

**MEETING MINUTES FOR
THE BOARD OF COMMERCE AND INDUSTRY
OF THE
LOUISIANA ECONOMIC DEVELOPMENT CORPORATION
HELD AT
LASALLE BUILDING
617 NORTH 3RD STREET
LABELLE ROOM
BATON ROUGE, LOUISIANA
ON THE 21ST DAY OF FEBRUARY, 2020
COMMENCING AT 9:34 A.M.**

REPORTED BY: ELICIA H. WOODWORTH, CCR

Appearances of Board Members Present:

R. L. Allain, II
Larry Bagley
Stuart Bishop
Don Briggs
Yvette Cola
Major Coleman
Rickey Fabra
Manuel "Manny" Fajardo
Kenneth Havard
Ronnie Johns
Jerald Jones
Heather Malone
Jan Moller
Stuart A. Moss
Secretary Don Pierson
Darrel Saizan, Jr.
Ronnie Slone
David H. Touns
Sean D. Wilson, Ph.D.
Dr. Woodrow Wilson, Jr.

Staff members present:

Samantha Booker
Tam Bourgeois
Torri Buckles
Kristin Cheng
Frank Favaloro
Brenda Guess
Richard House
Becky Lambert
Liz McCain
Mandi Mitchell
Joyce Metoyer
Robin Porter
Deborah Simmons
Hud Usie

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1 MR. JONES: Let's call the February 21
2 meeting of the Louisiana Board of Commerce and Industry
3 to order.

4 And, Ms. Simmons, if you will call roll to
5 ensure we have a quorum, I will appreciate that.

6 MS. SIMMONS: Don Briggs.

7 MR. BRIGGS: Here.

8 MS. SIMMONS: Mayor David Toups.

9 MR. TOUPS: Here.

10 MS. SIMMONS: Yvette Cola.

11 MS. COLA: Here.

12 MS. SIMMONS: Major Coleman.

13 MAJOR COLEMAN: Here.

14 MS. SIMMONS: Rickey Fabra.

15 MR. FABRA: Here.

16 MS. SIMMONS: Manuel Fajardo.

17 (No response.)

18 MS. SIMMONS: Stuart Moss.

19 MR. MOSS: Here.

20 MS. SIMMONS: Representative Larry Bagley,
21 designee for Paula Davis.

22 MR. BAGLEY: Here.

23 MS. SIMMONS: Senator Ronnie Johns.

24 MR. JOHNS: Here.

25 MS. SIMMONS: Kenneth Havard.



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1 MR. HAVARD: Here.
2 MS. SIMMONS: Jerald Jones.
3 MR. JONES: Here.
4 MS. SIMMONS: Heather Malone.
5 MS. MALONE: Here.
6 MS. SIMMONS: Senator Rhett Allain.
7 MR. ALLAIN: Here.
8 MS. SIMMONS: Representative Stuart Bishop.
9 MR. BISHOP: Present.
10 MS. SIMMONS: Jan Moller.
11 MR. MOLLER: Here.
12 MS. SIMMONS: Secretary Don Pierson.
13 SECRETARY PIERSON: Present.
14 MS. SIMMONS: Scott Richard.
15 (No response.)
16 MS. SIMMONS: David Schexnaydre.
17 (No response.)
18 MS. SIMMONS: Darrel Saizan.
19 (No response.)
20 MS. SIMMONS: Ronnie Slone.
21 MR. SLONE: Here.
22 MS. SIMMONS: Dr. Shawn Wilson.
23 DR. S. WILSON: Here.
24 MS. SIMMONS: Dr. Woodrow Wilson.
25 DR. W. WILSON: Here.

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1 MS. SIMMONS: We have a quorum.

2 MR. JONES: Great. Thank you, ma'am.

3 And let me take a moment just to -- we have
4 some new members of the Board of Commerce and Industry
5 here for their first meeting.

6 Mayor David Toups, welcome. Representative
7 Bagley, I know you're not an official member, but we
8 thank you for being here and stepping in. Mr. Havard
9 from West Feliciana Parish, for those of us who are very
10 interested in that sort of thing, welcome, Kenny.
11 Mr. Moss, Stuart, thank you for being here today.
12 Senator Johns, thank you. Representative Stuart Bishop.
13 I know he's down there someplace. There he is. Thank
14 you. And Senator Brad Allain, thank you very much.

15 Am I'm missing anybody new? No. I think
16 we've got it.

17 As we go through the agenda today, I'll be
18 getting accustomed to the new faces. If we have motions
19 and seconds, just raise your hand and I'll try to catch
20 them as we go.

21 With that, we've had an opportunity to
22 review the minutes from the meeting of December 13,
23 2019, and I'll entertain a motion to approve those
24 minutes.

25 MR. SLONE: I'll move.



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1 MR. JONES: Motion and second. Motion from
2 Mr. Slone; second from Dr. Shawn Wilson.

3 Any comments or questions from the Board?
4 (No response.)

5 MR. JONES: Any comments or questions from
6 the public?

7 (No response.)

8 MR. JONES: There being none, all in favor,
9 say "aye."

10 (Several members respond "aye.")

11 MR. JONES: Any opposition?

12 (No response.)

13 MR. JONES: There is no opposition. Those
14 minutes are approved.

15 Ms. Booker, would you please come to the
16 table and lead us through the Quality Jobs Program
17 issues today.

18 MS. BOOKER: Good morning.

19 MR. JONES: Good morning.

20 MS. BOOKER: I have three new Quality Jobs
21 applications. First application Number 20170290,
22 ControlWorx, LLC, East Baton Rouge Parish; 20190223,
23 Intralox, LLC in Jefferson Parish; 20170271, UTLX
24 Manufacturing, LLC in Rapides Parish. And that
25 concludes the new applications.



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1 MR. JONES: I would entertain a motion to
2 approval those new Quality Jobs applications.

3 Motion from Dr. Woody Wilson; second from
4 Mr. Fabra.

5 Any questions or comments from the Board?
6 (No response.)

7 MR. JONES: There being none, any questions
8 or comments from the public?

9 I see none.

10 All in favor, say "aye."

11 (Several members respond "aye.")

12 MR. JONES: Any opposition?

13 (No response.)

14 MR. JONES: There being none, that motion
15 carries.

16 MS. BOOKER: I have five requests for
17 renewals: Application Number 20141058, American
18 Biocarbon CT, LLC in Iberville Parish; Application
19 20141197, Lapeyre Stair, Inc., Jefferson Parish;
20 20150027, USA Rail Terminals, LLC in West Baton Rouge
21 Parish; 20141322, Virdia B2X, LLC, Lafourche Parish;
22 20130129, Vivace Corporation in Orleans Parish. And
23 that concludes the renewals.

24 MR. JONES: I would entertain a motion to
25 approve these five renewal applications.



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1 Motion, Ms. Cola; second, Mr. Slone.

2 Any questions or comments from the Board?

3 One thing I do want to make clear,
4 especially with new members, although we're voting on
5 these all five, if there are any objections to any one
6 of them, of course now is the time to raise the
7 objection so we can handle them separately, but in any
8 event, right now we have a motion to approve all five.

9 No questions or comments from the Board?

10 (No response.)

11 MR. JONES: Any question or comments from
12 the public?

13 (No response.)

14 MR. JONES: There being none, all in favor,
15 say "aye."

16 (Several members respond "aye.")

17 MR. JONES: Any opposed?

18 (No response.)

19 MR. JONES: There is no opposition.

20 MS. BOOKER: I have two special requests:
21 One change in company name, Project ID 20110680, Almatris
22 Burnside, LLC changing the company name to LALUMINA, LLC
23 in Ascension Parish; and change of project physical
24 location, Project ID 2015111, S&W Payroll Services, LLC,
25 previous address 1100 North Causeway Boulevard, Suite 1



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1 in Mandeville, Louisiana, previous parish was St.
2 Tammany, new address will be 1155 Highway 190 East
3 Service Road, Suite 200 in Covington, Louisiana, and the
4 same parish, St. Tammany.

5 MR. JONES: We don't have any issues with
6 recording or tax assessor issues since it's the same
7 parish?

8 MS. BOOKER: Right.

9 MR. JONES: Great.

10 I would entertain a motion to approve these
11 two.

12 Mr. Fabra; second, Mr. Briggs.

13 Any questions or comments from the Board?

14 (No response.)

15 MR. JONES: Seeing none, any questions or
16 comments from the public?

17 (No response.)

18 MR. JONES: Seeing none, all in favor, say
19 "aye."

20 (Several members respond "aye.")

21 MR. JONES: Any opposition?

22 (No response.)

23 MR. JONES: There being none, that motion
24 carries.

25 MS. BOOKER: And that concludes Quality



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1 **Jobs.**

2 **MR. JONES:** Thank you, Ms. Booker.
3 **Appreciate your time this morning.**

4 **Ms. Lambert,** these are matters dealing with
5 **the Restoration Tax Abatement Program.**

6 **MS. LAMBERT:** Yes, sir. Good morning.

7 **MR. JONES:** Good morning.

8 **MS. LAMBERT:** We have 10 new Restoration Tax
9 **Abatement applications, they are:** 20190384, Alpha
10 **University Place, LLC in Lafayette; 20190288, Colvin &**
11 **Smith, APLC in Claiborne; 20190424, Imperial Property**
12 **Holdings, LLC, Lafayette; 20190293, Jorge Property**
13 **Group, LLC in Jefferson; 20161832, McGuire Real Estate**
14 **Group, LLC, St. Tammany; 20190212, Monroe Development,**
15 **LLC, Ouachita; 20190013, Pine and Fifth, LLC, Ouachita;**
16 **20170514, Sun Days are Fundays, LLC, Orleans; 20170515,**
17 **Thursday Dinner, LLC, Orleans; 20190017, Twin Oak**
18 **Investments, LLC, Caddo.**

19 **This concludes the new applications. Total**
20 **investment of 21,900,000, and all applications have**
21 **received local endorsement by resolution.**

22 **MR. JONES:** Great. Thank you, Ms. Lambert.

23 **I would entertain a motion to approve.**

24 **Motion from Dr. Woody Wilson; second from**
25 **Dr. Shawn Wilson.**



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1 Any questions or comments from the Board?
2 (No response.)

3 MR. JONES: Seeing none, any questions or
4 comments from the public?

5 (No response.)

6 MR. JONES: Seeing none, all in favor, say
7 "aye."

8 (Several members respond "aye.")

9 MR. JONES: Any opposition?

10 (No response.)

11 MR. JONES: No opposition. That motion
12 carries. Thank you.

13 MS. LAMBERT: All right. Our next item is
14 renewals, and we have two renewals for our consideration
15 of approval. First one is 20130103, Renaissance Gateway
16 Limited Partnership in East Baton Rouge, and 20130290,
17 WN Tower, LLC, East Baton Rouge Parish.

18 This concludes renewals.

19 MR. JONES: I'll entertain a motion to
20 approve these two renewals.

21 Motion from Mr. Moller; second from Ms.
22 Malone.

23 Any questions or comments from the Board?
24 (No response.)

25 MR. JONES: Seeing none, any questions or



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1 comments from the public?

2 (No response.)

3 MR. JONES: Seeing none, all in favor, say
4 "aye."

5 (Several members respond "aye.")

6 MR. JONES: Any opposition?

7 (No response.)

8 MR. JONES: No opposition. That motion
9 carries.

10 MS. LAMBERT: All right. We have one last
11 item, and it's a transfer of ownership request for
12 Contract Number 20120220, the former owner Echolstar
13 Investments, LLC, the new owner is Rain The Salon, LLC
14 in Ouachita Parish.

15 MR. JONES: We would entertain a motion to
16 approve this transfer of ownership.

17 Motion from Mayer Toups; second from Dr.
18 Woody Wilson.

19 Any questions or comments from the Board?

20 (No response.)

21 MR. JONES: Seeing none, any questions or
22 comments from the public?

23 (No response.)

24 MR. JONES: Seeing none, all in favor, say
25 "aye."



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1 (Several members respond "aye.")

2 MR. JONES: Any opposed?

3 (No response.)

4 MR. JONES: Hearing none, that motion
5 carries.

6 MS. LAMBERT: I'd like to just add, on
7 transfers and special requests, resolutions are required
8 and contract resolutions are required from the local
9 governing authority.

10 MR. JONES: Great. And all of those have
11 been received?

12 MS. LAMBERT: Right.

13 MR. JONES: Thank you, Ms. Lambert.
14 Appreciate your help.

15 Thank you, Ms. Metoyer. How are you this
16 morning?

17 MS. METOYER: I'm good. How are you?

18 MR. JONES: Very good. Thank you.

19 MS. METOYER: I have eight new applications
20 for Enterprise Zone: 201511755, AUM Investments, LLC,
21 Ascension Parish; 20170142, Leading Health Care of
22 Louisiana, Incorporated, Calcasieu Parish; 20170492,
23 Louisiana Sugar Cane Cooperative, Incorporated, St.
24 Martin Parish; 20160868, Om Shanti Om Five, LLC,
25 Lafayette Parish; 20170475, Palmisano, LLC, Orleans



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1 Parish; 20170129, Performance Propants, LLC, Caddo
2 Parish; 20151090, Thermalayne, LLC, West Baton Rouge
3 Parish; and 20160858, Westlake Management Services,
4 Incorporated, Iberville Parish.

5 MR. JONES: I'll entertain a motion to
6 approve these applications for Enterprise Zone.

7 Ms. Cola motions; second from Mr. Coleman --
8 Major Coleman. Thank you.

9 Any questions or comments from the Board?
10 (No response.)

11 MR. JONES: Seeing none, any questions or
12 comments from the public?

13 (No response.)

14 MR. JONES: Hearing none, all in favor, say
15 "aye."

16 (Several members respond "aye.")

17 MR. JONES: Any opposition?

18 (No response.)

19 MR. JONES: Hearing none, the motion
20 carries.

21 MS. METOYER: We have six terminations, and
22 all terminations are requested by the company.

23 20150002, C&C Marine and Repair, LLC,
24 Plaquemines Parish. The existing contract is 1/2/2015
25 through 1/1 of 2020. The requested term date is June



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30, 2017. The program requirements have been met, no additional jobs are anticipated; 20161931, Domain CAC, LLC, Orleans Parish. The existing contract is 12/19/2016 through 6/18 of 2019. The requested term period is 6/18 of 2019. The program requirements have been met, no additional jobs are anticipated; 20150145, Eagle US 2, LLC, Calcasieu Parish. The existing contract is 2/11/2015 to 2/10/2020. The requested term date is August 10 of 2017. The program requirements have been met, no additional jobs are anticipated; 20141345, Joseph A. Yale, DDS, LLC, Livingston Parish. The existing contract is 10/24/2014 to 10/23/2019. The requested term date is 10/23 of 2017. Program requirements have been met, no additional jobs are anticipated; 20140355, Mansfield Auto World, Incorporated, DeSoto Parish. The existing contract is August 18 of 2014 to August 17 of 2019. The requested term date is 12/31 of '18. The program requirements have been met, no additional jobs are anticipated; and 20150863, New Hotel Monteleone, LLC, doing business as Hotel Monteleone in Orleans Parish, and it's May 1 of 2015 through April 30 of 2020. The requested term date is 12/31 of 2017, and the program requirements have been met, no additional jobs are anticipated.

MR. JONES: Thank you.



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1 I'll entertain a motion to approve these
2 terminations -- cancelations. Excuse me.

3 MS. METOYER: Terminations.

4 MR. JONES: Terminations. Excuse me. I had
5 it right the first time.

6 Motion, Ms. Malone; second from Mr. Coleman.

7 Any questions or comments from the Board?

8 (No response.)

9 MR. JONES: No questions.

10 Any questions or comments from the public?

11 (No response.)

12 MR. JONES: There being none, all in favor,
13 say "aye."

14 (Several members respond "aye.")

15 MR. JONES: Any opposition?

16 (No response.)

17 MR. JONES: No opposition. That motion
18 carries

19 MS. METOYER: That concludes Enterprise
20 Zone.

21 MR. JONES: Thank you so much.

22 MS. METOYER: Thank you.

23 MR. JONES: All right. Now we move into the
24 Industrial Tax Exemption Program. Ms. Cheng and Usie --
25 oh, no. Mr. Favaloro first.



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1 MR. FAVALORO: First, the report of the
2 status of pre-EO advances.

3 MR. JONES: Please go right ahead.

4 MR. FAVALORO: At the October 23rd, 2019
5 Board meeting, the Secretary announced that given the
6 passage of time since the Governor's issuance of the
7 Executive Order, the department requested that
8 applicants with active projects subject to unexpired
9 advance notifications filed prior to June 24th of '16
10 advise LED of the status of those projects, including
11 whether any active projects in additional phases.

12 At the December Board meeting, the Secretary
13 reiterated the request for applicants to notify the
14 department no later than the 31st of December 2019 of
15 any intent to act on the project or projects associated
16 with each preexisting Executive Order of advance filing
17 made for ITEP, including any front-end or phased
18 applications, and to send those to our e-mail,
19 ITEP@la.gov.

20 The Secretary also stated that applicant
21 manufacturers are to demonstrate a genuine commitment to
22 investing in the communities of whery they've proposed to
23 operate with a genuine commitment to create or retain
24 jobs in those communities.

25 In response to this request by the



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1 department, LEDC received notice of 56 projects
2 estimated to still be in progress under the
3 pre-Executive Order rule. The status provided on these
4 56 projects had varying responses for being in the
5 process of filing original application, phase
6 applications and final-phase applications. Due to the
7 varying responses and lack of additional detail
8 provided, the number of the associated applications to
9 be filed for the 56 projects is uncertain, but will
10 likely exceed 56, and a specific end date for the
11 majority of these projects is currently unknown.

12 Taking into consideration the feedback
13 received to date, the time that has passed since
14 issuance of the June 2016 Executive Order and the
15 manageable number of identified projects, LED's only
16 suggestion to the Board at this time is for companies
17 seeking approval of applications for projects tied to a
18 pre-Executive Order and advance notification make an
19 appearance at the Board meeting to provide a summary
20 status and outlook of the project at the time of Board
21 consideration of an application to confirm the company's
22 genuine commitment to investing in the communities in
23 which they've proposed to operate and benefit from the
24 ITEP program.

25 That concludes the report.



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1 MR. JONES: Any questions or comments to
2 Mr. Favaloro from the Board?

3 (No response.)

4 MR. JONES: This, so as I appreciate it,
5 what you're essentially suggesting to the Board is
6 that -- and we don't have any pre-EO applications on the
7 agenda today that I'm aware of.

8 MR. FAVALORO: No, sir.

9 MR. JONES: Okay. So presuming we have some
10 at the April meeting, you are suggesting to us that for
11 each of those applications, that a representative from
12 the company come to the table and simply explain what
13 the future for the project is.

14 MR. FAVALORO: Yes, sir.

15 MR. JONES: Is that a fair summary of your
16 explanation?

17 MR. FAVALORO: Yes, sir.

18 MR. JONES: Does that stem any other
19 questions or comments from the Board, just so we all
20 understand?

21 (No response.)

22 MR. JONES: Okay. Great. Thank you, Mr.
23 Favaloro. I appreciate that report. We will take it
24 under consideration.

25 Now, Ms. Cheng and Mr. Usie.



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1 MS. CHENG: Good morning.

2 MR. JONES: Good morning.

3 MR. USIE: We have four post-Executive Order
4 2017 rules applications, two of which are requesting to
5 withdraw their applications from consideration. Those
6 are 20180214, PacTecc, Inc., East Feliciana Parish, and
7 20180215, Schilling Investments, LLC, East Feliciana
8 Parish.

9 MR. JONES: So help, before I call for a
10 motion, they're requesting to withdraw the application
11 altogether?

12 MR. USIE: Correct. They won't be moving
13 forward.

14 MR. JONES: Okay. All right. So we need a
15 motion to approve the withdrawal of those two
16 applications.

17 Motion from Mr. Fabra; second from
18 Mr. Fajardo.

19 Any questions or comments from the Board?
20 (No response.)

21 MR. JONES: There being none, any questions
22 or comments from the public?

23 (No response.)

24 MR. JONES: There being none, all in favor
25 of the motion to allow this withdrawal of applications,



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1 say "aye."

2 (Several members respond "aye.")

3 MR. JONES: Any opposition?

4 (No response.)

5 MR. JONES: Hearing none, the motion
6 carries. Thank you.

7 MR. USIE: 20161802, Bollinger Amelia
8 Operations, LLC, St. Mary Parish, and 20170161, Calumet
9 Branded Products, LLC in Caddo Parish. And that
10 concludes the 2017 rules and new applications.

11 MR. JONES: Okay. Entertain a motion to
12 approve these two applications.

13 MR. MOLLER: I have a question.

14 MR. JONES: Sure. Let's get a motion and
15 then we can get to the questions if that's all right.

16 We have a motion from Mr. Moss; second from
17 Dr. Woody Wilson.

18 Now open for questions.

19 MR. MOLLER: I just noticed both of these
20 projects went into operation in early January of 2018,
21 and so I guess my question is why are we seeing this
22 application now and not within three months of the
23 project starting?

24 MR. JONES: Please direct your question
25 to --



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1 MR. USIE: Under the 2017 rules, the
2 companies are required to seek Exhibit Bs from the
3 locals prior to coming to the Board, and both of those
4 companies, Bollinger and Calumet, did have several
5 revisions that had to be made to their exhibits before
6 they were accepted.

7 MS. CHENG: But they did file their
8 applications within 90 days of completion, so they were
9 filed.

10 MR. MOLLER: That's at the local level?

11 MS. CHENG: Yes. The application was filed
12 on time. We were just waiting on the local approvals to
13 come into our office before we were able to bring them
14 to y'all for your approval.

15 MR. MOLLER: Thank you.

16 MR. JONES: Any other questions or comments
17 from the Board?

18 (No response.)

19 MR. JONES: Any questions or comments from
20 the public?

21 (No response.)

22 MR. JONES: Hearing none, all in favor of
23 the motion, say "aye."

24 (Several members respond "aye.")

25 MR. JONES: Any opposition?



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1 (No response.)

2 MR. JONES: Hearing none, the motion
3 carries.

4 MR. USIE: Next we have 12 Executive Order
5 2018 rule applications. Four are requesting deferral"
6 20190391, The Folger Coffee Company, Orleans Parish;
7 20190392, The Folger Coffee Company, Orleans Parish;
8 20190131, Turner Industries Group, LLC, West Baton Rouge
9 Parish; and 20190132, Turner Industries Group, LLC, West
10 Baton Rouge Parish.

11 MR. JONES: These four are seeking deferral
12 till next meeting?

13 MR. USIE: Correct.

14 MR. JONES: Okay. I'll entertain a motion
15 to defer consideration of these four applications until
16 the next meeting.

17 Motion from Mr. Slone; second from Dr. Shawn
18 Wilson.

19 Any questions or comments from the Board?

20 (No response.)

21 MR. JONES: There being none, any questions
22 or comments from the public?

23 (No response.)

24 MR. JONES: Hearing none, all in favor of
25 the motion to defer these four projects, say "aye."



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1 (Several members respond "aye.")

2 MR. JONES: Any opposition?

3 (No response.)

4 MR. JONES: Hearing none, the motion carries.

5 Thank you.

6 MR. USIE: 20190355, CF Industries Nitrogen,
7 LLC, Ascension Parish; 201801498, Diversified Foods &
8 Seasonings, LLC, St. Tammany Parish; 20170636, Exxon
9 Mobil Corporation (Lubes), West Baton Rouge Parish;
10 20190086, Fisher Manufacturing Services, Tangipahoa
11 Parish; 20190285, Frymaster, LLC, Caddo Parish;
12 20190277, House of Raeford Farms of Louisiana, LLC,
13 Bienville Parish; 20180403, Indorama Ventures Olefins,
14 LLC, Calcasieu Parish; and 2019076 Raeford Farms of
15 Louisiana, LLC in Lincoln Parish.

16 MR. JONES: Great. Entertain a motion to
17 approve those applications.

18 Motion from Mr. Briggs; second from Senator
19 Johns.

20 Any questions or comments from the Board?

21 (No response.)

22 MR. JONES: There being none, any questions
23 or comments from the public?

24 Yes, sir. Please state your name and your
25 address for the record, please.



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1 MR. CAGE: Yes. Thank you. My name is
2 Edgar Cage, and my address is 4302 Melvin Street, Baker.
3 First time I've had to do this, but I hope it's not any
4 problem.

