

**PROCEEDINGS OF A REGULAR MEETING OF
THE BOARD OF COMMISSIONERS OF
THE MORGAN CITY HARBOR AND TERMINAL DISTRICT
August 8, 2022**

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 August 8, 2022 at 5:00 p.m. Joseph Cain, President, convened the meeting with Commissioners, Pete Orlando, Deborah Garber, Ben Adams, Steven Cornes, Matthew Glover and Matthew Tycer in attendance. Adam Mayon and Troy Lombardo were absent. Also present in the meeting were Raymond Wade, Executive Director; Cindy Cutrera, Economic Development Manager; Tori Henry, Office Manager; Michael Knobloch, Knobloch Professional Services; Gerard Bourgeois and Bill Bourgeois, Board Attorneys; LCDR Hayley Gipson and LT Jenelle Piche, United States Coast Guard ("USCG"); Eric Matte, T. Baker Smith; along with members of the 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. Orlando and seconded by Mr. Tycer that the minutes of the Regular Meeting of July 11, 2022 and Public Hearing of July 28, 2022 be approved and adopted, with said motion carrying unanimously.

It was moved by Mr. Tycer that the report of receipts and disbursements for the month of July, 2022 be received and accepted and that all invoices presented to the Board for the month of July, 2022 be paid. Mr. Cornes seconded that motion, which carried unanimously.

Tim Connell reported via teleconference that: (i) latest surveys of the lower river from Crew Boat Cut to MM142 looks good, deep and wide. A rental contract will be awarded by September 15, giving us flexibility on where it needs to go deep in the Bar Channel.; (ii) a "surgical dredging" set of plans have been produced to get us 250' all the way to Bayou Boeuf; (iii) maintenance work is just about complete on Dredge *Arulaq* and they will be returning to the Bar Channel; and (iv) Stouts Pass dredging should begin around August 15th, then doing minimum in Berwick Harbor.

LCDR Hayley Gipson introduced her replacement Jenelle Piche, who will be serving in waterways management. She also reported: (i) 2,395 total transits in July, averaging 77 transits per day through the VTS zone; (ii) there were 18 groundings last month, with 11 of them at Stouts Pass, so the dredging there is welcomed; (iii) due to several "loss of steering" incidents, they will be checking maintenance logs during inspections; and (iv) tow boats are 97% compliant with Subchapter M, and the final 5 have a non-operational control on them. She also publicly thanked industry for the support at Coast Guard Day.

Michael Knobloch reported that the Community Project funding request is in the appropriations bill and we are hoping to get the funds in the spring.

Eric Matte reported: (i) Patriot Construction is 95% complete on the Youngswood Yard Resurfacing project but they are still waiting on the check valve that is backordered; (ii) construction documents for the East Dock Project should be wrapped up in two weeks, then submitted to DOTD for approval. Mr. Wade noted that he needs these plans ASAP because DOTD has questioned him recently about how the project is progressing.

Cindy Cutrera reported that: (i) the Mississippi River Commissions Low Water public hearing will be held on our dock on August 26th at 9 a.m. The members, along with New Orleans District will be taking a helicopter tour of Bayou Chene and our Port District, as well as other areas. (ii) we recently submitted ads in American Journal of Transportation and Maritime Executive magazines, which will be distributed at the Break Bulk Conference where she will be representing the Port by invitation of a local company.

Gerard Bourgeois presented: (i) a request for a Letter of No Objection to Central Boat Rentals for a permit for dredging boat slips, travel lift runways and timber docks. Mr. Tycer moved to authorize Mr. Wade to execute said letter, which was seconded by Mr. Glover and carried unanimously; (ii) Payment Request No. 2 in the amounts of \$493,559.13 has been submitted by Patriot Construction, LLC for the Youngswood Yard Surface Replacement project. A motion was made by Mr. Orlando and seconded by Mr. Adams that the funding request be approved, based upon the engineer's certification, and carried unanimously; (iii) the mooring ordinance was advertised in the Daily Review three times, was presented to the Morgan City Council and a public hearing was held without any negative comments. Mr. Orlando moved to adopt the following ordinance, which was seconded by Mr. Tycer and carried unanimously.

ORDINANCE OF THE
BOARD OF COMMISSIONERS OF
THE MORGAN CITY HARBOR AND TERMINAL DISTRICT
(A Political Subdivision of the State of Louisiana)

AN ORDINANCE REGULATING THE USE OF BARGES, BOATS, FLOATING STRUCTURES AND ANY OTHER MARINE VESSELS ("VESSELS") ON THE WATERWAYS WITHIN THE JURISDICTION, OF THE BOARD OF COMMISSIONERS OF THE MORGAN CITY HARBOR AND TERMINAL DISTRICT, PROHIBITING VESSELS FROM INTERFERING WITH DREDGE OPERATIONS, PROVIDING FOR AUTHORITY TO TOW AND PENALTIES FOR VIOLATIONS.

