

**PROCEEDINGS OF A REGULAR MEETING OF  
THE BOARD OF COMMISSIONERS OF  
THE MORGAN CITY HARBOR AND TERMINAL DISTRICT  
June 12, 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 May 8, 2023 at 5:00 p.m. Pete Orlando, President, convened the meeting with Commissioners, Steven Cornes, Deborah Garber, Joseph Cain, Troy Lombardo, Matthew Tycer and Matthew Glover in attendance. Ben Adams and Adam Mayon 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, Board Attorney; Lieutenant Jenelle Piche and Timothy Spence, United States Coast Guard (“USCG”); Philip Chauvin, 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. Tycer and seconded by Mr. Lombardo that the minutes of the Regular Meeting of May 8, 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 May, 2023 be received and accepted and that all invoices presented to the Board for the month of May, 2023 be paid. Mr. Cornes seconded that motion, which carried unanimously.

Raymond Wade reported on behalf of Tim Connell that we have three (3) dredges currently working, (i) *Arulaq* working in the Bar channel, (ii) *Crosby Dredger* who replaced the *Susan Crosby* working in Bayou Chene, and (iii) *Jadwin* worked Berwick Harbor for three days then repositioned and working Stouts Pass for about a week then heading to the Mississippi River, which is falling drastically. He also presented a message and picture from Colonel Jones noting the Corps of Engineers has just signed off on plans and specs for maintenance dredging of the Atchafalaya River, Bay, Bar and Crew Boat cut. After receiving lots of dredging funding this past year, this is verifying the funds have been allocated.

Lieutenant Piche reported that: (i) 2,329 total transits in May through the VTS zone; (ii) a rip rap project on Highway 182 bridge will be starting July 17<sup>th</sup> for two weeks, with intermittent waterway closures; (iii) the railroad bridge repair intermittent closures are scheduled through July 6<sup>th</sup>; and (iv) Mr. Spence noted John Bourgeois will be sent to observe the simulation for the diversion project and Mr. Spence will be on the navigation team to assess the information.

Cindy Cutrera reported that: (i) we had our 11<sup>th</sup> annual Hurricane Preparedness meeting on May 15<sup>th</sup> with over 100 people in attendance; (ii) CPRA, the House and Senate have all approved the Coastal Master Plan, which includes the diversion around the Bayou Boeuf Locks and an alternate Atchafalaya River diversion. She received an update from Micaela Coner who noted the 30% deliverables from Moffatt & Nichol are under review, the navigation simulation has been delayed due to contract issues and a sedimentation study has also had issues. Micaela will be getting with Bren Haas to see if we can meet on the alternate diversion; (iii) we will be monitoring the 5-year Lower Mississippi River Comprehensive Management Study led by the New Orleans District; (iv) we were contacted by Business Network for Offshore Wind, who will be having their conference in New Orleans next April and are interested in including the Port of Morgan City in their Port tour; (v) she is still working with Waterborne Commerce on their new system for tracking tonnage. Shelley has been updating on our facility spreadsheet and map so that we can make sure they are including all of our facilities; and (vi) Mac attended the State of the Coast Conference and was on a panel about challenges facing navigation in Louisiana Rivers. He noted that he kept our tributary, the Atchafalaya River, in the forefront of conversation.

Charles Brittingham reported that there was not much to offer since the House and Senate has been lax on releasing the appropriations bills, but that they should be released in the next week or so. Mr. Orlando thanked Mr. Brittingham for his assistance in securing the record amount of funding we have received this year.

Philip Chauvin reported that: (i) revised permit drawings and Geotech will be submitted on the West Dock; (ii) 88 concrete piles have been driven to some extent on the East Dock project, with cap seals having been cast and in storage, and clamps on site; and (iii) Mr. Cornes moved to approve Payment Application No. 4 to Sealevel Construction in the amount of \$409,974.40, seconded by Mr. Tycer which carried unanimously. Mr. Wade noted DOTD inspected the project for approval of reimbursement requests.

Michael Knobloch reported that: (i) we received word from Senator Allain that our capital outlay funding requests have been meshed with a local entity’s request and so while the Port was

recognized as receiving \$10.5 million, only \$2 million will be available for the Port's West Dock project and \$500,000 for its warehouse fire suppression system. Once the governor signs the bill, this funding will become available immediately; (ii) we submitted the Port Security Grant (PSG) application prior to the May 18<sup>th</sup> deadline in the amount of \$3.298 million, with a \$824,000 local match for four (4) separate projects including West dock security improvements, NOAA MET station maintenance, cyber security, security cameras, maintenance and sustainability; and (iii) we provided additional information to NOAA for the FY23 earmark funding and was notified that FEMA will not fund our FY24 earmark funding EOC request. Senator Cassidy's office will request funding for the equipment portion of the application.

Gerard Bourgeois presented: (i) an Audit Engagement Letter from Darnall, Sikes, Gardes & Frederick for services due to Statewide Agreed Upon Procedures (SAUP). Mr. Cornes moved that Mr. Orlando be authorized to execute engagement letters for services, which was seconded by Mrs. Garber and carried unanimously. (ii) a Resolution supporting the Louisiana Attorney General & Solicitor General lawsuit seeking relief from Risk Rating 2.0 portion of the NFIP, which was moved by Mr. Tycer, seconded by Mr. Lombardo and carried unanimously.

### RESOLUTION

A resolution of the MORGAN CITY HARBOR AND TERMINAL DISTRICT ("PORT") in support of the Attorney General of Louisiana in litigation against FEMA to challenge Risk Rating 2.0.