5 MR. JONES: Not a problem.

6 MR. CAGE: I'm representing Together
7 Louisiana, and we have general statement of why we think
8 some of these exemptions, you know, should not be
9 approved because they don't meet the Constitutional
10 test. There are certain things that the Constitution,
11 the Louisiana State Constitution requires that you, as
12 fiduciary agents, should make sure that the moneys,
13 including tax abatements that are being given away, meet
14 their Cabela test, and these things don't because we
15 need a written cost benefit analysis. A written one,
16 not just something somebody says anecdotal, where not
17 only the Board members, but the public and other
18 government entities can see why and what you are doing.
19 And we have no record, have not seen this in any of
20 these exemptions.

21 So we just want to go on record to say these
22 don't meet the tests provided by the Constitution, and
23 we have -- that's overall. And generally we will --
24 specifically we may come up with objections against
25 some, but overall, I don't think you, the Board, have



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1 sufficient information or documentation to either
2 approve or even consider these exemptions as required
3 you being a fiduciary agent for the residents, the
4 citizens of Louisiana.

5 So we respectfully request that you make
6 sure you know as far as whether the jobs are being
7 completed, whether it's really mandatory or necessary
8 that this exemption is required for this company to be
9 in Louisiana and to remain here in Louisiana. And there
10 shouldn't be the threat of "We're moving." That's
11 something that needs to be determined and determined
12 with facts and follow up. So we respectfully ask you,
13 this Board, being the fiduciary agency for the local tax
14 entities, to really look at these things close and don't
15 just automatically approve them because we're denying
16 the local access to tax money that they need and they
17 can use.

18 MR. JONES: Mr. Cage, let me make sure I
19 understand your comments today. Do you have any
20 specific information about any of the matters that are
21 under the motion that's on the floor right now? Do you
22 have any specific information that any of these
23 applicants do not meet the Constitutional mandate?

24 MR. CAGE: Well, one, that is not a written,
25 a documented cost benefit analysis that's been shared.



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1 MR. JONES: Is it a Constitutional
2 requirement that there be a cost benefit analysis?

3 MR. CAGE: Part of your fiduciary
4 responsibility, yes, sir.

5 MR. JONES: What part of the Constitution is
6 that found in?

7 I'm talking to Mr. Cage right now,
8 Mr. Bagert. Thank you.

9 MR. BAGERT: I'm just going to advise him.

10 MR. CAGE: Article 7, Subsection 14.

11 MR. JONES: And where in the Article 7
12 Section 14 is cost benefit analysis mentioned?

13 MR. CAGE: Any provision authorized in ITEP
14 exemptions prohibits exemptions of any property other
15 than that specifically enumerated.

16 And Article 7:21(D), is limitations of such
17 Constitutional grafting, they're called self-executing.

18 And there was a case that the Louisiana
19 Supreme Court ruled on, a claim for exemption from
20 taxation under provisions of the Constitution, every
21 reasonable doubt is resolved adversely to the claimant.
22 So the people of Louisiana, it should be proven and
23 documented where we can see them.

24 MR. JONES: So there's nothing in the
25 Constitution that specifically requires a cost benefit



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1 analysis; is that accurate?

2 MR. CAGE: Well, for you to determine
3 whether the return that the citizens -- you can't give
4 away public abatements without understanding that you're
5 getting something in return of equal or more value.

6 MR. JONES: Except the fact the tax
7 exemption, the Industrial Tax Exemption is specifically
8 allowed by the Constitution.

9 MR. CAGE: It is allowed by the
10 Constitution, but it was set up in 1936 and --

11 MR. JONES: It's been that way since 1936.

12 MR. CAGE: And it authorizes this Board to
13 administer the Industrial Tax Exemption Program, but
14 that authorization comes with explicit and implied
15 constraints.

16 MR. JONES: What are the explicit
17 restraints?

18 MR. CAGE: The power of taxation, which
19 includes the power to grant exemptions, shall be
20 exercised for public purposes. And it goes into the
21 Louisiana Article 7, Number 1, public funds, credit,
22 property or things of value, which include tax
23 abatement, shall not be donated to any person,
24 association or corporation, public or private. And
25 that's what you need information to see if they're



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1 donated or not because some of these things don't fit
2 the test. Most of these --

3 MR. JONES: Okay. That's what I'm trying to
4 understand, Mr. Cage.

5 MR. CAGE: Yes.

6 MR. JONES: Do you have any specific
7 information about any of the applicants that are subject
8 to this motion that do not meet the test, of whatever
9 test you claim that exists?

10 MR. CAGE: Well, we don't have information
11 from the LED or this Board to show that they do meet the
12 test. It shouldn't be for us to prove that they don't.
13 It should be for this Board and LED to show us that they
14 do, and we don't see a cost benefit analysis.

15 MR. JONES: Mr. Usie, are all of these
16 applicants in compliance with statutes and regulations
17 that govern the Industrial Tax Exemption Program?

18 MR. USIE: Yes, they are.

19 MR. JONES: Okay. That's all I need.

20 Any other questions or comments from the
21 public? Any other questions or comments for Mr. Cage
22 from the Board?

23 (No response.)

24 MR. JONES: Any other questions or comments
25 from the public?



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1 (No response.)

2 MR. JONES: All right. We now have an
3 opportunity to vote on the motion approving these
4 applications.

5 All in favor, say "aye."

6 (Several members respond "aye.")

7 MR. JONES: Any opposition?

8 (No response.)

9 MR. JONES: There is none. The motion
10 carries. Thank you. Next.

11 MR. USIE: Next we 255 renewal applications.

12 MR. JONES: All right. As it is common when
13 we have 250 application or renewal applications, we will
14 consider these in globo. Now, having done -- assuming
15 there is a motion to approve in globo, there will be an
16 opportunity of the Board and of the public to object to
17 any specific project. All we're doing is trying to keep
18 Mr. Usie from having to read 255 different titles that
19 is on the agenda before the Board.

20 So I will first entertain a motion to
21 approve the in globo consideration of this group.

22 Motion from Mr. Slone.

23 Do we have a second?

24 Second from Dr. Woody Wilson.

25 Now is an opportunity for the Board or any



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1 member of the public to object to any of these specific
2 applications for being included in the in globo
3 consideration.

4 Any comments or questions from the Board?

5 MR. HAVARD: I have a question.

6 MR. JONES: Mr. Havard.

7 MR. HAVARD: Genesis Baton Rouge, LLC.

8 MR. JONES: Give us a number, please, sir,
9 if you don't mind.

10 MR. HAVARD: 20150540.

11 MR. JONES: And then all of the Genesis --

12 MR. HAVARD: And all of these under it, I
13 guess, yes.

14 MR. JONES: Okay.

15 MR. HAVARD: Maybe I'm wrong, but Genesis is
16 a pipeline company; is that correct, a transmission...

17 MR. USIE: I'm not sure of the specifics.
18 There might be a company representative --

19 MR. HAVARD: Are they a manufacturer?

20 MR. USIE: Yes.

21 MR. HAVARD: And what are they
22 manufacturing?

23 MR. USIE: I don't know offhand.

24 MR. HAVARD: Anybody know what they
25 manufacture?



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1 MS. CHENG: They should have a company
2 representative here.

3 SECRETARY PIERSON: These are renewals, so
4 there was an initial commitment and scrutiny put against
5 each one of these approximately five years ago. Genesis
6 is involved in the energy sector. They do a number of
7 things with fuels and gas, and when the contract was
8 first executed, they were in full compliance with the
9 rules at that time.

10 All of these programs under the Industrial
11 Tax Exemption Program are incremented. Is it is not a
12 10-year program. It is two five-year programs giving
13 you the opportunity to have scrutiny to see if they're
14 in compliance with elements such as taxes paid,
15 environmental issues that may have been cited by DEQ or
16 others that are red flags to give you concerns about the
17 operations. But essentially, with the 250 before you
18 now, they've undergone that scrutiny five years ago,
19 staff has reviewed that there are no red flags currently
20 in their files, and so we offer these to you.

21 And you do have more specific information in
22 the archives of when the project was first submitted.
23 We can find that and provide that to you, sir.

24 MR. HAVARD: I guess what my question is is,
25 I mean, the Industrial Tax Exemption Program is for



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1 manufacturing, and I'm just -- is it a manufacturer?
2 That's all.

3 MS. CHENG: They should be from when it was
4 initially approved five years ago, but we can go back
5 and look at what they're manufacturing.

6 SECRETARY PIERSON: The other feature was
7 that prior to the Governor's Executive Order,
8 miscellaneous capital additions were authorized under
9 the program, and many of these here appear to be falling
10 under what was previously allowed, which is no longer
11 allowed.

12 MR. HAVARD: Okay. Thank you.

13 MR. JONES: Does that answer your question,
14 Mr. Havard?

15 MR. HAVARD: Not really. As long as they're
16 a manufacturer.

17 SECRETARY PIERSON: Yes.

18 MS. CHENG: They identified themselves with
19 a 324110 NAICS code, which is a manufacturing NAICS
20 code, which is self reported, but we can go back and
21 check specifically what they are manufacturing at that
22 facility, at that site that they are claiming the
23 exemption on and report back to you so you know exactly
24 what they're manufacturing at that facility.

25 MR. JONES: Mr. Havard, would you ask that



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1 the Genesis be deferred to the next meeting while the
2 staff collects that information for you? We can do
3 that.

4 MR. HAVARD: I'd like to. I'd like to see
5 what they're manufacturing.

6 MR. JONES: Okay. Is that -- now, there's
7 Genesis BR, LLC applications and Genesis Crude Oil, LP.
8 Are you wanting to look at all of these?

9 MR. HAVARD: I just -- I mean, from my past
10 experience, I know that there's, from what I understand
11 about Genesis, they're a pipeline transmission regulated
12 by DOTD.

13 MR. JONES: I understand.

14 SECRETARY PIERSON: We do invite you to
15 their facility located at the Port of Baton Rouge, and
16 their operations are far more extensive than just
17 pipeline, sir.

18 MR. HAVARD: Okay.

19 MR. JONES: We can entertain a motion to
20 defer these until the next meeting if that -- so we can
21 collect information for you if that's what you wish.

22 MR. HAVARD: I would.

23 MR. JONES: Okay. We have a substitute
24 motion to defer the Genesis BR, LLC and Genesis Crude
25 Oil, LP renewal applications until the next meeting.



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1 Do we have a second to that motion?

2 Second from Mr. Moller.

3 Any questions or comments from the Board to
4 defer? And there's -- if you're looking at your agenda,
5 I don't know how many there are, but it's about a page
6 and a half of renewal applications.

7 And, staff, are we clear this is Genesis BR,
8 LLC and Genesis Crude Oil, LP; right?

9 MS. CHENG: Yes, sir.

10 MR. JONES: Okay. I just want the record to
11 be clear what the motion is and which ones are being
12 deferred.

13 MR. SLONE: Mr. Jones?

14 MR. JONES: Yes.

15 MR. SLONE: So let me make sure I am clear.
16 These all happened prior to, so when we were accepting
17 MCAs, as the Secretary mentioned, so technically there's
18 no reason for us to do this. I will defer to my
19 colleague over there, but I want it on the record also
20 this is before, so, therefore, we could just take action
21 on this today.

22 MR. JONES: Okay. If we have a Board member
23 who has a question about an application, I have no
24 problem getting those questions answered. That's what
25 we're here for.



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1 MR. HAVARD: My question is just is it a
2 manufacturer.

3 MR. JONES: I understand.

4 MR. HAVARD: If it is, we'll do it. If
5 not...

6 MR. JONES: And apparently we need somebody
7 to give that answer nailed down for you, and we can do
8 that between now and the next meeting. It's not a
9 problem.

10 MR. FABRA: Mr. Chairman?

11 MR. JONES: Yes, Mr. Fabra.

12 MR. JONES: Mr. Chairman, is there a
13 representative from Genesis?

14 MR. JONES: Good question.

15 Do we have a representative from genesis
16 here?

17 Mr. Patterson, I assume you're not moving up
18 for that?

19 MR. PATTERSON: I am not him.

20 MR. JONES: All right. There is no
21 representative here, so let's -- we have a motion and a
22 second to defer.

23 All in favor, say "aye."

24 (Several members respond "aye.")

25 MR. JONES: Any opposed?



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1 MR. SLONE: Opposed.

2 MR. JONES: All right. There is three
3 opposition.

4 The motion carries. We will defer those
5 renewal applications until the next meeting.

6 Now, back to the main motion. We have a
7 motion to approve the renewal applications for the rest
8 of the 255 renewal applications with the exception of
9 those we have just deferred. I hope that is not -- that
10 is clear.

11 Any questions?

12 (A question was asked by the reporter.)

13 MR. JONES: Thank you. All right. Any
14 other questions or comments about the remaining renewal
15 applications?

16 (No response.)

17 MR. JONES: All in favor, say "aye."

18 (Several members respond "aye.")

19 MR. JONES: Oh, I'm sorry. Forgive me. We
20 have a comment from the public. Forgive me.

21 Mr. Cage, please state your name just so the
22 record's clear again.

23 MR. CAGE: Edgar Cage, 4302 Melvin Street,
24 Baker, Louisiana 70714.

25 And it's very refreshing to hear the



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1 exchange of the Board because this sort of shows where
2 information is important, that we should understand
3 exactly what we're doing. But all of the ITEP renewals
4 based on miscellaneous capital addition must be rejected
5 if they improperly split the budget into many projects
6 to escape the program's requirements to begin with, you
7 know, the \$5-million. This would include CF Industries
8 from 60-plus exemptions, keep billions in property value
9 being kept off the books.

10 On Page 14 of the PDF --

11 MR. JONES: Page 14 of what?

12 MR. CAGE: Of the agenda. We have it in PDF
13 form.

14 MR. JONES: Oh.

15 MR. CAGE: -- of the forgoing applies: In
16 addition, Cleco should not be granted as it is a utility
17 that we believe does not manufacture a product and is
18 otherwise guaranteed a product from facilities it must
19 build anyway. These plants require public service
20 commission approval. Applicant utility companies must
21 demonstrate to the PSC a public necessity exists for the
22 proposed facility. If granted, the utility is
23 guaranteed a return on investment, which is the
24 incentive to do it.

25 If the applicant testified under oath that



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1 it must build additional capacity in that area, and if
2 the applicant is then assured a return on that
3 investment, then granting an incentive is neither
4 rational or constitutional.

5 On Page 15 to 17, we just talked about the
6 Genesis. Upon information and belief, Genesis runs a
7 pipeline and a terminal. Regardless of what they might
8 say, it is not a manufacturer. Granting it a tax
9 exemption renewal would be unconstitutional because it
10 only deals with manufacturing.

11 On Page 18 and 19, all of the foregoing
12 applies. In addition, it appears Phillips 66 has abused
13 the miscellaneous capital addition of 5-million by
14 improperly segmenting it's capital addition budget.

15 On Page 19, all of the forgoing applies. In
16 addition, it is unclear whether Regions Commercial
17 Equipment Finance, LLC is a manufacturer. Its NAICS
18 code suggests no.

19 Page 20, SWEPCO, a utility was required to
20 build the plants where they are. No ITEP is needed. No
21 incentive is needed if there's a requirement to build a
22 plant in a certain location.

23 Stolthaven New Orleans runs a pipeline and
24 not a manufacturer, and that's an issue we have in
25 approving things in globo where you don't really get the



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1 information, but don't truly understand what action
2 you're taking. And that could be many, and there are
3 many applicants approved in globo that don't fit the
4 criteria according to the Constitution or anything else.

5 So we're just asking that you protect the
6 interest of the citizens of Louisiana. Thank you.

7 MR. JONES: Thank you Mr. Cage. Appreciate
8 your comments.

9 SECRETARY PIERSON: I would just like to
10 point out to the public and the audience here that the
11 contracts that are before the Board at this moment are
12 renewals. They were lawfully issued contracts, and
13 we'll continue to honor our obligations as the State of
14 Louisiana. And to formulate your opinions about what
15 may qualify or what may not, we've been through all of
16 those filters. That's why they're before the Board at
17 this point in time.

18 So I don't want new members here to have a
19 concern that they're endorsing something that hasn't
20 been through a lot of the legal scrutiny required to
21 come before the Board. Thank you.

22 MR. JONES: Thank you, Mr. Pierson.

23 Any other comments or questions from the
24 Board?

25 (No response.)



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1 MR. JONES: Any other comments or questions
2 from the public?

3 (No response.)

4 MR. JONES: There being none, all in favor
5 of the motion, say "aye."

6 (Several members respond "aye.")

7 MR. JONES: Any opposition?

8 (No response.)

9 MR. JONES: There being no opposition, the
10 motion carries. Thank you.

11 MR. USIE: Next we have eight late renewal
12 applications: 20131429, Arceneaux Ventures,
13 LLC/Accurate Measurement Controls, Inc., St. Martin
14 Parish. We had an initial contract expiration date of
15 12/31/2018, renewal request date 12/18 of 2019.

16 MR. JONES: For new Board members as well as
17 the public, on these late renewals, the rules require
18 that anytime there's a late renewal application for the
19 ITEP program, there are certain penalties that can kick
20 in, and the Board has options as to what we can do as
21 far as the late renewal.

22 It has become our practice that we ask the
23 applicants to come to the table and explain to the Board
24 what the purpose for the late renewal application is.
25 That's not necessarily meant to be punitive as much as



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1 it is for both the Board and the public to understand
2 the basis for the late renewal application.

3 So at this time, I would invite Arceneaux
4 Ventures, LLC, if you have a representative here,
5 Arceneaux Ventures, LLC/Accurate Measurement Controls,
6 Inc., do you have a representative here?

7 We do have someone coming forward.

8 Thank you. Would you state your name, your
9 address and your position with the company, please?

10 MS. ARCENEAUX: It's Judy Arceneaux. I'm
11 with Accurate Measurement Controls, and it's 1132
12 Kaliste Saloom Road, Lafayette, Louisiana.

13 MR. JONES: Your position with the company?

14 MS. ARCENEAUX: Vice President.

15 MR. JONES: And can you explain to us what
16 the reason for the late renewal application is?

17 MS. ARCENEAUX: Well, we didn't get a notice
18 stating that it was expiring, and it's just overlooked
19 until we got your tax notice in.

20 MR. JONES: And so you do understand, it's
21 not an obligation of the state to notify you; right?

22 MS. ARCENEAUX: Right. In the past we had
23 received a notice, and it's changed.

24 MR. JONES: That has changed, yes. I
25 understand.



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1 Okay. Did you have something you want to
2 say, sir?

3 MR. ARCENEUX: No. Just here for moral
4 support.

5 MR. JONES: I understand. It's a big room.
6 I wish I had my wife here for my moral support.

7 Any comments or questions for Ms. Arceneaux
8 from the Board?

9 (No response.)

10 MR. JONES: Okay. And in this situation,
11 the application is one year, so our custom and rules
12 require a one -- excuse me -- 20 percent reduction in
13 the benefit. So I would entertain a motion for a 20
14 percent reduction in the benefit, essentially meaning
15 they get four years of the five-year renewal. You're
16 basically approving a four-year renewal instead of the
17 five-year renewal.

18 We have a motion from Dr. Wilson; second
19 from Ms. Malone.

20 Any questions or comments from the Board?
21 And if I did not make that clear, please
22 tell me and I'll try to do better.

23 No other questions from the Board.

24 Any questions or comments from the public?

25 (No response.)



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1 MR. JONES: Being none, all in favor, say
2 "aye."

3 (Several members respond "aye.")

4 MR. JONES: Any opposition?

5 (No response.)

6 MR. JONES: Thank you, Ms. Arceneaux. Thank
7 you, sir. Appreciate y'all being here this morning.

8 MR. USIE: Next we have 20140543, Phillips
9 66 Company, Plaquemines Parish, initial contract
10 expiration 12/31 of 2018, late renewal request date
11 11/19 of 2019; 20140544, Phillips 66 Company,
12 Plaquemines Parish, initial contract expiration 12/31 of
13 2018, renewal request date 11/21 of 2019; and 20140546,
14 Phillips 66 Company, Plaquemines Parish, initial
15 contract expiration 12/31 of 2018, renewal request date
16 11/21 of 2019.

17 MR. JONES: Do we have someone here from
18 Phillips 66?

19 Thank you, sir. If you would, state your
20 name, your address and your position with the company,
21 please.

22 MR. CISNEROS: Good morning. My name is
23 Chris Cisneros. I work with Phillips 66. I'm a Senior
24 Advisor in their Property Tax Department. Our address
25 is 2331 CityWest Boulevard, Houston, Texas.



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1 MR. JONES: Thank you very much. Appreciate
2 you being here.

3 Can you explain to us the reason for the
4 late renewal application?

5 MR. CISNEROS: It was an oversight on our
6 part and we missed our opportunity to timely file these,
7 and we filed them late.

8 MR. JONES: Have you implemented procedures
9 that would keep that from repeating?

10 MR. CISNEROS: We're working diligently to
11 improve our response to the Louisiana Board of Commerce
12 and Industry and, of course, to the staff of the
13 Louisiana Board here. So we're working diligently at
14 it, but unfortunately we've made several mistakes, and
15 we understand that there's a penalty involved and we
16 will diligently work forward in the future to make sure
17 this doesn't happen again.

18 MR. JONES: Great. Thank you very much.
19 I would entertain a motion to -- let's see.
20 Again, we have an -- it's filed essentially one year
21 late or it would be a one-year penalty on the --

22 MR. USIE: On all three.

23 MR. JONES: Excuse me?

24 MR. USIE: All three would have a one year
25 penalty.



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1 MR. JONES: All three, yeah. Basically we
2 would have a motion for all three Phillips 66 Company
3 renewal applications, and all three would have a 20
4 percent or essentially a one-year penalty.

5 So I would entertain a motion to that
6 effect.

7 Motion from Ms. Malone; second from Mr.
8 Briggs.

9 Questions or comments from the Board?
10 (No response.)

11 MR. JONES: Questions or comments from the
12 public?

13 Mr. Cage, come on. You can be seated.

14 MR. CAGE: Yes, sir. Real quick. Edgar
15 Cage again.

16 When the decision or approval is made here
17 to reduce the previous contract by 20 percent or change
18 it from five years to four years, is a new contract
19 rewritten? Because it has to be into the walls of the
20 document for it to really to be valid where everybody
21 understands. Is a new contract rewritten reflecting the
22 action of this Board?

23 MR. JONES: I'm afraid I'd have to defer to
24 staff on direction of that.

25 MS. CHENG: A renewal contract is issued.



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1 As we've stated, it's a five -- this program is a five
2 plus five-year program, so it's not a full 10-year
3 contract. So the initial contract is five years, and
4 when we issue the renewal contract, we issue it for four
5 years.

6 MR. CAGE: For four years?

7 MS. CHENG: Yes, sir.

8 MR. CAGE: Okay. Thank you very much.

9 I have a letter with concerns that we have
10 about this process that we're going to give to each
11 member of the Board. We want to submit that for the
12 record.

13 MR. JONES: Please. Let's go ahead and give
14 it to the court reporter. Thank you, Mr. Cage.

15 Any other questions or comments from the
16 public?

17 (No response.)

18 MR. JONES: There being none, all in favor
19 of the one-year penalty for the three Phillips 66
20 applications, say "aye."

21 (Several members respond "aye.")

22 MR. JONES: Any opposition?

23 (No response.)

24 MR. JONES: There being none, the motion
25 carries.



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1 Next, Mr. Usie.

2 MR. USIE: 20110849, Quality Machine
3 Services, LLC, Lafayette Parish, initial contract
4 expiration 12/31 of 2016, renewal request date 12/31 of
5 2019.

6 MR. JONES: Do we have a representative here
7 from Quality Machine Services?

8 Thank you, sir. If you would, state your
9 name, your address and your position with the company,
10 please.

11 MR. BOUDREAUX: Good morning. My name is
12 Layne Boudreaux. Address is 350 Griffin Road,
13 Youngsville, Louisiana, and I am the owner of the
14 business.

