port proceed with a disqualification hearing at the Board meeting on August  
20, 2009 to hear testimony that they may bring forth either in writing prior to or at the meeting and also to give an opportunity to  
consider disqualification as the low bid and move forth with the second low bid, which is Weiland-Davco. A motion to have the  
public disqualification hearing was made by Commissioner Austin, seconded by Commissioner Pannell. Motion carried. Rick  
added the lowest two bids are actually lower than the original bids they got the first time around.

Ted Stawaz, URS Corporation, gave a visual presentation of the Reclaimed Water Line Pump Station stating this is the  
second part of the Reclaim Water Transmission System. Last year, bids were taken for the actual water line that went from the  
Waste Water Lucas Plant to the Port. This project is now complete and the remainder of it is to have the actual pump station  
The blue line shows the reclaimed water line that has been installed which is installed up to a point shown on the drawing. The  
pump station will connect into that and complete the project. Bids were taken on July 28, 2009. Seven bids were received. Five  
were opened and read. One bid did not include a general price sheet so it was not read. The second bid was submitted on Bid  
Sync but did not meet the deadline for the project and was not read. Of the remaining five bids, McInnis Brothers was the  
apparent low bidder both in the base bid and also the alternate one. The base bid includes the actual pump station itself and  
also includes a structure to hold a screen. The alternate one is the actual screen itself that will fit within the screen structure.  
This will filter out any glass or small particles so they don't have any clogging within their pumps down at the Port. McInnis was  
also low on the base and alternate bid. Within three days they did submit all of their Fair Share and other documents. They  
were checked and in line. Also Ted said he did call all the Fair Share contacts and said they had called to participate on this and  
got a good response that they were given the opportunity. Based on that information, they recommend McInnis Brothers be  
awarded this project.

Eric said these items will be placed appropriately on the August 20, 2009 agenda for adoption.

Mr. Miciotto called on Eric for monthly reports and Eric said the projects in progress report and tonnages were in their  
packages for review.

Mr. Miciotto called on Brenda for the Environmental, Safety and Security Report. Brenda said they had a tenant meeting on  
July 23, 2009 where all of the tenant's Safety Personnel showed up. A formal introduction was made of Ed in case they had not  
met him. He will be helping us in Alonzo's absence. They are no safety issues to report. A variety of topics was discussed of  
which the water pressure was a big concern of all the tenants because of the operating equipment. They had a brief meeting on  
rail safety and also discussed truck traffic and working with the various tenants to put in place or implement some procedures on  
trying to address the fact we have such tremendous amount of truck traffic on the Port and to help them get the guys observe the  
speed limits and talked about several options. They will be doing some monitoring on this due to a lot of construction that's  
going to be coming up here shortly that these guys are going to slow down. They continue to address the Safety Manual with  
meetings. Following a meeting with the FRA, they looked at the report the FRA sent back in and there are some things that they  
can incorporate from a safety standpoint that's not violating the Board's stand as far as compliance, but it's addressing some  
National Safety Issues or some things that concern the safety of the dock workers and protect equipment and all of our assets at  
the Port. We will be adopting and incorporating what we can on those and actually make that available to rail counsel as they  
draft a letter response to the FRA. They can show we are not ignoring any safety issues and we can practically put in place at  
the Port to observe the integrity of the equipment and lessen our exposure. Also, it will make sure these individuals are  
incorporating the right things that make the place safe at the end of the day. There will be a Maritime Meeting at the Port Office  
on August 19, 2009 at 1:00 p.m. One of the things on the safety that came up is that through the worker incumbent training  
program--our tenants have access too--is they can actually fund their efforts to hold safety classes to get the certification they  
need, depending on their operations. Omni is in the process of doing one right now because of some major safety issues at their

gram for the State. They came out and talked to the tenants and told them that times there will be classes that the type of setup they have to do to be able to ed to know the headcount so they can work with the Port as one entity where several tenants could participate at one time and they will process their paperwork accordingly and will give these tenants an opportunity to participate in these classes that need 10, 15, or even 20 as a headcount to get into. Their presentation was good and is good for the dock personnel because this gives them a chance that based on the tax paid into the State, they have funding that's available and they are more than willing to come out and sit down individually with them and map out a plan to put together a big plan that would fit for all employees at one time to get those headcount. They are reviewing First Respondent Training that comes up in October.

