

**PROCEEDINGS OF A REGULAR MEETING OF
THE BOARD OF COMMISSIONERS OF
THE MORGAN CITY HARBOR AND TERMINAL DISTRICT
March 13, 2023**

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 13, 2023 at 5:00 p.m. Pete Orlando, President, convened the meeting with Commissioners, Deborah Garber, Ben Adams, Steven Cornes, Joseph Cain, 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; Judge Greg Aucoin and Gerard Bourgeois, Board Attorney; Timothy Connell, U.S. Army Corps of Engineers (“USACE”); Timothy Spence, United States Coast Guard (“USCG”); Eric Matte, T. Baker Smith; Councilman Louis Tamporello, City of Morgan City; Cameron Courville, Brice Civil Constructors; 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. Tycer and seconded by Mr. Cornes that the minutes of the Regular Meeting of February 13, 2023 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 February, 2023 be received and accepted and that all invoices presented to the Board for the month of February, 2023 be paid. Mr. Glover seconded that motion, which carried unanimously.

Tim Spence reported that: (i) 2,679 total transits in February through the VTS zone; and (ii) we have minimal high water and are under normal restrictions with assist vessels and HP requirements that go along with high water.

Eric Matte reported: (i) while excavating the East Dock they encountered a lot of concrete that prevented pile driving, which will need to be removed and backfilled with sand. Mr. Adams moved to authorize Change Order No. 1 with an amount up to \$334,000, which was seconded by Mr. Cornes and carried unanimously. Mr. Matte also noted they completed the static test pile, which passed; (ii) they are still working with MARAD on NEPA compliance on the West Dock; and (iii) Mr. Adams moved to approve Payment Application No. 1 to Sealevel Construction in the amount of \$490,392.94, seconded by Mr. Tycer which carried unanimously.

Michael Knobloch reported that: (i) we now have to apply through NOAA to receive our Community Project funding request for maintenance of our MET stations by May 1st; (ii) we will be requesting funding from the FY2024 Community Project funding for EOC improvements. It was moved by Mrs. Garber and seconded by Mr. Tycer that the following resolution be adopted and that the requested \$3,042,810 EOC improvement project be matched by \$760,703 of Port funds, which resolution was unanimously adopted.

RESOLUTION

BE IT RESOLVED, that the Board of Commissioners of the above does hereby authorize the submission of its proposed funding request entitled “*Emergency Operations Center Upgrading, Equipping, and Constructing*” and request \$2,282,107 from the FY 2024 Community Project Funding (CPF) program. Additionally, the Port District Commission, also, agrees to be responsible for providing a local, non-federal cost-share of \$760,703 from its general fund.

(iii) We will be requesting funding from the FY2024 Community Project funding for Terminal Facility Electrical Infrastructure Improvements. It was moved by Mrs. Garber and seconded by Mr. Tycer that the following resolution be submitted for \$200,000 and be matched by \$50,000 of Port funds for Terminal Facility Electrical Infrastructure Improvements, which resolution was unanimously adopted.

RESOLUTION

BE IT RESOLVED, that the Board of Commissioners of the above does hereby authorize the submission of its proposed funding request entitled “*Terminal Facility Electrical Infrastructure Improvements*” and request \$150,000 from the FY 2024 Community Project Funding (CPF) program. Additionally, the Port District Commission, also, agrees to be responsible for providing a local, non-federal cost-share of a maximum of \$50,000, if needed, from its general fund for this project.

(iv) The Port Security Grant (PSG) has been announced and the application deadline is May 18th; (v) we will request the same funding and projects for the PIDG and INFRA Grants; and (vi) we participated in SLEC's Bayou Business Summit Port session, along with Fourchon and Terrebonne which moderated by Jennifer Marusak of PAL.

Tim Connell reported that: (i) Manson's *RM White* continues to work the lower bar and because of shoaling and lots of debris, will try to modify the contract that workplan will allow for; (ii) Crosby's *Susan Crosby* continues to work in Bayou Chene and will do more surveys in a month or two to see if we need to modify the contract or hold off until late 2024; (iii) Brice continues to work the Bar channel and the Corps is internally working to get another contract to keep agitation going; (iv) they are working on new contract for Stouts Pass, which is holding up well; and (v) we are expected to have marginally high water.

