PROCEEDINGS OF A REGULAR MEETING OF

**THE BOARD OF COMMISSIONERS OF**

**THE MORGAN CITY HARBOR AND TERMINAL DISTRICT**

**March 9, 2020**

The Board of Commissioners (“Board”) of the Morgan City Harbor and Terminal District (“District”) met in regular session at the District’s office at 7327 Highway 182, Morgan City, Louisiana on March 9, 2020 at 5:00 p.m. Joseph Cain, President, convened the meeting with Commissioners Deborah Garber, Tim Matthews, Sr., Ben Adams, Lee Dragna, Adam Mayon, Pete Orlando, Steven Cornes and Troy Lombardo in attendance. Also present at the meeting were Raymond Wade, Executive Director; Tori Henry, Office Manager; Cindy Cutrera, Manager of Economic Development; Gerard Bourgeois and Jennifer Reasoner, Board Attorneys; LCDR Beth Newton, United States Coast Guard (“USCG”); Jon McVay and Josh Mathern, Brice Civil Constructors; Michael Knobloch, Knobloch Professional Services; Bryan Breaud, GSE/Providence Engineering; Councilmen Louis Tamporello, City of Morgan City; along with members of the media and general public.

The meeting was called to order and the presence of a quorum was noted. Raymond Wade led the invocation and the Pledge of Allegiance was recited.

It was moved by Mr. Lombardo and seconded by Mr. Orlando that the minutes of the Regular Meeting of February 10, 2020 be approved and adopted, with said motion carrying unanimously.

It was moved by Mr. Orlando that the report of receipts and disbursements for the month of February, 2020 be received and accepted and that all invoices presented to the Board for the month of February, 2020 be paid. Mr. Cornes seconded that motion, which carried unanimously.

Tim Connell, with the U.S. Army Corps of Engineers (“Corps”) reported via teleconference that: (i) due to receiving additional $6.95 million, the Dredge Ingenuity will return to complete dredging the area between the Highway 182 bridge and the railroad bridge, but he is trying to time the start to give the biggest return; (ii) After the FY20 workplan plus up of $10 million, the Corps may be able to dredge Bayou Chene depending on the amount of sediment received from high water. He thinks the prudent thing to do is to hold off until we see what happens with high water this year; (iii) the latest issue with the Brice Dredge is debris; but, when it is working, it moves a lot of material. New surveys will be taken next week; (iv) Work on both the Bayou Boeuf guide wall and the Bayou Sorrel guide wall continues; and (v) over the next 21 days, there will be a 2’ drop in the Atchafalaya River, approaching 5’.

Charles Brittingham reported via teleconference that the Corps funding for our Project received additional $10 million in FY2020 Work Plan funding but only $8.5 million in the President’s 2021 Budget. He urged us to continue to highlight the challenges on the river while continuously asking for funding.

Beth Newton reported that: (i) Commander Mattern’s Change of Command will be held on June 4th; and (ii) after the Corps surveys, buoys will need to be moved in Stouts Pass due to eight groundings reported in the last week.

Mike Knobloch reported that: (i) FY20 Port Security, BUILD and Port Infrastructure Development Grants have all been announced. Due to our lowered risk score, we will only be applying for nine times less than normal from Port Security Grant. BUILD is a minimum of $5,000 with Port Infrastructure a minimum of $1 million, due on May 18th; (ii) the Joint Legislative Committee met today and approved our Port Priority Grant application for Youngswood Yard Rehabilitation.

Bryan Breaud reported that the 45-day lien period has expired on Phase II – Aggregate loading/unloading. He also presented Partial Payment Application No. 4 in the amount of $15,732.00. Mr. Dragna moved to authorize said payment, which was seconded by Mr. Mayon and carried unanimously.

Cindy Cutrera reported that: (i) we were notified that the Mississippi River Commission decided not to invite others to ride aboard the M/V *Mississippi,* but instead will do a fly over of projects in the area. There will still be a public hearing held on April 3rd in New Orleans, at which time Mac will provide public comment; (ii) She and Mac met with the project manager of Convey Atchafalaya to Terrebonne and advised them besides the modeling, they need to revisit landowners and industry as part of their scoping, which they agreed; (iii) Mac served on a panel at the 2020 Louisiana Transportation Conference and presented “Thinking Outside the Box, Alternative Dredging Methods; (iv) Mac learned of changes at the Corps in upper management at Tom Holden’s retirement ceremony including General Kaiser retiring and former Colonel Al Lee being appointed to Director of Civil Works in Washington, DC; (v) she attended the Red River Valley Association Conference in Shreveport and had an opportunity to visit with Corps leaders from Vicksburg; and (vi) St. Mary Excel hosted a round table discussion on resilience with the Water Institute of the Gulf, local leaders and high school seniors.

Jennifer Reasoner presented: (i) three requests for Letters of No Objection to St. Mary Parish for maintenance dredging of Russo, Michel and Fontenot Boat Launches. Mr. Adams moved to authorize Mr. Wade to execute said letters, which was seconded by Mr. Dragna and carried unanimously. (ii) a resolution requesting authority to advertise the Phase III – Youngswood Yard Rehabilitation Project and related Fourth Amendment to Lease between the District and InterMoor which resolution was moved by Mr. Lombardo, seconded by Mr. Adams and carried unanimously.

