

**PROCEEDINGS OF A REGULAR MEETING OF  
THE BOARD OF COMMISSIONERS OF  
THE MORGAN CITY HARBOR AND TERMINAL DISTRICT  
July 8, 2024**

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 July 8, 2024 at 5:00 p.m. Peter Orlando, President, convened the meeting with Commissioners Ben Adams, Deborah Garber, Joseph Cain, Steven Cornes, Matthew Glover, Troy Lombardo and Matthew Tycker in attendance. Adam Mayon was absent. Also present in the meeting were Raymond Wade, Executive Director; Tori Henry, Office Manager; Cindy Cutrera, Economic Development Manager; Michael Knobloch, Special Projects Manager; Gerard Bourgeois, Board Attorney; Commander Mary Gilday, Lieutenant Commander Stephanie Alvarez and Lieutenant Jenelle Piche, United States Coast Guard ("USCG"); Robert Karam, T. Baker Smith; Bill Blanchard, GIS Engineering; Councilman Louis Tamporello, City of Morgan City; and 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. Lombardo and seconded by Mr. Tycker that the minutes of the regular meeting of June 10, 2024 be approved and adopted, with said motion carrying unanimously.

It was moved by Mr. Glover that the report of receipts and disbursements for the month of June, 2024 be received and accepted and that all invoices presented to the Board for the month of June, 2024 be paid. Mr. Tycker seconded that motion, which carried unanimously.

Ms. Garber presented the 2024/2025 budget that had been previously emailed, faxed or otherwise delivered to the Board. It was moved by Mr. Adams and seconded by Mr. Glover that the 2024/2025 budget be adopted, the expenditures of the funds therein for 2024/2025 be authorized and the following resolution be adopted, which was unanimously approved.

**RESOLUTION**

A resolution providing for the adoption of the 2024/2025 budget for the Morgan City Harbor and Terminal District ("District").

WHEREAS, this Board of Commissioners ("Board") deems it necessary and proper to prepare and adopt a budget with defined goals on revenues and expenses for the fiscal year beginning July 1<sup>st</sup>, 2024 through June 30, 2025;

BE IT RESOLVED, that the Morgan City Harbor and Terminal District does hereby approve the budget presented and adopts it as an Operating Budget of Revenues and Expenditures for the fiscal year beginning July 1, 2024, and ending June 30, 2025;

BE IT FURTHER RESOLVED by the Board that the detailed estimate of Revenues and Expenditures for the fiscal year beginning July 1, 2024, and ending June 30, 2025 presented this evening, be and the same is hereby adopted to serve as an Operating Budget for the Morgan City Harbor and Terminal District, during the same period.

BE IT FURTHER RESOLVED by the Board that the detailed estimate of Revenues and Expenditures for the fiscal year beginning July 1, 2024, and ending June 30, 2025 presented this evening, be and the same is hereby declared to operate as an appropriation of the amount therein set forth within the terms of the budget classification.

BE IT FURTHER RESOLVED by the Board that any deviations of budgetary amendments require the approval of the Morgan City Harbor and Terminal District Board.

Lieutenant Piche reported: (i) 1,987 total transits in June through the VTS zone; and (ii) the high water MSIB in Berwick Harbor has been cancelled. Mr. Wade commended VTS for their excellent coordination with Dredge Jadwin during the current dredging project.

Raymond Wade reported on behalf of Tim Connell: (i) Dredge *Jadwin* completed Stouts Pass and is currently dredging Berwick Harbor. Because the dredge is unable to get under the bridges, another dredge will be brought in to complete Tidewater Point, 20 Grande and Wax Lake Outlet; (ii) Brice continues to work the Bar Channel; and (iii) the new contract for Bayou Chene will be awarded later this fall as the largest contract ever for the Port.



