**PROCEEDINGS OF A REGULAR MEETING OF**

**THE BOARD OF COMMISSIONERS OF**

**THE MORGAN CITY HARBOR AND TERMINAL DISTRICT**

**April 9, 2012**

The Board of Commissioners (“Board”) of the Morgan City Harbor and Terminal District (“District”) met in regular session at the District’s office at 800 Youngs Road, Morgan City, Louisiana on April 9, 2012 at 5:00 p.m. President Jerry Gauthier convened the meeting with Commissioners Thomas Ackel, William Pecoraro, Duane Lodrigue, Joseph Foret and R. Scott Melancon in attendance. Joe Jones, Gregory Aucoin and Deboarh Garber were absent.

Also present at the meeting were Jerry Hoffpauir, Executive Director; Cindy Cutrera, Manager of Economic Development; Tori Henry, Administrative Assistant; Gerard Bourgeois, Board Attorney; Commander Blake Welborn and Chief Mark Emerson, United States Coast Guard (USCG); Sarah Nash and Mike Lowe, U.S. Army Corps of Engineers, New Orleans District; Clay Braud, GSE Associates, LLC; April Dykes, Weston Solutions; Michael Knobloch, Knobloch Professional Services; along with members of the media and general public.

Mr. Bourgeois swore in R. Scott Melancon as the newest member of the Morgan City Harbor & Terminal District’s board, who was welcomed by Mr. Gauthier and the Board.

It was moved by Mr. Ackel and seconded by Mr. Lodrigue that the minutes of the Regular Meeting of March 12, 2012 be approved and adopted. Motion carried unanimously.

It was moved by Mr. Ackel and seconded by Mr. Foret that the report of receipts and disbursements for the month of March, 2012 be received and accepted and that all invoices presented to the Board for the month of March, 2012 be paid. Motion carried unanimously.

Cindy Cutrera reported that she and Mrs. Garber attended the GPAA Hit the Hill event in Washington, DC. She pointed out the positive feedback they received from Delegation despite the budget woes. Some of the legislative priorities were Harbor and Maintenance Trust Fund, earmark bans, restoration of past funding levels, separate fund for Port Security, and eliminating Army Corps of Engineers Peer Review. While there, they were able to attend several meetings including Office of Management and Budget, where each Port was able to present their specific issues; Senator Vitter’s Office; Congressman Landry’s office and Congressman Boustany’s office. They also attended the Corps of Engineers Reception and were able to visit with Mark Mazzanti, Jeff McKee and Jim Walker from Headquarters.

Jerry Hoffpauir reported: (i) the rain from last week flooded our offices, Coast Guard offices and Levee District offices. Mr. Gauthier asked Clay Braud of GSE if this flooding could have anything to do with the new concrete that was poured. Mr. Braud noted that the parking lot was designed that all pavement slopes away from the building and towards the back. (ii) He, along with Mike Lowe, Sarah Nash and Greg Linscombe inspected the area where rock placement will be for Crew Boat Cut; (iii) the HVAC mechanical contractor submitted a price for repairs in which the board will review and discuss at the next meeting; (iv) he, along with Mr. Lowe met with Bollinger and McDermott about upcoming sail outs.

Sarah Nash reported that: (i) a survey team began April 3rd and is expected to be completed by April 23rd at Crew Boat Cut and the Notice to Proceed for the borings was issued on March 30th and expected to be completed by June 9th ; (ii) the act of assurance is still outstanding at this time; (iii) ERDC prepared a draft report documenting the results of the project. Moffattt & Nichol provided traffic data which may have influenced the report. (iii) The DMMP is currently being routed for signature from each Technical Division Chief and then ultimately, the District Commander.

Clay Breaud reported that: (i) the contractor made the final major concrete pour on the right side of the building. Mr. Hoffpauir questioned if the 3-4” transition from the sidewalk to the existing concrete would be accessible by a van carrying a power scooter. Mr. Gauthier asked Mr. Ackel and Mr. Braud to take a look at it after the meeting. (ii) The awning is on order and is scheduled to arrive in a few weeks.