Eric said on environmental they are continuing the Franks spill clean up with their report from last month.

Under other, Eric introduced Frank Crockett from AEP/SWEPSCO. At a previous meeting, Charles and he had discussed as their rail operations have continued to grow, they do have the FRA issue and presence. They identified an area of coverage that would be beneficial for the Port to obtain. They did obtain the FELA coverage that would provide them the liability protection, the coverage for negligence as well as the protection on the value of the commodities and got our umbrella rider to come on the back side of that and takes us up to \$10 M total. We were able to obtain it working with our umbrella carrier that was more cost effective than just getting a full FELA coverage and appreciate Ken and all the work he did.

In your packages, on the letterhead CCS, Eric said he wanted to introduce Jim Davis who was there today. CCS is a neighbor of the Port. CCS is the company that purchased Ark-La Disposal Services and all know that the Port was a conduit issuer of approximately \$5 Million dollars for the Ark-La project. We know the issues involved with the Leonard Road site. However, since the time that CCS has come on board they have seen a complete change in the demeanor which they've gone about handling that project. In addition to that project, CCS is trying to get up and operational in treatment of wastewater. In addition, they have a demand for discharged stormwater, not processed water. Their original plan was to discharge into Rush Bayou which is behind their facility and now the EPA has asked them to investigate discharging into the Red River as opposed to Rush Bayou. In order for them to discharge stormwater to the Red River, they would need to obtain an easement from us. They've done an exhaustive search and the Clerk's Office can't find such an existing agreement for the pipeline that is in place/easement. It's their recommendation that they pursue and investigate the development of an agreement for this stormwater discharge and do our due diligence and necessary interactions with the various agencies, with our environmental counsel, legal counsel and come back before the Board with recommendations primarily for the reason of Rush Bayou is also the bayou for the majority of the stormwater from Port property including the Ternium facility, the Pratt facility and the ADS warehouse facility. Any capacity that is given to Rush Bayou by them going to the river would eventually by default benefit the Port. With that said, Eric said they would like to pursue the development of this agreement with the necessary commercial terms, liability terms, protection terms in place and then report back to the board with their progress. A motion was made by Commissioner Pannell, seconded by Commissioner Hall and carried.

Hearing no further business to come before the committee, the meeting was adjourned at 12:42 p.m.

Commissioner Miciotto presented the Operations Committee report, and hearing no additions, deletions or amendments, he moved for adoption of the August 10, 2009 report. Motion carried.

**Intergovernmental Committee Report of August 20, 2009:** The Port's Intergovernmental Committee meeting was called to order at 3:00 p.m. today at the University Club by Chairman Ernest Baylor. Committee and commission members in attendance included Lynn Austin, Michael Wainwright, Erica Bryant, James Pannell and Ernest Baylor. Others present were Charles Tutt, Markey Pierre, Eric England and Hettie Agee.

Following a public comment period, the first order of business was a presentation by Markey of the 2009 Regular Legislative Session. She said there were a number of bills filed. During that session the one that took a lot of emphasis was Roll Back/Roll Forward. In addition, there was legislation passed dealing with incentives for private investment within our State's Ports as well as a credit based on Port import and export of cargo.

Knowing the results of the 2009 session, we have already begun planning for the 2010 regular session. Particularly we're going to be focusing on the roll back/roll forward. A constitutional amendment relative to this process, scheduled to be voted on by the people of this State next year, will exempt Ports from the effects of the legislation if passed. However, the partner bill to this constitutional amendment did not contain the exemption for Ports. We will need to focus on this legislation to ensure the Port maintains its ability to roll forward in accordance with our enabling legislation.

Legislative discussion regarding our ongoing projects was also held, particularly Project Pine and the opportunities at the federal level. In addition to this project, the Port has also responded to a recent request from U.S. Senator Landrieu's office for



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referred to as the TIGER program, provides federal funds for transportation and by 2012. Given our existing relationship with Southern Strategy/WSJ group at of an agreement to cover federal issues and report back to the Board as soon as

possible.

As participation in the Washington DC Mardi Gras event has already been authorized by the Board, preliminary discussions were held regarding the anticipated activities while there, including Congressional and staff visits, receptions with local governing authorities and other scheduled events.

