**PROCEEDINGS OF A REGULAR MEETING OF**

**THE BOARD OF COMMISSIONERS OF**

**THE MORGAN CITY HARBOR AND TERMINAL DISTRICT**

**February 13, 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 February 13, 2012 at 5:00 p.m. President Jerry Gauthier convened the meeting with Commissioners Gregory Aucoin, Thomas Ackel, Deborah Garber, William Pecoraro and Duane Lodrigue in attendance. Joe Jones and Joseph Foret 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; Captain Jonathan Burton, Commander Blake Welborn and Chief Mark Emerson, United States Coast Guard (USCG); Mike Lowe, Sarah Nash and Brad Inman, Army Corps of Engineers, New Orleans District; Clay Braud, GSE Associates, LLC; Jonathan Hird, Moffatt & Nichol; Michael Knobloch, Knobloch Professional Services; Philip Chauvin, T. Baker Smith; April Dykes, Weston Solutions; Morgan City Mayor Tim Matte; Berwick Mayor Louis Ratcliff; Ruperto Chavarri, Gulf Oil Spill Disaster Adjustment Assistance Center; Ernesto Villalobos, Trade Adjustment Assistance Center; along with members of the media and general public.

It was moved by Mr. Ackel and seconded by Mr. Lodrigue that the minutes of the Regular Meeting of January 9, 2012 be approved and adopted. Motion carried unanimously.

It was moved by Mrs. Garber that the report of receipts and disbursements for the month of January, 2012 be received and accepted and that all invoices presented to the Board for the month of January, 2012 be paid, which was seconded by Mr. Lodrigue and carried unanimously.

Ruperto Chavarri of Gulf Oil Spill Disaster Adjustment Assistance Center and Ernesto Villalobos of Trade Adjustment Assistance Center made a presentation designed to help local businesses affected by the ramifications of last year’s oil spill.

Cindy Cutrera reported that she, along with Mr. Wade, are continuing to meet with facility representatives, with lots of good ideas being exchanged as well as a very user friendly form being created for facilities to report their tonnage.

Jerry Hoffpauir reported that: (i) he along with Mr. Ackel attended the AAPA Shifting International Trade Routes in Tampa in which Mr. Ackel noted several facts about the conference. (ii) He, Mike and Cindy have attended several local meetings about the State Master Plan, as well as had discussions with Greg Lindscombe, and met with O’Neil Malborough, Representative Gordy Dove, Senator Bret Allain and Senator Norby Chabert about the concerns of the proposed diversion and how it will affect our channel negatively. A trip down to the Delta will be scheduled at a later date.

Sarah Nash reported that: (i) plans and specifications for rock placement along Crew Boat Cut are in the works, with survey plans and cost estimates being finalized by the end of the month; (ii) the demonstration project to determine the effectiveness of agitation dredging at managing fluff began in November and an expected draft report is expected to be submitted for review by the end of the month; (iii) legal department is determining the requirements to update the existing 1970 Act of Assurance.

Mike Lowe reported that: (i) the annual budget was expended early in the year and what was left is being used to monitor the channel and funding the demonstration project; (ii) supplemental funding is possible so preparation is being done as if funding is there; (iii) while surveying Bayou Black, a dredge line was found and Coast Guard was notified of the obstruction.

Jonathan Hird reported that: (i) the first attempt at agitation dredging, bottom profiling method was not successful and a meeting will be held Friday to discuss the next steps with the water injection dredge.

Captain Burton reported that: (i) the sunken barge in Bayou Schaffeur is slowly being disassembled and removed.

April Dykes reported that the crane should arrive on Friday and work should begin on the boat launch Monday, once change orders 1&2 are approved to relocate power & sewer lines.

Philip Chauvin reported that: (i) a substantial completion inspection will be held tomorrow with the project being 99% complete, only having dredging left to be performed near crane pad 1; (ii) a balancing change order needs to be approved with zero cost, only taking contract quantities and balancing them with monies had as well an additional line item for excavation embankment.

Clay Breaud reported that: (i) The contractor has poured the concrete on the Coast Guard side and tomorrow they will be able to park on it; (ii) a price of $5500 to place and compact some of the aggregate along the backside of the building was given by the contractor contingent upon approval; (iii) there are a few cracks in the concrete by the expansion joints which will be taken care of; (iv) the HVAC mechanical contractor will be scheduling a meeting this week to discuss the work needed to be performed.

Michael Knobloch reported that: (i) the pre-application for FY 2012 discretionary grant is due February 20th with the final application being due March 19th.  $12 million are being applied for which will have a $3 million local match; (ii) There has been no change in status with the Port Security Grants however he has a meeting this week to find out if anything can be done to speed up the process of receiving funds; (iii) interest has been shown in creating a foreign trade zone here at the Port, costing approximately $3200 in application fees. Because the Port of Morgan City is the point of entry, only one foreign trade zone is allowed; however, Terrebonne and Alexandria both use Morgan City as the point of entry which means perhaps the boundaries need to be expanded. This is feasible to do however it is a lengthy process which also needs approval from legislation.

Mr. Bourgeois presented the Board with: (i) two letters of objections on behalf of Central Boat Rentals and Cleco, which was moved by Mr. Pecoraro, seconded by Mr. Ackel and carried unanimously; (ii) a resolution in support of the nomination of Bill Hidalgo to CPRA board which carried unanimously after Mr. Aucoin making that motion and Mrs. Garber seconding.