15 MR. JONES: Okay. Can you tell us what
16 happened and the reason behind the late application for
17 renewal?

18 MR. BOUDREAUX: Well, when we initially
19 filed the application from the start, I was under the
20 impression that it was a 10-year exemption, full 10
21 years without a renewal, and when we got notification
22 from the assessor's office, that's when we looked into
23 it and determined that we were delinquent. So we went
24 through the proceedings to get the renewal application
25 in place.



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1 MR. JONES: Okay. Have taxes been paid?

2 MR. USIE: No. We have verification from
3 the assessor's office stating that taxes haven't been
4 paid.

5 MR. JONES: Have not been paid?

6 MR. USIE: Have not been paid since it
7 expired.

8 MR. JONES: Okay.

9 MS. CHENG: Essentially, since this one's so
10 late, it would just be going back to give them a
11 contract through 2018 so that they wouldn't be owing
12 back taxes, and their contract would expire 12/31 of
13 2018 if you stick with your typical penalty.

14 MR. JONES: So basically we have an
15 application that is three years late, so as a result of
16 the five-year term is reduced by three years?

17 MS. CHENG: Yes, sir. They would have two
18 left, which would go from 12/31/16 to 12/31 of '18.

19 MR. JONES: '18. Assuming we approve the
20 application.

21 MR. USIE: They would pay for '19.

22 MR. JONES: They would pay for taxes for
23 '19, and obviously going forward.

24 MS. CHENG: Yes, sir.

25 MR. JONES: Do you understand, sir, where we



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1 are?

2 MR. BOUDREAUX: Can you just explain it to
3 me one more time to make sure I understand?

4 MS. CHENG: So basically this would be
5 approving a contract from 12/31 of '16 through 12/31 of
6 '18 because you haven't paid taxes on those assets to
7 this point, and then the assessor would start taxing you
8 from the 2019 year. You would be paying taxes this year
9 for your 2019 property.

10 MR. JONES: Let me try it a different way.

11 Essentially it's a five-year program.
12 Because the application was three years late, there's a
13 three-year penalty, so you only get two years of the
14 benefit, and so your original application ended --
15 excuse me -- your original contract ended in 2016, so
16 the two years would be 2017 and 2018, and that's when
17 the benefit ceases. So there would be taxes owed for
18 2019 and forward.

19 MR. BOUDREAUX: Going forward. Okay.

20 MR. JONES: Is that clear?

21 MR. BOUDREAUX: Yes.

22 MR. JONES: Did I explain that correctly?

23 MR. USIE: Yeah, you did.

24 Could I just add that the renewal contracts,
25 when they're issued, they do state the effective date



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1 and the expiration date. So when we're issuing these
2 late ones, he would have a period effective of 12/31 of
3 '16 and an expiration date 12/31 of 2018.

4 MR. JONES: Got it. Okay.

5 MR. USIE: So it will be clear on the
6 contract as well.

7 MR. JONES: And there would be appropriate
8 communication with the tax assessor?

9 MR. USIE: Yeah. The assessor has a copy of
10 the contract, and it's saved in FastLane as well.

11 MR. JONES: Okay. Good. Thank you.

12 All right. I would entertain a motion to
13 approve the renewal application with a three-year
14 penalty as we have discussed.

15 Motion from Dr. Shawn Wilson; second from
16 Ms. Malone.

17 Do you have a question?

18 Okay. Got it.

19 Do we have any questions or comments from
20 the Board?

21 (No response.)

22 MR. JONES: Any questions or comments from
23 the public?

24 Mr. Cage.

25 MR. CAGE: Edgar Cage. Just a simple



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1 question. How is allowing a company to avoid paying
2 taxes is in the best interest of the citizens of
3 Louisiana? And what's the -- what was the taxes that
4 would have been due as opposed to what the exemption
5 that's being given? Is there equity? Is there a
6 balance?

7 MR. JONES: Mr. Cage, I appreciate your
8 philosophical discussion, but this -- the job of this
9 Board is to administer a program that has been in place
10 since the 1930s, has been under state statute and
11 regulations, and we're doing our very best to apply
12 those statutes and those regulations as best we can.
13 And I appreciate your philosophical discussion, and it
14 might be a good one, but I don't know if it's
15 appropriate for a discussion on the application of
16 Quality Machine Services, LLC.

17 MR. CAGE: Understand that, Mr. Jones, and I
18 appreciate that, but I'm just here trying to look out
19 for the citizens of Louisiana, trying to get as much
20 information as I can to make sure they're getting the
21 abatements and the representation by this Board that
22 they should. Thank you very much.

23 MR. JONES: Thank you for your comments. I
24 appreciate it.

25 All right. Any other comments or questions



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1 from the public specific to Quality Machine Services,
2 LLC?

3 (No response.)

4 MR. JONES: There being none, all in favor,
5 say "aye."

6 (Several members respond "aye.")

7 MR. JONES: Any opposition ?

8 (No response.)

9 MR. JONES: Hearing none, the motion
10 carries.

11 Thank you, sir.

12 MR. USIE: Next we have 20150212, Reynolds
13 Metals Company, Calcasieu Parish, initial contract
14 expiration 12/31 of 2019, renewal request date 1/7 of
15 2020.

16 MR. JONES: Do we have a representative here
17 from Reynolds Metals? Reynolds Metals Company, do we
18 have a representative?

19 (No response.)

20 MR. JONES:

21 A no answer is not a good answer.

22 For the new Board members, it is -- also has
23 become customary that when the late renewal application
24 is before the Board and there is not a representative
25 here to explain the basis for it, that the renewal



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1 application is denied. That doesn't have to be our
2 decision, but that has been customarily what has been
3 done.

4 I would entertain a motion at this time.

5 Motion to -- first a motion to approve? Is
6 that your motion?

7 Excuse me. A motion to deny?

8 DR. S. WILSON: Yes, to deny.

9 MR. JONES: Okay. We have a motion to deny
10 the renewal application. Motion from Dr. Shawn Wilson;
11 second from Dr. Woody Wilson to deny the renewal
12 application.

13 I'm going to ask one more time, do we have a
14 representative from Reynolds Metals Company?

15 (No response.)

16 MR. JONES: Apparently we do not.

17 MR. JOHNS: May I ask a question?

18 MR. JONES: Senator Johns.

19 MR. JOHNS: Is there any precedent to defer
20 this till the next meeting?

21 MR. JONES: That has -- we've not done that
22 historically.

23 Mr. Usie, the company is aware of what is
24 going on today? This is not a surprise to them, I don't
25 think.



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1 MR. USIE: That's correct. Everyone gets
2 e-mails suggesting that a representative attend the
3 meeting in case there are questions.

4 MR. SLONE: This is one week? I mean --

5 MR. JONES: Literally one week late.

6 MR. SLONE: One week?

7 MR. USIE: Yes.

8 MR. JONES: All right. We have a motion and
9 a second to deny the application.

10 Senator Allain.

11 MR. ALLAIN: Yes. Would they have a right
12 to come back at a later date?

13 MR. JONES: We have had an opportunity, if
14 there was a reason for the not being able to be here the
15 date that it is denied, for them to come back and ask
16 for reconsideration. That has happened.

17 Yes, sir, Mr. Fajardo.

18 MR. FAJARDO: On those e-mails, are they
19 aware that they could be denied if they don't -- that
20 there is a possibility that they could be denied if they
21 don't have a representative?

22 MR. USIE: We do correspond with anyone that
23 files late applications, specifically renewals, because
24 we require them to submit a statement from the assessor
25 verifying that they haven't paid taxes since expiration.



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1 MR. JONES: All good questions.
2 We have a motion to deny the renewal
3 application.

4 All in favor, say "aye."
5 (Several members respond "aye.")

6 MR. JONES: Any opposed?
7 (No response.)

8 MR. JONES: There is no opposition. The
9 motion carries.

10 MR. USIE: 20140739, Shell Chemical Company
11 LP, Ascension Parish, initial contract expiration 12/31
12 of 2018, renewal request date 11/18 of 2019.

13 MR. JONES: Do we have a representative here
14 from Shell?

15 Thank you. If you would, state your name,
16 address and position with the company, please.

17 MR. BAKER: My name is Joe Baker. I'm a
18 Senior Tax Advisor with Shell Oil Company. 115 North
19 Dairy Ashford Road, Houston, Texas.

20 MR. JONES: All right. Tell us what
21 happened.

22 MR. BAKER: Mr. Chairman, we have a soft- --
23 well, I won't say a specific software program, but a
24 program where we enter the dates for these expirations
25 for these contracts, and a wrong date was put into that



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1 program, and so when a particular comes around to remind
2 us of it, it didn't work because we had the wrong date.
3 So that's what happened.

4 MR. JONES: Garbage in; garbage out.

5 MR. BAKER: Garbage in; garbage out, right.

6 MR. JONES: Understood, and I'm sorry,
7 but...

8 MR. BAKER: Understood.

9 MR. JONES: All right.

10 MR. BAKER: Operator error. Luckily I
11 wasn't the operator.

12 MR. JONES: Yeah. That's one of those where
13 you're really glad it was somebody else doing the
14 inputs.

15 All right. And I don't mean to make light
16 of it.

17 MR. BAKER: No, no. I understand.

18 MR. JONES: I really don't.

19 MR. BAKER: We take this very seriously, and
20 we appreciate the work that LED has done with us and for
21 us and the appreciation of this Board in supporting
22 Shell Oil Company, so thank you.

23 MR. JONES: I understand. Thank you very
24 much for those comments.

25 We would recognize a motion to approve the



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1 renewal application with a one-year penalty.

2 Motion from Mr. Slone; second from Mr.
3 Coleman.

4 Any comments or questions from the Board?
5 (No response.)

6 MR. JONES: Seeing none, any comments or
7 questions from the public?

8 (No response.)

9 MR. JONES: There being none, all in favor,
10 say "aye."

11 (Several members respond "aye.")

12 MR. JONES: Any opposition?

13 (No response.)

14 MR. JONES: Hearing none, the motion
15 carries.

16 MR. BAKER: Thank you, Mr. Chairman.

17 MR. JONES: Thank you, sir. Appreciate you
18 being here.

19 MR. USIE: 20110920, Valero Refining-New
20 Orleans, LLC, St. Charles Parish, 12/31/2018 initial
21 contract expiration, renewal request date 10/23 of 2019.

22 MR. JONES: Do we have a representative here
23 from Valero Refining in New Orleans?

24 Thank you. If you would, state your name
25 and your address and your position with the company,



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1 please.

2 MR. LOEBER: Hi. My name is Martin Loeber.
3 I'm a Senior Vice President of Ad Valorem Tax. The
4 address is 1 Valero Way, San Antonio, Texas.

5 MR. JONES: All right. Can you tell us what
6 happened?

7 MR. LOEBER: Yes. We had three ITEPs, two
8 for the refinery and one for the joint venture, Diamond
9 Green Diesel, that were up for renewal in 2018. Two of
10 them were picked up. The reason this one was not picked
11 up, it had to do with the tracking system that was
12 moving things from the application phase to the renewal
13 phase and the lack or the nonreceipt of documentation
14 back from the state. Now, that's not an excuse. It's
15 just what happened. And it identified a gap in our
16 tracking system, which I can assure the Board, we've
17 fixed, so...

18 MR. JONES: Good to hear.

19 All right. So with the gap between the due
20 date and the actual application date, that would
21 typically call for a one-year penalty, so I would
22 entertain a motion to approve with a one-year penalty.

23 Motion from Mr. Moller; second from
24 Mr. Slone.

25 Any questions or comments from the Board?



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1 (No response.)

2 MR. JONES: Seeing none, any questions or
3 comments from the public?

4 (No response.)

5 MR. JONES: Hearing none, all in favor, say
6 "aye."

7 (Several members respond "aye.")

8 MR. JONES: Any opposition?

9 (No response.)

10 MR. JONES: Hearing none, the motion
11 carries.

12 Thank you, sir.

13 MR. USIE: That concludes the late renewals.

14 Next we have two change in locations:
15 Quality Machine Services, LLC, 20110849, previous
16 location, 4440 Highway 90 East, Broussard, Louisiana
17 70518, Lafayette Parish, new location 350 Griffin Road,
18 Youngsville, Louisiana 70592, Lafayette Parish; PCS
19 Nitrogen Fertilizer, LP, 20190251, 5301 Highway 3115,
20 Geismar, Louisiana 70734 in Iberville Parish, new
21 location 5525 Highway 3115, St. Gabriel, Louisiana 70776
22 in Iberville Parish.

23 MR. JONES: Both of these are change of
24 lotions within the same parish?

25 MR. USIE: Correct.



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1 MR. JONES: I would entertain a motion to
2 approve these changes of location.

3 Motion from Dr. Woody Wilson; second from
4 Mayor Toups.

5 Any questions or comments from the Board?
6 (No response.)

7 MR. JONES: Hearing none, any questions or
8 comments from the public?

9 (No response.)

10 MR. JONES: Hearing none, all in favor, say
11 "aye."

12 (Several members respond "aye.")

13 MR. JONES: Any opposition?

14 (No response.)

15 MR. JONES: There is no opposition. The
16 motion carries. Thank you. Let's move to cancelations.

17 MR. USIE: Fifteen cancelation requests:
18 American Sugar Refining, Inc., 20140655, company
19 requests cancelation, Saint Bernard Parish; Gordon
20 Sales, Inc., 20130529, 20140457, 20150480, and 20161046,
21 company requests cancelation, Bossier Parish; Intralox,
22 LLC, 20170664, company requests cancelation, Jefferson
23 Parish; Laitram Machinery, Inc., 20170651, company
24 requests cancelation, Jefferson Parish; Laitram Machine
25 Shop, LLC, 20170652, company requests cancelation,



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1 Jefferson Parish; Laitram, LLC, 20170653, company
2 requests cancelation, Jefferson Parish; Lapeyre Stair,
3 Inc., 20180035, company requests cancelation, Jefferson
4 Parish; Phillips 66 Company, 20110054, 20120528,
5 20120529, 20120530, and 20120531, LED requests
6 cancelation due to notification by the parish assessor
7 of taxes being paid. The company has been notified
8 about cancelations, and these are all in Calcasieu
9 Parish.

10 MR. JONES: Thank you, sir.

11 These are all cancelations. The Phillips
12 66, the note on the agenda is that the the company has
13 been notified about the cancelation?

14 MR. USIE: They have, yes.

15 MR. JONES: Any objection from the company?

16 MR. USIE: They suggested a different way of
17 getting refunded for what they paid. We hadn't heard
18 back of whether that would be followed through with or
19 not.

20 MR. JONES: Okay. Do we have a
21 representative from Phillips 66?

22 MR. USIE: They were here for the
23 previous...

24 MR. JONES: He's on his way.

25 Yes, sir. State your name and your position



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1 with the company again, please.

2 MR. CISNEROS: Good morning. My name is
3 Chris Cisneros. I'm a Senior Property Tax Advisor with
4 Phillips 66. Our address is 2331 CityWest Boulevard,
5 Houston, Texas.

6 MR. JONES: Thank you very much.

7 MR. CISNEROS: I apologize for the error on
8 our part. We inadvertently -- this was a late renewal,
9 very late, so late that we paid our property taxes, and
10 I was not aware of the rule that you cancel the
11 application the moment you pay the taxes. I'd like to
12 establish contact with the assessor to try to work out a
13 method of keeping within the confines of the ITEP rules,
14 so I respectfully request that the cancelation be
15 deferred to the next meeting so that perhaps we can work
16 out something with the assessor, get a refund and
17 reinstate the ITEP contracts.

18 MR. JONES: How many years are left on the
19 benefit; do you know?

20 MR. CISNERO: I believe there are four years
21 left on the -- five years left on the benefit.

22 MR. JONES: Okay. Is there anything --

23 MR. USIE: It can't be five years, so then
24 is wouldn't be late, so it's definitely four or less
25 that are left.



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1 MR. JONES: Is there anything in the rules
2 that would preclude deferring this until the next
3 meeting?

4 MR. USIE: No.

5 MR. JONES: I would entertain a motion to
6 defer any action on the Phillips 66 contracts.

7 Motion from Senator Johns; second from
8 Mr. Fajardo.

9 Any questions or comments from the Board?
10 (No response.)

11 MR. JONES: Any questions or comments from
12 the public?

13 (No response.)

14 MR. JONES: There being none, all in favor,
15 say "aye."

16 (Several members respond "aye.")

17 MR. JONES: Any opposition?

18 (No response.)

19 MR. JONES: There is none, then that
20 contract -- excuse me -- that cancelation request has
21 been deferred till the next meeting.

22 MR. CISNEROS: Thank you, ladies and
23 gentlemen.

24 MR. JONES: And Please be in contact with
25 staff so that we make sure we have the next meeting's



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1 agenda properly noted.

2 MR. CISNEROS: Yes, sir.

3 MR. JONES: Thank you very much.

4 MR. JONES: That leaves the remaining
5 cancelations, all that have been requested by the
6 company.

7 I would entertain a motion to approve these
8 cancelations.

9 Motion, Ms. Malone; second from Mr. Moss.

10 Any questions or comments from the Board?

11 (No response.)

12 MR. JONES: Questions or comments from the
13 public?

14 Yes, ma'am. Please state your name and your
15 address, please.

16 MS. RANDALL: Thank you, Mr. Chairman.
17 Cathleen Randall, Baton Rouge, 19535 Cape Hart Court,
18 and I'm representing Together Louisiana this morning.

19 In the interest of public information, to
20 fully understand how these processes are working, could
21 we have some kind of information provided as to the
22 reasons for these cancelations on these prior ones above
23 Phillips 66 Company? We certainly appreciate the
24 information that Mr. Cisneros provided in detail about
25 Phillips 66, but there's nothing stated here and nothing



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1 has been presented this morning as to the reasons for
2 the cancelation for these other numbers 1 through 7.

3 MR. JONES: Other than the company has
4 requested them.

5 MS. RANDALL: Yes.

6 MR. JONES: Mr. Usie, do you have any
7 additional information on any of these?

8 MR. USIE: No. They're not required to give
9 us a reason for a cancelation. So they could have
10 various reasons, but none of them are in line for the
11 taxes being paid like Phillips 66 was.

12 MS. CHENG: If they don't want the exemption
13 anymore, they don't have to keep the exemption anymore,
14 so there's no reason required for them to request
15 cancelation.

16 MR. JONES: Right.

17 MS. RANDALL: Mr. Chairman?

18 MR. JONES: Yes, ma'am.

19 MS. RANDALL: Do we have any information
20 whether or not this might apply to the number of jobs
21 that are being produced or retained by these companies?

22 MR. JONES: We don't know. All we know is
23 that they have voluntarily agreed to give up the
24 benefit.

25 MS. CHENG: These aren't related to them not



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1 being compliant with job requirements because those
2 would come separately if they weren't compliant. These
3 are being requested by the company.

4 MR. JONES: Right. This is not a situation
5 where LED has caught them with their hand in the cookie
6 jar and they've decided to walk away rather than fight
7 the fight.

8 MS. CHENG: Yes, sir.

9 MR. JONES: Okay. I don't know if that
10 answers your question, but I think it might.

11 MS. RANDALL: It's a start.

12 MR. JONES: Thank you. Thank you for your
13 questions.

14 MS. RANDALL: Thank you.

15 MS. CHENG: Next we have a special request
16 from St. John the Baptist Parish Council, Nalco Company,
17 LLC, Application 20181839-ITE an Marathon Petroleum
18 Company LP, Application 20180365-ITE were approved at
19 the October 23, 2019 Board of Commerce and Industry
20 meeting, and LED posted the notice of the approvals on
21 the BC&I website on October 23rd, as required by rule,
22 starting the 30-day period granted to local bodies to
23 either take action or provide notice of a public
24 meeting. Notice of approval by the Board was also sent
25 to the St. John the Baptist Parish Council via e-mail



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1 and USPS certified mail.

2 The notice of actions from the St. John the
3 Baptist Council were provided to the office on November
4 15th, 2019 notifying us of a meeting taking place on
5 November 26th, 2019. Because this date falls within the
6 30-day notice period provided by rule, the council
7 gained an additional 30 days for a total of 60 days from
8 the start of the notice period to conduct a public
9 meeting and issue a resolution approving or rejecting
10 the applications.

11 The St. John the Baptist Parish Council
12 denied both applications at their November 26th meeting,
13 however, LED did not receive notification of the denials
14 within three days of the local action or within the
15 60-day window. According to the ITEP rules, if a local
16 entity does not take action or provide notice within the
17 time delays provided, the applications are deemed
18 approved. Upon receiving written request for a
19 reconsideration of the approval by the council, LED is
20 referring this matter to the Board of Commerce and
21 Industry for their consideration.

22 MR. JONES: Thank you, Ms. Cheng.

23 I have a request to speak from Mr. Malik,
24 Thomas Malik.

25 MR. MALIK: Yes. Thomas Malik, 79 Country



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1 Club Drive, council member, St. John the Baptist Parish.

2 MR. JONES: Great. Thank you very much.

3 And who else is at the table?

4 MR. MADERE: Councilman at large, Lennix
5 Madere, designate chairman of the board.

6 MS. HOUSTON: Councilwoman Tammy Houston,
7 District 3.

8 MR. JONES: Thank you-all for being here
9 today.

10 Okay. Mr. Malik, you want to explain to us
11 where we are?

12 MR. MALIK: Yes, sir. On the 27th of
13 November, which would have been a Wednesday, the day
14 following our council meeting, our administrative staff
15 mailed our response through snail mail without having
16 certified. Essentially a clerical error. I think at
17 the time, there was a -- that was essentially the last
18 working day prior to the Thanksgiving Holidays. So
19 there was an error made, which we have taken steps to
20 prevent this type of thing from reoccurring.

21 MR. JONES: So essentially -- let me make
22 sure I understand the situation there and so that the,
23 perhaps, new board members understand. Under the rules,
24 the local government is given an opportunity to either
25 approve or deny an ITEP application from an applicant,



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1 and if -- they are given a prescribed period of time in
2 which to act. If they do not notify LED of a denial,
3 the rule requires that there be a -- that the
4 application is deemed approved by the local government.

5 We have had situations in the past where
6 there have been similar clerical issues. It has -- and
7 I simply give this to you from a historical standpoint.
8 This Board can do anything it wishes to do. It has been
9 the position of the Board in the past that while these
10 type of clerical issues or clerical mistakes are
11 unfortunate, the rules are designed to provide finality
12 for the company as well as for the state so they can
13 know which of these projects can move forward.

14 As always, parties have the right to appeal
15 the decisions that are made at the staff level. That's
16 essentially why we're here today. Staff has determined
17 that we did not receive the notification from the parish
18 of the denial, therefore, it was deemed approved. So
19 we're here today at the request of St. John the Baptist
20 Parish to say that we did send it in.

21 And I want to be sure I understand. You say
22 it wasn't sent in, so there was -- it was not sent in
23 certified, so there's basically no proof of mailing. Is
24 that what you're saying?

25 MR. MALIK: That's correct, sir. I entered



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1 the administrative building on that day to ensure that
2 it was taken care of, and was told "Yes, we've mailed
3 it."

4 MR. JONES: Right.

5 MR. MALIK: Since then, you know, Marathon
6 Petroleum did submit a letter to the Board and carbon
7 copied us not objecting to our appeal.

8 MR. JONES: Well, the letter's a little
9 unclear. I'm not sure what they're not objecting to,
10 but the language of the letter, but -- and I may ask to
11 see if we have a Nalco representative here.

12 To make sure I'm clear, from the LED staff
13 position, there's been no evidence -- have we ever
14 received the communication from the parish?

15 MS. CHENG: No, sir. We had to check back
16 with them to see if they even tried to send something
17 because we had no record of receiving anything.

18 MR. JONES: So the first time that they
19 understood that it had not been received is when you,
20 the staff, contacted the parish --

21 MS. CHENG: Yes, sir.

22 MR. JONES: -- to find out what the
23 situation was?

24 MS. CHENG: Yes, sir.

25 MR JONES: That's where we are, folks. And



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1 this deals with Nalco Company as well as Marathon
2 Petroleum. There were two two different projects that
3 St. John the Baptist Parish -- St. John the Baptist
4 Parish -- forgive me, guys -- attempted to deny the
5 applications, but they're now deemed approved unless
6 this Board takes action to the contrary.