There being no further business to consider, the meeting adjourned at 3:45 p.m.

Chairman Ernest Baylor said he offered this report in the form of a motion. The motion was seconded by Commissioner Wainwright. Motion carried.

**Personnel Committee Report of August 20, 2009:** The Personnel Committee meeting was called to order at 4:00 p.m. today at the University Club. Committee and commission members in attendance included James D. Hall, Lynn Austin, Ernest Baylor, Erica R. Bryant, Michael Wainwright, Capt. Thomas F. Murphy, and Ronald J. Miciotto. Others present included Charles Tutt, David Montgomery, Eric England, Gloria Washington, Marilyn Haley and Hettie Agee.

Following a public comment period, the first order of business was a continuation of the discussion from the last meeting regarding the Port's existing PTO Policy. Following the recommendations of Port counsel and based on the committee's discussion, the Committee adopted the following regarding the Port's PTO policy and recommended adoption by the Board for implementation within the Port's policies:

1. Port employees will be allowed to accrue PTO, however at the end of each calendar/fiscal year (currently December 31st), a 30-day PTO cap will be implemented such that employees will be allowed to only roll forward up to 30 PTO days. Capping the number of PTO days will allow the Port to define its contingent liability. Giving the Port's PTO policy, it is possible for an employee to have more than 30 PTO days during the fiscal year, however this action establishes what is commonly referred to as a use it or lose it policy such that accumulated days in excess of 30 at on December 31st or the end of the fiscal year will be lost. Under no circumstances will an employee be allowed to roll forward more than 30 PTO days.

2. Port employees who currently have more than 30 PTO days will, in a one-time payment, be compensated for the number of days above 30 no later than January 10th, 2010. This will be an approximate \$120,000 expense and a one time expense to allow the employees to establish the Port's contingent liability.

A motion was made by Commissioner Austin that the Port's contingent liability be established and by this action require employees be paid before January 10, 2010 for existing PTO days in excess of 30 as of today's date. This represents an approximate \$120,000 cost. In addition, start the new PTO policy of not accumulating over 30 days from year to year on an annual basis with a "use it or lose it" policy as previously discussed in the meeting. Employees will be capable of having more than 30 days during the year, however they will lose any days in excess of 30 at the end of the fiscal year. Second by Commissioner Baylor. Motion carried.

3. These PTO policy changes are to be reflected immediately within the Port's employee handbook and policies.

As a result of the changes to the PTO policy, there was also discussion regarding the Port's long-term and short-term disability policies. Discussion centered on changing the long-term disability elimination period to 90 days from 180 days and the short-term disability benefit to a maximum of \$1,000 per week after a 14 day elimination period. The Port's Insurance Agent of Record, David Montgomery, was present and presented the benefits of shifting the Port's LTD and STD policies to MetLife from Southern National effective October 1<sup>st</sup>. Mr. Montgomery was asked to confirm deductibles currently paid by employees would be taken into account such that employees would not be required to meet another deductible under the new policies. In addition, the Port's vision, dental, dependent life and life insurance policies were reviewed and the proposed changes were recommended, including increasing the life insurance and adding vision insurance to the Port's package provided to employees.

A motion was made by Commissioner Austin, second by Commissioner Baylor to approve and provide employees the discussed long-term disability, short-term disability, life, vision, and dental policies effective October 1, 2009. The motion carried.

There being no further business to come before the committee, the meeting adjourned at 4:30 p.m.

As Chairman, he offered the report and the actions of the committee in the form of a motion, was seconded by Commissioner Baylor, and the motion carried.

the motions as stated in the Personnel Committee Report. The motion was

#### NEW BUSINESS:

Mr. Pannell explained on the following resolutions, even though he would accept a motion separately on each of them, he wanted to combine the discussion on those with trailing resolutions. Mr. Pannell then recognized Charles Tutt who said technically the Commission would need an amendment to Resolutions No. 27 and 27-A with a motion to reject the low bid on the project from Southern Industrial Contractors based on them being non-responsive with the bidding documents. A motion was made by Commissioner Austin, seconded by Commissioner Wainwright. Commissioner Pannell called for any discussion. The vote was taken and it passed unanimously.

