

MEETING MINUTES

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MEETING MINUTES FOR THE BOARD OF COMMERCE AND INDUSTRY
OF THE
LOUISIANA ECONOMIC DEVELOPMENT CORPORATION
HELD AT
LOUISIANA STATE EMPLOYEES' RETIREMENT SYSTEM BUILDING
FOURTH FLOOR BOARD ROOM
8401 UNITED PLAZA BOULEVARD
BATON ROUGE, LOUISIANA
ON THE 27TH DAY OF OCTOBER, 2015
COMMENCING AT 1:33 P.M.

REPORTED BY: ELICIA H. WOODWORTH, CCR



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1 **Appearances of Board Members Present:**

2 Millie Atkins
3 Mayor Glenn Brasseaux
4 Gale Potts-Roque
5 Lance Belcher
6 Representative Stephen Pugh
7 Steve Windham
8 Jerald Jones
9 Wilda Smith
10 William King
11 Anne Villa
12 Thomas Holden
13 Jeffrey Elmore
14 R.K. Mehrotra
15 Charles Soprano
16 Richard Gonsoulin
17 Senator Neil Riser

18 **Staff members present:**

19 Melissa Sorrell
20 Brenda Guess
21 Danielle Clapinski
22 Becky Lambert
23 Lori Weber
24 Joyce Metoyer
25 Eric Burton
26 Frank Favaloro
27 Kristen Chen



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1 MS. ATKINS:
2 Hello, everyone. The October 27th
3 Commerce & Industry Board meeting will now come to
4 order.
5 Melissa, rollcall, please.
6 MS. SORRELL:
7 Matt Parker for Governor Jindal.
8 (No response.)
9 MS. SORRELL:
10 Steve Windham for Lieutenant Governor.
11 MR. WINDHAM:
12 Here.
13 MS. SORRELL:
14 Millie Atkins.
15 MS. ATKINS:
16 Here.
17 MS. SORRELL:
18 Lance Belcher.
19 MR. BELCHER:
20 Here.
21 MS. SORRELL:
22 Mayor Brasseaux.
23 MAYOR BRASSEAUX:
24 Here.
25 MS. SORRELL:



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1 Gordon Burgess.
2 (No response.)
3 MS. SORRELL:
4 Jeffrey Elmore.
5 MR. ELMORE:
6 Here.
7 MS. SORRELL:
8 Andre Fruge.
9 (No response.)
10 MS. SORRELL:
11 Richard Gonsoulin.
12 MR. GONSOULIN:
13 Here.
14 MS. SORRELL:
15 Anne Villa for Secretary Grissom.
16 MS. VILLA:
17 Here.
18 MS. SORRELL:
19 Thomas Holden.
20 (No response.)
21 MS. SORRELL:
22 Jerry Jones.
23 MR. JONES:
24 Here.
25 MS. SORRELL:



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1 William King.
2 MR. KING:
3 Here.
4 MS. SORRELL:
5 Senator Martiny.
6 (No response.)
7 MS. SORRELL:
8 R.K. Mehrotra.
9 MR. MEHROTRA:
10 Here.
11 MS. SORRELL:
12 Representative Pugh.
13 REPRESENTATIVE PUGH:
14 Here.
15 MS. SORRELL:
16 Senator Riser.
17 SENATOR RISER:
18 Here.
19 MS. SORRELL:
20 Gale Potts-Roque.
21 MS. POTTS-ROQUE:
22 Here.
23 MS. SORRELL:
24 Wilda Smith.
25 MS. SMITH:



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Here.

MS. SORRELL:
Charles Soprano.

MR. SOPRANO:
Here.

MS. SORRELL:
We have a quorum.

MR. HOLDEN:
I didn't hear you call my name, Thomas
Holden.

MS. SORRELL:
Yes, sir. I called it.

MS. ATKINS:
Thank you, Melissa.

MS. SORRELL:
You're welcome.

MS. ATKINS:
You received copies from our minutes
from the last meeting. Are there any questions from our
minutes from our August meeting?

(No response.)

MS. ATKINS:
If there are no corrections, I'll ask
for a motion to approve.

Motion made by Mr. King, second by



1 Mr. Soprano.

2 All in favor, respond by saying "aye."

3 (Several members respond "aye.")

4 MS. ATKINS:

5 Opposed?

6 (No response.)

7 MS. ATKINS:

8 No objection. It is ordered.

9 I wanted to remind those in the audience
10 if you have any items on the agenda that you would like
11 to speak to, please look for the blue cards on the table
12 at the back, fill those out and hand them to Melissa,
13 please.

14 Also, I wanted to let the Board know
15 that Mr. Bryan Bossier, who is one of our Board members,
16 has sent in his resignation. I didn't know if you were
17 aware of that, but you might want to reach out to him
18 and thank him for his service over the past few years.

19 Thank you.

20 Now, we'll move down on our agenda to
21 staff's presentation of our specific programs of LED.

22 Ms. Metoyer, Enterprise Zone.

23 MS. METOYER:

24 Yes, ma'am. We have 19 applications.

25 First one is 20130913, ASHI Houma Hotels, LLC,



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1 Terrebonne Parish; 21120309, Drury Hotels Company, LLC,
2 Jefferson Parish; 20121115, Dyke Nelson Architecture,
3 LLC, EBR Parish; 20131054, Energy Hydraulics, LLC,
4 Bossier Parish; 20121252, Gulf Gateway Terminal, LLC,
5 Orleans Parish; 20110982, H&E Equipment Services,
6 Incorporated, Plaquemines Parish; 20130216, HRI Lodging,
7 LLC, doing business as Aloft New Orleans Downtown,
8 Orleans Parish; 20111044, International Marine Terminals
9 Partnership, Plaquemines Parish; 20140775, JAKE H., LLC,
10 doing business as Chick-fil-A at Denham Springs,
11 Livingston Parish; 20121214, Mandeville Shelter Care,
12 LLC, St. Tammany Parish; 20140790, Matherne's Market,
13 LLC, EBR Parish; 20130554, MH 2B, LLC, doing business as
14 Spring Hill Suites, Ascension Parish; 20140969, OS
15 Restaurant Services, LLC, Jefferson Parish; 20130226,
16 Plains Marketing, LP, St. James Parish; 20130141,
17 Schottel, Incorporated, Terrebonne Parish; 20111023,
18 Stericycle, Incorporated, Webster Parish; 20131410,
19 Super Hospitality Master Tenant, LLC, EBR Parish;
20 20130290, WN Tower, LLC, EBR Parish; and 20120801,
21 Westlake Management Services, Incorporated, Calcasieu.

22 MS. ATKINS:

23 Thank you, Ms. Metoyer.

24 All in favor of the applications, please
25 respond by saying "aye."



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1 (Several members respond "aye.")
2 MS. ATKINS:
3 Opposition?
4 (No response.)
5 MS. ATKINS:
6 Do I have a motion?
7 Motion made by Mr. Belcher, Lance
8 Belcher, second by Representative Pugh.
9 All in favor, respond by saying "aye."
10 (Several members respond "aye.")
11 MS. ATKINS:
12 Opposition?
13 (No response.)
14 MS. ATKINS:
15 It is ordered.
16 Thank you.
17 MS. METOYER:
18 Next on the agenda are the specials.
19 Contracts for cancelation: 20100091,
20 Diamond B. Construction Company, LLC, Iberia. Company
21 did not meet the EZ program hiring requirements and
22 requests cancelation of their contact; 20111066, Zelia,
23 LLC, Orleans Parish. Company did not meet the program
24 hiring requirements; 20120316, VCS, LLC, St. Tammany.
25 Company did not meet the hiring requirements -- the



1 program hiring requirements.