7 Any other comments from the parish
8 representatives?

9 MR. MADERE: Yes. I just want to state that
10 it was unanimously approved by the council, and we had a
11 lot of citizens that was also at the meeting, so we're
12 basically representing the citizens of St. John the
13 Baptist Parish, who was in agreement with the decision
14 made by the council. And, like I said, the letter was
15 mailed, and we don't have any proof, like you said. It
16 was mailed, and we're taking steps to make sure that
17 type of stuff never happens again, but we're here
18 representing the citizens of our parish, you know, who
19 was in favor of these taxes being applied.

20 MR. JONES: So let me make sure I'm clear.
21 So you said it was approved. The denial was?

22 MR. MADERE: The denial, yeah, was approved
23 unanimously by the council.

24 MR. JONES: Did you have anything you want
25 to say?



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1 MS. HOUSTON: Yes. I think, as my fellow
2 councilman said, that we have taken steps to ensure that
3 anything of that magnitude is mailed certified, and it
4 won't happen again.

5 MR. JONES: All right. Any questions or
6 comments from the Board to the St. John the Baptist
7 representatives?

8 Mr. Moller.

9 MR. MOLLER: Well, I don't know what the
10 motion would look like, but I do not -- just speaking
11 for myself -- want to overrule the citizens of your
12 parish, especially when the intent seems very clear. So
13 I would like -- when the time is appropriate, I would
14 like to make a motion to, you know, honor the wishes of
15 the citizens of St. John the Baptist Parish.

16 MR. JONES: Let's see if we have
17 representatives from Nalco or Marathon here that wish to
18 speak. If you don't -- I'm not saying you have to
19 speak, but if you wish to speak, you're welcome to.

20 Okay. Please state your name and your
21 address and your position with the company, please.

22 MR. FATHEREE: My name is Bruce Fatherree.
23 I'm a Senior Tax Consultant with DuCharme McMillen, and
24 we represent Nalco. The address is 12710 Research
25 Boulevard, Austin, Texas 78759.



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1 MR. JONES: Any comments you care to make?

2 MR. FATHEREE: Just we went through the
3 process, we attended both the parish and the school
4 hearing, and there are rules and there are ramifications
5 when the rules aren't followed. We've seen it today
6 with renewals that are late filed, and so we just
7 request that the procedure be followed as have been set
8 out and that Nalco be granted their exemption.

9 MR. JONES: Any questions or comments from
10 the Board to the Nalco representative?

11 (No response.)

12 MR. JONES: Thank you very much.

13 Anybody else from Nalco?

14 (No response.)

15 MR. JONES: Anybody here from Marathon
16 wishes to speak?

17 (No response.)

18 MR. JONES: Hearing none.

19 DR. W. WILLSON: Chairman Jones, I have a
20 question.

21 MR. JONES: Yes, Dr. Wilson.

22 DR. W. WILSON: The other taxing bodies,
23 like the school board and the sheriff, did approve this
24 or deny it; do you know? Staff?

25 The school board denied?



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1 Did the sheriff as well?

2 MR. FATHEREE: The sheriff approved.

3 DR. W. WILSON: Okay. Thank you.

4 MR. JONES: I have a card from -- I can't
5 quite read the first name, but Carlson, Mr. or Ms.
6 Carlson?

7 If y'all could leave the table open for
8 other folks that want to speak, please. Thank you.

9 MS. CARLSON: First name is Lady.

10 MS. HOUSTON: My name is Annette Houston.
11 I'm a taxpayer in St. John the Baptist Parish. I'm an
12 educator, and thank you for giving me the opportunity to
13 speak before this Board.

14 I was on the -- I was one of the people to
15 speak before the two bodies, the two entities, the
16 parish council and the school board, and nobody wants to
17 alienate industry. Let's understand that. However, the
18 night that the matter was presented before the school
19 board, there was an accountability report given on the
20 progress or lack of progress in St. John the Baptist
21 Parish in the school system. The results were horrible.
22 They were just astounding. They had never been that bad
23 throughout all of the years. I taught for 40 years. I
24 taught a choir program in which we depended upon
25 industry to have the students employed.



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1 And I commend industry for taking my
2 students, working with those students and making
3 productive citizens out of them. They made good
4 employees, and they went on to become productive
5 citizens.

6 I even had one guy who -- one guy, Ed Shell
7 who, a young man was really having a bad time, and he
8 told the child constantly "You may give up on yourself,
9 but I will not give up on you," and he did not. And
10 that child went on to own his own business.

11 Whatever happens here today, whichever way
12 you vote, the citizens of St. John the Baptist Parish,
13 as you've heard, spoke, and it's because there's varying
14 needs in the community. The most prominent of those,
15 the most pressing of those is our education, and we feel
16 like those funds that can be used that are available
17 through this denial can be used to help the school
18 systems to become better so that they will -- those kids
19 can grow up to be productive citizens, just like you.
20 And I sat there and I looked around this room today and
21 I reminisced on my years in the school system and the
22 successes that we have had with our kids.

23 Granted, things have changed. Things have
24 changed, but we need funding in our school systems to
25 help our students to help us have a better education



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1 system.

2 And let me just say this: I had the
3 opportunity to speak to the sheriff last night, and he
4 said in a parish like in St. John Parish, as small as it
5 is, there are 10,000 vehicles coming into and out of the
6 parish every day. And, granted, the jobs are there,
7 and, there are -- industry actually offers them. There
8 are open positions. Unfortunately we have kids that are
9 not prepared to work in those facilities. We want to
10 present prepared kids that are prepared to do their
11 jobs, to do the jobs that the industry expects them to
12 do. In order to do that, we need to have funding.

13 Granted, you know, some things happen that
14 probably should not have happened. We need to have a
15 better relationship with industry so that industry will
16 continue to work with the school systems so that we can
17 have productive citizens in St. John the Baptist Parish.

18 Thank you.

19 MR. JONES: Thank you for your comments.

20 Yes, ma'am. State your name --

21 MS. CARLSON: My name is Lady Carlson. I'm
22 with Together Louisiana. I live at 7640 Lasalle, Baton
23 Rouge 70806. And I'm here to ask you to respect the
24 decision both of the citizens and of the school board
25 and the council. The votes were unanimous to deny the



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1 applications. And like Ms. Houston said, if you go into
2 St. John the Baptist Parish in the morning, the traffic
3 is horrendous. If you're coming out, it's horrendous.
4 You need a policeman to help people in and out. The
5 infrastructure, as a result of that, is horrendous. And
6 so we're asking you to take this money to use it not
7 only for schools, but for the infrastructure that needs
8 to be improved in the parish and other needs.

9 One of the council people that voted against
10 this application said that she used to be in economic
11 development, and she thought the tax exemptions were
12 economic development, but she said she has since
13 realized that tax exemptions are not economic
14 development, they are a way to take money away from the
15 communities that so sorely need them.

16 We're not against the exemptions when they
17 are -- meet the rules. We're not against them, but
18 we're asking you to, again, honor the decision of the
19 locals in this parish that said they do not want these
20 exemptions. They've denied them.

21 MR. JONES: Thank you, Ms. Carlson. Thank
22 you, Ms. Houston. Appreciate your comments.

23 MS. CHENG: I just wanted to mention this is
24 just specific to parish council's millage, not to the
25 school board. The school board did deny Nalco and



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1 Marathon timely.

2 MR. JONES: Thank you for clarifying because
3 I was going to ask that.

4 We got the information from the school
5 board?

6 MS. CHENG: Yes, sir.

7 MR. JONES: So their millage -- or the
8 application as far as the school board has been denied,
9 and so the school board millage will go on the tax
10 records; is that correct?

11 MS. CHENG: Yes, sir.

12 MR. JONES: So the only one that we're now
13 dealing with --

14 MS. CHENG: Is the parish council.

15 MR. JONES: -- is the parish council.

16 MS. CARLSON: And if I might add, there was
17 a transition. A vote had occurred, there was -- the old
18 council was going out and a new one was coming in, and
19 so there was a transition happening as well around the
20 same time.

21 MR. JONES: Okay. Thank you for being here
22 today. Thank you for your comments.

23 One question that I have is -- and this is
24 obviously two separate questions, one for Nalco and one
25 for Marathon. Are these new projects or are they



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1 expansion projects?

2 You can answer for Nalco at least.

3 It is expansion? Thank you.

4 Do we have any information as far as the
5 Marathon? Do you guys know by chance?

6 If you don't know, that's fine.

7 MS. CHENG: We'd have to go back to that
8 application.

9 MR. JONES: That's fine. It's not -- I'm
10 curious more than anything else.

11 Okay. All right. Board, here's where we
12 are: We have a -- we have additional comments? I'm
13 sorry, Mr. Bagert. Go right ahead.

14 MR. BAGERT: Afternoon -- morning? Morning.
15 Broderick Bagert also with Together Louisiana. And I
16 just also want to point out that the Board does make
17 exceptions to its rules and has today for Application
18 Number 20181802, Bollinger Amelia Operations. Its
19 application was submitted in August of 2018. That's
20 more than three months after the project's completion in
21 December of 2017. That's not allowed by the rules, but
22 an exception was made. I believe that's the same with
23 Calumet.

24 MR. JONES: Let's stop.

25 MS. CHENG: We have application due date



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1 extension requests from the company that were accepted
2 at LED, and we do have record of it.

3 MR. JONES: So it was an extension.

4 MR. BAGERT: Right. So the rules were
5 violated. The request was made from the company and
6 request was honored by the Board. In this case, the
7 rules were violated. The request is made from the
8 community and local taxing bodies, and what's being
9 considered as whether to honor that request or not.
10 Similarly, when there is a late renewal, there's a
11 policy that provides a penalty, but it doesn't say you
12 can't get any exemption whatsoever.

13 Here we have a community, a local taxing
14 body that made a procedural error, submitted their
15 documentation late, and their penalty is the whole
16 exemption. There is a different standard in place for
17 flexibility for giving away public money than there is
18 in place for protecting public money, and we think in
19 that circumstance, when communities are adapting to a
20 new procedure, just like companies are, the will and
21 intent of those communities ought to be honored. Thank
22 you.

23 MR. JONES: Thank you for your comments,
24 Mr. Bagert.

25 Any other questions or comments from the



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1 public?

2 (No response.)

3 MR. JONES: We do not yet have a motion on
4 the floor, which, as a parliamentarian, that bothers me
5 a great deal, but, nevertheless, now is the time. Let's
6 do it.

7 The Chairman will entertain a motion from
8 Mr. Moss -- I'm sorry. Mr. Moller.

9 MR. MOLLER: I'd like to make a motion to,
10 you know, deny the exemption based on the
11 recommendations of St. John's Parish.

12 MR. JONES: So let me make sure I
13 understand. I just want to make sure we have the
14 correct motion -- that the correct motion is properly
15 worded.

16 So right now, as far as the records are
17 concerned with LED, it is on the record as being
18 approved for both Nalco and Marathon; is that correct?

19 MR. USIE: That's correct.

20 MR. JONES: So your motion would then be to
21 overturn the finding that the rule -- rules have
22 dictated that the applications be approved. Your motion
23 is to -- notwithstanding the rules, to deny the
24 application; is that fair?

25 MR. MOLLER: Yes.



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1 MR. JONES: I'm not trying to put words in
2 your mouth, but I'm trying to make sure we're all clear.

3 MR. MOLLER: Yeah. You understand what I'm
4 trying to -- make an exception because they just simply
5 forgot to certify the letter that they sent.

6 MR. JONES: Okay. We have a motion.
7 Do we have a second?

8 MR. TOUPS: I'll second.

9 MR. JONES: We have a second from Mayor
10 Touns.

11 All right. Comments or questions from the
12 Board?

13 Comment, Ms. Malone?

14 MS. MALONE: I mean, I believe that we hold
15 the business community, you know, responsible for
16 meeting all of these deadlines, and we have rules in
17 place and deadlines in place to where they have to meet
18 those or they are penalized or they do not receive the
19 exemption. And now with the responsibility of the
20 locals, you know, to have, you know, deadlines in place
21 and they have the responsibility to meet those deadlines
22 as well, I feel like as a Board, if we, you know, make
23 exception after exception, then we're going to -- you
24 know, we may as well throw the rules out the window and,
25 you know, just allow them to send in their approval or



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1 denial anytime they want to.

2 So I feel like that we have rules in place,
3 and I do hate it that the letter got lost in the mail,
4 but there are three ways for them to submit an approval
5 or denial within three days, and it's very clear on
6 their sheet to do that. And I feel like that we need to
7 stand by our rules and hold the local governments
8 accountable just like we require the businesses to be
9 accountable.

10 MR. JONES: Thank you, Ms. Malone.

11 Any other comments or questions from the
12 Board?

13 MR. TOUPS: Yes, I'd like to make a comment.

14 MR. JONES: Yes, Mayor Toups.

15 MR. TOUPS: As a member of local government,
16 I can tell you I do not deal with ITEP rules every day,
17 so as far as the procedures and things, I think the full
18 intent of the parish government, they had a vote and
19 they voted against it. And I understand about the 30
20 days and the 60. Again, I'm new at all of this, but it
21 sounds like the people have spoken, and the
22 communication part as far as with LED and the local
23 government is by e-mail and by certified mail; am I
24 correct?

25 I can tell you, as far as e-mail, I wish I



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1 wouldn't have used my work e-mail for this Board
2 because, today, I don't know what's my real business in
3 there besides all of e-mails that I got about a vote
4 coming up later on that I can't read all of that stuff.
5 So I understand about the e-mail part.

6 The certified part, I understand that, and
7 they did make an error on it, but they did speak and say
8 that they voted on it. So I know it's not acceptable in
9 some cases, but I think in this one, with the changing
10 of the boards, I think it's -- I second to that motion.
11 Thank you.

12 MR. JONES: Any other questions or comments
13 from the Board?

14 MR. HAVARD: I have one.

15 MR. JONES: Yes, sir.

16 MR. HAVARD: I tend to agree with Ms.
17 Malone. If we're going to stick by the rules, stick by
18 the rules, but we also just had numerous other
19 applicants come up here because they missed their
20 deadlines too, so we gave them -- you know, if we're
21 going to stick by the rules, let's stick by the rules
22 for everybody.

23 MR. JONES: Dr. Wilson.

24 DR. S. WILSON: I leaned over here, and for
25 the public's view, I'd like the Chair to acknowledge, I



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1 asked the Chair if we had a precedent with another
2 government entity. I think I missed the meeting where
3 they came up, and so I thought that that was important
4 for the discussion. So I'd ask the Chair to respond
5 publicly of the precedent of this Board as it relates to
6 another governmental entity with the respect to comments
7 that have been made and the motion. I think that might
8 add some clarity as well.

9 MR. JONES: We just had a situation, I don't
10 know if it was last meeting or meeting before last,
11 where we had a very similar situation where the
12 mail-out -- as I recall the situation, was the mail-out
13 inadvertently went out late and as a result, it not
14 timely, and this Board voted at that time -- again,
15 doesn't necessary mean that it's precedent as far as
16 keeps us -- we can do anything we want to, I presume,
17 but at the same time, at that time, this Board
18 determined that the rules were the rules and that the
19 presumption of the timelines were important for the
20 rules to work. And so at that time, this Board
21 determined that, notwithstanding the clerical mistake by
22 the governmental entity, that the denial would not be
23 recognized and that the approval under the rules would
24 be.

25 So that's where we -- we've only had it



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1 happen one other time that I know of since the new rules
2 have been in place. These rules are relatively new
3 since 2016, so we just haven't had many situations like
4 this.

5 Any other questions or comments from the
6 Board?

7 Yes, Mr. Coleman.

8 MAJOR COLEMAN: Since we have set a
9 precedent on other late renewals and things like that,
10 shouldn't we come up with one with this one? And
11 everybody saying let's change the rule, let's do -- are
12 we going to go back and redo all of the stuff that we've
13 done? If we could come up with a rule right now, like
14 penalize them for a year or something, let them not
15 receive their tax. That's what it is, they're not going
16 to receive their tax for five years. Let them not
17 receive their tax for one year and give them their four
18 years. We do it for the companies.

19 MR. JONES: That's a concept. That's a
20 concept.

21 MS. MALONE: I believe that with the late
22 renewals, it's already in the rules to allow us to
23 penalize the companies within the rules. Currently,
24 with the rules as they stand, we don't have that ability
25 to penalize, I guess, the governing body for a late



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1 submission. So if we consider that, I believe we would
2 require a rule change.

3 MR. JONES: We would need some direction
4 from LED legal on what the possibility for that is, but
5 that is a concept.

6 Ms. Bourgeois, can you help us?

7 MS. BOURGEOIS: I can try.

8 Tam Bourgeois for LED.

9 Ms. Malone does make a good point. The
10 rules do allow or do provide that the Board, under
11 certain circumstances, may and shall penalize applicants
12 for untimely submissions, but there's no such provision
13 for the local government entities that do not comply
14 with the notice requirements, and it does say that the
15 application will be deemed approved if notice is not
16 received or provided timely.

17 MR. JONES: Thank you, Ms. Bourgeois.

18 Any other questions or comments from the
19 Board?

20 (No response.)

21 MR. JONES: Yes, sir. And forgive me, I did
22 not write your name down.

23 MR. MADERE: Okay. Lennix Madere.

24 I'd like to make a couple of comments. One,
25 this is relatively new to most -- well, to Louisiana, to



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1 the council members that being involved with ITEP.
2 Okay? And I understood your comments about the
3 companies have rules and they also provide penalties for
4 them. Okay? But by this being new to all of us and to
5 new council members that just got elected, there are
6 going to be bumps and mistakes made, and I think, it's
7 evidenced that a mistake has been made by the rules
8 where they only allow the companies who's late to still
9 get benefit, but just be late and be penalized maybe for
10 a year or two years, whatever amount they late for,
11 where the local government is cut blank you're late, you
12 don't have any chance of getting the money back. Like,
13 I could understand a year. It's a five-year program or
14 10 years. If you penalize us for a year; okay, for
15 being late.

16 Those type of things should be available to
17 a local government for being late by mistake, not on
18 purpose, or just denied because I think the citizens of
19 our parish spoke loud and clear in the council what
20 their intention was.

21 MR. MOLLER: I have a question. What is the
22 overall value of this exemption over five years?

23 MR. MADERE: I'm not exactly sure of the
24 amount, but I think --

25 Mr. Malik, do you have that?



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1 MR. MOLLER: Can somebody tell me?

2 MR. MALIK: If you compare it to -- Thomas
3 Malik. If you compare it to our operating budget, it's
4 .81 percent of our annual budget.

5 MR. MOLLER: So almost one percent of your
6 annual budget?

7 MR. MALIK: Yes, sir.

8 MR. MOLLER: What's the total value of --

9 MR. MALIK: 115-million.

10 MR. MOLLER: 115-million, so a little over a
11 million dollars a year is what we're talking about?

12 MR. MALIK: That's correct, sir.

13 MR. MOLLER: How many police officers does
14 that allow you to hire?

15 MR. MALIK: We've got four shifts. There's
16 probably five to seven on the road at any one time, in
17 addition to the administrative staff and the tax
18 collectors as well as our SRT team that does a number of
19 proactive deals throughout the day.

20 MR. MOLLER: What else -- tell me -- give me
21 a sense of what a little over a million dollars a year
22 buys in St. John Parish.

23 MR. MALIK: Quite a bit. You know, we tend
24 to be fairly frugal and we're very, very conscience of
25 how much money we're spending it on. So we have -- one



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1 of the major issues is that because we are an bedroom
2 community between Baton Rouge and New Orleans with the
3 two interstates, we have a lot of traffic that uses
4 parish roads as a means of ingress and egress from I10
5 to 61, which is a state road. So we have the state
6 fixing two thoroughfares, and then our -- we're
7 responsible for all of these passing between.

8 So essentially what we primarily pay for is
9 infrastructure utilities, which directly supports these
10 same industrial facilities that we're speaking about.

11 MR. MOLLER: Okay.

12 MR. MALIK: So they still reap a benefit.

13 MR. MOLLER: So if we vote to, you know,
14 uphold -- you know, give this exemption, we're taking
15 basically a million dollars away from the citizens that
16 could be spent on public services simply because
17 somebody forgot to certify a letter?

18 MR. MALIK: Yes, sir, that's correct.

19 MR. MOLLER: Okay. Thank you.

20 MR. JONES: Any other questions or comments
21 from the public?

22 MR. TOUPS: I would like to just make one
23 more comment. The communication part is the biggest
24 thing to me that I feel that there's a little divided,
25 and I understand -- again, I understand the rules, but



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1 we say we sent e-mails out. Is there another layer of
2 communication that we can do when it's getting close
3 to -- and we may already do that -- coming close to the
4 end of the 30-day period or extension to 60 day? Is
5 there another layer of communication we can do to local
6 government or whomever to at least give them an
7 opportunity to do it before? And I understand they've
8 got rules, but is there any way we can do something like
9 that?

10 SECRETARY PIERSON: This issue is not about
11 timing. It didn't come one day late, three days late,
12 five days late. It never came. And that's the
13 challenge that's before you today is that the way the
14 rules are written, if there's no action taken from the
15 view of the department, then the exemption proceeds.
16 And there was no action taken that we had any visibility
17 on. We can't look into 64 parishes.

18 So that's what's before you today is the
19 requirement that exists on parish, school board,
20 sheriffs to send us the outcome, and we've left it where
21 if they don't message us, then this proceeds.

22 MR. JONES: Dr. Wilson.

23 DR. S. WILSON: I appreciate my fellow
24 cabinet members' comments and don't disagree with them
25 at all. I do think and would say to the fellow Board



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1 member, Major Coleman, he has a really good suggestion,
2 but that would require a rule change, and the rule
3 change would take a couple months, as I understand it,
4 probably six to seven months, maybe a little bit more
5 depending on the nature of it. And so I think that's
6 worthy of discussion, perhaps not in the context of this
7 discussion today.

8 The other thing I would say is we deal with
9 this all of time in terms of doing better going forward
10 to accommodate things when you have to have those rule
11 changes, so that may be a necessary step to prevent
12 further issues like this from the local government
13 perspective because it is a real issue for the local
14 governments, and there are changes and issues. But as
15 attorney told us, we've got rules that don't allow us to
16 do that suggestion today, which, you know, remains, you
17 know, a handcuff, if you will, in terms of an
18 alternative to change that and give the relief for that
19 one year that you suggested. So just to comment.

20 MR. JONES: Thank you.

21 Senator Johns.

22 MR. JOHNS: Thank you, Mr. Chairman.

23 And you talked about precedent that this
24 Board -- and this is my first Board meeting, by the way
25 as Chairman of Senate Commerce, but I remember the case



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1 because it was over in my end of the state. If I'm not
2 mistaken it was the Jeff Davis Parish School Board, and
3 this Board did not override the rule at that point in
4 time. And I feel horrible. I feel terrible for St.
5 Saint John the Parish. I also feel terrible for Jeff
6 Davis Parish, but if we override this rule today, what
7 do you go back and tell Jeff Davis Parish? You know, we
8 had a very similar situation. So that's just my
9 thoughts, Mr. Chairman. Thank you.

10 MR. JONES: Thank you, Senator.

11 MR. JOHNS: And I will tell you that if
12 there was a rule change made by this Board, it would
13 come before my committee, and we would be very happy to
14 have a hearing and to discuss that publicly.

15 MR. JONES: Any other questions or comments
16 from the Board?

17 Ms. Cola.

18 MS. COLA: Just one comment. I don't want
19 to belabor the point, but I struggle between where I
20 land in this discussion because one of the things that
21 personally irritates me is when, especially larger
22 organizations or corporations come and say "I'm sorry.
23 We just forgot." In my mind's eye, the large
24 organization, you have the financial resources or human
25 capital to make sure that date is never missed if it's



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1 that importation you.

2 And so as I listen to the discussion, I am
3 heartbroken for St. Saint John the Baptist Parish
4 because I sincerely believe that the people really are
5 not supportive of this vote. But what also resonated
6 with me is, because your constituents told you "This is
7 extremely important to me," it seems to me that I would
8 have ensured that that letter went out in a way to make
9 sure that the voice of my constituents were heard. So I
10 struggle because my heart is broken either way. And so
11 I think I've landed on there is a gap that we did not
12 identify, and I think that it would be fair for us to go
13 back and look at that and to really assess are we
14 applying grace equally.

15 And so with that being said, I guess my
16 voice is that if it is truly that important to you and
17 to and to your constituents and to your company, I would
18 ensure that I've sent out that message at least three or
19 four different ways to make sure that my voice is heard.