Resolution

WHEREAS, Morgan City Harbor and Terminal District has submitted an application for funding of the Youngswood Yard Rehabilitation port improvement project under the Port Construction and Development Priority Program; and

WHEREAS, Youngswood Yard Rehabilitation has been recommended to the Louisiana Joint Legislative Committee of Transportation, Highways, and Public Works by the Department of Transportation and Development for funding by the Port Construction and Development Priority Program; and

WHEREAS, no funds have been made available by the State for construction of the project and the Morgan City Harbor and Terminal District has available local funds in an amount of not less than one hundred (100%) percent to insure construction of the project; and

WHEREAS, Morgan City Harbor and Terminal District desires to utilize its own funds for the construction of this Project and to be reimbursed by the Port Construction and Development Priority Program once funding becomes available, in accordance with R.S. 34:3457.

WHEREAS, at the request of this Morgan City Harbor and Terminal District, Providence Engineering and Design, LLC has prepared plans and specifications for said project, which plans and specifications are designated by State Project No. H.014297; and

WHEREAS, the Morgan City Harbor and Terminal District has reviewed the final plans, specifications and cost estimate and accepts them as submitted and the Department of Transportation and Development has reviewed the final plans, specifications, and cost estimate and has approved them inasmuch as they comply with the requirements of the Port Construction and Development Priority Program; and

WHEREAS, all necessary servitudes, rights-of-way, spoil disposal areas, rights of ingress and egress and the means thereof have been acquired by the Morgan City Harbor and Terminal District, and the titles thereto are valid and indefeasible; and

WHEREAS, the Morgan City Harbor and Terminal District has obtained all necessary permits required for the construction of this project; and

WHEREAS, Morgan City Harbor and Terminal District has agreed to accomplish all necessary utilities, fence and other facilities relocations and alterations made necessary by this project; and

WHEREAS, the Official Journal for the Morgan City Harbor and Terminal District is The Daily Review, whose mailing address is Post Office Box 948, Morgan City, LA 70381, and whose telephone number is 985-384-8370; and

WHEREAS, the Morgan City Harbor and Terminal District desires to advertise for competitive bids, in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the Morgan City Harbor and Terminal District, and furnish engineering services during the progress of the work.

NOW, THEREFORE, BE IT RESOLVED by the Morgan City Harbor and Terminal District, in Regular session assembled on this 9th day of March, 2020, that the Department of Transportation and Development be and hereby is requested to authorize the Morgan City Harbor and Terminal District to advertise for competitive bids in accordance with LRS 38:2212, et seq., for the award of a contract in the name of Morgan City Harbor and Terminal District, covering the aforesaid improvements.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all necessary servitudes, rights-of-way, rights of ingress and egress and the means thereof have been obtained by Morgan City Harbor and Terminal District, and the titles thereto are valid and indefeasible and Morgan City Harbor and Terminal District expressly agrees to defend any action for the failure of any servitude, right-of-way, right of ingress or egress, and Morgan City Harbor and Terminal District does hereby assume complete responsibility for providing engineering services during construction and the maintenance and upkeep of the project after construction.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all required permits have been obtained by Morgan City Harbor and Terminal District.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that Morgan City Harbor and Terminal District has available its local matching funds in an amount not less than one hundred (100%) percent of the total project cost to insure construction of this project.

BE IT RESOLVED that Morgan City Harbor and Terminal District will and hereby does assume complete responsibility for all utilities, fence, and other facilities relocations and alterations made necessary by this project.

BE IT RESOLVED that Morgan City Harbor and Terminal District does hereby save and hold harmless the Department of Transportation and Development against any loss or damage of any kind incident to or occasioned by Activities undertaken in pursuance of this agreement and expressly agrees to defend any suit brought against the Department of Transportation & Development, and pay any judgment which may result from said suit as it relates to this project.

BE IT RESOLVED that Joseph E. Cain, President of the Morgan City Harbor and Terminal District be and is hereby authorized to execute on the District’s behalf the Fourth Amendment to Lease, presented this evening.

(iii) Mrs. Reasoner presented a resolution to surplus and sell the *John Wayne* for not less than $1.6mm. After discussion on surplusing the Barge *John Wayne*, Mr. Lombardo moved to delay the sale and suggested instead advertising the same for lease of $600 per day until July 1st, which was seconded by Mr. Adams and carried, with Mr. Orlando opposing.

(iv) After a unanimous rollcall vote, the Board entered into Executive Session to discuss the suit against Crosby Marine, LLC for damage caused to the Morgan City Harbor and Terminal District’s NOAA Meteorological Station #2 in the Atchafalaya River. After the Executive Session ended, it was moved by Mr. Matthews and seconded by Mrs. Garber that the Board return to Regular Session and also authorized Mr. Wade to sign the Receipt and Release presented, which carried unanimously.

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

Attest:

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Timothy Matthews, Sr., Secretary