2 MS. ATKINS:

3 Thank you, Ms. Metoyer.

4 And I believe on these contracts, we had
5 two people that were coming to speak before the Board.

6 Will you please identify yourselves?

7 MR. VAN HOOK:

8 Floyd Van Hook on behalf of Zelia.

9 Okay. The contract is up here because
10 the LED maintains that Zelia did not meet the hiring
11 requirements. I'd like to pass out a sheet that gives
12 the statute for the hiring requirements. May I do that
13 before I go forward?

14 MS. ATKINS:

15 Yes. And I believe you have 10 minutes
16 to do the presentation to the Board.

17 MR. VAN HOOK:

18 I'll be quick.

19 Okay. I've underlined the pertinent
20 part, and basically the requirement is that the business
21 creates a minimum of the lesser of five net new jobs to
22 be in place within the first two years of the contract
23 period or the number of net new jobs equal to a minimum
24 of 10 percent of existing employees, minimum of one
25 within the first year of the contract period.



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1 Okay. The facts are that the contract
2 period began on October 18th, 2011. Zelia had, prior to
3 that time, one employee, so the requirement would be the
4 lesser of five new employees or 10 percent of -- 10
5 percent of one is .1, but there's a minimum of one, so
6 they had to hire one employee, and they had to do it
7 within the first year of the contract period.

8 Zelia hired Kenneth Coleman on August
9 26th, 2012, which is within the first 12 months.

10 If you look at the second sheet, I show
11 you Zelia's number of employees. The shaded area is the
12 first 12 months of the contract period, and you will see
13 that prior to the contract period, they're all ones.
14 After the contract period, they're all twos. The
15 average of all of those ones is one. The average of all
16 of those twos is two. Now, somewhere between the
17 beginning and the end of the contract period, Zelia went
18 from one to two. We hired the one employee that is
19 required by the statute. So where's the problem?

20 LED has a procedure that they average
21 the number of employees. Okay? So according to that
22 procedure, I calculated .16. I think Ms. Clapinski came
23 up with .08, but we actually hired one employee. His
24 name is Kenneth Coleman.

25 Okay. Now, following their procedure,



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1 we have to hire, according to them, an average of one.
2 Well, in order for it to have an average of one, you
3 have to hire day one, not during the contract period.
4 Okay. Following their procedure, if I wait six months
5 to hire an employee, I've got to hire two in order to
6 meet the requirements. If I wait nine months, I've got
7 to hire four. If I wait 12 months, according to their
8 procedure, I have to hire 12. That's not what that
9 statute requires. There's a problem with the procedure.

10 I think it's very clear that we met the
11 hiring requirement, so I think they need to revisit
12 their procedure and recognize that their procedure does
13 not comply with the statute.

14 Now, I can see several resolutions here.
15 It should be very clear that Zelia met the hiring
16 requirement. If you agree with that, then you will not
17 cancel the contract. Alternatively, if you don't agree
18 and you cancel the contract, I can see this going to
19 court, and I think a judge will rule very quickly in
20 Zelia's favor. Alternatively, possibly we can work with
21 LED to help them bring their procedure in compliance
22 with the statute.

23 So I think it's very clear we've met the
24 hiring requirement and the contract should not be
25 canceled.



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1 Thank you.

2 MS. ATKINS:

3 Okay. Thank you very much.

4 MR. LALA:

5 Same issue, but I represent VCS. I
6 wanted to --

7 MS. ATKINS:

8 Could you identify yourself, please?

9 MR. LALA:

10 I'm sorry. My name is Brett Lala, and I
11 represent VCS, LLC.

12 MR. JONES:

13 I'm sorry. Your last name?

14 MR. LALA:

15 Lala, L-A-L-A.

16 In going back to the statute that Mr.
17 Van Hook cited. Again, my issue is with the five jobs.
18 We hired nine full-time jobs in the 22nd month. And it
19 clearly states, "The business creates a minimum of the
20 lesser of five net new permanent jobs to be in place
21 within the first two years of the contract period."
22 Clearly had more than five. We hired 21, but nine of
23 them were full-time. 100 percent of the nine all
24 qualified. And where I believe the issue with the
25 regulation that LED is citing is they're saying there



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1 has to be an average, but if you go to the same statute,
2 51:1787(2)(a) -- I'm sorry -- (b)(2)(a), when it talks
3 about the \$2,500 job tax credit, it states, "For a
4 \$2,500 tax credit per net new employee as determined by
5 the company's average annual employment reported under
6 Louisiana Employment Security Law." So when it talks
7 about eligibility in 5(a), it uses "net new employee."
8 It doesn't have an average requirement. It just says,
9 "Five new net employees," but when it talks about the
10 \$2,500 tax credit, it says "net new employee as
11 determined by the company's average." So when Congress
12 wrote the law, if they wanted "net new" to mean
13 "average," why would they include "average" there but
14 not include it in any other part of the statute?

15 So I believe the department regulation
16 it's citing, one, does not comply with the statute, and,
17 two, even if it did comply, I think it only complies
18 with this provisions for the \$2,500.

19 I think this is two separate issues.
20 You have net new jobs that you hire within the first
21 five years, and then you have net new jobs by averaging
22 employment where you get a \$2,500 tax credit.

23 So I ask you today to please consider
24 this and not cancel the contract as we have clearly met
25 the requirements of the state.



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1 MS. ATKINS:

2 Okay. Thank you, Mr. Lala.

3 I'm going to call now on staff to
4 respond.

5 MS. CLAPINSKI:

6 Good afternoon. Danielle Clapinski,
7 staff attorney with LED.

8 And I did want to point out that
9 Mr. Lala did that at the time, but it's not a procedure
10 of the department in place that we use averaging. It's
11 in fact a definition put into the rules for net new
12 jobs, and it says, "The number of net new jobs filled by
13 full-time employees shall be determined by averaging the
14 monthly totals of full-time employees over a minimum of
15 seven months for the first and last year of the contract
16 period and over a 12-month period for all other years."

17 That's the rule. Many of you were on
18 the Board when that was finalized as a rule in August of
19 2011. That was at the end of a, I think, over two-year
20 period of time where there was consultation with the
21 Board, the department, industry, consultants. There was
22 huge amounts of changes that went on at this time and
23 everyone gave a little bit and this is what we ended up
24 with.

25 It did go through the normal APA



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1 process. It had legislative oversight of the oversight
2 committees, and at this point in time, that is the rule
3 that LED is bound by in making our determinations. And,
4 you know, the purpose of rulemaking, if you look at the
5 APS, is implementing or interpreting substantive law,
6 and a lot of times, that involves defining terms that
7 are not defined in a statute, and that was what was done
8 in this case.

9 And I wasn't here at the time this rule
10 was done, but my understanding is that the reason that a
11 period of time was put in place to average over was that
12 you didn't want somebody creating a job on December 15th
13 and they only had a minimum of one job requirement, and
14 because of that one job, they're now entitled to
15 millions of dollars of capital expenditure or either the
16 sales/use tax rebate or the investment tax credit and,
17 also, they cancel their contract after 30 months, so
18 there's no requirement that that job be maintained at
19 that point over really any extended period of time. My
20 understanding is that's why in '11, that averaging and
21 that longer period of time was put in place.

22 Now, if the question is, as I guess he
23 alluded to, is that the department has overceded its
24 authority in issuing this rule, quite honestly, that's
25 not a rule for this Board to make. I think that goes to



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1 a different jurisdiction.

2 That would be the end of my comments.

3 MR. JONES:

4 I'm sorry. May I -- the definition of
5 the "net new jobs," is that in the same statute that you
6 gave me, the statute number?

7 MS. CLAPINSKI:

8 It's actually in the rules, and I
9 believe it is in 703 and it's Title 13 Section 703. And
10 the definitions are not numbered. They're just in
11 alphabetical order.

12 MR. JONES:

13 And does that provide the definition of
14 net new jobs?

15 MS. CLAPINSKI:

16 Yes, sir.

17 MR. JONES:

18 That was part of the rulemaking in 2011?

19 MS. CLAPINSKI:

20 Yes, sir.

21 MR. JONES:

22 I was here and I remember it.

23 And you read it into the record, but
24 read it to me one more time. I'm slow on pickup.

25 MS. CLAPINSKI:



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1 No problem.