20 That's my comments.

21 MR. JONES: Thank you, Ms. Cola.

22 Any other questions or comments from the
23 Board?

24 (No response.)

25 MR. JONES: Any other questions or comments



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1 from the public?

2 Ms. Carlson.

3 MS. CARLSON: Lady Carlson with Together
4 Louisiana. I would just like to know if LED has done
5 any kind of cost benefit analysis to see what this will
6 do, and if they have, what's the cost benefit analysis
7 of this exemption?

8 MR. JONES: There's been no cost benefit
9 analysis, per se; is that correct?

10 MS. CHENG: It was done back in October when
11 these applications first came to this Board.

12 MR. JONES: Oh, I'm sorry. Okay.

13 MS. CHENG: We don't have them with us right
14 now because that's not the agenda item that is before
15 y'all.

16 MR. JONES: But the information is in the
17 record?

18 MS. CHENG: Yes, sir.

19 MR. JONES: But it's not here today?

20 MS. CHENG: No, sir.

21 MR. JONES:

22 I'm sorry, Ms. Carlson.

23 Yes. We had another comment back here.

24 MR. BRODERICK: My name is Jesse Broderick
25 with Sumit Credits. I'm the consultant that deals with



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1 these incentive programs on a daily basis. This is my
2 livelihood. I don't represent either company. I live
3 in 330 Veterans Boulevard in Denham Springs, Louisiana,
4 and I just want to, I guess, put a few things out there
5 for the Board to consider.

6 Number one is that the Board has always
7 stuck to the rules, and if you do decide to bend the
8 rules in this case, it could open up Pandora's box for
9 both sides, not just in this particular case, so please
10 keep that in mind.

11 It has not been done before. I have been on
12 the bad end of the stick where I have sent a letter in
13 and sent it to LED and it got there late and they got it
14 after the deadline and it did not -- you guys do not
15 always see those things, but they did not afford us what
16 we had asked for, and that's a particular situation
17 where we were denied what we were asking for. And we've
18 had other instances where LED has determined that a
19 company is not a manufacturer, and this Board and
20 Together Louisiana doesn't see those instances where we
21 and our companies are told "No. Sorry. We don't agree.
22 We don't think that that's a manufacturing company."

23 So those things do happen behind the scenes
24 without sight from this Board. So I just want to, I
25 guess, to reiterate that my hope is that you will stick



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1 with the rules. Don't open up Pandora's box for either
2 side. Let us work within the rules that we're used to,
3 and knowing that it's going to disadvantage companies
4 sometimes and disadvantage local communities.

5 And the last point that I want to leave with
6 you -- two points, there is an article that I've just
7 looked up that says that Marathon's 10 years exemption
8 from their big project is about to roll off, and it's
9 going to take St. John the Baptist's property tax
10 revenues from 55-million to 100-million next year. So
11 they're going to be getting a lot more money whether
12 this exemption is allowed or not. And they have about
13 6,000 students in that parish. And I'll leave that with
14 you.

15 Thank you.

16 MR. JONES: Thank you for your comments.

17 Any other comments from the Board -- excuse
18 me -- from the public?

19 Yes, sir.

20 Please state your name and your address,
21 please.

22 MR. ANGLIM: My name is Shawn Anglim. I'm
23 the pastor of First Grace United Methodist Church in New
24 Orleans, Louisiana. I live at 920 North Salcedo. This
25 is my first meeting, and I just want to tell you what



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1 I've witnessed, a parade of multi-billion dollar
2 companies coming before you saying "I made a mistake."
3 "There was a glitch in the computer." "I'm sorry. I
4 forgot." "We changed the process." People have
5 chuckled, given them the exemption. And one little
6 truck parade of a local government who you didn't get a
7 letter from came before you and there is a massive
8 debate about the rules.

9 That's the way it looks to me, and I think
10 that's what the headline will be tomorrow. I would
11 encourage you to do the right thing. It's very clear
12 what was intended. Everybody knows what was intended.
13 There are headlines in the newspapers about what was
14 intended. Make the exception for someone who didn't dot
15 the "i" just like you did for this whole parade of
16 companies that came through here making the same request
17 of you.

18 Thank you.

19 MR. JONES: Thank you for your comment.

20 Anybody else?

21 Yes, sir.

22 Your name and address, please.

23 MR. SORAPURU: Larry Sorapuru, Junior, 502
24 Highway 18, Edgard, Louisiana.

25 I had the opportunity to serve on the St.



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1 John the Parish council for the past four years, and I
2 did get the e-mail about the ITEP program, but I got it
3 30 days late. It was sent to the secretary. It wasn't
4 sent to me.

5 This Board right now has to make a decision
6 whether to let St. John Parish get their tax dollars.
7 80 percent of the students of the kids in public schools
8 are on poverty-level income. Whenever industry has a
9 release or they make mistake and I get the call at
10 midnight telling me, "Mr. Sorapuru, I can't breathe.
11 I'm getting bad air. I can't breathe," we have to take
12 action. St. John Parish have never told one industrial
13 site to pick up and leave and go. We try to work with
14 them and correct the problem. A mistake was made.
15 We're asking you to give this parish what it deserves.

16 Thank you.

17 MR. JONES: Thank you for your comments.

18 Anybody else?

19 (No response.)

20 MR. JONES: All right. I think we're --
21 time for a vote. We have a motion and a second before
22 the Board right now to overturn the decision at the
23 staff level of approving the exemption for Nalco and
24 Marathon. The effect of the -- if the motion passes,
25 the effect would be to actually approve those -- excuse



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1 me. If the motion passes, it would be a denial of those
2 applications. If it fails, it would be -- the approval
3 would stand.

4 Did I just make it muddier or clearer? I
5 don't know. I sure hope I made it clearer.

6 Any questions about the motion?

7 Senator Allain.

8 MR. ALLAIN: Substitute motion to approve.

9 MR. JONES: I'm sorry?

10 MR. ALLAIN: Substitute motion to approve.

11 MR. JONES: Right now we have a motion to
12 deny -- excuse me -- to overturn the LED --

13 MR. ALLAIN: Did I just make it more
14 complicated?

15 MR. JONES: Let's get through this motion
16 right now. Parliamentary-wise, we could probably follow
17 it down your path, but I prefer that we simply let's
18 deal with this motion, and if it passes, it's done. If
19 it doesn't pass, then we can deal with whatever the next
20 motion is.

21 MS. COLA: Mr. Chairman, could you please
22 restate?

23 MR. JONES: Yeah, I'll try.

24 Presently LED has approved the Nalco and
25 Marathon Petroleum applications. The motion right



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1 now -- for the parish only. Correct. Thank you. The
2 school board has already been handled. But just for the
3 parish millage.

4 The motion from Mr. Moller that has been
5 seconded would be to overturn that decision, which
6 would, in effect, be a denial of those applications.

7 Is that better? Is that better?

8 Okay. All right. I'm going to presume the
9 motion is clear.

10 All in favor of the motion, say "aye."

11 (Several members respond "aye.")

12 MR. JONES: All opposed, say "nay."

13 (Several members respond "nay.")

14 MR. JONES: Let's do a voice rollcall,
15 please.

16 MS. SIMMONS: Don Briggs.

17 MR. BRIGGS: Nay.

18 MS. SIMMONS: Mayor Toups.

19 MR. TOUPS: Yes.

20 MS. SIMMONS: Yvette Cola.

21 MS. COLA: Nay.

22 MS. SIMMONS: Major Coleman.

23 MAJOR COLEMAN: Yes.

24 MS. SIMMONS: Rickey Fabra.

25 MR. FABRA: Nay.



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1 MS. SIMMONS: Manuel Fajardo.
2 MR. FAJARDO: Nay.
3 MS. SIMMONS: Stuart Moss.
4 MR. MOSS: Nay.
5 MS. SIMMONS: Representative Larry Bagley.
6 MR. BAGLEY: Yes.
7 MS. SIMMONS: Representative -- Senator
8 Johns.
9 MR. JOHNS: Nay.
10 MS. SIMMONS: Kenneth Havard.
11 MR. HAVARD: Nay.
12 MS. SIMMONS: Jerry Jones.
13 MR. JONES: Nay.
14 MS. SIMMONS: Heather Malone.
15 MS. MALONE: Nay.
16 MS. SIMMONS: Senator Allain.
17 MR. ALLAIN: No.
18 MS. SIMMONS: Representative Bishop.
19 MR. BISHOP: No.
20 MS. SIMMONS: Jan Moller.
21 MR. MOLLER: Yes.
22 MS. SIMMONS: Secretary Pierson.
23 SECRETARY PIERSON: Nay.
24 MS. SIMMONS: Darrel Saizan.
25 MR. SAIZAN: Nay.

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1 MS. SIMMONS: Ronnie Slone.

2 MR. SLONE: Nay.

3 MS. SIMMONS: Dr. Shawn Wilson.

4 DR. S. WILSON: Nay.

5 MS. SIMMONS: Dr. Woodrow Wilson.

6 DR. W. WILSON: Nay.

7 MS. SIMMONS: Did not pass.

8 MR. JONES: Can you give us a vote count for
9 the record?

10 MS. SIMMONS: Four yays; sixteen noes.

11 MR. JONES: Thank you very much.

12 Any additional business on this matter?

13 (No response.)

14 MR. JONES: All right. Let's move on. Next
15 special request, Myriant Lake Providence.

16 MS. CHENG: Myriant Lake Providence has an
17 idle facility in Lake Providence. It was granted a
18 continuation of their ITEP contracts in 2016 at the
19 September 12th Board, and they're contracts remained
20 active through 12/31 of 2017. And LED, at that point,
21 recommended the annual review and approval be done by
22 the Board of Commerce and Industry, but the company made
23 no subsequent requests to continue the 13 contracts that
24 needed to be -- that continued -- remained active
25 through that whatever -- remained active through 2017.



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1 However, we contacted the company and they
2 believe that property taxes had been being paid on all
3 assets at the site and requested documentation of that
4 to confirm that taxes have been being paid, but have not
5 received documentation on that. And we've informed the
6 company and the East Carroll Parish Assessor that the
7 contracts at issue have been deemed expired as of
8 12/31/17, and upon request of the East Carroll Parish
9 Assessor a formal action of cancelation, we're
10 requesting that the following contracts be canceled with
11 an expiration date of 12/31/2017: 20151777, 20151778,
12 20151779, 20151780, 20151781, 20151782, 20151783;
13 20151784, 20151785, 20151786, 20151787, 20151788, and
14 20151789.

15 MR. JONES: Okay. Let's see if I can clear
16 this up at all. Essentially taxes have been paid. The
17 recommendation coming from staff is that we formally
18 cancel essentially the remainder of the contracts in
19 order to be clear?

20 MS. CHENG: Essentially they're idle and
21 they're not eligible for the exemption anymore and never
22 requested that they remain active again through 2017, so
23 we would like to formally --

24 MR. JONES: So formally canceling all of the
25 contracts?



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1 MS. CHENG: All of their contracts.

2 MR. JONES: All of the contracts would
3 become effectively terminated?

4 MS. CHENG: As of 2017, and they will owe
5 taxes for '18, '19 going forward.

6 MR. JONES: Okay. That's where we are.
7 I see we have some who have signed to speak.
8 Sister Bernie Barrett.

9 SISTER BARRETT: Yes, sir.

10 MR. JONES: Yes, ma'am. Did you have some
11 comments to make?

12 SISTER BARRETT: Yes. My name is Sister
13 Bernie. I live in Lake Providence, 106 Ingram Street,
14 and I would like these people just to introduce
15 themselves.

16 MR. JONES: Sure.

17 MS. BENNETT: My name is Ernestine Bennett.
18 I live at 405 Blount Street, Lake Providence, Louisiana.

19 MR. THREATS: My name is Percy Threats. I
20 live at 609 8th Street, Lake Providence, Louisiana.

21 MR. JONES: Thank y'all for making the trip
22 down.

23 SISTER BENNETT: Yes. I'd like you to
24 remember that.

25 I'm looking at the Board and I'm wondering



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1 which of you represents Northeast Louisiana. Anybody?
2 Northeast. No. There's a Northeast and
3 Northwest.

4 Nobody from the Northeast? That's too bad.

5 You know, we had to come today. We had to
6 come to meet the Board and see who's on the Board.
7 We've been praying, talking, working hard. We've done
8 everything except tweet. We've called people. We've
9 been in touch with Mr. Pierson, Mr. Pierson's staff, in
10 order to rectify this and follow the rules. You know,
11 we kept hearing "rules." We got in here late, but
12 "rules, rules, rules." Rules apply to everybody. In
13 2016 -- East Carroll Parish has 40 percent -- 40
14 percent of the people live under the poverty level.
15 Over 60 percent of the children. So when a company
16 comes in and says "We are going to give jobs," "We're
17 going to settle in the community," "We're going to do
18 wonders," we welcome them with open arms, but we expect
19 them then to respect the community as well.

20 So in 2016, the company, the plant closed.
21 I know we're using the word "idle." No. It closed.
22 And it's still closed. A big, \$50-million plant,
23 \$50-million from the federal government to build this
24 plant. So Myriant didn't pay for that plant. They got
25 \$50-million. And I'm sure the state gave them some



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1 money too. And I know our Port, our Lake Providence
2 Port gave them money. Okay. So here they are and
3 they're closed.

4 I know in September 2016 they came before
5 the Board to ask if they could continue on their
6 exemption even though they were closed. Now, that's a
7 funny rule to have -- you know, get an exemption and the
8 corporation, the plant closed. That's a -- I've never
9 heard of that rule. I don't know what rule you broke
10 there. I'm sure you have to be in operation in order to
11 get a tax exemption. I don't know. I know would
12 presume that. You know, you're supposed to know the
13 rules.

14 Then they came before the Board, and the
15 Board agreed that they would allow them to continue on a
16 year at a time, but they had to come before the Board
17 every year and they had to get support from the
18 community. Assumingly they got letters from the
19 community. I know I got a letter. I didn't sign it
20 because I wasn't -- I couldn't agree to give an
21 exemption to a company that was closed.

22 You set the rules for them that they were to
23 come back every year. They didn't come back. This lady
24 has just read out all of those contracts. They stayed
25 on the books. So who was supposed to inform our tax



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1 assessor that they were supposed to be taken off and
2 they were supposed to be paying taxes? Nobody. Nobody
3 did it. So they've had tax exemptions even though they
4 were closed and nothing's happening.

5 Now, that -- it's hard for us to understand
6 that because we have -- like St. John the Baptist
7 Parish, we have poor people. We have a school system
8 that could certainly do with more money so we could
9 employ more teachers. We have roads with holes in them.
10 You know, we have many needs. We are way up there,
11 Northeast, Louisiana. You probably come through Lake
12 Providence on your way to Memphis or Arkansas or Little
13 Rock, but as you can see, we are ordinary people. We're
14 not elected; we're not appointed. We belong to Delta
15 Interfaith, which is a group of about 12 churches, and
16 we work together.

17 We were able to find out that this breaking
18 of the rules was going on, so I'm sure the staff members
19 and maybe the Board knew this was going on. So how
20 could you let it continue? You know...

21 Anyway. Another thing we discovered after
22 we did research was Myriant applied for their ITEP late.
23 Late. And I mean late. They still got it. They still
24 got it. There was an exception made for them. They
25 still got it. So "rules" again. You know, it looks



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1 like rules are good when they satisfy the corporations,
2 but they're not good for the poor people or for the
3 people of the parishes.

4 So today we find we had to come because we
5 finally have some justice. Now, as you know, I'm a
6 Sister, so I'm Catholic, but most of the people in North
7 Louisiana are Baptist, and let me tell you, when they --
8 they live by the word. They don't just study the word.
9 They live by it. And in the Bible, it says the Lord
10 hears the cry of the poor, and if the Lord is on your
11 side, woe to you because the Lord will move mountains.

12 We didn't think this was going to happen
13 today. We didn't think y'all would give in on it
14 because we've been at it so long, but, see, we have a
15 God, as they say, an on-time God.

16 Isn't that right, Earnestine?

17 So we finally are getting justice, but we
18 want justice for everybody else. I would like to
19 propose that -- you're not asking me, but I'm going to
20 make a proposal that LED and this Board employs staff so
21 that they can watch the companies and make sure that
22 they're doing their part. If they're supposed to have
23 jobs, they're supposed to have jobs. If they're
24 supposed to turn in papers, they're supposed to turn in
25 papers. Not just police juries and everybody else.



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1 Would you like to say something?

2 These two are Baptist, so they're going to
3 talk.

4 MS. BENNETT: Hi. Again, my name is
5 Ernestine Bennet, and I'm here because I'm hurt because
6 our town had to suffer from peoples that came in with
7 money, and we need money for to help our town to exist.
8 And they came in with it, and then they didn't share.
9 And this Board let it happen. I'm hurt that peoples
10 like us have to suffer like that. That's what I am.

11 MR. THREATS: Percy Threats. I just believe
12 that rules are made to follow, and we ought to follow
13 the rules. Not for some, but for everybody.

14 SISTER BARRETT: Thank you. I presume
15 you're going to vote on it and you're going to let it
16 happen. Sir?

17 MR. JONES: We will see. We don't have a
18 motion on the floor yet. So we wanted to hear your
19 comments. Thank you so much for being here.

20 SISTER BARRETT: Thank you.

21 MR. JONES: Thank you for coming down.

22 Okay. We would entertain a -- we have a
23 motion from Dr. Woody Wilson and a second from Dr. Shawn
24 Wilson to approve the recommendation to formally cancel
25 these contacts effectively canceling all of ITEP



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1 contracts for Myriant in Lake Providence.

2 Any other questions or comments from the
3 Board?

4 (No response.)

5 MR. JONES: Or from the public?

6 (No response.)

7 MR. JONES: Hearing none, all in favor, say
8 "aye."

9 (Several members respond "aye.")

10 MR. JONES: Any opposed?

11 (No response.)

12 MR. JONES: There is no opposition. Thank
13 you for your efforts.

14 Next.

15 MS. CHENG: Praxair, Inc., Application
16 20190076 was approved by the Board of Commerce and
17 Industry at the December 13th, 2019 meeting. Notice of
18 Board approval was sent to the St. James Parish Council,
19 parish school board and parish sheriff for their
20 consideration.

21 On February 6th, 2020, LED received notices
22 of action from the St. James Parish Council indicating
23 St. James Parish Council has conducted a public meeting
24 on the Industrial Tax Exemption Application 20190076-ITE
25 and voted to deny the application as presented by the



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1 Louisiana Department of Economic Development in the
2 12/12/19 contract for exemption of ad valorem taxes with
3 Praxair, Inc.

4 Alternatively, St. James Parish Council has
5 agreed to approve the Industrial Tax Exemption
6 Application 20190076-ITE provided that the alternative
7 yearly exemption percentages of ad valorem as listed in
8 the attached Resolution Number 20-40 are incorporated
9 into the final contract for exemption of ad valorem
10 taxes with Praxair, Inc.

11 The St. James Parish School Board and St.
12 James Parish Sheriff returned notices of the same action
13 as the parish council. However, the ITEP rules only
14 provide for only two options when a local governmental
15 authority choses to take actions upon an ITEP
16 application: Approve or deny the Board-approved ITEP
17 application.

18 LED interprets these responses from the St.
19 James Parish locals as denied. However, because the
20 notices of action received from the St. James Parish
21 Council, School Board and Sheriff are not the standard
22 notice of action forms requested to be utilized for
23 purposes of notifying the department and Board of the
24 outcome of local action, LED is requesting the Board
25 determine the result of the action taken by the parish



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1 council or parish school board or parish sheriff with
2 regard to notices of action returned to LED for the
3 referenced projects.

4 MR. JONES: All right. We have a situation
5 in which the parish facility -- excuse me -- the parish
6 entities basically denied with alternative -- denied the
7 applications with alternatives.

8 I think you have in your package
9 correspondence from the district attorney for St. James
10 Parish representing the parish entities clarifying so
11 that there is no doubt that the parish entities intended
12 to deny the application of Praxair.

13 Do we have anybody here from St. James that
14 would like to speak on the issue?

15 Yes. Come on down.

16 Please state your name and your address and
17 your position with the parish, please.

18 MR. NOSACKA: Of course. Good morning to
19 all of you, and thank you for your indulgence. We
20 appreciate the fact that we have --

21 MR. JONES: Your name. Let's identify
22 yourself for the record first.

23 MR. NOSACKA: Getting there.

24 Steve Nosacka. I am -- 606 North Millet in
25 Gramercy, Louisiana. I serve the parish as its Economic



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1 Development Consultant, and I am fortunate to also serve
2 as the Mayor of the Town of Gramercy, which is the
3 self-proclaimed capital of St. James Parish. We
4 appreciate your indulgence in hearing us out for a few
5 minutes.

6 I want to make sure we recognize the fact
7 that our Superintendant, Dr. Ed Cancienne, is here; our
8 School Board President, George Nassar, is here; our
9 Sheriff, Willy Martin, is here.

10 Our Parish President had a Corps of
11 Engineers meeting that he had to attend, and beyond
12 that -- forgive me -- our assessor had a retirement
13 board meeting. Otherwise, they would certainly be here
14 as well. All of us are united in our support of this
15 request.

16 And I want to give you a bit of background
17 to make sure you understand that what the actions we've
18 taken, recognizing everything that's already in place
19 were neither whimsical nor were they arbitrary, but they
20 reflect what we see as our responsibility to our parish
21 residents for parish tax money.

22 So to that end, I'll give you just a little
23 bit of background, and I won't be that long. Please. I
24 appreciate your indulgence.

25 We started pre-2016 Executive Order as a



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1 result of a 30-year pilot agreement being thrust upon
2 us, if I can use it, for lack of a better word, by
3 previous administration that resulted in an industry
4 coming to the parish paying only a fraction of the
5 property taxes that they should have been paying for,
6 and as a result, for a project that was only -- resulted
7 in only a fraction of the project that was presented to
8 the state in the negotiations of that.

9 And so as a result, our response was to form
10 what I named back in 2015 or so our Parish Stakeholders'
11 Committee, and that composition of that is our three
12 major taxing bodies, sheriff, school board and parish
13 council, assisted by myself, the assessor, parish
14 attorney. And we meet early and often with perspective
15 companies. We meet as often as we need to to understand
16 what that perspective company wants to do in our parish,
17 to understand and assess the impacts, both positive and
18 negative, on our parish of having that industry come and
19 locate here in our parish, to determine our level of
20 interest in seeing that industrial prospect come to the
21 parish, and then consider, in addition to ITEP, the
22 exemptions that the company requests from the parish.

23 And that's been effective, and as we've --
24 we met, as I mentioned, early and often, and we're
25 fortunate to have industrial prospects and new



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1 industries coming in where we have a reason to meet on a
2 regular basis.

3 We communicate with to the company what
4 additional considerations and commitments that we would
5 want to see from that company. Particularly for us.
6 Our interests always are to attract environmentally
7 responsible companies that will put strategies in place
8 and action plans in place that employ more of our local
9 residents and do business with more of our local
10 companies.

11 So for St. James Parish our focus and intent
12 is always to strike a balance between the pros and cons
13 of new industries coming into our parish, being mindful,
14 always, of our accountability to the St. James people,
15 to the people of St. James Parish, as we've done with
16 this company, which is, while we might add, is a
17 world-class company. We're exited to have Praxair
18 located in St. James Parish.

19 So the action taken by our taxing bodies in
20 your agenda is read to you already, and correspondence
21 you received provides the details of the resolutions and
22 the sheriff's letter that our taxing bodies have
23 approved. They all mirror each other, which essentially
24 would result in retaining 80 percent, that 80 percent
25 exemption for the company for the first five years of



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1 the property taxes, and would modify the remaining five
2 years to be at 50/50. And these were done, as mentioned
3 to you, with the knowledge and the concurrence of the
4 company.

5 As you can see in our district attorney's
6 letter, even though we recognize your current rules do
7 not, we do see, and our attorney's letter says and we
8 see said ourselves as we considering as we step through
9 this, that the Governor's Executive Order 2016-73 does
10 provide for alternative parameters for consideration,
11 including percentages for exemptions.

12 So in conclusion, we're here today because
13 of our understanding of the Governor's Executive Order
14 and the fact that local approval has been granted us the
15 option for the opportunity for local approval, and what
16 we have done in our estimation is truly in the spirit of
17 the Governor's Executive Order and we think it's within
18 the Board's authority to request that LED revise that
19 ITEP contract to provide what we have approved.