**\*Resolution No. 27** - Award of Bid on SPN 578-09-0017 Warehouse & Distribution Facility and Agent of Record on General Contractor and Subcontractor: Mr. England said this would be the award of contract to the Wieland-Davco for the Warehouse and Distribution Facility. As stated by Mr. Pannell, 27-A, as there were several resolutions on the agenda today, regarding the trailing resolution, the discussion was the same. A motion to adopt was made by Commissioner Hall, second by Commissioner Austin. Motion carried. (Resolution to be provided to Wieland-Davco and copy placed on file in the permanent records of the Port)

**\*Resolution No. 27-A** Certifying Compliance with Public Bid Laws on SPN 578-09-0017 Warehouse & Distribution Facility: A motion to adopt was made by Commissioner Hall, second by Commissioner Miciotto. Motion carried. (To be forwarded to DOTD with project bid documents)

**\*Resolution No. 28** – Agent of Record on General Contractor and Subcontractor on SPN 578-09-0015(324) Roadways, Rail, Dock and Water Utilities (Formerly Paper Company) Dock Structure and Crane, Phase 4: Mr. England said this resolution established the Agent of Record on the dock and crane project. The project was awarded to Cecil D. Gassiott, LLC. A motion for adoption was made by Commissioner Hall, second by Commissioner Wainwright. Motion carried. (Resolution to be forwarded to Cecil D. Gassiott, LLC and copy placed in the permanent records of the Port)

**\*Resolution No. 28-A** – Certifying Compliance with Public Bid Laws, SPN 578-09-0015 (324) Dock Structure and Crane: A motion for adoption was made by Commissioner Hall, seconded by Commissioner Austin and carried. (To be forwarded to DOTD with project bid documents)

**\*Resolution No. 29** - Award of Bid on SPN 578-09-0012(326) Slack Water Harbor Rail Access (Phase 6 of SPN 578-09-0012) Part A and Agent of Record on General Contractor and Subcontractor: Mr. England said this was what is commonly referred to as the Pratt rail project. This project was split into two phases, A and B. This resolution is for the A portion which was the earthwork associated with the project. This resolution is to award the project to Specialty Trackhoe & Dozer Service. A motion for adoption was made by Commissioner Baylor, seconded by Commissioner Miciotto and carried. (Resolution to be forwarded to Specialty Trackhoe & Dozer Service and copy placed in the permanent records of the Port)

**\*Resolution No. 29-A** Certifying Compliance with Public Bid Laws 578-09-0012(326): A motion to adopt was made by Commissioner Hall, seconded by Commissioner Miciotto and carried. (To be forwarded to DOTD with project bid documents)

**\*Resolution No. 30** Award of Bid on SPN 578-09-0012(320) Slack Water Harbor Rail Access (Phase 0 of SPN 578-09-0012) Part B and Agent of Record on General Contractor and Subcontractor: Mr. England said this was for the second part of the Pratt rail project which is the installation of the rail portion of the project. The resolution is to award the project to North American Railway. Commissioner Hall asked how these were going to be completed and Rick answered there was a slight delay between them. Commissioner Hall made a motion to adopt, second by Commissioner Watkins. Motion carried. (Resolution to be forwarded to North American Railway Services, Inc. and copy placed in the permanent records of the Port)

**\*Resolution No. 30-A** Certifying Compliance with Public Bid Laws, SPN 578-09-0012(320) Rail Access Part B: A motion to adopt was made by Commissioner Hall, seconded by Commissioner Hall, second by Commissioner Watkins and motion carried. (To be forwarded to DOTD with project bid documents)

**\*Resolution No. 31** Award of Bid on SPN 578-09-0015(322) Roadways, Rail, Dock and Water Utilities (Formerly Paper Company) Reclaimed Water Pump Station Phase 2 and Agent of Record on General Contractor and Subcontractor: Mr. England said this was the resolution to award the project of the pump house portion of the gray water system project. The resolution is to award the project to McInnis Bros. Construction for this project. A motion to approve was made by Commissioner Austin, seconded by Commissioner Murphy and carried. (Resolution to be forwarded to McInnis Bros. Construction and copy placed in the permanent records of the Port)



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nce with Public Bid Laws on SPN 578-09-0015 (322) Reclaimed Water Pump  
Commissioner Baylor, second by Commissioner Austin and motion passed. (To be