2 "The number of net new jobs filled by
3 full-time employees shall be determined by averaging the
4 monthly totals of full-time employees over a minimum of
5 seven months for the first and last year of the contract
6 and over a 12-month period for all other years."

7 And the reason for that first and last
8 month is that we do things on a calendar year basis, so
9 if you start in the middle of the year, like in October,
10 we don't want your first filing to be three months. It
11 goes those three months plus the next year, so that
12 leaves sometimes a shorter period on that last year.

13 MR. VAN HOOK:

14 May I speak again?

15 I have a copy of the contract signed by
16 Anne Villa. It says, "Shall add approximately one new
17 employee," and, again, the problem is the regulation
18 does not comply with the statute. The statute is what
19 controls. If the regulation conflicts with the statute,
20 then the regulation fails, and that's what will happen
21 ultimately.

22 Thank you.

23 MR. JONES:

24 Ms. Chairman, may I ask --

25 MS. ATKINS:



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1 Go ahead.

2 MR. JONES:

3 Mr. Van Hook, may I ask you a question?
4 And this goes to Mr. Lala, too, if you have an answer.

5 Under your reading of the statute, what
6 would you define as a "permanent job," then? Could a
7 person be hired for one day?

8 MR. VAN HOOK:

9 No, it couldn't, but if you look at --

10 MR. JONES:

11 Before you -- let me ask my questions.
12 Forgive me, but I'm a lawyer, and it's the way I do
13 things.

14 MR. VAN HOOK:

15 Okay.

16 MR. JONES:

17 I'm sorry. It's just the nature of the
18 beast.

19 So the definition of a permanent job,
20 how long would they have to be employed to be a
21 permanent job under your reading of the statute?

22 MR. VAN HOOK:

23 I don't think the statute really says
24 that, but it has to be during the period. Okay? So the
25 employee could have been hired -- excuse me -- on the



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1 very last day and he stayed employed for some period,
2 which the staff does not define, he would be a permanent
3 employee.

4 MR. JONES:

5 So he could be a one-day employee?
6 Could that be a permanent employee?

7 MR. VAN HOOK:

8 No.

9 MR. JONES:

10 Why not, under your interpretation?

11 MR. LALA:

12 There's a definition for permanent jobs.

13 MR. JONES:

14 And how does it define permanent?

15 MR. LALA:

16 In the same re, 703 --

17 MS. CLAPINSKI:

18 In the rules. Would you like me to --

19 MR. JONES:

20 Wait. 703 are the regs that you don't
21 like?

22 MR. LALA:

23 Correct.

24 MR. JONES:

25 And now you're going to refer them to



1 me?

2 MR. LALA:

3 I don't like the net new jobs. I think
4 it conflicts, because when you look at the statute, net
5 new jobs is used throughout. In certain parts of the
6 statute, it just says "net new jobs." In other parts of
7 the statute, it says, "net new jobs is averaged." So
8 now whenever in 2011 --

9 MR. JONES:

10 I understand the issue.

11 What does permanent say in the regs?

12 MR. LALA:

13 "As established in the qualifications
14 certification, a job that has no anticipated end date
15 all within the period commencing 45 days prior to the
16 contract effective date and ending five years after the
17 contract effective date."

18 MR. JONES:

19 So how do you interpret permanent job,
20 then? What does that mean to you?

21 MR. LALA:

22 It must be there for the --

23 MR. JONES:

24 How long would a person have to work for
25 it to be a permanent job, in your mind?



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MR. LALA:

End of the contract. But, again, that's
not --

MR. JONES:

Excuse me. Say it again.

MR. LALA:

Till the end of the contract.

MR. JONES:

So...

MR. LALA:

And I think this is logical. If you
have a net new job, so I hire someone today, I fire them
tomorrow, I hire somebody else, I agree that's not two
jobs. That's one net new job. We don't need an average
to determine that. We've already determined that I've
had that one position. I've hired someone, I fired them
and I hired somebody else. I don't need to average
everybody to determine if I've hired one person within a
year or five people within two years.

MR. JONES:

So under your reading of the statute --
and I don't want to put words in your mouth. I truly
want to understand.

Under your reading of the statute, if I
hired someone for one day, as long as I created a



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1 permanent position, but if I hired a person for one day,
2 that would satisfy the statute. Is that correct or not?

3 MR. LALA:

4 That's not correct.

5 MR. JONES:

6 How long would they have to work?

7 MR. LALA:

8 Till the end of the contract.

9 MR. JONES:

10 What you're saying is the position would
11 have to be created until the end of the contract?

12 MR. LALA:

13 Right.

14 MR. JONES:

15 How long would the person have to work?

16 MR. LALA:

17 I don't know.

18 MR. JONES:

19 So isn't the reg designed to answer that
20 question?

21 MR. LALA:

22 I don't think it does. I mean, it -- so
23 I -- take my factual situation. My client was building
24 a hotel. It took a good while to build a hotel. He
25 hires 21 employees in the 22nd months, nine of them



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1 being full time. Today there's way more than that.
2 He's kept that up. So the average in those takes him
3 out of qualifying, but he's kept all of those jobs.
4 He's still collecting sales tax, still correcting hotel
5 occupancy tax, still doing everything in the contract
6 that he signed with this Board that he said he was going
7 to do.

8 MR. JONES:

9 Okay.

10 MR. VAN HOOK:

11 Can I make one other point?

12 MR. JONES:

13 Of course.

14 MR. VAN HOOK:

15 Okay. The procedure only looks at
16 direct employees. Now, Zelia, for business reasons,
17 only hired -- directly hired the minimum number of
18 employees, but they created more jobs than that. They
19 had building management people, they have security
20 people, they have janitorial people, there's food
21 service people, there's a sundry service there. So if
22 you want to look at how many new job were created by
23 that contract, it's way more than five. It's some
24 multiple of five.

25 MR. JONES:



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1 But you agree that's all irrelevant for
2 the discussion today?

3 MR. VAN HOOK:

4 Not necessarily.

5 MR. JONES:

6 Why?

7 MR. VAN HOOK:

8 Because it talks about how many new jobs
9 were created. I don't think the reg says jobs
10 specifically created by the employer.

11 MR. JONES:

12 That's going to be an interesting --

13 MR. VAN HOOK:

14 Okay. I've been coming to these
15 meetings for probably 10 years, and I think a thousand
16 times I heard Marilyn Friedkin say, "Enterprise Zone is
17 a job creation program." Well, if that's what it is,
18 you should look at all of the jobs created, not those
19 specifically by the applicant.

20 MR. JONES:

21 Mr. Van Hook, you beat me. I've only
22 been coming to these meeting for eight years.

23 MR. VAN HOOK:

24 Then you've heard her say that it was a
25 job creation program.



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1 MR. JONES:

2 I agree it's a job creation program, but
3 if we start including every single contractor, we're
4 really going to turn this statute on its ear.

5 MR. VAN HOOK:

6 If it's a job creation program and if
7 they're on site, I see no reason why they shouldn't be
8 counted.

9 MR. JONES:

10 That's a fight for another day unless
11 you want to fight that issue today.

12 MR. VAN HOOK:

13 No.

14 MR. JONES:

15 I don't think you do.

16 MR. LALA:

17 Can I make one more point? In reading
18 the regulation again, the -- and looking at it from the
19 five jobs, this says, "The number of net new jobs filled
20 by full-time employees shall be determined by averaging
21 the monthly totals of full-time employees over a minimum
22 of seven months for the first and last year of a
23 contract period and over a 12-month period for all other
24 years." It doesn't even say that you go 24 -- that you
25 average over the first 24 months to determine if you



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1 meet the five. It doesn't even correspond to the
2 statute that we're talking about. I feel like this is
3 corresponding to the statute on the \$2,500 job tax
4 credit.