20 And we thank you for your hearing us.

21 MR. JONES: Any comments from any of the
22 other representatives?

23 MR. MARTIN: He represented us well. Thank
24 you.

25 MR. JONES: Thank you very much.



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1 Any comments or questions from the Board to
2 Mr. Nosacka?

3 Let's see if there's any questions first,
4 and then we can have other comments.

5 Any questions or comments to Mr. Nosacka?
6 Mr. Moller.

7 MR. MOLLER: So the first five years, you
8 just want the 80 percent exemption, which is what -- I
9 mean, we've --

10 MR. JONES: Is under the rules.

11 MR. MOLLER: Which is under the rules, and
12 that's what we approved; right?

13 MR. NOSACKA: Yes, sir.

14 MR. MOLLER: And we wouldn't take up the
15 second five years until it came back on approval; right?

16 MR. NOSACKA: In concept, yes. As a
17 practical matter, what we actually gave you was a
18 resolution that modified the percentages for the entire
19 10-year term to flatten that property tax stream.

20 So first year is not 80/20. First year is
21 75/25 or something like that, and year 10 is like 49/51
22 or something like that.

23 MR. MOLLER: Okay.

24 MS. CHENG: Mr. Moller, if you look at the
25 packet that you have in front of you, the resolutions do



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1 have all of the percentages.

2 MR. MOLLER: Okay. So the sliding scale
3 starts right away?

4 MS. CHENG: I believe so.

5 MR. MARTIN: And we did agree to that in the
6 presence of the company. They also made a comment to
7 that effect that they understood what we were doing in
8 trying to balance out for annual budgeting that we were
9 leveling the level of payment from Year 1 all of way to
10 Year 10.

11 MR. JONES: I just want to make sure the
12 court reporter can hear what you're saying.

13 MR. MOLLER: What stage is the project right
14 now? Is it built or is it operating or where --

15 MR. NOSACKA: No, sir. They hadn't broken
16 ground yet on the project.

17 MR. JONES: It's my understanding this is a
18 new project.

19 MR. NOSACKA: It is.

20 MR. MOLLER: What happens to the project if
21 we accept the recommendation of LED that it was denied,
22 which was the first vote?

23 MS. CHENG: You'll have to ask Praxair.

24 MR. JONES: Praxair has representatives here
25 I'm sure, so I think we'll have an opportunity to ask



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1 those kind of questions. I didn't mean to cut you off.

2 MR. MOLLER: Yeah, that's fine.

3 MR. NOSACKA: Let me mention as well, Mr.

4 Moller, to follow up, in our e-mail -- excuse me.

5 Praxair followed up with us after conversations with
6 them about this, in presentation to them, because one of
7 the things we would never do for us is to make this kind
8 of proposal without the full knowledge of the -- and the
9 discussions and negotiations with the company. So part
10 of our stakeholders' meeting, we often invite companies
11 in to hear them out on the matter.

12 So for all of that, that's -- they respond
13 to us with an e-mail that said, and I'm quoting, that
14 they were in agreement to the extent that this was
15 allowable.

16 MR. MOLLER: So, you know, I want to be
17 consistent, and previously I said I really wanted to
18 defer to the wishes of the locally-elected officials.
19 Are you -- I mean, what would you -- what are you asking
20 this Board to do? To deny the application or to -- if
21 our option is to vote up or down --

22 MS. CHENG: The 2018 rules only allow for
23 approvals or denials, so what their notice is
24 essentially saying is that they're denying -- that
25 they're denying the full 80 percent. And he did



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1 reference the Executive Order. Yes, the Executive Order
2 provided for setting terms, but the 2018 rules, which we
3 are operating under today, does not provide for that,
4 and it is an approval or denial of 80 percent for five
5 years and 80 percent for five years.

6 MR. MOLLER: Exactly. And it's clearly the
7 wishes of this Board -- I can't speak for anyone else --
8 that we want to follow our rules. So it seems like we
9 can either approve this or deny it, but that we're not
10 going to do the sliding scale exemption that y'all
11 approved.

12 So I guess my question is, you know, are you
13 asking us to approve or deny this?

14 MR. NOSACKA: Approve or deny our request,
15 that specifically that you revise the contract to
16 provide for what we have approved.

17 MR. MOLLER: Okay.

18 MR. NOSACKA: That's what we're asking.

19 MR. MOLLER: If we deny that, then the
20 project -- then there's no Praxair?

21 MR. JONES: If you follow the LED staff
22 recommendation -- and, frankly, the letter from the
23 district attorney may clarify that the intent of the
24 local bodies was to deny the contract. Alternatively,
25 they wanted this sliding scale over 10 years.



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1 Is that fair, Mr. Nosacka?

2 MR. NOSACKA: It is. "Sliding scale" is --

3 MR. JONES: Well, that's my term.

4 MR. NOSACKA: -- a loose term.

5 MR. JONES: It may be not a good term.

6 MR. NOSACKA: An alternative property tax
7 exemption --

8 MR. JONES: You want something alternative
9 to the 80/20.

10 MR. NOSACKA: Yes, sir.

11 MR. JONES: Mr. Pierson.

12 SECRETARY PIERSON: So if I can help frame
13 this issue, and if I stray from what your intent is, let
14 me know, for new Board members, and you're here with
15 this agenda item because it's a special request. It's a
16 special request because there's confusion. The parish
17 council both denied and approved with their actions,
18 and, therefore, that does not compute an answer to the
19 staff at LED and now brings this to the Board for
20 consideration.

21 Obviously what we strive for is an effective
22 and efficient process to give industry an answer in a
23 short period of time. Certainly you appreciate that
24 there are 64 parishes, so we have 192 local
25 jurisdictions and municipalities that often get



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1 involved, and this was considered to have the
2 opportunity to new negotiated millages in the past, but
3 the assessors correctly identified that if you take
4 hundreds of companies and array that against more than
5 192 jurisdictions, it becomes impossible to administer
6 effectively the tax exemption program.

7 The other salient point I would want to make
8 here is that the parish understands and has executed
9 against if they want to do what I'll call a modified
10 millage, they may proceed with an agreement, and you've
11 heard them say this term, so if you're new to this Board
12 and know it, follow it, pilot payment in lieu of taxes.
13 They can structure that with the company and have this,
14 for lack of maybe a better term, customized millage rate
15 of exemption, but that's not what they presented to LED,
16 to the Board of Commerce and Industry through this
17 application process.

18 This is not a motion, but it is a staff
19 recommendation from myself that you don't have to vote
20 this up or down today. The alternative would be to
21 return this to the local community for their
22 consideration to either approve or deny this application
23 as its present form is not in compliance with our rules
24 and what's acceptable to come before the Board. And
25 it's placing the Board in a position where you can't go



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1 forward based on the rules, but you've been provided
2 with information that, again, I will point to, that's
3 confusing where they both deny and approve the
4 Industrial Tax Exemption application in the same
5 correspondence.

6 MR. JONES: Thank you, Mr. Pierson.

7 Any other comments or questions?

8 Ms. Malone.

9 MS. MALONE: So when a company works with
10 LED on the contract with the state, they sign that, they
11 go through the contract with LED and the terms. So were
12 you working with the company during those conversations
13 where the company has to sign the contract with the
14 state? I mean, because they signed it with an 80
15 percent exemption, so was there no communication during
16 that time when --

17 MS. CHENG: The contract's actually not
18 issued until after the locals approve it.

19 MS. MALONE: Oh, after.

20 MS. CHENG: So that's only the Exhibit A
21 that y'all have that have the job requirements and the
22 terms of 80 percent, and that's Exhibit A to the
23 contract.

24 MS. MALONE: Okay. So does the company
25 receive a draft of Exhibit A to review --



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1 MS. CHENG: Yes, and that is signed by the
2 company.

3 MS. MALONE: -- before it's approved or
4 brought before the Board?

5 MS. CHENG: Yes.

6 MS. MALONE: Okay. So were conversations --
7 were there any conversations between your organization
8 or any of the local governing bodies and the company
9 during that time when it was presented that it would be
10 an 80 percent exemption and brought before this Board?

11 MR. NOSACKA: Multiple conversations with
12 the company since this Summer, and we formulated this
13 response upon receipt of the contract.

14 MS. MALONE: Okay.

15 MR. JONES: Let me make sure I understand
16 that, Mr. Nosacka. So you're saying after the Board of
17 Commerce and Industry approved in -- was it December?
18 The December meeting. So after the December meeting is
19 when you presented the company the hybrid -- is that a
20 better word?

21 MR. NOSACKA: Better.

22 MR. JONES: -- the hybrid payment schedule;
23 is that correct?

24 MR. NOSACKA: That's true. That's exactly
25 right.



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1 MR. JONES: But prior to the time you-all
2 voted on it; is that correct?

3 MR. NOSACKA: True.

4 MR. MARTIN: But your question was did we
5 talk to the company prior to that; right?

6 MS. MALONE: Correct. So I guess my
7 question is did the company --

8 MR. NOSACKA: Not about the --

9 MS. MALONE: Did the company know there was
10 an alternative plan be- --

11 MR. NOSACKA: Not about -- we hadn't
12 formulated the alternative plan. Once we received the
13 contract, we began to discuss the contract, and from
14 that, the alternative plan began to be formulated. We
15 communicated that with the company prior to our
16 response -- prior to the Board's taking action and our
17 response to LED.

18 Let me follow Mr. Pierson's comment, and I
19 appreciate deeply the work of LED and the breadth of
20 everything they do for us, but Secretary Pierson
21 mentioned something about an alternative available -- an
22 option available to us to negotiate pilot agreements.
23 And keep in mind, from a legal standpoint, that,
24 according to how that's in place today, we would have to
25 take ownership of those assets for that pilot agreement



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1 to take place. So it's not just simply, you know, we're
2 going to sit down and develop a contract where we're
3 going to determine locally how we modify property tax
4 agreements, that sort of thing.

5 And we've had lots of opportunity to have
6 those discussions, and more often than not, we've had
7 companies that have declined to let us own their assets.

8 MR. JONES: Okay. Dr. Wilson.

9 DR. S. WILSON: Mayor, question, at any
10 point before you made your proposal did you-all consult
11 with LED to determine whether or not that was a viable
12 approach?

13 MR. NOSACKA: Yes, sir. We deeply
14 appreciate all the efforts of LED and everything they do
15 for us here in Louisiana.

16 Last Summer, Board President Nassar and
17 myself and our assessor, Glenn Waguespack, visited with
18 LED staff to had that conversation and posed that kind
19 of hypothetical. We weren't prepared with any
20 particular, so we -- and response from -- they were very
21 helpful, very understanding, very appreciative of us
22 coming to see them about it and told us what the rules
23 were.

24 DR. S. WILSON: And their interpretation of
25 the rules then aren't any different than the



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1 interpretation of the rules now?

2 MR. NOSACKA: No, sir. We weren't mislead,
3 uninformed or...

4 DR. S. WILSON: Thank you.

5 MR. NOSACKA: Like I told you, we appreciate
6 LED and everything they do and the time they spent with
7 us last Summer to have that discussion.

8 MR. JONES: Any other questions or comments
9 from the Board for the St. James representatives?

10 (No response.)

11 MR. JONES: Do we have someone here from
12 Praxair?

13 Thank you, gentlemen.

14 Again, if you would, state your name and
15 address and your position with the company, please.

16 MR. FOGARTY: Yes, sir. John Fogarty with
17 Praxair. I'm Commercial Director for our Louisiana
18 business. Address 9154 Highway 75, Geismar.

19 MR. JONES: Thank you.

20 MR. FOGARTY: I had to change my script
21 here. It says "good morning," so...

22 MR. DECUIR: And I'm Jason DeCuir. I
23 represent Praxair. 301 Main Street, Baton Rouge,
24 Louisiana.

25 MR. JONES: Thank you.



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1 MR. FOGARTY: We appreciate the opportunity
2 to address the Board and certainly thank you for your
3 time. We'd like to spend a little time talking about
4 Praxair, Inc., who we are, our presence in Louisiana and
5 the St. James Parish project under consideration today.

6 Praxair, Inc. is a member of the Linde Group
7 by way of a 2019 merger between Praxair and Linde AG.
8 We're the world's leading industrial gas and engineering
9 company with a stated commitment to investing in our
10 communities, putting safety first, valuing diversity and
11 leading a sustainable development by improving our
12 customers' environmental performance while reducing our
13 own carbon footprint in our operations.

14 Our commitment to the local community is
15 best represented by our Skills Pipeline Program, which
16 was piloted in 2014 in coordination with the Louisiana
17 Community and Technical College System. Since its
18 inception, this program has provided funds and hands-on
19 support allowing training and certification of hundreds
20 of welders in South Louisiana.

21 In 2019, the program was expanded in the
22 Fort Polk area to provide commercial driver training to
23 military personnel as they transition from military to
24 civilian life.

25 We presented this program last week to RPCC



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1 and St. James Parish School Board to gauge their
2 interest in developing pathways that we could work with
3 them to bring this program more locally into their area
4 of the CTC at Lutchter High School, and I think they were
5 impressed.

6 Moving to with Praxair, the bulk of our
7 operations in Louisiana involves the supply of hydrogen
8 and carbon monoxide to the refining and petrochemical
9 industry. We established operations in the state in the
10 1970s with major locations in Calcasieu, East Baton
11 Rouge, Ascension and St. Charles Parishes. We also
12 operate hydrogen pipelines in the state, one that
13 extends from Baton Rouge to Norco. The second is
14 connected at the Texas State line and extends into the
15 Lake Charles area.

16 Louisiana is a key part of our overall
17 growth strategy, and our growth in the state mirrors the
18 refining and petrochemical industry. Our products are
19 key-fitted stocks in and producing clean fuels and
20 specialty chemicals. Since 2010, we have invested
21 approximately \$500-million in the state.

22 The project under consideration today
23 represents an addition \$225-million investment, creates
24 15 permanent jobs and approximately 150 construction
25 jobs over an 18-month period. The project will produce



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1 175-million cubic feet per day of hydrogen into our
2 pipeline system and enables continued growth in the
3 refining and petrochemical sectors along the Mississippi
4 River Corridor.

5 In addition, we are currently in the process
6 of developing projects that could bring an additional
7 500 to \$750-million investment and the creation of 50 to
8 75 jobs over the next five to 10 years. Our projects
9 are highly competitive for market and costs perspectives
10 with ultimate contract provisions resulting in
11 fixed-price schedules that prevent recovery of an
12 unanticipated cost. As a result accurate assumptions of
13 all cost factors, including available tax abatements and
14 incentives, are essential to the long-term success of
15 our projects and our continued growth in Louisiana.

16 With regards to the project under review in
17 today's discussion, we formally approached the parish
18 stakeholders in the first quarter of 2019 upon execution
19 of supply contracts providing the needed base load for
20 the facility. Our advance notification was filed with
21 LED in July 2019 with approval of project application
22 provided by the BCE at its December 2019 meeting, and
23 then sent it to parish stakeholders for their approval.
24 Our discussions with the parish throughout this process
25 were highly supported of our project and did not



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1 indicate any deviation from the standard ITEP tax
2 abatements.

3 In conclusion, we would appreciate the
4 Board's attention to this matter and understand the
5 difficult nature of interpreting the non-standard
6 notices of action that the parish provided. We have
7 worked diligently to comply with all rules and
8 regulations related to the ITEP process and application
9 before you, and we're confident that we did such. We
10 look forward to working with the Board, LED, the
11 Governor's office and the officials of St. James Parish
12 to determine a future equitable result for all parties
13 involved.

14 Thank you.

15 MR. JONES: Thank you, sir.

16 Mr. DeCuir, do you have any comments?

17 MR. DECUIR: No. I think he summarized it
18 good, and I'm here if there are any questions, sir.

19 MR. JONES: Thank you.

20 Any questions from the Board to -- just one
21 second.

22 Any questions or comments from the Board?

23 Mr. Moller.

24 MR. MOLLER: What happens to this project if
25 you don't receive the tax abatement?



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1 MR. FOGARTY: We've got to look at the
2 overall project economics and determine whether escape
3 paths we might have or what might happen with it. It's
4 hard to say at this point today. I mean...

5 MR. MOLLER: But would you be able to
6 negotiate a pilot with local officials or --

7 MR. DECUIR: So I think the question of
8 pilot was brought up, and I think Secretary Pierson
9 brought that up. And at this point, it does provide a
10 lot of complications. As we know, there has been
11 attempted pilot legislation that has come through the
12 legislature and has not been approved.

13 As a result, in order to enter into a pilot,
14 the company at this point would have to turn over
15 ownership of all of its assets. When they start looking
16 to do these projects, you start having liens and other
17 security rights in those assets. And so at this point,
18 to try to undo all of that in a pilot, it would, you
19 know, be difficult. I don't know that that could even
20 be done at this stage because we were moving down the
21 road under the assumption of the ITEP. All of those
22 discussions with St. James Parish were favorable, and
23 that's the direction that the company moved in.

24 MR. JONES: If I may, just for the Board
25 members, and I know there's been some discussion about



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1 the Governor's Executive Order of June 2016, as you get
2 used to working through the ITEP agenda, it can be a
3 little bit confusing because basically we have contracts
4 falling into three different buckets; one is
5 pre-Executive Order, one is from Executive Order to the
6 enactment of the 2018 revision to the rules, and the
7 third bucket is post-2018.

8 Now, the reason for all of that confusion is
9 that with the Executive Order, all of a sudden things
10 were uncertain. As a result of the uncertainty, this
11 Board attempted in 2018, perhaps not perfectly, but at
12 least attempted to provide more -- let me do it
13 different -- less arbitrariness in the way that the
14 program was facilitated, and as a result, in 2018, we
15 passed a rule that basically said, okay, when this Board
16 approves a project, it has to go to the local
17 governments for approval, and what the local governments
18 will receive is an 80/20 exemption. In other words,
19 instead of 100 percent exemption for the companies, the
20 companies would get an 80 percent exemption guarantying
21 them a 20 percent flow from the property tax to the
22 local entities.

23 And so since 2018, the way we have
24 essentially operated is, is when a project is approved
25 by the Board, it goes to the local governments and the



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1 local governments say either we want the 80/20 or we
2 don't want to -- we don't want any exemption at all.
3 And they have that option to do that. And at that
4 point, the project has to then determine do we go
5 forward or not, and that's a determination that's
6 between the company and their board of directors.

7 This situation, the reason it's before us
8 today is, as Mr. Pierson said, is that we basically
9 offered an orange and an apple, and the parish handed us
10 a banana. And so we're trying to figure out what do we
11 do with that, what do we when the rules specifically say
12 either thumbs up on the 80/20 or thumbs down and nothing
13 at all, no exemption at all, because that's what the
14 rules say.

15 And so I thought that the letter from the
16 district attorney was very helpful because he stated in
17 no uncertain terms that the intent of the parish
18 entities was to deny the application. I understand from
19 Mr. Nosacka today that the parish would still love to
20 have the hybrid. This is -- I'm only one vote, but my
21 inclination is is that the rules provide for an 80/20 or
22 nothing. It doesn't provide for a hybrid.

23 I think that's where we are today. That
24 doesn't mean some day the rules will be changed to allow
25 for a pilot or something else, but right now, I agree



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1 with Mr. DeCuir's comments. Pilots are very attractive,
2 but in Louisiana, the Louisiana law right now, they're
3 very problematic and they're very almost impossible to
4 get. There's been litigation over them, there's -- it's
5 a great concept, but right now it's problematic in order
6 for the companies to get financing and in a situation
7 that they can allow for that.

8 So I think where we are today is we need to
9 make a decision. The LED's recommendation is that the
10 St. James action be interpreted as a denial. At that
11 point, I believe the company will then have to make a
12 determination of what it wants to do as far as the
13 project is concerned, but one thing that is very clear,
14 although the parish entities have de- -- assuming we
15 accept LED's staff interpretation and we vote that this
16 is, in fact, a denial, there's nothing to keep the
17 parishes from changing -- the parish entities from
18 changing their minds. If they want to come back and
19 approve the 80/20, that's within their providence, and
20 that is there's nothing that prohibits that. But based
21 upon the LED recommendation and the district attorney's
22 letter, we have to determine today whether this is a
23 denial.

24 Mr. Pierson.

25 SECRETARY PIERSON: Point of clarification,



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1 LED's interpretation is that it's a denial. Our
2 recommendation is that it be returned to the local
3 governing bodies for reconsideration because of the
4 confusion introduced by the duplicity of their
5 submission to LED.

6 MR. JONES: Thank you. Thank you for that
7 clarification. I apologize for muddying those waters at
8 all.

9 Okay. Mr. Nassar, I think you had something
10 you wanted to say.

11 MR. NASSAR: I'll be very brief.

12 Mr. Jones, it's nice seeing you. It's been
13 a while since we've worked together, but I just wanted
14 to clarify the position. To give you a little
15 background an little history of my work record, I worked
16 construction for many years and ran procurement for some
17 big construction companies for St. James and Ascension
18 Parish. After that I went to work for a chemical
19 industry in St. James Parish where I retired two years
20 ago after 38 years. So I've been on the St. James
21 Parish School Board for 25 years. We've worked very,
22 very good with industry in St. James Parish. Industry
23 has worked very good for us. I grew up on a farm, so I
24 know what it is to work hard, and I know that what it is
25 to have to grow what you eat. And if it were not for



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1 industry in St. James Parish, our school system wouldn't
2 be where it is. I wouldn't live the way I live and I
3 probably would not have been able to send three children
4 to college.

5 With that being said, as an elected
6 official, and y'all all know, I mean, I feel for our
7 senators and representatives that's sitting on this
8 Board because of the bombardment they get not only on
9 this Board, but in the legislature during the session.
10 You're pulled in 10 different directions, which brings
11 me back home.

12 We get pulled in 10 different directions
13 also from our constituents, and our constituents do know
14 what goes on on a day-to-day basis, and everybody's
15 related to somebody in St. James Parish.

16 So with that being said, we are not trying
17 to run Praxair out of St. James Parish. And as far as
18 I'm concerned, a comment was made earlier by John, and I
19 hope that the conversations are still favorable because
20 we are looking forward to working with y'all. However,
21 we thought that there had to be some type of agreement
22 to not only show, but also satisfy our constituents that
23 we are working with industry, we are working and we are
24 working on their behalf. And when we did have the
25 resolution come up at the St. James Parish School Board,



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1 we had no one in opposition to it. So I just wanted to
2 state that, that we are not anti-industry and we are
3 working as hard as we can with them to make everybody
4 happy.

5 So with that being said, I appreciate
6 y'all's attention, and, you know, we'll just, I guess,
7 try to go back to the drawing table or whatever the
8 Board decides to do, but...

9 MR. JONES: I would say, Mr. Nassar, I know
10 in this very room St. James has been used as an example
11 in times past about there are ways for the parish to
12 come together and work as a unit, and y'all do that very
13 well. Thank you.

14 MR. NASSAR: Thank y'all.

15 MR. JONES: Mr. Sheriff.

16 MR. MARTIN: A little bit of following up to
17 what Mr. Nassar said, I want to point out, too, as I sat
18 down with Praxair's representative in going through this
19 process, I want to fall back a little bit on the
20 Governor's Executive Order, which I was pretty excited
21 about ever having an opportunity to sit down with these
22 corporations wanting to come into St. James Parish and
23 actually having a seat at the table. And so this was
24 really the first opportunity I ever had, first
25 experience I ever had in the negotiating process of



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1 dealing with industry. I've been visited by industry in
2 the past, and, of course, we always had very civil
3 conversations and discussions about what they were
4 bringing to the parish and what it would mean to my
5 organization, but this was the very first time that I
6 felt like it was going to matter, that I felt like the
7 decisions that we all agreed on looking for what was
8 good for the company as well as what the local taxing
9 authorities needed. I think that when I sat down at
10 that table, shame on me, I felt like I had a voice at
11 this table, and in no way did -- shame on me for not
12 realizing that a later decision made by LED that it's a
13 20 up or down.

