PROCEEDINGS OF A REGULAR MEETING OF

**THE BOARD OF COMMISSIONERS OF**

**THE MORGAN CITY HARBOR AND TERMINAL DISTRICT**

**August 12, 2019**

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 12, 2019 at 5:00 p.m. Joseph Cain, President, convened the meeting with Commissioners Deborah Garber, Lee Dragna, Tim Matthews, Sr., Pete Orlando, Ben Adams, Steven Cornes and Troy Lombardo in attendance. Adam Mayon was absent. Also present at the meeting were Raymond Wade, Executive Director; Tori Henry, Office Manager; Cindy Cutrera, Manager of Economic Development; Jennifer Reasoner and Gerard Bourgeois, Board Attorneys; CDR Heather Mattern, United States Coast Guard (“USCG”); Martin Kobiela and Scott Thomas, InterMoor, Michael Knobloch, Knobloch Professional; Clay Breaud, GSE/Providence Engineering; President David Hanagriff, St. Mary Parish; Mayor Grizzaffi and 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 Mrs. Garber and seconded by Mr. Lombardo that the minutes of the Regular Meeting of July 8, 2019 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 July, 2019 be received and accepted and that all invoices presented to the Board for the month of July, 2019 be paid. Mr. Cornes seconded that motion, which carried unanimously.

Martin Kobiela was welcomed to meeting and announced InterMoor’s desire to renew its lease at its current location on Youngswood Road.

Heather Mattern reported that: (i) they began moving over VTS today and its entirety should be completed in two weeks; (ii) during Tropical Storm Barry they lost AIS, towers, radars and cameras but were still able to clear their cue in record breaking time; (iii) the ribbon cutting was held with Admiral Thomas on July 9th and once VTS is fully up and running they will host industry visits; (iv) Coast Guard Day was on August 5th, where they celebrated its 229th birthday, and thanked the area for all of its support for the Coast Guard; and (v) with over 270 days of high-water, she reminded industry of heavy shoaling occurring.

Tim Connell reported via telephone conference that: (i) the high-water is receding and should be at 4’ in the next two weeks; (ii) Berwick Harbor contract was awarded to Inland Dredging but unless we receive supplemental funding we will not be dredging until next fiscal year. Mr. Wade questioned Senator Kennedy about supplemental funding, and he responded that no monies have been released yet; (iii) Bayou Chene dredging will be pushed back until next FY due to cost overruns in the Bay and Bar; (iv) once dredging in the Bay is completed, contractor will return to re-sweep Crew Boat Cut due to re-shoaling; (v) Task #1 is expected to be issued to Brice in August, with dredging expected to commence in September; and (vi) The barge in Bayou Chene is expected to be removed by the end of August, with work on the Bayou Boeuf guide wall to commence right after.

Mike Knobloch reported that: (i) FY16 Port Security Grant transfer of funds from IJ3 to IJ2 for radio equipment is in the process, with the help of Captain Russell, Commander Mattern, Joe Pasqua and John Knapp; (ii) we were not awarded any monies from FY19 Port Security Grant because, in his opinion, our risk score; (iii) we had decided not to submit a Port Priority application to DOTD prior to the September 1st deadline for rail spur creation after meeting with our customer about their immediate needs; and (iv) our new FSP has been approved and we will now be operating under it for the next five years.

Clay Breaud reported that: (i) we are currently waiting for a clear lien certificate on Phase I – Railroad Maintenance; (ii) we received the Corps permit and approval from DOTD to advertise for Phase II – Aggregate loading/unloading areas. We will begin advertisement on Thursday and receive bids on September 9th, which complies with public bid law; and (iii) we are still unable to get the Geotech information due to high water for Phase III – East Dock Expansion.

Cindy Cutrera reported that: (i) our EOC was activated during Tropical Storm Barry, with officials from the Port, St. Mary Parish Office of Emergency Preparedness, USCG, USACE, St. Levee District, and St. Mary Sherriff’s Office hunkering down. Governor Edwards also visited our EOC to meet with emergency managers. On July 14th Commander Mattern inspected the waterways, with Corps conducting surveys of Bayou Boeuf and GIWW on the 15th and USCG opening waterways on the16th with restrictions. (ii) She attended a 2023 Master Plan workshop in Houma where she learned that the Atchafalaya River will be identified as a borrow source but not as a method of delivery because it’s too costly. (iii) Mac attended Coast Guard Change of Command held from Admiral Thomas to Admiral Nadeau in New Orleans, while she attended the Corps Change of Command from General Kaiser to General Toy in Vicksburg. Mac also attended the GICA Conference in New Orleans where he reminded Jim Stark that he needed to be in contact with towing companies because there will be no North/South route to get through here with this water situation.

Jennifer Reasoner presented: (i) an updated contract for services between the District and Knobloch Professional Services, LLC for an initial one year term, with four additional six-month terms in the annual amount of $75,000, as was provided in the budget approved last month. Mr. Dragna moved to authorize Mr. Cain to execute said contract and the following resolution be approved, which was seconded by Mr. Cornes 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 Knobloch Professional Services, L.L.C. in connection with various matters related to administering and implementing the Port Security Grants awarded to the Morgan City Harbor and Terminal District and other services related to the advancement of the District.

BE IT RESOLVED, that the President, Joseph E. Cain, is hereby authorized and directed to execute on behalf of the District, a consulting agreement with Knobloch Professional Services, L.L.C. for the necessary service relative to the District, substantially in accordance with the terms and conditions of the consulting agreement presented this day.

(ii) Retainage Payment Application No. 3 on Phase I – Railroad Maintenance and an Authority to Advertise on Phase II – Aggregate loading/unloading areas was presented for approval. Mr. Dragna moved to authorize said payment in the amount of $11,728.38 and authorized the following advertisement in accordance with public bid law, which was seconded by Mr. Adams and carried unanimously.

**RESOLUTION**

WHEREAS, Morgan City Harbor and Terminal District has submitted an application for funding of the Morgan City Rail and Dock Rehabilitation, Aggregate Loading/Unloading Area, (Phase II of H.013795), St. Mary Parish, Louisiana, port improvement project under the Port Construction and Development Priority Program; and

WHEREAS, Morgan City Rail and Dock Rehabilitation, Aggregate Loading/Unloading Area, 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 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.013795 (322); and

WHEREAS, this Morgan City Harbor and Terminal District has reviewed the final plans, specifications, and cost estimate and has submitted them to the Department of Transportation and Development. The Morgan City Harbor and Terminal District will accept the final plans and specifications **contingent** on the Department of Transportation and Development's final approval in as much 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 this Morgan City Harbor and Terminal District, and the titles thereto are valid and indefeasible; and

WHEREAS, this 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, this 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 12th day of August, 2019, 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 38:22 I 2, 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 and Development, and pay any judgment which may result from said suit as it relates to this project.

Mr. Dragna suggested that InterMoor has been a good tenant for the Port and the area, that they have had hard times like most businesses in the community and that the Port should do what was legal to help businesses in the area. Mr. Adams suggested that renewal of InterMoor’s lease at the current rent for a five year term would be beneficial. Mr. Dragna moved that Mr. Cain be authorized to execute an amendment to the current lease which renews the current lease for five years at the current rate and then allows five additional five year terms, including the CPI increase as per the lease; which was seconded by Mr. Lombardo and carried unanimously.

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

Attest:

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Timothy Matthews, Sr., Secretary