5 MR. JONES:

6 May I ask one other question?

7 Let's assume, just for the sake of
8 argument, that everything you say is true, how do you
9 respond to Ms. Clapinski's representation that we've
10 been through the APA, we've been through the rulemaking,
11 these are the rules? Like 'em, hate 'em, they're the
12 rules. Do you have any position on whether this Board
13 has the authority to over turn those rules?

14 MR. LALA:

15 Well, I have two responses to that.
16 First, I don't think that this is being applied
17 correctly. I think that this applies to the \$2,500 job
18 tax credit because if it meant for the five net new
19 jobs, it would say -- and to determine the five net new
20 jobs, you would average over the first 24 months. It
21 does not say that. It says seven months on the front
22 and back and then 12 months everywhere in between, so,
23 to me, it doesn't even address the five jobs in the
24 first two years. So, first, I'd say I don't think it's
25 being applied correctly.



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1 MR. JONES:

2 The rules, you mean?

3 MR. LALA:

4 The rule -- assuming the rule is valid,
5 I don't think it's being applied correctly. I think it
6 should only apply to the Department of Revenue also
7 issues -- promulgates rules under the Administrative
8 Procedures Act, and two of theirs were just turned down
9 by the First Circuit Court of Appeals. So when you
10 extend the statute and you extend the meaning of the
11 statute that's not there, the rule's invalid, and the
12 law's pretty clear about that.

13 MR. JONES:

14 And you think this Board has the power
15 to ignore the rules that they've made? Is that your
16 position today?

17 MR. LALA:

18 Honestly, I don't know -- legally I
19 don't what the Board has the ability to do in that
20 instance. I just don't think it's being applied
21 correctly. Unfortunately, the Court's going to have to
22 determine if y'all are --

23 MR. JONES:

24 I understand.

25 MS. CLAPINSKI:



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1 Under the APA, someone has up to two
2 years to challenge the rule and the process in which it
3 was done, and so we are two years past that deadline,
4 which would have been August of 2013. So I think the
5 rules as they exist are final for purposes of the
6 department until and unless we are directed by a Court
7 or otherwise.

8 MR. JONES:

9 Ms. Clapinski, how do you respond to his
10 assertion that you're not applying the rule correctly,
11 that you're applying it to the wrong section?

12 MS. CLAPINSKI:

13 And, Joyce, correct me if I'm wrong,
14 because she handles the day-to-day processing of this,
15 but my understanding is that we average the first period
16 and we come up with a total, we have average the second
17 period, we come up and we add those two together, so
18 we --

19 MR. JONES:

20 I don't think you understood my
21 question.

22 Mr. Lala, again, if I put incorrect words in
23 your mouth, correct me, but I understand his assertion
24 is that the averaging applies not to this section; it
25 applies to a different section entirely and does not



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1 apply to this one. How do you respond to that?

2 MS. CLAPINSKI:

3 My entire experience at the department,
4 this averaging has been used for both. I haven't looked
5 that up. It's not a point that's ever been brought to
6 our attention, and it wasn't brought to our attention by
7 him until today.

8 MR. LALA:

9 It was. I talked to Ms. --

10 MS. CLAPINSKI:

11 Well, not to me. I apologize.

12 MR. LALA:

13 And I've dealt with this program for a
14 long time, like Mr. Van Hook, and I know for a fact,
15 because I've had some similar to this, that Ms. Friedkin
16 and Ms. Hanible has done it the old way. I know that
17 this is a new way that this is being done. So the
18 statute's been in place since 1995. The regulation that
19 was implemented or issued during that period basically
20 mimics the statute was handled one way. 2011, they
21 amend the regulation, and, to my knowledge, it still
22 wasn't even applied that way, and this is just happening
23 just recently. It's always applied to the job tax
24 credit because you file your ECR and you do your
25 averaging, but it's not applied to whether you actually



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1 qualify. Because, like you say, you -- let's say you
2 have your first seven months and then you do it by the
3 next year, that's 27 months. It's not 24.

4 MS. CLAPINSKI:

5 No. We go back and calculate just on a
6 24-month basis.

7 MR. LALA:

8 But the regulation doesn't say that.

9 MR. JONES:

10 Does this represent a general change in
11 how the department has interpreted this in the past?

12 MS. CLAPINSKI:

13 It does not represent a general change
14 in how it should have been administered.

15 MR. JONES:

16 That's not my question.

17 MS. CLAPINSKI:

18 I can't speak to how every single one
19 was done in the past. I can tell you that's I've been
20 here since June of 2011, and in my time here, my
21 instructions have always been you follow the rule. If
22 you don't like the rule, you change the rule, but this
23 is the rule, and my instructions to staff have been to
24 average according to these rules.

25 MR. JONES:



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1 So let me ask it this way: Is this the
2 way -- has your interpretation been the interpretation
3 of the department since the rule change in 2011 in your
4 experience?

5 MS. CLAPINSKI:

6 It should have been, yes. I understand
7 what you're saying, and I'm just saying --

8 MR. JONES:

9 I'm not asking has it been. I'm not
10 asking --

11 MS. CLAPINSKI:

12 That has been the department's
13 interpretation. Whether a staffer did something
14 different, I can't answer to every single one that was
15 processed. I don't review every one that goes out the
16 door.

17 MR. LALA:

18 I can say I know for a fact it hasn't.

19 MS. ATKINS:

20 What's the pleasure of the Board?

21 MS. POTTS-ROQUE:

22 I'd like to say, in all fairness to the
23 two companies that are represented here today, there is
24 currently a question, I think, to whether or not the
25 rule, as it's being utilized, is appropriate to utilize



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1 to a certain part of the -- what is it? The statute?

2 MS. ATKINS:

3 Statute.

4 MS. POTTS-ROQUE:

5 -- with that question, and it seems as
6 though several of us are not certain about the process
7 with that challenge of that rule being utilized towards
8 a certain part of the statute and not another. Let's
9 table this issue until next month or defer it until the
10 next Board meeting and have the staff revisit it,
11 please. Is that possible?

12 MR. JONES:

13 And I respect that, but this is -- we've
14 already tabled this once.

15 MS. ATKINS:

16 Yes.

17 MR. JONES:

18 And I thought -- when I went through the
19 rulemaking in 2011, I told the group, I said, "Guys, I
20 can break the tie, but somebody's not going to like the
21 way I break the tie, so y'all better get out of the room
22 and figure this out and work it out where both of you
23 can reasonably live with it." And I thought that was
24 the kind of message we sent last time, but obviously
25 that hadn't happened, so somebody's begging this Board



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MEETING MINUTES

1 to break a tie. And we can break it, but it's going to
2 have consequences one way or the other.

3 And I guess my question -- and I'm with
4 you, Ms. Gale, because I want to know that both sides
5 have rolled up their sleeves and figured out is there a
6 way to thread the needle to resolve this issue without
7 this Board, who does not deal with these issues day in
8 and day out, for those of you who do deal with it day in
9 and day out, for y'all to figure out this. Now, if
10 there's no way for y'all to do it and y'all are in pass,
11 tell me that and we can vote. I don't have a problem
12 with that.

13 MS. ATKINS:

14 And I agree with Attorney Jones. It
15 would be best for staff, since you have looked at the
16 application, you've done due diligence, we would prefer
17 that staff takes another look at this, but it sounds as
18 if staff -- and, of course, you gentlemen have a
19 disagreement over the way the statutes and the rules are
20 interpreted, but you, the staff, are following the
21 statutes according to the way that they are written and
22 presented, that I think the question Attorney Jones
23 asked was the process prior to now. And I think that is
24 where the stickiness comes, and I think I agree with him
25 that the staff should take a look at that and see if



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1 there's something that could be done.