14 That was never our intent to ignore what
15 rules you live by and that we're going to shove it back
16 in your face that we don't want to do this, we've got a
17 better idea. It's about us sitting down and working out
18 together, which I think you might say is rare when all
19 taxing authorities sit in the same room and come up with
20 the same game plan. I'm proud of the fact that I work
21 with my peers, that we were capable to do that. I'm
22 proud of the outcome of these meetings, and I know and
23 realize now at that point that we broke new ground. We
24 didn't know where this would go, but I am for industry
25 as well. I think that you'll find that's consistent

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1 with most of the leadership in our parish, and I have
2 great experience with the companies in the past. And I
3 like this company and I want to see them in St. James
4 Parish.

5 Thank you very much.

6 MR. JONES: Thank you, Sheriff. Appreciate
7 your comments.

8 All right. We are -- I think we're ready
9 for a motion.

10 Ms. Malone.

11 MS. MALONE: I was just going to go say it
12 sounds like the local governing bodies and the company
13 want to take this back home, and I would take the
14 recommendation of LED to send this back to them and give
15 them 30 days -- is that appropriate -- to hold meetings
16 again and bring us a yes or no vote.

17 MR. JONES: What if we don't this: Why
18 don't we take the special request and simply defer
19 action on it until the next meeting?

20 MS. MALONE: Perfect.

21 MR. JONES: Then if at that point, if the
22 parish and Praxair can come back with an alternate --
23 and I will say, going to the Sheriff's comments, I think
24 the alternate is either the parish can determine no, we
25 want to continue with the denial of the application or



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1 we're willing to accept the 80/20. I think that's where
2 you are. Those are the two choices you have, but that
3 way they can have an opportunity to make that decision
4 and visit with their constituents and see how they want
5 to move forward.

6 Mr. Nosacka.

7 MR. NOSACKA: Chairman Jones --

8 MR. JONES: It's hard for you to say that,
9 isn't it?

10 MR. NOSACKA: I'm trying to get myself used
11 to it, but for -- appreciate your desire to kind of
12 capture that, but I'm not quite sure that's the capture
13 that we see. For all of that, the deferral until your
14 next meeting in April may make sense for us.

15 One of the things I want to leave you with
16 is this, because I'm not quite sure what changes between
17 now and then, but we're willing to see if we can get --
18 we certainly want to get somewhere because Praxair is an
19 exceptional company and a tremendous value to St. James
20 Parish. But I want to make sure for the record that our
21 I reference this, that just as you mentioned earlier,
22 LED brought to the Board a set of rules based on to, in
23 essence, put into place some structure around the
24 Governor's Executive Order, and our position really is
25 that maybe the rules don't really fully capture the



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1 intent of the Executive Order that gives local approval
2 over our money.

3 MR. JONES: And I appreciate that. And,
4 again, it goes back to comments that had been made
5 earlier, and we may have a philosophical discussion as
6 to what ought to happen as far as local control is
7 concerned, but right now, the rules are what the rules
8 are. And there may be -- does that say that rules can
9 be changed at some point between now and the future,
10 yeah, but not between now and the next meeting. So
11 that's -- I think practically that's where we are.

12 MR. NOSACKA: My comments I still want to --

13 MR. JONES: No, I understand, Mr. Nosacka,
14 and I appreciate it. I appreciate it very much.

15 MR. MOLLER: If we can clarify, what are we
16 expecting to change at this point now and the April
17 meeting?

18 MR. JONES: I think the determination -- in
19 fairness, I think there has been some misunderstanding
20 is the best word I can come up with as to what the
21 parish entities' options are, and I think -- I think
22 what we're doing by deferring is giving the parish
23 entities an opportunity to go back and determine which
24 path they want to go down, do they want to be a full
25 denial or are they willing to accept the 80/20.



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1 MR. MOLLER: But the parish voted to deny
2 the application, and so we're basically giving them a
3 redo?

4 MR. DECUIR: May I make a comment?

5 So, Mr. Moller, with all due respect, that's
6 not what parish sent back to LED.

7 MR. JONES: Yes, it is.

8 MR. DECUIR: And the Secretary alluded to,
9 look, the LED was put in a position to make a
10 determination of what they really thought the parish was
11 doing, but if you take the LED form that was sent to St.
12 James Parish, they checked "approve" as well as "deny,"
13 and it is the intent that St. James sat up here and
14 stated that they wanted to give this company some form
15 of abatement, but the question -- the question --

16 MR. MOLLER: But the denial is legal under
17 the rules of our Board, but the approval is not because
18 it doesn't conform to the rules of our Board.

19 MR. DECUIR: I think the rules -- look, let
20 me say this: We are willing to go back and try to work
21 with St. James. Praxair has always been willing to do
22 that. We've shown that we're willing to do that, but I
23 think if we're going to get into a rules interpretation,
24 there are a lot of rules that perceive the fact that
25 before you even get into the approval or denial in terms



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1 of if you look at that agenda item, were the proper
2 noticed followed and sent to LED. That's what that
3 agenda item says. It just doesn't say LED interprets it
4 as a denial. We've got to start looking to see if what
5 was sent back to LED was appropriate under the rules,
6 and then you may have to make a decision under that
7 specific rule.

8 And so what I'm saying is, if y'all want us
9 and encourage us to work with St. James, we're willing
10 to do that, but if you're going to make a motion such
11 that it's approved or denied today, then we would have a
12 lot of alternative arguments that we would make before
13 we would accept a denial. And, again, keep in mind this
14 is not St. James, the school board, the sheriff or the
15 council saying they don't want to give us an abatement.
16 If you read the intent of what they sent back to LED, it
17 says we want to give this company an abatement for 10
18 years. We just want to use a different structure than
19 what the rules call for, and we're kind of caught in an
20 innocent position because they are saying we disagree
21 with the interpretation of the Governor's Executive
22 Order. That is a disagreement that's going on between
23 St. James and the Governor's office whereby Praxair has
24 followed every rule of the program, and I don't think to
25 have a denial (indicating).

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1 MR. MOLLER: So it's pretty clear that the
2 hybrid plan approved by the council is not going to fly
3 with this board; right? So we're just saying decide if
4 you want to do 80/20 or nothing. Is that --

5 MR. NOSACKA: I'm not sure -- forgive me.
6 I'm not sure that we would be willing to concede that
7 it's not willing to fly.

8 MR. DECUIR: See, that's the deal. They are
9 disagreeing with what the rules are they want to do it a
10 different way. We're willing to work with them as long
11 as it's allowable under the rules, but we don't want
12 zero as a result of that.

13 MR. NOSACKA: And the only reason why we
14 disagree with the rules, if we could use that term
15 "disagree" with the rules only because we don't think
16 the rules really capture the spirit of the Executive
17 Order.

18 MR. JONES: Mr. Nosacka, you realize that
19 the rules -- that the Executive Order -- that the rules
20 implemented the Executive Order, and I agree that you
21 may not like the way it implemented the Executive Order,
22 but it did. And the Governor approved those rules.

23 MR. NOSACKA: We think you did your best.

24 MR. JONES: And you may be right. All the
25 mistakes I've made in my life, if I lined them up, we'd



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1 be here for a long, long time. And these rules are by
2 no means perfect. We've seen that today. We've seen
3 the rules being questioned all day today, but the rules
4 have been slapped around today like crazy, and in some
5 cases appropriately because rules are meant to be
6 changed. Legislature would have nothing do every Summer
7 if we didn't change rules.

8 But as the rules stand today, it's an up or
9 down vote, and it's either up 80/20 or down nothing at
10 all. Those are your two options.

11 MR. DECUIR: Well, again, as I look through
12 the rules and as a tax attorney reading through these
13 rules, we are willing to go back and work with St.
14 James, but as we heard earlier, the rules also mention
15 that you either have to approve or deny as stated
16 herein.

17 MR. JONES: Right.

18 MR. DECUIR: They did not -- if not, it is
19 deemed approved. There's already a remedy within the
20 rule if you didn't approve or deny, and I think we've
21 seen all of the testimony here that they didn't do
22 either. They kind of did both, and what I am saying is
23 that would be an argument that we would make. And we're
24 willing to go back and work with St. James if that's
25 what y'all are instructing us to do, but there would be



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1 an alternative argument that there is a remedy already
2 embedded in the rules when they're not followed as we
3 heard here earlier today.

4 MR. JONES: Okay. Let's kind of wrap this
5 up. We don't have a motion right now. I think the
6 recommendation from LED is to defer any action on the
7 special request until the next meeting, and at this
8 time, I would entertain a motion to that effect.

9 MR. JOHNS: I will make that motion.

10 MR. JONES: I have a motion from Senator
11 Johns; second, Mr. Briggs.

12 MR. JOHNS: Question, Mr. Chairman.

13 MR. JONES: I'm sorry. Go ahead.

14 MR. JOHNS: Is one month enough time for
15 local government --

16 MR. JONES: It's actually 60 days because
17 our next meeting is not until April.

18 MR. JOHNS: Till April. All right.

19 MR. JONES: I think 60 days would be plenty
20 of time.

21 MR. NOSACKA: Senator, we do agree with
22 that, 60 days probably is adequate time for us to step
23 into that process.

24 MR. JOHNS: Mr. Chairman, I make the motion
25 that we defer until the April meeting.



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1 MR. JONES: Thank you, Senator. Thank you,
2 Mr. Nosacka.

3 We have a second from Mr. Briggs, to that
4 motion.

5 Any questions or comments from the Board?
6 (No response.)

7 MR. JONES: Any questions or comments from
8 the public?

9 (No response.)

10 MR. JONES: Thank you all for your
11 cooperation and your guidance today from both the parish
12 and the company.

13 All in favor, say "aye."

14 (Several members respond "aye.")

15 MR. JONES: Any opposed?

16 (No response.)

17 MR. JONES: There is no opposition. The
18 motion carries. The matter is deferred till the April
19 meeting.

20 Thank you, Mr. Nosacka.

21 MR. NOSACKA: Thank you. Again, we want
22 to -- we appreciate your hearing us today on this
23 matter.

24 MR. JONES: Absolutely. Appreciate your
25 comments.



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1 Yes, sir, Mr. Fogarty?

2 MR. FOGARTY: I don't want any of my
3 comments to be interpreted as negative on St. James
4 Parish Industrial Development. They have been with us
5 lockstep and very supportive of us every step along the
6 way.

7 MR. JONES: Understood. Thank you very much
8 for that. We would expect nothing less.

9 MS. CHENG: And that concludes the ITEP
10 portion of the agenda.

11 MR. JONES: All right. Next on the agenda
12 is election of officers, and we are -- scratch that.
13 No, it isn't. Forgive me.

14 Ms. Cheng misspoke. This is not the end of
15 ITEP. We have a resolution that has been promulgated by
16 the LED staff on ITEP rules, policies and procedures.

17 Mr. Pierson, do you want to speak to that?

18 SECRETARY PIERSON: Members of the Board,
19 you've been provided with a resolution for your
20 consideration today.

21 Mr. Chairman, how would you like to properly
22 enter this into the record as a -- do you want me to
23 read it into the record or is this copy available to the
24 court reporter, will that suffice?

25 MR. JONES: I think for my -- I serve at the



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1 pleasure of the Board, but from my perspective, I don't
2 think it needs to be read into the record. If you want
3 to supply it, file it formally into the record, we can
4 do that, but not in this...

5 SECRETARY PIERSON: All right. We would
6 provide the written copy to the court reporter here
7 today for the official record.

8 This is a resolution that we recommend to
9 the Board for adoption, and its purpose is to help with
10 clarifying activities that you've basically encountered
11 today to some degree. And this resolution takes nothing
12 away from the executive order on ITEP, and it
13 essentially reinforces the elements around ITEP. And
14 the Board to strictly understand that we are not
15 creating any kind of a new appeal process available. It
16 is basically addressing a reconsideration is an
17 allowable activity by industry when they are confronted
18 with a situation wherein local rules apply to their
19 application and, hence, causing a denial that are in
20 conflict with the rules and laws that are enacted here
21 and are the responsibility of the Board of Commerce and
22 Industry to enforce both from the laws provided by the
23 Constitutional-enabling documentation and the rules
24 adopted by the Board itself.

25 So I think that sort of some of the salient



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1 language that I would share here is that, as we've
2 touched on today, the Board in 2017 and 2018 enacted
3 forms to ITEP and the rules now require that the
4 exemption be subject to the company's accountability to
5 create, maintain and retain jobs or job retention in
6 compelling cases as part of the investment manufacturing
7 establishment for which the exemption is sought, and the
8 Board is establishing uniform rules for the statewide
9 application of each exemption that it grants in order to
10 provide business and industry with clear mandates for
11 obtaining Board approval of the exemption.

12 The rules include the opportunity for local
13 governing bodies to establish guidelines for business
14 and industry seeking those bodies' consent for the
15 exemption, and the Board, through LED, has worked with
16 local interests in establishing guidelines for their use
17 in reviewing the exemptions granted by this Board, and
18 for any parish that does not have a set of guidelines or
19 a school board that wishes one, LED does have that
20 template for adoption available.

21 Whereas nothing in the rules, including the
22 opportunity to provide guidelines, authorizes local
23 governing bodies to contradict the terms and conditions
24 upon which the exemption is approved or to conflict with
25 the duly established Board rules for the exemption.



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1 LED, on behalf of the Board, will continue to work with
2 local interests to establish guidelines consistent with
3 the process and qualifications for the exemption
4 established by the Board. And this resolution provides
5 the Board procedures for dealing with rejection of
6 exemptions by local governing bodies that have
7 established guidelines that are in conflict with the
8 rules of this Board.

9 The Board has followed the Louisiana
10 Administrative Procedures Act in promulgating its rules,
11 and in doing so, the Board has never surrendered its
12 constitutional power over the exemption to the
13 legislature.

14 Further, although the APA statute includes
15 the Board as a body that is required to follow its
16 terms, there is no legislative intent in the APA or
17 constitutional authority for the legislature to remove
18 the Board's constitutional prerogative established in
19 Article 7 Section 21 of the Louisiana Constitution of
20 1974.

21 So essentially the issue today before you is
22 for consideration of being able to continue to listen to
23 companies like Praxair in certain situations where a
24 local governing authority has established rules or
25 guidance that have denied them the opportunity to move



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1 forward with full consideration of the tax exemption.

2 MR. JONES: Thank you, Mr. Pierson.

3 In order -- I know we have some people who
4 have signed up to speak on the resolution. In order to
5 make sure we have this in proper order, I think it would
6 be appropriate to have a motion and a second, and then
7 we can open it up for discussion.

8 So I'll entertain a motion at this time on
9 the resolution.

10 Motion by Mr. Saizan to approve; second from
11 Mr. Slone.

12 So we have a motion and a second. Looking
13 at the cards, Mr. Cage, you want to speak to the
14 resolution.

15 MR. CAGE: Chairman Jones, Secretary Pierson
16 and Members of the Board, I'm, again, Edgar Cage, leader
17 with Together Louisiana. We come before you in
18 opposition to the resolution. You are being asked to
19 allow for an appeal procedure for the actions of local
20 taxing bodies to determine the expenditures of their own
21 tax dollars. Currently, this Board approves every ITEP
22 application before this body. Now you're being asked to
23 give yourself the authority to act again if a local
24 entity does not approve the action of this Board. This
25 is a move backward in a the reform efforts that we have



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1 worked on together. We urge you to not approve this
2 resolution.

3 Should a state Board of Commerce and
4 Industry meeting in Baton Rouge be allowed to give
5 contracts to industrial refineries and chemical plants
6 which exempt them for having to pay school property
7 taxes? If the school board and community rejects such
8 an exemption request, should that state board meeting in
9 Baton Rouge have the authority to overrule the decision
10 of that local school board? We think not.

11 The Board and LED continue to violate the
12 constitution and your own rules by not providing a
13 thorough written analysis to benefit of each ITEP
14 contract. Together Louisiana believes in local
15 communities investing in their children and the future.
16 A simple standard should be no new jobs, no incentives.
17 I'll say that again. No new jobs, no incentives.

18 Please reject this resolution. Thank you.

19 MR. JONES: Thank you, Mr. Cage. Appreciate
20 your comments.

21 Mr. Matthew Block.

22 MR. BLOCK: Good afternoon, Members,
23 Mr. Chairman. I appreciate the opportunity to speak to
24 you this morning. Matthew Block. I'm the Governor's
25 Executive Counsel, 900 North 3rd Street, Baton Rouge,



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1 Louisiana, State Capital.

2 Since the Governor's name has been tossed
3 around a good bit in this meeting and others, I thought
4 it would be just a bit appropriate for me to come in
5 here to give you the Governor's position as to the
6 purpose of what the Governor has done since 2016 with
7 this program and why he supports the resolution that's
8 before you today.

9 As I think everyone here knows, but I know
10 we do have some new members the this panel, it's
11 important to note that the basis for the Governor's
12 Executive Order constitutionally is that the Governor is
13 required for full approval of any of these ITEP
14 contracts. The Governor's signature is required per the
15 Constitutional as is the approval of this Board. So
16 when the Governor issued his Executive Order in 2018,
17 his authority for that Executive Order is basically he
18 said "These are the conditions for my signature on an
19 ITEP contract."

20 He then charged LED to work with this Board
21 to develop a set of rules, which we've gone through
22 several iterations of, to make sure that we had
23 accountability for this program, and for the first time
24 in almost a century of this program running in place
25 where there were decisions being made. And Mr. Cage is



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1 right that there were decisions being made in Baton
2 Rouge where local taxes were exempted without any real
3 voice from the local taxing entities who were seeing
4 their taxes being abated. The Governor didn't think
5 that was right. He didn't think it was proper, and so
6 in 2016 and through several iterations into the 2018
7 rules, we're now at a place where the local authorities
8 have the full authority under the current rules to say
9 yes or no as to whether or not they approve or deny of a
10 tax exemption.

11 That standard which was set initially by the
12 Governor's Executive Order and then set by a rule by
13 this Board is not changed in one bit by the resolution
14 that is under consideration today, and I think that's
15 really an important point to make because there's been a
16 lot of, I think, misunderstanding about what is being
17 proposed today and it's important that we clarify that.

18 This in no way changes the ability of a
19 local entity and the authority of a local entity to say
20 yes or no on any ITEP application that comes before
21 them. The only change this makes is if the local entity
22 has a rule that they have adopted that is in conflict
23 with this Board's rules and then that is -- that alone
24 is the basis for the denial locally, then this Board has
25 the ability -- the ability, not the ultimate where we

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1 know the outcome, but this Board has the ability then to
2 review whether or not that decision, which was done
3 locally based upon a rule which was in conflict with
4 this Board, should be upheld.

5 So it's very simple at the end of the day.
6 If a local entity does not have a rule regarding this
7 program that conflicts with the decision of this Board,
8 then whatever decision that local entity makes, yes or
9 no, will not come back before this Board for review. It
10 is not part of this resolution. It is not the
11 Governor's intention and it is not LED's intention to
12 have, if it is a yes or a no, to have that reviewed by
13 this Board. The only -- and the resolution makes it
14 clear, the only times that it would be under
15 consideration is in the very limited circumstances when
16 the local entity adopts a rule that is in conflict, and
17 it is on -- for that reason and that reason alone that
18 the application -- and let's be honest what we're
19 talking about, if the application is denied based upon
20 that rule that is in conflict, that it would come before
21 you. That's the limited circumstance of what we're
22 talking about today.

23 And the whole point of this is -- and the
24 two words that get tossed around a lot relating to ITEP,
25 one of which is "control," and so there's a whole lot of



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1 discussion about where there's local control of ITEP.
2 Well, that's not what the Constitution sets forward.
3 The Constitution sets forward that this Board and the
4 Governor have control of the ITEP program. That does
5 not mean, however, that -- at least as long as this
6 Governor continues to be in office -- there won't be
7 local authority over the ultimate decision of whether an
8 application is approved. As long as this Governor is in
9 office, and he will be now until four years or a little
10 less than four years from now, there will be local
11 authority over the ITEP program, meaning that the local
12 entities, taxing entities will always have the ability
13 to say yes or no. But that does not mean that the local
14 entities control the ITEP program. This Board, per the
15 Louisiana Constitution, controls the ITEP program.

16 The other word that gets tossed around a
17 lot -- and they just both happen to be "C" words. The
18 other word that gets tossed around a lot is "certainty."
19 And a lot of you have heard from industry, "Well,
20 industry wants certainty in the ITEP program." Well,
21 that's also not a word that is set forth in the
22 Constitution of how this is going to work. Certainty
23 means -- if certainty means that you want to know what
24 the result is going to be at the end of the day, well,
25 then we're not going to have certainty because the local

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1 entities have the ability to say yes or no, and that, by
2 its very nature, it means it's uncertain as we've seen
3 today. That there is -- when there's local authority,
4 that means there's not necessarily going to be a certain
5 result. There should be predictability. There should
6 be discussions in open dialog with the local communities
7 with this Board, and I think that is continuing and
8 developing, and we've seen just in the last group that
9 came up here where there is continuing dialogue, which,
10 by the way, is a result, is a direct result of what the
11 Governor did because, frankly, it wasn't necessary
12 before 2016.

13 So the Governor supports this resolution
14 because it brings some clarity to what the local
15 decisions are. The local decision is do you approve the
16 project or do you deny the project, and it should not be
17 based upon rules, the denial should be based upon rules
18 that are in conflict with this Board's rules. And,
19 frankly, what we've seen is that local entities even
20 within the same parish are having rules which conflict
21 with each other.

22 We are continuing, and LED has done a
23 yeoman's job of trying to work with the local entities,
24 and those efforts continue to try and make sure that the
25 local entities understand this issue and that they

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1 understand LED's position as to why we're trying to
2 bring their rules in to be consistent with this Board.

3 We think that this resolution assists in
4 that effort, and that's why the Governor supports the
5 resolution.

6 And I'm happy to answer any questions that
7 anybody may have.

8 MR. JONES: Thank you, Mr. Block.

9 Any questions from the Board?

10 Mr. Moller.

11 MR. MOLLER: Mr. Block, what's the specific
12 problem that we are trying to solve with this? I mean,
13 take it from the theoretical to the concrete. What's
14 the problem?

15 MR. BLOCK: Okay. So I'll give you a very
16 concrete example that we've seen come up time and time
17 again, and it's one relating to the timing of projects.

18 So as all of you know, the way this works,
19 as required now in the executive order, it was not
20 required before then, that to receive an ITEP tax
21 exemption, there now needs to be an advanced
22 notification that gets submitted. Sometimes those
23 advance notifications are submitted well in advance of
24 when the project is going to be actually to begin.

25 What some of the local entities have done,



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1 and I understand the reasoning behind what they are
2 doing, and I think we can all understand that reasoning
3 behind it, but what some of these local entities have
4 done is said that "We are not going to approve a project
5 that has either already been finished" or some have said
6 that "We're not going to approve a project where the
7 project is even underway, even if it's not finished."
8 That is not consistent with what the rules of this Board
9 are about the timing and process of an application.

10 So in some of those -- and we can get into,
11 and I'm not sure it's serves a whole lot of benefit for
12 this Board for an analysis of why this Board has thought
13 it appropriate to not put a timing limitation on ITEP
14 applications. It has and continues to approve
15 applications for projects that have already been
16 complete, but that is a rule that is in direct conflict
17 with the rules of the Board. And so what this
18 resolution is attempting to do, the fix, to answer your
19 question directly, is to say that if the local entities
20 want to deny a project, if a member wants to say "Look,
21 I don't like the timing of this project," and that's the
22 reason that they vote no individually, that's -- they're
23 entitled to do that. What this resolution is attempting
24 to fix is that they cannot have a rule, the local entity
25 cannot have a rule that would be in conflict that would

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1 result in a denial.

2 MR. MOLLER: But wouldn't that make this --
3 I mean, I agree with you on the concept of certainty,
4 but I also think predictability is a good thing to have,
5 and this could have the effect of making the process
6 less predictable for companies.

7 MR. BLOCK: Well, I'm not sure that any of
8 the companies that were subject to any of the denials
9 that were for timing reasons would agree with you that
10 it led to better predictability, because, frankly, what
11 is happening, and it is entirely predictable that this
12 will happen, is that the local entities make exceptions
13 to their rules because they say "Well, but we really
14 think this is a good project, so we're going to exempt
15 them from the rule that we set forward." Which -- and
16 that's entirely predictable that things like that will
17 happen that the local entities will set a rule or a
18 guideline, and then when the project comes forward that
19 they think is appropriate and a necessary project, they
20 then provide an exception to their rule, which we've
21 seen time and time again today, does not lead to
22 predictability. It leads to unpredictable -- let me
23 make sure I get that right.