Michael Knobloch reported that: (i) we are ready to advertise the Maintenance and Operations of Meteorological Stations project, funded through FY23 Community Project funding. Mr. Tycker moved to advertise said project, which was seconded by Mr. Lombardo and carried unanimously; and (ii) we will be requesting funding from US Department of Transportation's (USDOT's) "FY 2024 US Marine Highways Program" (USMHP) Grant Program, with application due on July 12<sup>th</sup>. It was moved by Mr. Tycker and seconded by Ms. Garber that the following resolution be submitted for \$385,000 for equipment and be matched by \$77,000 local funds, which resolution was unanimously adopted.

### **RESOLUTION**

**BE IT RESOLVED**, that the Board of Commissioners of the Morgan City Harbor and Terminal District does hereby authorize and support the submission of its proposed funding request entitled "Promoting the Maritime Transportation System as a Climate-friendly Alternative with the use of Electric Forklifts and Electronic Axle Scales to Relieve Landside Congestion" to the US Department of Transportation's (USDOT's) "FY 2024 US Marine Highways Program" (USMHP) Grant Program. In addition, since the project totals \$385,000, the MCHTD requests \$308,000 from the FY 2024 USMHP program and agrees to provide a local, non-federal match of \$77,000. If fully-awarded, the project will complete Phase 6 of the port District's informal "Port of Morgan City Terminal Facility Infrastructure Improvement Master Plan."

Charles Brittingham reported that he is hoping the House Energy and Water Appropriations, which includes \$16.5 million already in the President's budget, will get off the floor by the end of July.

Robert Karam reported that: (i) after final submission of the O&M manual to DOTD, the East dock project is completed; (ii) they have revised the West dock layout to match the guidance provided from the Corps and St. Mary Levee District, but also taking into consideration Geotech; and (iii) they have addressed the NEPA comments received and don't anticipate any other comments prior to them issuing the permit.

Bill Blanchard reported that: (i) plans and specs are being updated to match the FP&C format requested and should be completed in time for Mr. Wade to hand-deliver on Friday; and (ii) they have applied for the permit for Disposal Area 1.

Cindy Cutrera reported that: (i) we will be sending out two (2) links to videos outlining our strategic location, intermodal facility, local industry and our importance to the nation; (ii) the Mississippi River Commission reception will be on August 22nd and public meeting August 23rd at the Port dock; and (iii) during the Lower Mississippi River Comprehensive Management Study quarterly virtual session they summarized comments received, but will release a public scoping report in July including all of the comments made.

Gerard Bourgeois presented: (i) a Resolution supporting the adoption of a sister port agreement between the District and Cuban Marine Administration due to the new shipping line and related interest. It was moved by Mr. Tycker and seconded by Mr. Cornes that Mr. Orlando execute said agreement, which motion carried unanimously.

### **RESOLUTION**

A resolution providing for the adoption of a sister port agreement between the Morgan City Harbor and Terminal District ("District") United States of America, and the Cuban Marine Administration ("Administración Marítima de Cuba"), Havana, Cuba

WHEREAS, the Morgan City Harbor and Terminal District was created in 1952 by Act 530 of the Louisiana Legislature as a political subdivision of the State of Louisiana, has all of the rights, powers, privileges, and immunities granted to political subdivisions of the state for industrial, commercial, research, and economic development purposes, has the authority to regulate the commerce and traffic of said harbor and terminal district in such manner as may in its judgment be best for the public interest; has all the rights, privileges, and immunities granted to corporations in Louisiana; and has all the others powers invested to it by Louisiana Revised Statutes 34:323 et cet;

WHEREAS, the Cuban Maritime Administration ("Administración Marítima de Cuba"), which is the national representative of all Cuban ports, created through Resolution No. 144 dated March 15, 2017, by the Minister of the Ministry of Economy and Planning, and, coordinates and integrates all matters of maritime and river transportation, maritime civil navigation, port activity and infrastructure, the naval industry and other auxiliary and related services, and reconciles and proposes Cuban national interests before the International Maritime Organization and controls compliance with international maritime conventions of which the country is a signatory, as well as promotes and attends to the conclusion of intergovernmental agreements and treaties on maritime transportation and port development; and,