2 MR. VAN HOOK:

3 Yes, ma'am. The last time we were here,
4 you said we would try to work it out. I spoke with a
5 correspondent -- I can't remember his telephone or
6 e-mail -- with Ms. Metoyer and asked whether we would
7 have discussions, and she said it would be shortly. We
8 never had any discussions. The next thing I heard was
9 that this was going to come before the Board. The last
10 meeting, I was not available then, so it was deferred.
11 There really have been no discussions as to how to work
12 it out. They have their procedure and they seem to be
13 hogtied by it, but the procedure does not comply with
14 the statute. So maybe if we have a little more time to
15 try and work something out that complies with the
16 statute, maybe we could do that.

17 MS. GUESS:

18 Madam Chair?

19 MS. ATKINS:

20 Yes.

21 MS. GUESS:

22 Brenda Guess, Director of Business
23 Incentives.

24 The last charge that we received when we
25 left the last time we brought this up for discussion, we



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1 did reach out to Mr. Van Hook and we did defer it
2 because he wasn't available. We had a conference call
3 with him and with Ms. Metoyer, Mr. Favaloro, myself and
4 Ms. Clapinski to see if there was any additional
5 information that he could provide to us that he had not
6 provided to us before to help with our determination.
7 We still were working with that same information.

8 We came to the same conclusion using
9 those rules and processes and procedures that we have no
10 other choice but to utilize. I think that by taking
11 this back, we will come back to you in 60 days and we
12 will still be where we are right now.

13 MR. JONES:

14 Ms. Guess, it bothers me a great deal
15 when I hear that rules are being applied differently
16 than they were yesterday. That bothers me. Because I
17 think that -- I think sometimes bureaucrats -- and I
18 don't mean that in a pejoratively manner, but it's the
19 only term I know to describe government employees.
20 Sometimes by changing the interpretation of a rule, you
21 essentially change the rule without going through a
22 rulemaking process, and that bothers me a great deal.

23 If that's what's happened here, I have
24 one view of this issue. If this has been the
25 interpretation of LED since the rules were changed,



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1 that's fine with me.

2 I'm personally of the mind, frankly,
3 Mr. Lala and Mr. Van Hook, that the rules are the rules,
4 and if you don't like the rules, I'm sorry. But the way
5 you change them, you either get the Court to tell us to
6 change them or you go through the rulemaking process.

7 But what I'm very interested in knowing
8 right now, today, given the statement that's been made
9 here in public is whether we have a change in
10 interpretation of the rules. I want to know the answer
11 to that. I don't -- that bothers me if that's happened,
12 and I think what I would like to do, Madam Chairman, if
13 it's okay with the Board, I would like to defer this
14 till next time. And I have no problem making myself and
15 whomever else wants to be in on that conference call, on
16 a conference call with the staff because I want that
17 question answered.

18 MS. ATKINS:

19 Thank you, Attorney Jones.

20 MS. POTTS-ROQUE:

21 I make a motion that we defer once more
22 to the December meeting.

23 MS. ATKINS:

24 Motion has been made by Ms. Gale
25 Potts-Roque, second by Mr. Belcher, that we will delay



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1 this discussion until such a time in the near future
2 when a conference call can be set up with staff,
3 Attorney Jones and anyone else who also would like to
4 volunteer to be a part of that conversation --

5 MS. POTTS-ROQUE:

6 Take a vote, Madam Chair.

7 MS. ATKINS:

8 Okay.

9 MS. POTTS-ROQUE:

10 Take a vote.

11 MS. ATKINS:

12 All in favor of the motion, respond by
13 saying "aye."

14 (Several members respond with "aye.")

15 MS. ATKINS:

16 Opposition?

17 (No response.)

18 MS. ATKINS:

19 It is ordered.

20 MS. POTTS-ROQUE:

21 I'd like to be on that call, please.

22 MS. ATKINS:

23 Okay. Ms. Gale Potts-Roque and also Ms.
24 Smith, Wilda Smith.

25 SENATOR RISER:



1 Madam Chair, put me on that, please.

2 MS. ATKINS:

3 Senator Riser would also like to be on
4 it.

5 Okay. Thank you.

6 Now, we will go back to our agenda,
7 because I think we had another contract, the Diamond B.
8 Construction, that was also a part of your cancelations.

9 All in favor of approval of the Diamond
10 B. Construction for cancelation, respond by saying
11 "aye."

12 (Several members respond by saying "aye.")

13 MS. ATKINS:

14 Opposition?

15 (No response.)

16 MS. ATKINS:

17 The ayes have it. It is so ordered.

18 MS. METOYER:

19 We have five terminations today. The
20 first one is 2010744, The National World War II Museum,
21 Incorporated, Orleans Parish. The company has met the
22 requirements of the program; 20100759, Woldenberg
23 Village, Incorporated, Orleans Parish. The company has
24 met the hiring requirements and no longer wishes to
25 pursue the benefits of the program; 20110063, Our Lady



1 of the Lake Livingston, Livingston Parish. Requirements
2 of the program have been met. The project is complete;
3 20110805, K&W Patten's Metal Express, LLC, Livingston
4 Parish. The requirements of the program have been met
5 and no additional jobs are anticipated; the final
6 termination is 20120767, Sub Shop, LLC, Jefferson Davis
7 Parish. Program requirements have been met. No
8 additional jobs are anticipated.

9 MS. ATKINS:

10 Thank you.

11 Motion to approve?

12 MS. SMITH:

13 So moved.

14 MS. ATKINS:

15 Motion by made by Ms. Wilda Smith.

16 MS. POTTS-ROQUE:

17 Second.

18 MS. ATKINS:

19 Second by Ms. Gale Potts-Roque.

20 All in favor?

21 (Several members respond "aye.")

22 MS. ATKINS:

23 Opposition?

24 (No response.)

25 MS. ATKINS:



1 It is ordered.

2 MS. METOYER:

3 We have an addition of a census
4 tract/block group. This is rural parish. It's St.
5 James Parish, and addition would be Census Tract 404 and
6 Block Group 002. That Resolution Number is 15-117 and
7 it is to pursue participation in the EZ Program.

8 MS. ATKINS:

9 Thank you.

10 Motion to approve?

11 Motion made by Representative Pugh,
12 second by Mr. Windham.

13 All in favor, respond by saying "aye."

14 (Several members respond "aye.")

15 MS. ATKINS:

16 Opposition?

17 (No response.)

18 MS. ATKINS:

19 It is ordered.

20 Thank you.

21 And next on our agenda, we will have the
22 Quality Jobs Applications.

23 MR. FAVALORO:

24 Yes, Madam Chairman. Frank Favaloro.

25 Eric Burton's out today.



1 We have 10 new applications: 20130822,
2 Boise Packaging & Newspring, LLC, a wholly owned
3 subsidiary of Packing Corporation of America,
4 Beauregard; 20121273, C-Port 3, LLC in Lafourche;
5 20140116, Connect Transport, LLC in East Feliciana;
6 20131066, Cortec, LLC in East Baton Rouge; 20131051, CPX
7 Interactive, LLC in Orleans; 20130908, GEO Corrections &
8 Detention, LLC in Rapides; 20131105, Gulf Crane Service,
9 Inc. in St. Tammany; 20131171, Murphy Energy Corporation
10 in East Feliciana; 20131113, New Orleans Regional
11 Physician Hospital Organization, Inc. d/b/a Peoples
12 Health Network in Jefferson; and 20171210, Plastipak
13 Packaging, Inc. in Rapides.

14 That concludes the applications.

15 MS. ATKINS:

16 Thank you.

17 Do I hear a motion to approve?

18 MR. JONES:

19 So moved.

20 MS. ATKINS:

21 Motion by made by Attorney Jones, second
22 by Mr. Gonsoulin.

23 Any discussion on the motion?

24 (No response.)

25 MS. ATKINS:



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1 All in favor, respond by saying "aye."

2 (Several members respond "aye.")