**R E S O L U T I O N**

WHEREAS, the Coastal Protection and Restoration Authority of Louisiana (“CPRA”) has been established as the single State entity with authority to provide, develop and implement efforts to achieve comprehensive coastal protection for Louisiana, and

WHEREAS, the Coastal Protection and Restoration Authority has been charged with developing, implementing and enforcing the comprehensive coastal protection and restoration programs for the State of Louisiana under a single authority, and

WHEREAS, it would be beneficial to the CPRA and our area to have a uniquely qualified member who is familiar with the issues of hurricane protection and coastal restoration in this area of the coast, and

WHEREAS, the Morgan City Harbor and Terminal District (“District”) believes that William H. Hidalgo, Sr., is uniquely qualified to sit on the CPRA, and

WHEREAS, the District believes that William H. Hidalgo, Sr., can bring unique expertise on the design, construction and maintenance of hurricane protection levees and mitigation of coastal erosion and has unique knowledge of this coastal area which will be beneficial to the discussions and decisions of the CPRA, and

WHEREAS, the Board of the Morgan City Harbor and Terminal District wholeheartedly supports the appointment of William H. Hidalgo, Sr. to the CPRA.

NOW, THEREFORE, BE IT RESOLVED by the Morgan City Harbor & Terminal District, that it requests the Governor of the State of Louisiana to consider the appointment of William H. Hidalgo, Sr. to the CPRA.

WHEREUPON, the motion was put to a vote and the vote thereon was as follows:

YEAS: JERRY GAUTHIER, GREGORY AUCOIN, DEBORAH GARBER, THOMAS ACKEL, DUANE LODRIGUE, WILLIAM PECORARO

NAYS:

ABSENT AND NOT VOTING: JOSEPH FORET, JOE JONES

A motion was made by Mr. Ackel and seconded by Mr. Lodrigue that the Board agrees to put up a 20% match for the FY 2012 discretionary grant. Motion carried unanimously. Mr. Bourgeois also presented the board with: (i) a Request for Right of Entry by the Corps for survey work related to the Crewboat Cut shoreline stabilization project and authorization from Continental Land & Fur, which are to be executed by Mr. Gauthier. Mr. Aucoin made the motion to authorize Mr. Guathier to execute such agreements and that the following resolution be approved, which was seconded by Mr. Pecorarro and carried unanimously.

# RESOLUTION

A resolution authorizing the Morgan City Harbor and Terminal District (“District”) to grant to the United States the rights of entry (ROEs) to perform certain soil borings and surveys for its Atchafalaya River, Bayous Chene, Boeuf and Black, Crew Boat Cut, Shoreline Protection work.

BE IT RESOLVED, that Jerry A. Gauthier, President, be authorized and directed to grant on behalf of the Morgan City Harbor and Terminal District (“District”) in favor of the United States Corps of Engineers(“Corps”), the Corps requested rights of entry to perform certain surveys and soil borings for its Atchafalaya River, Bayous Chene, Boeuf and Black, Crew Boat Cut, Shoreline Protection work.

BE IT FURTHER RESOLVED, Jerry A. Gauthier, President, be authorized and directed to do any and all act and things necessary, proper, or that may be required to carry out and accomplish the transactions contemplated with regards to the above mentioned tracts.

(ii) An appraisal proposal by Russ Wilson of the Port facility, which was moved for approval by Mr. Ackel and seconded by Mr. Lodrigue and carried unanimously; (iii) office lease agreements for GSE Associates and Knobloch Professional Services, both at a monthly rate of $150. Mrs. Garber moved to authorize Mr. Hoffpauir to sign the office lease agreements, which was seconded by Mr. Pecoraro and carried unanimously.

An application was received for partial payment #9 for Phase III of the Youngswood Site Development which was submitted by Dolphin Services and certified by T. Baker Smith. Mr. Lodrigue moved to authorize payment to Dolphin Services in the amount of $86,223.95, which was seconded by Mr. Pecoraro and carried unanimously. Change order #5 was also received for Phase III of Youngswood Site Development, which was certified by T. Baker Smith. Mr. Ackel moved to approve that change order, seconded by Mrs. Garber, which carried unanimously.

Change order numbers 1 & 2 on boat launch construction were submitted by Gray Construction to locate a sewage line and bury utilities in the area. Mr. Aucoin moved to authorize Mr. Gauthier to execute the change orders, which was seconded by Mr. Lodgrigue and carried unanimously. Mrs. Garber moved to authorize payment to LA Contracting in the amount of $66,761.10 for payment application #1 for parking lot improvements. Mr. Pecoraro seconded that motion, which carried unanimously.

Mr. Bourgeois lastly presented a contract for Moffatt & Nichol to provide agitation dredging services, contingent upon a minor change to that contract as per a Facilities & Planning request. Mr. Lodrigue moved to authorize Mr. Gauthier to enter into contract with Moffatt & Nichol and that the following resolution be adopted, which was seconded by Mrs. Garber and carried unanimously.

**RESOLUTION**

A resolution providing for the execution of a consulting agreement for the Morgan City Harbor and Terminal District (“District”), designating the terms and conditions of the contract, and granting the authorization therefor.

WHEREAS, this Board of Commissioners (“Board”) 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, after due deliberation deems it necessary that a real and genuine necessity exist therefor, to contract with Moffatt & Nichol, Inc. in connection with various matters related to the evaluation of options for better managing navigation issues in the Atchafalaya River & Bayou Chene with an emphasis on the use of navigable depth for the District.

BE IT RESOLVED, that the President, Jerry A. Gauthier, is hereby authorized and directed to execute on behalf of the District, a consulting agreement with Moffatt & Nichol, Inc. for the necessary service relative to the District, substantially in accordance with the terms and conditions of the consulting agreement presented this day.

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