WHEREAS, Article VII. Section 14 of the 1974 Louisiana Constitution provides that governmental agencies may enter into cooperative endeavor agreements with other public agencies to achieve a public purpose; and,

WHEREAS, there is a spirit of community and friendship between the Cuban Maritime Administration and the Morgan City Harbor and Terminal District; and,

WHEREAS, the Cuban Maritime Administration and the Morgan City Harbor and Terminal District believe that this spirit of community and friendship will permit the establishment of exchanges in trade, personnel, and information on port operations, management organization, and technology; and,

WHEREAS, the Cuban Maritime Administration and Morgan City Harbor and Terminal District desire to create a sister port relationship between them in order to establish programs of cooperation and exchange of mutual understanding and friendship.

NOW THEREFORE, BE IT RESOLVED, that the Morgan City Harbor and Terminal District does hereby approve the Sister Port Agreement with the Cuban Marine Administration ("Administración Marítima de Cuba"), Havana, Cuba;

BE IT FURTHER RESOLVED that Peter J. Orlando, President, be authorized and directed to execute on behalf of the District said Sister Port Agreement and is further authorized and empowered on behalf of the District and to do all things necessary in the premises.

(ii) a Right of Entry (ROE) authorization to support request from the Corps of Engineers for disposal easements in Bayou Black Area, Bayou Chene and Avoca areas and Resolution to expropriate the right to dispose on the sites from landowner(s) who do not sign disposal agreements required by the Corps. It was moved by Mr. Adams and seconded by Mr. Cornes that Mr. Orlando be authorized to execute said ROE and related landowner agreements, which motion carried unanimously.

### **RESOLUTION**

**WHEREAS**, the Morgan City Harbor and Terminal District ("District"), is the local sponsoring agency for the United States Corps of Engineers ("Corps") Atchafalaya River and Bayous Chene, Boeuf and Black, Assumption, St. Mary & Terrebonne Parishes, Louisiana Navigation Project, and in order to promote the maintenance and operation of the Atchafalaya River and Bayous Chene, Boeuf and Black within Assumption, St. Mary & Terrebonne Parishes, by the United States of the said waterways and to promptly facilitate and protect the transport of materials and supplies necessary for the commerce and defense of the nation, is required to provide all easements and rights-of-way required for the construction and subsequent maintenance of the Atchafalaya River and Bayous Chene, Boeuf and Black federal navigation project in St. Mary, Assumption and Terrebonne Parishes, Louisiana (as authorized by the Act of Congress approved August 13, 1968), upon the request of the Corps of Engineers, including providing suitable areas determined by the Corps for disposal of spoil, and also necessary retaining dikes and embankments or retaining works;

**WHEREAS**, the District has been requested by the Corps to secure for disposal of dredged materials those sites identified by Corps Drawings dated: March, 2024, and identified under File No.: H-16-48328; and File Name: 48328\_R, which sites are identified therein as: Bayou Black, Disposal Area 1, Disposal Area 1A, Disposal Area 2, Disposal Areas 3A & 3B, Disposal Area Penchant East and West, and Disposal Area Lake Gascha (collectively "Disposal Areas");

**WHEREAS**, because some owners' will fail to respond and other owners' are not able to respond to the District's request for the servitude/easements will result in the inability of the District to amicably acquire said easements, it is necessary and useful that the District expropriate said easements which are necessary for navigation purposes including, but not limited to, maintenance dredging purposes;

**WHEREAS**, in accordance with *La. R.S. 38:329.3*, the Morgan City Harbor and Terminal District's Board of Commissioners is vested with the management and control of the District, including the authority to establish, construct, operate and maintain flood control works as they relate to hurricane protection, tidewater flooding, saltwater intrusion and conservation;