3 MS. ATKINS:

4 Opposition?

5 (No response.)

6 MS. ATKINS:

7 It is ordered. Thank you.

8 MR. FAVALORO:

9 I have five renewal applications:

10 20090155, Baker Hughes Oilfield Operations, Inc. in
11 Bossier; 20100924, CAP Technologies, LLC in Livingston;
12 20101036, EVO, Inc. in Lafayette; 20100868, JM Test
13 Systems, Inc. in East Baton Rouge; and 20101190, PCS
14 Nitrogen Fertilizer, LP in Ascension Parish.

15 That concludes the renewals.

16 MS. ATKINS:

17 Thank you.

18 Motion to approve?

19 Motion is made by Mr. Soprano, second by
20 Mr. King.

21 Any discussion on the motion?

22 (No response.)

23 MS. ATKINS:

24 All in favor, respond by saying "aye."

25 (Several members respond "aye.")



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MS. ATKINS:

Opposition?

(No response.)

MS. ATKINS:

Is it ordered. Thank you.

MR. FAVALORO:

Of the specials, I have two requests for
change in name only of the following contract:

20141040, PennTex North Louisiana, LLC and PennTex
Midstream Management Company, LLC, to PennTex Midstream
Management Company, LLC in Lincoln; and 20080014,
Dynamic Fuels, LLC to REG Geismar, LLC in Ascension.

MS. ATKINS:

Okay. Thank you.

Motion to approve?

MS. POTTS-ROQUE:

So moved.

MS. ATKINS:

Motion by Ms. Gale Potts-Roque, second
by Ms. Wilda Smith.

Any discussion on this motion?

(No response.)

MS. ATKINS:

All in favor, respond by saying "aye."

(Several members respond by saying "aye.")



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MS. ATKINS:

Opposition?

(No response.)

MS. ATKINS:

It is ordered. Thank you.

MR. FAVALORO:

I have one request to add an additional
affiliate schedule 1 to the following contract:
20141040, PennTex North Louisiana LLC and PennTex
Midstream Management, LLC, to PennTex North Louisiana,
LLC in Lincoln Parish.

MS. ATKINS:

Thank you.

Motion to approve?

Motion made by Representative Pugh,
second by Senator Riser.

Any discussion on this motion?

(No response.)

MS. ATKINS:

All in favor, respond by "aye."

(Several members respond "aye.")

MS. ATKINS:

Opposition?

(No response.)

MS. ATKINS:



1 It is ordered. Thank you.

2 MR. FAVALORO:

3 And, lastly, I have two requests for
4 renewal after the original contract expired: 20080822,
5 Cranston Print Works Company. The contract expiration
6 was 6/14 of '13. The request was made on 4/22 of '14;
7 and 20100716, Dr. Reddy's Laboratories Louisiana, LLC.
8 The original contract expired 4/30 of '15, and the late
9 renewal request was 10/7 of '15.

10 That concludes the specials.

11 MS. ATKINS:

12 Thank you.

13 I will ask for a motion to approve.

14 MR. JONES:

15 So moved.

16 MS. ATKINS:

17 Motion made by Attorney Jones, second by
18 Mr. Mehrotra.

19 All in favor, respond by saying "aye."

20 (Several members respond "aye.")

21 MS. ATKINS:

22 Opposition?

23 (No response.)

24 MS. ATKINS:

25 Ayes have it. Motion passed. Thank



1 you.

2 MR. FAVALORO:

3 That concludes Quality Jobs.

4 MS. ATKINS:

5 Thank you, Mr. Favaloro.

6 And next on our agenda, we will have the
7 Restoration Tax Abatement Program. Ms. Lambert.

8 MS. LAMBERT:

9 All right. We have seven new
10 applications, all but one is in Orleans Parish. The
11 first one is Application Number 20131328, 1111 Tulane
12 Partners, LLC; second, 20130215, 225 Baronne Complex,
13 LLC; the third is 20130919, 333 Commerce, LLC; 20140799,
14 Butterbean Properties, LLC -- pardon me. I should have
15 said that the previous one was in East Baton Rouge
16 Parish. The next is 20141419, Camille Jones Strachan in
17 Orleans; 20131396, Howard Real Estate, LLC in Orleans;
18 and 20141342, North Peters Riverfront Place, LLC in
19 Orleans for a total of seven new applications.

20 MS. ATKINS:

21 Thank you.

22 Motion to approve?

23 Motion is made by Mr. Holden, second by
24 Senator Riser.

25 Any discussion on the motion?



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MEETING MINUTES

1 (No response.)

2 MS. ATKINS:

3 All in favor, respond by saying "aye."

4 (Several members respond "aye.")

5 MS. ATKINS:

6 Opposition?

7 (No response.)

8 MS. ATKINS:

9 It is ordered. Thank you.

10 MS. LAMBERT:

11 We have one special request to change
12 construction dates on an approved application, which was
13 submitted last Board meeting, August 25th. By statute,
14 it's required that the Board make these -- approve the
15 change. The application mistakenly provided for RTA
16 Application 20131037, 224 Chartres, LLC, they mistakenly
17 provided an incorrect estimated construction start and
18 end dates, which were July 13th, 2013 through July 31st,
19 2114, and the company requested that the dates be
20 changed to the correct estimated dates of May 19, 2014
21 to October 31, 2015. The contract has not yet been
22 executed. With approval, the estimated construction
23 period will be revised on the application and a contract
24 will be issued with the construct dates.

25 MS. ATKINS:



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1 Okay. Thank you.

2 Motion to approve the special request?

3 MR. GONSOULIN:

4 So moved.

5 MS. ATKINS:

6 Motion has been made by Mr. Soprano

7 (sic), second by Mr. Gonsoulin.

8 Any discussion on the motion?

9 (No response.)

10 MS. ATKINS:

11 All respond by saying "aye."

12 (Several members respond "aye.")

13 MS. ATKINS:

14 Opposition?

15 (No response.)

16 MS. ATKINS:

17 It is ordered. Thank you.

18 And on the agenda, we have next our

19 Industrial Tax Exemption Program with Ms. Weber.

20 MS. WEBER:

21 Thank you. Madam chairman, would you

22 like to just take all of the applications and the

23 renewals in globo?

24 MS. ATKINS:

25 Yes. What's the pleasure of the Board?



1 Do I have a motion?

2 Motion made by Ms. Wilda Smith, second
3 by Ms. Gale Potts-Roque.

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

6 MS. ATKINS:
7 Opposition?

8 (No response.)

9 MS. ATKINS:
10 It is ordered. Thank you.

11 MS. WEBER:
12 Okay. On the specials, we have Transfer
13 of Tax Exemption Contract from Corval Constructors,
14 Incorporated, 062272, 20100718, 20110252, 20130417, to
15 J&P Investments of Minnesota, LLC. That's in East Baton
16 Rouge Parish. The next one is Northwest Pipe Company,
17 Contracts 20081221, 20081221A and 20081221B to Centric
18 Pipe, LLC in Bossier.

19 MS. ATKINS:
20 Okay. Motion to approve?
21 Motion is made by Mr. Brasseaux -- Mayor
22 Brasseaux, second by Representative Pugh.

23 Any discussion on this motion?
24 (No response.)

25 MS. ATKINS:



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1 All in favor, respond by saying "aye."

2 (Several members respond "aye.")

3 MS. ATKINS:

4 Opposition?

5 (No response.)

6 MS. ATKINS:

7 It is ordered. Thank you.

8 MS. WEBER:

9 All right. We have Change in Name Only:

10 Phoenix Energy Services, Contract 20140839 to Boasso

11 Industries, LLC in St. Tammany; Louisiana Pellets,

12 Incorporated, Contract 20150484 to German Pellets

13 Louisiana, LLC in LaSalle; J Box, Incorporated, Contract

14 20141156 to J Box, LLC, Jefferson.