Section 1. There is hereby created and established an ordinance regulating the use of barges, boats, floating structures and any other marine vessels (hereafter referred individually as "vessel" and collectively as "vessels") on the canals, rivers, bayous, waterways within the jurisdiction of the Morgan City Harbor and Terminal District ("Port"), including the Intracoastal Waterway; Bayous Chene, Black, and Bouef; the Atchafalaya River and Berwick Bay (hereinafter referred to collectively as "waterways"), prohibiting vessels from interfering with dredge operations, providing for the tow, removal or disposition of such vessel, exceptions thereto, and providing penalties for the violations of its provisions. This ordinance shall be known as the Port's Mooring During Dredging Ordinance and hereinafter referred to as the "Ordinance".

Section 2. In order to facilitate commerce and/or navigation, or for the protection of other vessels or property, no vessel on the waterways shall be operated or moored in a way to cause delay or hazard to dredging operations. Operation or mooring a vessel in a way that is detrimental to or endangers public safety, is detrimental to the property of others and/or causes delay or hazard to dredging operations shall be declared a nuisance.

Section 3. Additionally, within forty-eight (48) hours of dredging operations in a particular portion of the waterways, it is unlawful for any vessel to anchor, dock or moor in any portion of the waterways that will be dredged, without the prior written consent of the Executive Director of the Morgan City Harbor and Terminal District ("Executive Director").

Section 4. Any vessel violating this ordinance shall be subject to tow, removal or other disposition, at expense of the vessel and/or its owner. The Executive Director is hereby authorized and directed to order and enforce the removal of such vessel, at its own expense, to such place as he may direct; and it shall be unlawful for the master, owner or agent of such vessel to fail, neglect or refuse to obey any such order.

The owner or owners of such vessel violating this ordinance shall be liable to the Port for all costs incident to said tow, removal, storage and/or disposition, including attorney's fees. Neither the Port, nor its Board members, Executive Director, employees, or agents shall be liable for any damages of any nature whatsoever arising out of or in any way connected with the removal, lien, and/or sale or disposition of such vessel.

Section 5. In addition to the costs, including but not limited to towage, removal, storage, disposition and/or attorney's fees, for violations of this Ordinance, there shall be a \$500.00 fine for the first violation, a \$1,000.00 fine for the second violation and a \$1,500.00 fine for each subsequent violation.

Section 6. Costs and fines for violation of this Ordinance shall be paid within twenty-one (21) days from the date of violation appear at Port's office, 7327 Highway 182, Morgan City, Louisiana, or pay by U.S. mail as provided on the citation, and remit the fines to:

Administration

Port of Morgan City
Post Office Box 1460
Morgan City, LA 70381

Such mailed payment may be made only by money order or check made payable to the Port of Morgan City. There shall be a \$45.00 charge for NSF checks. Payment of the civil fine established herein and any other penalties or costs assessed shall operate as a final disposition of the case.

Section 7. Establishment of Administrative Hearing Procedure

There is hereby created and established an administrative hearing procedure to adjudicate appeals from all citations for violations of this Ordinance.

Section 8. Appeal

Any person determined by the Executive Director to be in violation of this Ordinance may appeal the determination to the City Court for Morgan City, if the violation occurred within the City of Morgan City, or the 16th Judicial District Court if the violation occurred within the boundaries of St. Mary Parish. Service of notice of appeal under this section shall not stay the enforcement and collection of the judgment unless the person who files the appeal posts a cash bond for the full amount of the fine and costs prior to filing notice of appeal with the Port. Cash bonds must be made in person at the Port's office during normal working hours.

Section 9. If any clause, sentence, section, or part of this Ordinance should for any reason be declared illegal or unconstitutional, such declaration shall not affect the validity of any other section or part of this Ordinance, which shall remain in full force and effect.

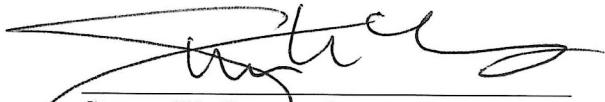
Section 10. This Ordinance shall take effect and be enforceable at and after midnight on August 15, 2022.

Section 11. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed, except as to any prosecutions pending thereunder, as to which prosecutions, until concluded, such former ordinance shall remain in full force and effect.

After Motion of Mr. Tycer, second of Mr. Orlando, and unanimous rollcall vote, the Board entered into Executive Session to discuss its suit against Providence Engineering & Environmental Group, LLC and Patriot Construction and Industrial, LLC for Youngswood yard failure. After the Executive Session ended, it was moved by Mr. Adams, and seconded by Mr. Orlando that the Board return to Regular Session, which carried unanimously.

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

Attest:


Steven W. Cornes, Secretary