24 MR. MOLLER: Under this, what if a parish
25 governing body decided, you know, we'd like industry,



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1 but as a matter of policy, we don't think anybody should
2 get a tax break. We're going to vote every single one
3 of these down, would that permissible under this?

4 MR. BLOCK: So let's break that down.

5 The process of how that would be done, if
6 you're saying that they would have some blanket rule.
7 -- is that what you're asking?

8 MR. MOLLER: They don't believe in ITEP,
9 everybody should pay property taxes no matter who they
10 are.

11 MR. BLOCK: Well, then the entity should
12 vote no. I mean, that's what we like people to do. We
13 like people to make decisions --

14 MR. MOLLER: They can vote no, but they
15 can't -- but the wouldn't be able to put it in a rule.

16 MR. BLOCK: That's what we're asking. If
17 they want to deny an application, then deny the
18 application, then vote no to deny the application.

19 MR. MOLLER: So --

20 MR. BLOCK: And I don't think that's an
21 unreasonable request that there be accountability in
22 public in meetings where their vote's yes or no.

23 MR. MOLLER: Okay. But so this -- wouldn't
24 this have the effect of having fewer local guidelines
25 instead of more local guidelines? I mean, because what



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1 I've been hearing from industry for years is we want
2 locals to get together and tell us the rules of that
3 parish so that we know what to expect when we apply for
4 ITEP, and this seems to be sighing we actually want
5 fewer guidelines because they might be in conflict with
6 the Board.

7 MR. BLOCK: Well, I mean, I think the
8 answer's yes. If it leads to fewer guidelines that are
9 in conflict with the Board rules, yes.

10 MR. MOLLER: Thank you.

11 MR. JONES: Senator Allain.

12 MR. ALLAIN: Thank you, Mr. Chairman.

13 Matthew, you know, this may come as a shock
14 to you, but I agree with the premise of everything that
15 you've laid out here.

16 MR. BLOCK: Well, that would be a first, and
17 I'm sure it might be the last.

18 MR. ALLAIN: That would be a first.

19 What I don't understand is --

20 MR. BLOCK: Not everything.

21 MR. ALLAIN: What I don't understand -- it
22 wasn't presented today, but there's also in here talk
23 about legislative intent in other legislative acts and
24 procedures. Why did you feel compelled to include that?
25 I agree with what you're trying to do, to have the -- an



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1 alternative look, if you will, but why the verbiage
2 about the legislature?

3 MR. BLOCK: So I didn't write the
4 resolution, but let me -- I know the intent of that, and
5 so you're talking about so for anybody -- I'm sure the
6 millions of people listening at home. Let me clarify
7 what you're talking about.

8 There is the "Whereas" clauses, which are
9 basically meaningless in terms of actual policy for this
10 Board. It's setting the background, and you're talking
11 about language that's included in some of the "whereas"
12 clauses.

13 Obviously the only thing that really matters
14 at the end of the day is the "Therefore" clause, which
15 is what you're actually doing, the action you're taking.

16 The point of that language is to clarify
17 something that we think the Constitution makes
18 abundantly clear. This is a constitutional program and
19 not one set up by legislation. So the idea is that
20 the -- the wisdom of this may be questioned, but it is,
21 in fact, the law is that the Constitution sets it up
22 where the conditions of the ITEP program are not set and
23 are not controlled by the legislature. They are set per
24 the Constitution to this Board and the Governor's and it
25 is -- that is what that language is referring to, that



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1 there can be no -- at least as we see it, there can be
2 no legislative fix. If the legislature were to see
3 issues with the ITEP program -- and this is a discussion
4 that we had at some length last year in the legislative
5 session, if the legislature sees some deficiencies or
6 problems with the ITEP program or things that they want
7 to do different, in my view in, and I think what the
8 resolution is trying to clarify, is the only way that
9 the legislature could modify that would be via
10 Constitutional amendment and not through legislation.

11 So the point is is that this Board would
12 need to take some action or the Governor would need to
13 take some action to have some change in how the program
14 is administered.

15 MR. ALLAIN: I appreciate that that's your
16 position, but when you state in the "be it resolved,"
17 and that second-to-last line, "any other legislative act
18 or procedure," I would make the argument to you that the
19 changing the Constitution is the legislative act or
20 procedure, and you're saying you would be precluding the
21 legislature from having a Constitutional amendment to
22 change the rules of this. I mean, I don't see a need
23 for the legislature to be in the "therefores" at all,
24 and I would make that argument that I could not
25 support -- I support everything in the resolution except



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1 that. I think it's separate branches of government, and
2 we have the right to weigh in on anything.

3 Now, if the Board or the Governor can
4 challenge us, they have many times, I think that's for
5 the Court to decide, but as presented to us right here,
6 I don't know any member of the legislature who could
7 support that language being in there.

8 MR. BLOCK: Well, look, we can certainly --
9 as I mentioned, I'm not the one who drafted the
10 resolution, so we can certainly have -- yeah. So we --
11 it is certainly not intended to imply, suggest or argue
12 that the legislature is not empowered to bring forth and
13 pass constitutional amendment. Of course they are, and
14 a constitutional amendment is without the Governor's
15 signature. So the Governor's not even -- has no
16 authority as to whether or not a constitutional
17 amendment passed. That's not what it's intended to
18 argue, and so we can certainly -- and I think that staff
19 could maybe make some modifications to this to
20 accommodate your concerns because --

21 MR. ALLAIN: If you would -- I'll let that
22 first "whereas" go that regulates this because I
23 don't -- I understand the intent of it, but, I mean, I
24 would even go as far, at the appropriate time, to make a
25 substitute motion to approve the resolution, but without



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1 the language in the third-to-last line "or other
2 legislative acts or procedures."

3 MR. BIGGS: Would it be possible that we
4 should defer this to another -- to our next meeting?

5 MR. JONES: That is a possibility. Let's
6 see if we have other questions or concerns from the
7 Board, make sure we put all of them on the table, and
8 then we can figure out what we want to do with them.

9 MR. ALLAIN: And I think Representative
10 Bishop just had the objection to the "whereas" and the
11 "previously" being in there.

12 Look, it's not -- at least speaking for
13 myself, it's not my intent that the Administrative
14 Procedures Acts gives the legislator a way into what the
15 constitutional intent was, but I think -- I don't see
16 the need -- to what y'all presented earlier, I don't see
17 the need to have that language in here.

18 MR. BLOCK: We're not disagreeing, so I'm
19 sure that could be -- we can make the changes necessary
20 to do that, because, again, that's not the -- the
21 purpose of this, it's not the intention, and so I'm sure
22 we can work out the language on that. And I don't think
23 it would be necessary, if it's the will of the Board,
24 but I don't think it would be necessary to have a delay
25 in doing that. I think that could be done within a



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1 matter of minutes here.

2 MR. JONES: Any other comments or questions
3 to Mr. Block from the Board?

4 (No response.)

5 MR. JONES: Thank you, Mr. Block.
6 Appreciate it.

7 I'm sorry. I don't mean to go too fast.
8 Forgive me.

9 MR. MOLLER: You know, again, back to this
10 kind of making this as smooth as possible and
11 predictable as possible, I'm frankly concerned that
12 adding this kind of appeal provision will -- could have
13 the potential effect of mucking up the process and
14 eroding local control, because what we're essentially
15 telling locals and companies is that, you know, go talk
16 to the locals after you win your approval, and if you
17 don't like what they do, come back here and we may try
18 to fix it. And so I'm afraid that that adds an extra
19 step in the process to complicate things and really
20 takes a lot of the authority away from those locals
21 whether they intent to or not.

22 MR. BLOCK: Okay. Yeah. I just don't
23 agree, and that's not what I think this resolution does.
24 I don't think it creates the dynamic that you just
25 stated. I understand that's the concern and I hear what



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1 Mr. Cage has said and I've had many discussions with
2 some of the people who are going to be opposed to this
3 today. I just disagree that that's, A, what this is
4 going to accomplish, and, B, that it is some step back
5 from the Governor's granted authority in which I don't
6 think could be clearer that what the Governor has -- and
7 what this Board has said is the local entities should
8 vote yes or vote no. And that is a decision that they
9 have the ultimate authority, they continue to have the
10 ultimate authority to do so, and that vote is not going
11 to give -- if they do not have a rule that is in
12 conflict with this Board, that vote will be revisited.
13 It will not come back on some review by this Board. And
14 I think it's that simple.

15 MR. MOLLER: This just seems to grant pretty
16 broad authority for somebody to appeal a decision by the
17 locals that they don't like.

18 MR. BLOCK: Well, only if there's a rule
19 that's in conflict with this Board, but if there's no
20 rule that's in conflict with this Board, I don't agree,
21 and I don't think that is in any way with what the
22 resolution says. I think it specifically says
23 differently.

24 MR. MOLLER: All right. Well, thanks.

25 MR. BLOCK: I mean, look, I'm going to --



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1 I'll read from the rule. It says that "On the grounds
2 that the reason for rejection is that the reason is in
3 conflict with ITEP rules." It does not provide any
4 other exception saying "or whatever the Board thinks."

5 MR. MOLLER: So, I mean, what kind of
6 guidelines, then, are acceptable for local governments
7 to adopt? I mean, are we telling them, you know, you
8 can make any rules you want, you can have anything on
9 the menu as long as it's a cheeseburger or -- I'm trying
10 to understand what's acceptable and what's not
11 acceptable in terms of the local guideline.

12 MR. BLOCK: Well, I think the point of this
13 is that this Board created a rule that the Governor
14 supports that calls for the Board -- the local entities
15 to approve or deny the application, and I think that's
16 what -- maybe is our fundamental difference and maybe
17 it's the fundamental difference between how the Governor
18 and I think how this Board has seen this and some of the
19 opponents to this resolution in that the obvious concern
20 that some of the opponents to this resolution have is
21 that without local guidelines that, in effect, tie the
22 hands of the local members, that the local members are
23 not going to be able to stand up and say "No." I think
24 that's the fundamental difference that there is in that
25 some of the push for local guidelines is to make sure



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1 that the local entities say no to certain projects,
2 which they retain the ultimate authority to do so to say
3 no. And I think that's what the Governor's endorsement
4 of the rule change, which sets forth that the 30 and
5 60-day period in which they have the authority to put on
6 the agenda and vote yes or to vote no.

7 At the end of the day, that's the
8 expectation that we, the Governor, has is that if
9 they're going to deny a project, then go into a public
10 meeting and vote no.

11 MR. MOLLER: So if the wishes of a local
12 governing body do not approve projects that have already
13 been completed, you're still free to do so, just don't
14 put it in the rules?

15 MR. BLOCK: That's it. They're entitled to
16 vote no for reasons. Whatever -- they don't even have
17 to articulate reasons at meetings; right? I mean, so --

18 MR. MOLLER: They can do it --

19 MR. BLOCK: All of you are going to make
20 votes today. Not every one of you is going to say "Now,
21 let me tell you the exact reasons I'm making my vote
22 today." What we are trying to establish is that there
23 should not be rules locally that are in conflict with
24 the state rules.

25 SECRETARY PIERSON: I might make a point



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1 that we spent time today talking to St. James Parish
2 because they had manufactured a rule that was in
3 conflict with the state's program. That's the very
4 nature that this resolution speaks to.

5 MR. BLOCK: Yes.

6 MR. MOLLER: But, I mean, what St. James
7 came up -- I mean, this came up on a special
8 consideration, so somebody could still come up before
9 our Board if there is something, some unique situation
10 like what happened today with St. James where they
11 essentially made two decisions in one meeting that were
12 in conflict with each other. Somebody could still come
13 back to this Board if something like that were to
14 happen.

15 MS. MALONE: Well, I think that was staff
16 that was unsure about that issue, so staff brought it
17 forward because they weren't sure which way to go. So
18 it wasn't the company's ability to come back and appeal.

19 MR. JONES: Mr. Moller, do you have any
20 other questions for Mr. Block? We have other people
21 that want to speak, and I don't want to --

22 MR. JOHNS: I do. I have a question.

23 And, Matthew, the intent of what you're
24 trying to do, I agree with, but all of the language in
25 there about the legislature -- and I think it's very



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1 clear in Title 49 that it's in statute right now that
2 the Department of Economic Development shall report in
3 the rulemaking process -- in the rulemaking process
4 shall report to the House and Senate Commerce committees
5 in terms of rulemaking. So that's in statute right now.

6 MR. BLOCK: It is.

7 MR. JOHNS: So this resolution cannot assert
8 a statute as I understand. I'm not an attorney. You
9 remember that.

10 MR. BLOCK: I do.

11 MR. JOHNS: So why do we need that language
12 in the resolution?

13 MR. BLOCK: So let me -- this is what LED
14 staff has proposed, and it is the eighth "whereas"
15 clause, "Whereas the board followed the Louisiana APA,"
16 so they are proposing to strike that entire paragraph,
17 which is the third-to-last "whereas" clause, and to
18 strike from the second "Be it resolved" paragraph
19 after -- on the fourth line, after "The Administrative
20 Procedure Act," to strike where it says, comma, "or any
21 other legislative act or procedure," comma.

22 So I think that addresses the concern that
23 you --

24 MR. JOHNS: I think so.

25 MR. BLOCK: -- and Senator Allain and



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1 Representative Bishop have, and that would be -- I'm
2 sure they will be able to answer any more specific
3 details about any questions about that, but that's their
4 proposal, and we support that.

5 MR. JOHNS: Thank you very much. And I
6 appreciate that, and we just want to make sure that
7 House and Senate Commerce Committee continue to have
8 that rulemaking authority and not muddy the water
9 between statute, resolution. So this helps
10 tremendously.

11 MR. BLOCK: And this certainly was not
12 intended to nor could it take away any of the authority
13 that you, Mr. Chairman, have in your committee or any of
14 the members if the legislature.

15 MR. JOHNS: Thank you, Mr. Block.

16 MR. JONES: Any other comments or questions
17 for Mr. Block?

18 (No response.)

19 MR. JONES: Thank you, sir. Appreciate it.

20 MR. BLOCK: Thank you.

21 MR. JONES: We have a card from -- I may
22 mispronounce it -- Ileana Ledet.

23 Ms. Ledet, if you'll state your name and
24 your address and your company you're representing.

25 MS. LEDET: My name's Ileana Ledet. I'm



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1 here with GNO, Inc., Greater New Orleans, Inc., 1100
2 Poydras, New Orleans, Louisiana 70113.

3 I'm here in support of the resolution today.
4 GNO is the regional economic development organization
5 for 10 parishes in Southeast Louisiana. We have been
6 supportive of the changes that have been made to the
7 program, particularly in terms of having locals have
8 some input as well as additional revenue from day one.

9 The fact is, given that many of our
10 companies sell outside of New Orleans and Louisiana and
11 often compete domestically or globally, they can locate
12 wherever it makes the most sense. Many of our companies
13 have locations across the globe, and they're competing
14 for investment in projects even within their own
15 companies.

16 What we are hearing from companies is that
17 ITEP has historically been a factor in their investment
18 decisions, and when they meet the state guidelines and
19 then potentially have to meet an additional set of
20 regulations at the local level, it eroded the utility of
21 the program for them. We want to continue to see local
22 input, but we'd also like to see some stability in the
23 program, and we believe that's what this resolution
24 does, provide a good step moving forward, providing
25 clarity for locals and companies.



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1 So GNO, Inc. would like to ask you to
2 encourage support of this resolution today.

3 Thank you.

4 MR. JONES: Thank you, Ms. Ledet.

5 Any questions for Ms. Ledet?

6 (No response.)

7 MR. JONES: Thank you very much.

8 MS. LEDET: Thank you.

9 MR. JONES: Appreciate the work you guys do.

10 MS. LEDET: Likewise.

11 MR. JONES: Mr. Russel Richardson.

12 MR. RICHARDSON: Good morning. Russel
13 Richardson of the Baton Rouge Area Chamber here in Baton
14 Rouge, 564 Laurel Street.

15 Like GNO, Inc., we're one of eight for
16 context of these comments. We're one of eight of the
17 economic development organizations in the state. We
18 work with LED, we work with our parish partners, as well
19 as our investors to attract companies outside the state
20 and the region, as well as work with companies inside
21 our region to grow and expand. And like GNO, Inc.,
22 those projects are competitive as well, so it helps us
23 to be as competitive as possibly can be when it comes to
24 the due diligence to these projects.

25 Comments we have, "We appreciate the C&I



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1 Board and LED for providing greater clarity to the ITEP
2 program. Recently, similar to the example Mr. Block
3 used in the capital region, there was significant
4 confusion for a parish's local government bodies and for
5 manufacturers of all sizes due to local guidelines that
6 were in direct conflict with the ITEP rules of the C&I
7 Board. A small manufacturer chose to invest in the
8 North Baton Rouge area. Based on the ITEP incentive,
9 the company submitted advanced notification, the
10 application and received approval per the state ITEP
11 rules. The company then found themselves in confusion
12 because of local guidelines suggesting they were not
13 eligible because they had started and completed
14 construction. This is allowed and encouraged by the
15 ITEP program as part of their approval process, but
16 supposedly it was not allowed at the parish local
17 guidelines. Fortunately the local school board and the
18 parish counsel understood the state's rules and the
19 local guidelines conflicted with one another. In the
20 spirit of the ITEP program, to incentivize manufacturers
21 to invest, both local bodies chose to approve the
22 project.

23 We believe the C&I Board, under the
24 constitutional power of this program, creates the rules
25 of ITEP. Locals have been given the authority by the

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1 Governor's Executive Order to approve or reject the
2 applications, but not the authority to create new rules
3 of the program.

4 Today, with this resolution, you are making
5 a clearer process. We support this resolution, and we
6 believe it is not a change to the program, but is fully
7 in keeping with the existing rules that you have put in
8 place to ensure the state's rules are the rules of ITEP.
9 We appreciate your efforts today."

10 Thank you.

11 MR. JONES: Thank you, Mr. Richardson.

12 Any questions for Mr. Richardson?

13 (No response.)

14 MR. JONES: Thank you very much.

15 All right. We have a motion and second on
16 the floor. I perceive that we may want to provide an
17 amended motion.

18 MR. ALLAIN: As amended. Substitute motion
19 to adopt the resolution as amended.

20 MR. JONES: Pursuant to conversation with
21 Mr. Block?

22 MR. JOHNS: If I could clarify that
23 language, we would be striking the entire paragraph
24 "Whereas this Board has followed the Louisiana
25 Administrative Procedures Act," and then that paragraph



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1 ends with the words "Louisiana Constitution of 1974."

2 And it's the --

3 MS. MITCHELL: It's the eighth "whereas."

4 MR. JONES: Pardon me?

5 MS. MITCHELL: The eighth "whereas" you want
6 to strike entirely, and then in the very last paragraph,
7 strike the term "or any other legislative act or
8 procedure."

9 MR. JONES: Okay. So we have a substitute
10 motion. I don't remember who the mover and the second
11 were, but I -- Mr. Slone, do you agree -- whoever made
12 the motion --

13 MR. ALLAIN: We'll vote on the substitute
14 first. If it passes --

15 MR. JONES: We'll do that.

16 All right. We've got a substitute motion
17 with the language as we just discussed.

18 Any other amendments to the resolution from
19 the Board?

20 (No response.)

21 MR. JONES: So we have a motion. Do we have
22 a second to the substitute motion?

23 Representative Bishop.

24 Any comments or questions from the Board?

25 MR. TOUPS: I just have -- just being a



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1 representative of local officials, there's a lot of
2 information that was provided to me a couple days ago.
3 I have tried to properly vet it with my member
4 organization that I represent. I would just ask for a
5 little more time for us to be able to look through it to
6 make sure that it does not adversely affect us local
7 officials. So I don't know if that's in a form -- I
8 know we've got two motions, two seconds.

9 MR. JONES: You want to make a motion to
10 defer --

11 MR. TOUPS: So I would make a motion.

12 MR. ALLAIN: Point of order, I don't think
13 that's a proper thing to do. I think you have to take
14 up my substitute motion.

15 MR. JONES: Okay. And I think, as a
16 parliamentary procedure, I think Senator Allain is
17 right.

18 So we have a substitute on the floor.
19 Any other comments or questions from the
20 Board?

21 (No response.)

22 MR. JONES: Comments or questions from the
23 public?

24 Yes, sir.

25 MR. ANGLIM: Shawn Anglim, pastor of First



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1 Grace 3401 Canal Street.

2 Again, this is my first meeting. I don't
3 know if they're all this well attended. Maybe something
4 has changed that's made them so well attended, and
5 perhaps that is that local entities now have a voice.
6 And it sounds like school boards have a voice, unless
7 the industry disagrees with their voice, and then they
8 get to bring it back to you. And it sounds like the
9 sheriff has a voice, unless industry disagrees with the
10 voice, and then they get to bring it back to you. It
11 sounds like local municipalities have a voice, unless
12 industry disagrees with their voice, then they get to
13 bring it back to you.

14 I am disappointed in the Governor, who I
15 think has created tremendous discussion. It's been
16 called "confusion." What it is is power being dispersed
17 among the people, and the people are now given a voice
18 and now we're seeing that happen and it's beautiful.
19 It's called democracy and it's messy and it shouldn't be
20 cleaned up too much.

21 There was a very clear and broad sentence
22 read by, I think it's Mr. Moller about what this
23 suggestion by the Governor presents, which gives
24 industry broad latitude to bring back to you anything.
25 The Governor representative can say the sentence doesn't



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1 say what was just read, but we could read the sentence
2 over and over again. It would still give broad latitude
3 to be overruled. So.

4 I think what has happened in the state is a
5 very profound moment for all of us where we see there is
6 much more of a democratic process going on, people
7 participating, local people participating and having
8 conversations with industry that has much more power
9 than they do, and that is a good thing for Louisiana.
10 We know that those industries are here because we have
11 something called the Mississippi River. We have the
12 three largest ports in the country. We're number one in
13 petrochemical. People want to be here. We have the
14 most pipelines in the nation. People want to be here.
15 So let's have a democratic process which has been put in
16 place to help us keep working this out.

17 I believe that this new motion shuts down
18 that voice, and it's a very powerful voice. Let it keep
19 moving. Let it keep evolving. Let us keep working it
20 out.

21 Thank you.

22 MR. JONES: Thank you for your comments.

23 Any other comments from the public?

24 (No response.)

25 MR. JONES: Seeing none, let's -- I think



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1 we're ready to vote.

2 All in favor of the substitute motion with
3 the amended language in the resolution, say "aye."

4 (Several members respond "aye.")

5 MR. JONES: Any opposed?

6 MR. MOLLER: No.

7 MR. TOUPS: Nay.

8 MR. JONES: I hear three -- can I get -- Mr.
9 Moller, Mayor Touns. Is there anybody -- and no from
10 Mr. Briggs.

11 All right. I think the motion carries. The
12 resolution as amended is adopted.

13 Thank you. Thank you-all for your efforts.
14 And it's interesting to me, there was time when this
15 Board, we did not have as many legislators on the Board,
16 but through legislation, we changed that, and I think
17 that was a good thing.

18 Next on the agenda is the election of
19 officers. We have a number of Board members who have
20 resigned from this Board, and their replacements have
21 not yet been appointed or confirmed. I think it might
22 be appropriate to defer election of officers until we
23 have a full slate of this Board as it would be fully
24 constituted. If that -- so I have a motion from Mr.
25 Coleman, a second from Dr. Woody Wilson to defer



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1 election of officers, and hopefully by next meeting we
2 can get that done.

3 All of in favor, say "aye."

4 (Several members respond "aye.")

5 MR. JONES: Any opposition?

6 (No response.)

7 MR. JONES: There is no opposition.

8 Finally, comments from Mr. Secretary
9 Pierson.

10 SECRETARY PIERSON: Chairman, due to the
11 late hour, I will forego my remarks and just remind the
12 Board that we meet again on April 22nd at 9:30 at this
13 location. And thank you for your participation today.

14 MR. JONES: Thank you-all. We would
15 exercise or entertain a motion to adjourn.

16 Got a motion and a second.

17 All in favor, say "aye."

18 (Several members respond "aye.")

19 MR. JONES: Thank you-all.

20 (Meeting concludes at 1:30 p.m.)
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