15 MS. ATKINS:

16 Thank you. Motion to approve?

17 MS. POTTS-ROQUE:

18 So moved.

19 MS. ATKINS:

20 Motion is made by MS. Gale Potts-Roque,

21 second by Mr. King.

22 Any discussion on this motion?

23 (No response.)

24 MS. ATKINS:

25 All in favor, respond by saying "aye."



1 (Several members respond by saying "aye.")

2 MS. ATKINS:

3 Opposition?

4 (No response.)

5 MS. ATKINS:

6 It is ordered.

7 MS. WEBER:

8 Change in Location Only, the previous J
9 Box, LLC now, Contract 20141156, from 3836 Spencer
10 Street to 3832 Spencer Street in Harvey, Jefferson
11 Parish; Flopam, Incorporated, 20110411, from 24710 Plaza
12 Drive, Plaquemine, to 26790 Louisiana Highway 405,
13 Plaquemine in Iberville.

14 MS. ATKINS:

15 Okay. Thank you.

16 Motion to approve made by Mr. Soprano,
17 second by Senator Riser.

18 Any discussion on this motion?

19 (No response.)

20 MS. ATKINS:

21 All in favor, respond by saying "aye."

22 (Several members respond "aye.")

23 MS. ATKINS:

24 Opposition?

25 (No response.)



1 MS. ATKINS:

2 It is ordered. Thank you.

3 MS. WEB:

4 All right. Cancelation of Contracts:
5 Huntington Ingalls, Incorporated, all active contracts.
6 The company has shut down and requested the cancelation.
7 This is in Jefferson Parish; Corval Constructors, and
8 that is C-O-R-V-A-L, not C-O-R-V-E-L, Constructors,
9 Incorporated, 20120231 and 20140520. The machinery and
10 equipment has been moved to company's Minnesota location
11 and they requested the cancelation. That's in East
12 Baton Rouge; Taylor Oilfield Manufacturing,
13 Incorporated, 20090527. They have moved the machine
14 under contract to their Houston facility. They've
15 requested cancelation. This is in Lafayette; Lake
16 Charles Clean Energy, Contract 20140885. The project
17 has been shut down and will not be pursued further.
18 Company has requested cancelation, Calcasieu Parish;
19 Point Bio Energy, LLC, Contract 061655. This was a
20 front-end contract. It never went forward. The
21 consultant has requested cancelation. That's in West
22 Baton Rouge Parish.

23 MS. ATKINS:

24 Okay. Thank you.

25 Motion to approve?



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1 Motion has been made by Mr. Gonsoulin,
2 second by Mr. Belcher.

3 Any comment or discussion on this
4 motion?

5 (No response.)

6 MS. ATKINS:

7 All in favor, respond by saying "aye."

8 (Several members respond "aye.")

9 MS. ATKINS:

10 Opposition?

11 (No response.)

12 MS. ATKINS:

13 It is ordered. Thank you.

14 MS. WEBER:

15 Madam Chairman, I would like to make one
16 correction on the renewals, Page 4, REG Geismar,
17 Incorporated should be REG Geismar, LLC. I just want to
18 make that for the record.

19 MS. ATKINS:

20 Okay. Thank you.

21 MS. WEBER:

22 All right. Under Special Request, M-I
23 Swaco, Cameron Parish, Contract Number 06022, we
24 received a request for the continuation of this
25 contract, even though the company has basically shut



MEETING MINUTES

1 down the facility because of the current energy
2 situation. They have -- the Cameron Parish Assessor
3 told us that they had moved all of their employees out,
4 and we reached out to the company and they're saying
5 this is a temporary situation. They would like to be
6 able to carry the contract forward until such time as
7 the situation changes to the better. So, otherwise,
8 after a specific period of time, I believe they would
9 need to be canceled. So we've done this in the past
10 where we've allowed the company to respond to us on an
11 annual basis with their status, either they're going to
12 reopen or they're going to sell their facility to a
13 manufacturer or they're just going to close the
14 facility, and then we would obviously cancel the
15 contract. So that's M-I Swaco.

16 Quality Iron Fabricators and Quality
17 Iron of Louisiana is a bit different. They basically
18 closed their facility because of the economics, and they
19 are looking to sell the facility to a manufacturer.
20 They're requesting that we keep the contracts in effect
21 until such time as they do that. They are making some
22 changes to this contract because they are moving small
23 items out, but it is not -- the majority of it is the
24 building and some infrastructure, so they're requesting
25 that we keep this active. And we'll get back with you



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1 next year on this, you know, and see if you want to
2 continue carrying it forward.

3 MS. ATKINS:

4 Are there typically any time limits on
5 special requests such as that?

6 MS. WEBER:

7 No, ma'am. I think in the past they've
8 been resolved within a year, and they either cancel the
9 contacts or they transfer them to a manufacturer. So,
10 you know, it's not an ongoing, as in 10 years down the
11 road.

12 MS. ATKINS:

13 Okay.

14 MR. WINDHAM:

15 I have a question.

16 MS. WEBER:

17 Yes?

18 MR. WINDHAM:

19 Does it affect the termination date of
20 the contract?

21 MS. WEBER:

22 No. If the contract expires next year,
23 the contract expires next year.

24 MR. WINDHAM:

25 Okay.



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1 MS. WEBER:

2 But they have renewals that have been
3 approved, then they would go until the five years was
4 up.

5 MR. WINDHAM:

6 So it's not a suspension for the
7 contract?

8 MS. WEBER:

9 Right. It's just basically they're
10 going to have to report to us every year and let us know
11 what the status is. If we don't like the status, if the
12 Board deems that it's necessary to cancel it, then they
13 would have to cancel at the end of the period.

14 MS. ATKINS:

15 Okay. I have a motion made by Ms. Gale
16 Potts-Roque.

17 MR. JONES:

18 Madam Chairman, I'm going to need to
19 recuse myself from the M-I Swaco matter.

20 MS. ATKINS:

21 Please note that. Thank you.

22 Did we have a second on the motion?

23 SENATOR RISER:

24 So moved.

25 MS. ATKINS:



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1 Second made by Senator Riser.
2 Are there any additional discussions on
3 this motion?
4 (No response.)
5 MS. ATKINS:
6 Hearing none, all in favor, respond by
7 saying "aye."
8 (Several members respond "aye.")
9 MS. ATKINS:
10 Opposition?
11 (No response.)
12 MR. ATKINS:
13 It is ordered. Thank you.
14 MS. WEBER:
15 That's all.
16 MS. ATKINS:
17 And next on our agenda, we have the
18 Industrial Tax Exemption Renewals, and that is being
19 presented by Ms. Weber.
20 MS. POTTS-ROQUE:
21 I make a motion that we take these in
22 globo.
23 MS. ATKINS:
24 Okay. Motion made by Ms. Gale
25 Potts-Roque, second by Mr. Gonsoulin that we take those



1 in globo.

2 MR. JONES:

3 I think we did the applications in
4 globo. I didn't understand we were doing the renewals
5 in globo.

6 MS. WEBER:

7 Okay. That's fine. No problem.

8 MS. ATKINS:

9 Okay. We are doing this in globo?

10 MS. WEBER:

11 Yes.

12 MS. ATKINS:

13 Okay. All in favor, "aye."

14 (Several members respond "aye.")

15 MS. ATKINS:

16 Opposition?

17 (No response.)

18 MS. ATKINS:

19 It is ordered. Thank you.

20 And next on our agenda, we have two
21 items left on our agenda, and one is comments and the
22 other is Approval for Reissuance of Industrial Ad
23 Valorem Tax Exemption. We are going to move Item 9 up
24 before comments from LED.