**WHEREAS**, pursuant to state laws, including but not limited to *La LSA-R.S. 34:326* District is authorized to acquire by purchase, donation, expropriation, or otherwise, including expropriation in accordance with *R.S. 19:141* prior to judgment, any lands in the district needed for railways, wharves, sheds, buildings, canals, channels, and other facilities required for the operation of the board and to be owned and operated by the board for fair market value;

**WHEREAS**, the Board of Commissioners has determined that the facts and circumstances relative to property in the vicinity of the Atchafalaya River and Bayous Chene, Boeuf and Black, Navigation Project, including but not limited to the inability of the District to amicably acquire a servitude or other



ownership in the expedient manner required herein, makes it necessary and useful that the District expropriate the right to use as disposal sites those Disposal Areas which are necessary for maintenance dredging of the Atchafalaya River and Bayous Chene, Boeuf and Black, Assumption, St. Mary & Terrebonne Parishes, Louisiana Navigation Project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Morgan City Harbor and Terminal District finds and determines as follows:

The public interest, convenience and necessity require the acquisition of a servitude and easement for the purpose of constructing, maintaining, repairing, operating and using, as the District may see fit, the Disposal Area for use as disposal sites. The public improvement is generally maintenance and dredging of the Atchafalaya River and Bayous Chene, Boeuf and Black within Assumption, St. Mary & Terrebonne Parishes, by the United States to facilitate and protect the transport of materials and supplies necessary for the commerce and defense of the nation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Morgan City Harbor and Terminal District does hereby exercise its right of expropriation and will proceed to legally expropriate, prior to judgment, the herein described servitudes/easements in accordance with the law; and

**BE IT FURTHER RESOLVED**, Peter J. Orlando, 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.

The use to which the real property is to be applied is for the public improvement referred to as above; such use is a public use authorized by law;

The interest subsequently set forth in the real property is necessary to and for the public use, and the taking of the interest in the real property is necessary to secure and to enforce such public use;

The public improvement is planned and located in a manner which will be most compatible with the greatest public good and the least private injury;

It is further resolved that Bourgeois Law, LLC, counsel for this District, is authorized and directed to commence and maintain any action(s) or proceeding(s) in eminent domain in the 16<sup>th</sup> Judicial District Court of Louisiana, in and for St. Mary Parish, the 23<sup>rd</sup> Judicial District in and for Assumption Parish, and/or the 32<sup>nd</sup> Judicial District Court in and for Terrebonne Parish, against any and all necessary and proper parties for the purpose of expropriating and acquiring the interest in the real property described above, for the uses and purposes stated above, and to take all steps necessary for such acquisitions and/or expropriation in the name of the District. To the extent that any landowner transfers the requisite real property described above prior to filing for expropriation, Peter J. Orlando, President, be and is authorized and directed to execute on behalf of the District all corresponding agreements with landowners concerning the above described properties.


It is further resolved that, in any action or proceeding, petition(s) may be made through such court in the manner provided by law for an order authorizing and permitting the District to take immediate possession of and to use the interest in real property for the public improvements, uses and purposes.

It is further resolved that the District deposit in the court in connection with such proceedings on such application for immediate possession, out of any funds or funds under the control of the board available for such uses or purposes, such amounts of money as the court may direct and determine to be reasonably adequate to secure the owner or owners of such interest in real property and premises so sought to be taken, just compensation and damages for the taking and as otherwise provided by law in such actions and proceedings.

**BE IT FURTHER RESOLVED**, Peter J. Orlando, President, be authorized and directed to do any and all acts and things necessary, proper, or that may be required to carry out and accomplish the transactions contemplated in regard to the above mentioned project, including all necessary actions to expropriate the required servitudes, easements and rights of ways.

With there being no further business to come before the Board, it was moved by Mr. Adams and seconded by Mr. Glover that the meeting was adjourned.

Attest:

  
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Steven W. Cornes, Secretary