April Dykes presented change order #4 including additional square footage of the coffer dam and payment application #2 in the amount of $85,692.45 payable to Gray Construction. She also reported that: (i) the coffer dam is in place but contractors were unable to work last week due to the rain and river level which is above 4. She noted the level needs to be below 4 in order to pump it out and Mr. Hoffpauir advised we are currently around 4.8.

Blake Welborn reported that we are coming out of the high water stage and should be below 4 within the next week or so.

Jonathan Hird reported that: (i) he has been reviewing the Corps of Engineers report and providing comments to Ms. Nash and her team; (ii) he will forward the report the Navigable Depth Experts in Holland but doesn’t think it will change their opinion on the degree of success. Once they receive comments back from Holland, they will regroup and determine the next steps to move forward. Mr. Gauthier thanked them along with Ms. Nash’s team for working so well together.

Mike Lowe reported that: (i) they are continuing to monitor the channel; (ii) he received some supplemental funding because of the high water from last year which he plans to address some of the impact from that flooding. (ii) A contract for the Bar Channel and Berwick Harbor will be available in May but he will be watching the current high water which has began to slowly but steadily fall; (iii) a contract will be available for the Bay in August but the Coast Guard is hoping to remark the channel, which is currently migrating towards the East. Mark Emerson noted that water depths have increased and they are looking to temporarily relocation the channel then permanently relocate it once the river shows it will sustain itself. (iv) He made a separate request for O&M funding for rock placement in Crew Boat Cut.

Michael Knobloch reported that: (i) the Tiger Discretional Grant final application was submitted on March 19th, which we should hear in approximately 2 months whether our project was accepted; (ii) he has met with St. Mary Parish Chamber Director Donna Meyer and St. Mary Parish Economic Development Director Frank Fink regarding our efforts to establish a Foreign Trade Zone. Both have offered their assistance and willingness to collaborate on this project; (iii) he is waiting on a few of the Environmental and Historical Preservation certification forms from sub-grantees which he should have by next week and will be send them to Washington, DC after.

Mr. Bourgeois presented the Board with: (i) a payment application on boat launch construction in the amount of $85,692.45, as well as Change Order 4, which was submitted by Gray Construction and certified by Weston Solutions. Mr. Lodrigue moved to authorize payment to Gray Construction in the amount of $85,692.45 as well as authorize Mr. Gauthier execute the change order, which was seconded by Mr. Pecoraro and carried unanimously. (ii) Payment application 3 in the amount of $16,814.23, which was submitted by LA Contracting and certified by GSE/Providence Associates. Mr. Pecoraro moved to authorize payment to LA Contracting in the amount of $16,814.23, which was seconded by Mr. Foret and carried unanimously. (iii) A new contract in the name of Bourgeois Thorguson, LLC., which differentiates rates for attorneys at the firm who have been attorneys for less than ten years and more than ten years, which was moved for approval by Mr. Lodrigue, including the following resolution, seconded by Mr. Ackel and carried unanimously;

# RESOLUTION

A Resolution providing for the execution of contract with a law firm for the Morgan City Harbor and Terminal District, designating the terms and conditions of the contract, and granting the authorization therefor.

WHEREAS, this Board of Commissioners is authorized by the provisions of LSA-R.S.34:324 to “contract with the employ attorneys, clerks, engineers, deputy commissioners, superintendents, stevedores and other agents and employees and shall fix their compensation and terms of office or employments,” and,

WHEREAS, this Board of Commissioners, after due deliberation deems it necessary to protect the public interest, and that real and genuine necessity exist therefor, to contract for legal services and for Bourgeois Thorguson, LLC. to act as General Counsel in connection with the handling of various legal matters that may affect the District.

BE IT RESOLVED, that the President, Jerry A. Gauthier, is hereby authorized and directed to execute on behalf of the Morgan City Harbor and Terminal District an attorney agreement with Bourgeois Thorguson, LLC, for the necessary legal services relative to Morgan City Harbor and Terminal District, substantially in accordance with the terms and conditions of the attorney agreement presented this day.

With there being no further business to come before the Board, the meeting was adjourned.

Attest:

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Thomas M. Ackel, Secretary