25 MS. CLAPINSKI:



1 Good afternoon, again. As many of you
2 remember, the Rules Committee met in June of 2015 and
3 approved an emergency rule and a notice of intent to
4 implement the new fees for the ITEP program due to Act
5 361 of the 2015 legislative session. The emergency rule
6 went into effect on July 1. We are in the promulgation
7 process on the notice of intent, but an emergency rule
8 is good for 120 days. That 120 days runs out later this
9 week. We will be publishing final rules on ITEP on
10 November 20th, so we are asking the Board to approve
11 reissuance of the emergency rule just to get us to that
12 November 20th date.

13 I have copies if anyone needs it or I'll
14 be happy to answer any questions.

15 SENATOR RISE:

16 Why the delay? I mean, I kind of get
17 that LED, we seem to run into this a lot asking for do
18 we have joint ways and means, rev and fisc, couple of
19 times asking for extensions, delays, and -- why does LED
20 need this again?

21 MS. CLAPINSKI:

22 We require Board approval because the
23 Board actually promulgates the rules under this program,
24 so when I came on late June -- I'm not sure the exact
25 date -- I had to get approval from them before I could



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1 send that to the fiscal office, and so the fiscal office
2 received it. It didn't get published until August,
3 based on their timeline. We have to get a fiscal
4 economic impact statement from them, and you have to get
5 it by the 20th of the month to have it published, so we
6 couldn't have those rules approved by the Board prior to
7 that June 20th date, so it delayed it a month.

8 SENATOR RISER:

9 Does it take joint ways and means and
10 rev and fisc to appear before that or not?

11 MS. CLAPINSKI:

12 No, sir. I think Quality Jobs are the
13 ones that require affirmative approval of those
14 committees.

15 SENATOR RISER:

16 It just seems a tendency to see this
17 somewhat regularly in my opinion, I guess from my chair,
18 that LED has similar things like this from extensions
19 and waivers and -- just a point of notice, I guess.

20 MS. CLAPINSKI:

21 No. I understand. This is not an
22 extension within the rules. This is just implementing
23 the fees that were approved.

24 SENATOR RISER:

25 Okay. That would be my question. Thank



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1 you.

2 MS. POTTS-ROQUE:

3 I'll make a motion to reissue the
4 emergency program.

5 MR. JONES:

6 Second.

7 MS. ATKINS:

8 Okay. Motion has been made by Ms. Gale
9 Potts-Roque, second by Attorney Jones that we do approve
10 the emergency rule.

11 Any questions?

12 (No response.)

13 MS. ATKINS:

14 Hearing none, all in favor, respond by
15 saying "aye."

16 (Several members respond "aye.")

17 MS. ATKINS:

18 Opposition?

19 (No response.)

20 MS. ATKINS:

21 It is ordered. Thank you.

22 And now on our agenda, we do have
23 comments and remarks from Anne Villa, and I think we
24 will have to move or shift over.

25 MS. VILLA:



1 Yes. Just real quick. Thank you, Madam
2 chairman and all of the committee members.

3 Just to kind of remind you-all, we
4 launched Louisiana Job Connection back in the Fall of
5 2014, and at that time, it was a newly-launched campaign
6 that we had to match our employers here with employees
7 or potential employees, jobseekers.

8 So Jamie Nakamoto is here today. She's
9 our Outreach Liaison for Louisiana Job Connection. If
10 you recall, in our June Board meeting, that we had
11 recognition given to Louisiana Job Connection and the
12 Campaign for Come Home Louisiana by winning several
13 industry awards for their campaign for Come Home
14 Louisiana. So Jamie's here today, and I'd like to
15 welcome her and thank her for coming to kind of educate
16 the Board and the people here today for this meeting as
17 to what Louisiana Job Connection has done in the past
18 year being in existence.

19 (Whereupon a presentation was given by Jamie
20 Nakamoto.)

21 MS. VILLA:

22 So if we don't have any questions, I
23 just thought this was a good opportunity to kind of
24 present back to the Board what's been accomplished
25 during the past year, the accomplishments that we've had



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1 with getting employers into Louisiana Job Connection,
2 but even more so, getting jobseekers out there and
3 matching employment.

4 As we all know, workforce development
5 and recruitment is key for the jobs that are being
6 created here in our state. So Louisiana Job Connection
7 is the point to go, so as we advocate for this site, we
8 continue to ask, you know, for your support and
9 outreaches that we are doing.

10 So if you know of any employers or any
11 jobseekers, please send them to Louisiana Job
12 Connection.

13 MS. ATKINS:

14 Thank you. And as a company,
15 CenturyLink and staff has been using your sites, and
16 I've also been playing out there on it, too, just to
17 see. I mean, who knows. I think it's great because it
18 is the go-to place for both employers and employees, and
19 it also gives any employer that places a job there, that
20 is going to be, in the years and months to come, the
21 first place where Louisiana residents will go to look
22 for a job. So I think it's a great site.

23 My only question is, the reports that
24 you were just showing, are they available to companies
25 to pull off or is it just through your administration of



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1 the site that you're able to look at the reports?

2 MS. NAKAMOTO:

3 At this time, it's only available for
4 the internal administration, but if employers have
5 questions -- sometimes we get questions about jobseekers
6 in certain areas and that sort of thing, we share that
7 information as requested.

8 MS. ATKINS:

9 Okay. Great. Thank you.

10 MS. NAKAMOTO:

11 Sure.

12 MS. POTTS-ROQUE:

13 How long do the jobseekers stay in the
14 database?

15 MS. NAKAMOTO:

16 They stay in the database as long as
17 they would like. They have different privacy options on
18 their profile, so if they're actively looking for a job,
19 they can create a public profile, which will make it
20 visible to all employers in the system whenever they are
21 matched with a job.

22 On the other end of the spectrum, they
23 can create a private profile, and that's what we
24 encourage more passive jobseekers to do. So, for
25 example, if a jobseeker is currently employed, they're



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1 happy in their position, but maybe it's not their dream
2 job, so to speak, they can have their profile on
3 Louisiana Job Connection with their full resumé. If
4 they're matched with a job that they're interested in
5 with a private profile, an employer will not see them as
6 a match until the jobseeker reaches out and applies for
7 that position. So it gives that element of privacy
8 while allowing jobseekers to just kind of explore what's
9 out there as far as the Louisiana job pool.

10 MS. POTTS-ROQUE:

11 Okay. Thank you.

12 MS. ATKINS:

13 Any other questions?

14 (No response.)

15 MS. ATKINS:

16 Thank you very much.

17 MS. NAKAMOTO:

18 Thank you.

19 MS. ATKINS:

20 Before we adjourn, I wanted to make the
21 announcement that our next meeting is slated for
22 December the 8th, which will be earlier in December.
23 I'm sure you-all were already aware, but I just wanted
24 to remind you.

25 Until then, can I ask for adjournment?



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MEETING MINUTES

1 MS. POTTS-ROQUE:

2 So moved.

3 MS. ATKINS:

4 Motion has been made. No opposition.

5 It is ordered. Thank you very much.

6 (Meeting concludes at 2:42 p.m.)

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2 I, ELICIA H. WOODWORTH, Certified Court
3 Reporter in and for the State of Louisiana, as the
4 officer before whom this meeting for the Policy and
5 Rules Committee of the Board of Commerce and Industry of
6 the Louisiana Economic Development Corporation, do
7 hereby certify that this meeting was reported by me in
8 the stenotype reporting method, was prepared and
9 transcribed by me or under my personal direction and
10 supervision, and is a true and correct transcript to the
11 best of my ability and understanding;

12 That the transcript has been prepared in
13 compliance with transcript format required by statute or
14 by rules of the board, that I have acted in compliance
15 with the prohibition on contractual relationships, as
16 defined by Louisiana Code of Civil Procedure Article
17 1434 and in rules and advisory opinions of the board;

18 That I am not related to counsel or to the
19 parties herein, nor am I otherwise interested in the
20 outcome of this matter.

21 Dated this 18th day of November, 2015.

22
23 _____
24 ELICIA H. WOODWORTH, CCR
25 CERTIFIED COURT REPORTER



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