WHEREAS, the Federal Emergency Management Agency (FEMA) "is updating the National Flood Insurance Program's (NFIP) risk rating methodology through the implementation of a new pricing methodology," titled "Risk Rating 2.0: Equity in Action"<sup>1</sup>;

WHEREAS, FEMA states that Risk Rating 2.0's "methodology leverages industry best practices and cutting-edge technology to enable FEMA to deliver rates that are actuarially sound, equitable, easier to understand and better reflect a property's flood risk"<sup>2</sup>;

WHEREAS, the Port has grave concerns about the soundness of Risk Rating 2.0's underlying methodology, its failure to properly take into account any of the numerous improvements Louisiana's Levee Boards have made to the flood protection systems, and its catastrophic effect on Louisiana's flood insurance rates and the ability of Louisiana's businesses and homeowners to purchase flood insurance;

WHEREAS, the Association of Levee Boards of Louisiana, members of both the Louisiana legislature and the federal legislature, members of state government, numerous Parish Presidents and their Councils, and many other entities in Louisiana and around the nation have repeatedly raised their concerns to FEMA, have asked FEMA for documentation showing FEMA's underlying methodology, and have been passed from one federal office to the next without receiving any meaningful answers to their questions or any documents showing FEMA's underlying methodology;

WHEREAS, FEMA has denied the efforts of the Association of Levee Boards of Louisiana and others to protect their interests, the interests of their members, the interests of many Louisiana industries, and the interests of Louisiana citizens, making what is supposed to be "Equity in Action" an inequitable program across the entire State of Louisiana;

WHEREAS, the PORT, which is a member of the Association of Levee Boards of Louisiana, is authorized under *La. R.S. 38:281, et seq., La. R.S. 38:301, 38:334.3, and La. Const. Article VI, Part III of the Louisiana Constitution* to provide for the construction and maintenance of levees, levee drainage, flood protection, and hurricane flood protection within the territorial jurisdiction of the PORT, and all purposes incidental thereto, including on its own behalf or for the areas or the levee districts under its authority;

WHEREAS, the PORT has the authority of a local political subdivision to enter into agreements with governmental bodies, such as the State of Louisiana and its Attorney General, for the public welfare, health, safety and good order of its jurisdiction by virtue of the specific authority granted in *La. R.S. 38:329.3(B)*;

NOW, THEREFORE, BE IT RESOLVED that the MORGAN CITY HARBOR AND TERMINAL DISTRICT joins in support of the Attorney General of Louisiana in its litigation against FEMA to challenge Risk Rating 2.0.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to President Biden, Secretary Haaland, members of the United States Congress, and all other appropriate parties.

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<sup>1</sup> <https://www.fema.gov/flood-insurance/risk-rating>.

<sup>2</sup> <https://www.fema.gov/flood-insurance/risk-rating>.

(iii) A generic cooperative endeavor agreement to be used when other public entities use the EOC facilities was presented for review and discussion. Mr. Cain moved to authorize the use of said agreement, and the following resolution be adopted, which was seconded by Mr. Tycer and carried unanimously.

### RESOLUTION

A resolution providing for cooperative use of the Government Operations and Emergency Center owned by the Morgan City Harbor and Terminal District ("District").

WHEREAS, Article VII, Section 14(C) of the Louisiana Constitution of 1974 provides that, "For a public purpose, the State and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States, or its agencies, or with any public or private association, corporation, or individual"; and,

WHEREAS, pursuant to LSA R.S. 34:321 et. seq., the said District has additional authority to enter into cooperative agreements in order to accomplish its statutory duties and functions; and,

WHEREAS, District wishes to promote and foster other public agency's ability to protect lives and property within the District and economic development within the District; and

WHEREAS, District, has on occasion, available certain conference rooms, training room and command center in its Governmental Operations and Emergency Center ("GOEC" or "Facility") located at 7327 Highway 182, Morgan City, Louisiana 70380, which could enhance the ability of other public agencies to save lives, protect property, or otherwise assist in economic growth within the District; and

WHEREAS, this Board of Commissioners ("Board") deems it necessary and proper to delegate to its President and Executive Director certain discretion necessary to approve cooperative endeavor agreements with other public agencies whose use of the Facility enhance the District;

WHEREAS, this Board of Commissioners ("Board") believes it necessary and proper for the District to enter, from time to time, a cooperative endeavor similar to the one presented this day; and;

BE IT RESOLVED, that the Morgan City Harbor and Terminal District does hereby authorize its President and Executive Director to individually enter into a cooperative endeavor similar to the one presented this day with other public agencies and without further Board approval, so long cooperative endeavor agreement entered into by such officer or director does not substantially deviate from the one presented this day;

Mr. Bourgeois also reported that: (iv) the Board is required to select an official journal annually. Mr. Tycer moved that the following resolution be adopted, designating the Morgan City Review as its official Journal, which was seconded by Mr. Cain and carried unanimously.

### RESOLUTION

A Resolution designating the Morgan City Review as the official journal  
of the Morgan City Harbor and Terminal District

WHEREAS, Louisiana Revised Statute 43:171 requires the Morgan City Harbor and Terminal District to designate an official journal for publications of the proceedings of its board and such financial statements required by and furnished to the legislative auditor.

WHEREAS, the Board of Commissioners of the Morgan City Harbor and Terminal District ("District") finds that the Morgan City Review, a newspaper in Morgan City, meets all the requirements for its designation as the official journal of the District.  
Accordingly,

BE IT RESOLVED, that the Morgan City Review, a newspaper being published in Morgan City, Louisiana, is designated and selected as the official journal of the District.

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

Attest:

  
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Steven W. Cornes, Secretary