Charles Brittingham reported: (i) in the FY2023 Omnibus Appropriations and USACE Work Plan, \$41.8 million is available immediately for dredging needs in 2023; (ii) in the FY24 IJA, \$42.8 million is available October 1, 2023 for operations and maintenance dredging; and (iii) in the FY24 president's budget, \$62.5 million for operations and maintenance is on paper but has to go through the appropriations process. He also noted that with all of the money in the queue, there is no more important time than now for business development at the Port and we must capitalize on it.

Cindy Cutrera reported that: (i) Mac attended the National Waterways Conference in DC to spread the word of how well Brice is doing in the Bar Channel. He pointed out that Brice has moved 206 million yards on material in three years. He will also be presenting this information at the Corps High Water public meeting and reiterating the need for the Brice contract renewal; (ii) she and Mac attended the Red River Valley Association (RRVA) Conference with a number of Vicksburg Corps officials, including Mark Wingate who is temporarily working there from the New Orleans District. She had the opportunity to present on the MARAD M-49 project; and (iii) the 2023 CPRA Coastal Master Plan comments are due tomorrow and our comment covered the diversion around the locks, offering a couple of alternate solutions.

Gerard Bourgeois presented: (i) Payment Application No. 1 from Sealevel Construction, Inc. in the amount of \$490,392.94, which was moved by Mr. Adams, seconded by Mr. Mayon and carried unanimously; and (ii) draft tariff and rules and regulations to be adopted and published, the following resolution for which was moved by Mr. Tycer, seconded by Mr. Cornes and carried unanimously.

RESOLUTION

A resolution providing for the adoption of the Marine Terminal Schedule ("Tariff") and Supplemental Terminal Rules and Regulations ("Rules") for the Morgan City Harbor and Terminal District ("District").

WHEREAS, this Board of Commissioners ("Board") shall have the authority to regulate the commerce and traffic of said District in such a manner as may in its judgment be best for the public interest pursuant to La. R.S. 34:323;

WHEREAS, this Board shall be empowered to own and have charge of, to administer, construct, operate, and maintain wharves, warehouses, landings, docks, sheds, belt and connecting railroads, shipways, canals, channels, slips, basins, locks, elevators, and other structures and facilities necessary and proper for the use and development of the business of such district, including buildings and equipment for the accommodation of passengers and in the handling, storage, transportation, and delivery of freight, express, and mail;

WHEREAS, this Board deems it necessary and proper to prepare and adopt a Tariff and Rules for its terminal facility;

BE IT RESOLVED, that the Morgan City Harbor and Terminal District does hereby approve the Tariff and Rules presented and adopts and authorizes said Tariff and Rules;

BE IT FURTHER RESOLVED by the Board that the Tariff and Rules presented this evening, be and the same is hereby declared to set necessary and reasonable rates.

BE IT FURTHER RESOLVED, that the Executive Director, Raymond M. Wade, be and is hereby authorized and directed to do any and all acts and things on behalf and in the name of the District that he deems necessary

Mr. Adams also moved to authorize the Executive Director, along with an officer of the board, to deviate from the published tariff rates and that the following resolution be adopted, which was seconded by Mr. Cornes and carried unanimously.

RESOLUTION

A resolution providing for the executive director's application of the tariff adopted by the Morgan City Harbor and Terminal District ("District").

WHEREAS, this Board of Commissioners ("Board") deems it necessary and proper to delegate to its Executive Director certain discretion necessary to the proper operation of the District's Terminal;

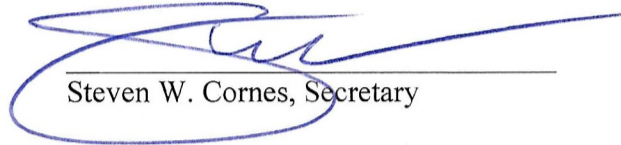
WHEREAS, this Board of Commissioners ("Board") believes it necessary and proper for the

promotion of economic development within its boundaries, the development and operation of its terminal or port and dock facility, the increase in domestic and foreign waterborne commerce and to create and provide employment and business opportunities for the inhabitants of the Morgan City Harbor and Terminal District that it authorize its Executive Director, after consultation with an officer of the Board, to adjust rates charged, in totality for a customer project, by half without seeking prior Board approval; and;

BE IT RESOLVED, that the Morgan City Harbor and Terminal District does hereby authorize its Executive Director to allow deviations from posted tariff rates and fees in his discretion and without further Board approval, so long as the entire charges due by the User are not less than half of the rates and fees that are listed in the District's Tariff and its Executive Director has consulted with an officer of the Board;

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

Attest:



Steven W. Cornes, Secretary