**\*Resolution No. 32** - Project Acceptance on SPN 578-09-0012(328) Slack Water Harbor Access Road Part B (Phase 8 of SPN 578-0012): Mr. England said this was the Pratt Access Road, Part B; F. J. Burnell was the contractor on this project. A motion to adopt was made by Commissioner Baylor, second by Commissioner Wainwright and motion carried. (Resolution to be forwarded with closeout documents to DOTD and copy placed on file of the Port Commission)

**\*Resolution No. 33** – Authorizing the Issuance of not exceeding \$11M of CBPPC Taxable Revenue Bonds (Louisiana Coca Cola Bottling Company LLC Project): Mr. England said this was the final resolution for the Coca Cola project. They've held the Public Hearing and the final step is to close out after adoption of this resolution. They anticipate closing next week. A motion to adopt was made by Commissioner Watkins, second by Commissioner Murphy and carried. (Resolution to be forwarded to Bond Attorney and copy placed in the permanent records of the Port Commission)

**\*Authorization** – Purchase of 247.434-acre tract of land located in the Frances Grappe and Sons Grant and being in theoretical Section 19, Township 16 North, Range 12 West, and in Theoretical Section 24, Township 16 North, Range 13 West, Caddo Parish, Louisiana: Mr. England said this commonly had been referred to as the Cupples tract of land. They were wrapping up the process and awaiting closing which had tentatively scheduled for next Thursday. Commissioner Pannell had arranged to be at closing to execute that transaction. A motion to give authorization to purchase the tract of land was made by Commissioner Austin, seconded by Commissioner Hall and carried.

**\*Approval of 2008 Audit:** Mr. England said the audit had been distributed to the Board, was presented by Heard, McElroy & Vestal at last week's Audit Finance Committee meeting and had been prepared for adoption by the Board today. A motion to adopt was made by Commissioner Watkins, second by Commissioner Austin and carried.

**\*Staff Job Descriptions, Employee Handbook & Forms:** Mr. England said as a recap the Commission underwent an audit that was performed by Price Barker and Gayla Godfrey to assess the Port's Human Resource forms, processes, employee job descriptions and employee handbook. The recommendations were presented at last week's Personnel Committee, were distributed to the Commission and are prepared for adoption by the Board at this time. A motion to adopt was made by Commissioner Hall, seconded by Commissioner Austin and carried. Commissioner Murphy said they needed to commend the staff for the work they did on this because they did a job well done and Eric said thank you on behalf of the staff.

**Port Director's Report:** Mr. England said he wanted to compliment the finance department and the Port staff for all the work that went into also the adoption of the Audit. They received a favorable audit once again this year.

The Regional Commerce Center, they reported last week where they were with the Court of Appeal and did file a joint motion with the three parties to have it returned to the District Court and are awaiting word on a date they can return with the Injunction Hearing. The preliminary answers are October dates and are making our plea to possibly move some dates to September if possible. At this point they are on hold on that project until they can 1) get a date and 2) pursue the Injunction Hearing.

Finally Mr. England said he would like to seek the pleasure of the Board on changing the November committee meeting dates one week in advance given the travel schedule associated with an event several commissioners and staff are going to. The proposal is to change the committee meeting dates from November 9 to November 2 and if there are no objections, we could make that change. A motion to approve the change was made by Commissioner Hall, seconded by Commissioner Austin and carried.

Commissioner Pannell said he wanted to thank the Board for the work done today and for the work done up until now on all of the committee meetings. They are seeing the fruits of their labor now.

Hearing no further business to come before the Board, Commissioner Pannell entertained a motion for adjournment at 5:05 p.m. The motion was made by Commissioner Austin and was seconded unanimously and carried.

Respectfully submitted,

Ronald J. Miciotto  
Secretary-Treasurer

## MEETING NOTICES!!

**Date and Place of next Regularly Scheduled Board Meeting: Thursday, September 24, 2009, 4:30 p.m.**  
Bossier City Hall, Mayor's Conference Room, Bossier City, LA



**Notice of Special Board Meeting: Monday, September 14, 2009, Noon**

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Sci-Port Discovery Center  
Agenda: TEFRA Hearing  
00 CBPPC Tax-Exempt Revenue Bonds  
Northwest Pipe Company Project

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**Committee Meetings, Monday, September 14, 2009, 12 Noon**  
0 Clyde Fant Memorial Pkwy, Shreveport, LA