PROCEEDINGS OF A REGULAR MEETING OF

**THE BOARD OF COMMISSIONERS OF**

**THE MORGAN CITY HARBOR AND TERMINAL DISTRICT**

**July 13, 2020**

The Board of Commissioners (“Board”) of the Morgan City Harbor and Terminal District (“District”) met in regular session via teleconference on July 13, 2020 at 5:00 p.m. Raymond Wade, Executive Director, convened the meeting with Commissioners Joseph Cain, Deborah Garber, Tim Matthews, Sr., Ben Adams, Adam Mayon, Pete Orlando, Troy Lombardo and Steven Cornes in attendance. Lee Dragna was absent. Also present in the meeting were Tori Henry, Office Manager; Cindy Cutrera, Manager of Economic Development; Gerard Bourgeois & Jennifer Reasoner, Board Attorneys; Commander Ben Russell and XO Beth Newton, United States Coast Guard (“USCG”); Tim Connell, United States Army Corps of Engineers (USACE); Michael Knobloch, Knobloch Professional Services; Bryan Breaud, GSE/Providence Engineering; O’Neil Malborough, GIS Engineering; Charles Brittingham, Cassidy & Associates; along with members of the general public.

The meeting was called to order and the presence of a quorum was noted.

It was moved by Mr. Mayon and seconded by Mr. Lombardo that the minutes of the Regular Meeting of June 8, 2020 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 June, 2020 be received and accepted and that all invoices presented to the Board for the month of June, 2020 be paid. Mr. Mayon seconded that motion, which carried unanimously.

Ms. Garber presented the 2020/2021 budget that had been previously emailed, faxed or otherwise delivered to the Board. It was moved by Mr. Orlando and seconded by Mr. Cain that the 2020/2021 budget be adopted and the resolution below and expenditures of the funds in 2020/2021 be authorized in accordance with the budget presented, which was unanimously approved.

**RESOLUTION**

A resolution providing for the adoption of the 2020/2021 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 1st, 2020 through June 30, 2021;

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, 2020, and ending June 30, 2021;

BE IT FURTHER RESOLVED by the Board that the detailed estimate of Revenues and Expenditures for the fiscal year beginning July 1, 2020, and ending June 30, 2021 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, 2020, and ending June 30, 2021 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.

Tim Connell reported that: (i) Dredge Ingenuity’s task order for the Berwick Harbor should begin mid-August, at a cost of $3.7 million; (ii) surveys in the Harbor were supposed to be done today and will be posted to the website as soon as they are processed; (iii) the cutterhead dredge contract for Crewboat Cut, Bay and Bar is on track for being awarded late summer; however, there is a short supply of dredges; (iv) Brice is continuing to make progress but had a setback this month. Surveys will begin tomorrow through Thursday, and once processed will be posted online; (v) the new sub-contractor has for the Bayou Boeuf guide wall project has indicated he would like to begin working on Fridays, so a navigation notice should be going out shortly; and (vi) R360 has indicated that they would be interested in taking dredge material from the next dredge cycle of 2021.

Commander Ben Russell reported that: (i) they have placed a 5th shoaling buoy in the Berwick Harbor due; and (ii) a major salvage effort with multiple federal and local entities will be occurring soon, with a piece of it happening at MARS. Tim Connell verified they will have a survey done in Bayou Chene prior to the salvage effort.

Michael Knobloch reported that we were not recipients of the 2020 Port Security Grant and noted there were no recipients in the Captain of the Port Houma area.

Bryan Breaud reported that: (i) Notice to Proceed was issued to Patriot Construction on June 8th for the Youngswood Yard Rehabilitation project, with expected substantial completion on September 26th. He noted the project was 75% complete and Mr. Wade agreed, also noting that he has been sending progress pictures to the commissioners; and (ii) he also presented Partial Payment Application No. 1 in the amount of $143,585.85. Mr. Cain moved to authorize said payment, which was seconded by Mr. Lombardo and carried unanimously.

Cindy Cutrera reported: (i) we received a request from the Federal Maritime Commission (FMC) to deactivate our FMC-1, which facilitates the registration of tariff publication, since we are not under their jurisdiction anymore. Should we become regulated, our FMC-1 would be activated, and we would then need to provide the link to our MTO Schedule to the FMC. Mr. Bourgeois noted we will need to address this next month. (ii) IRPT has been working on support for a bill that would establish a competitive grant matching program for smaller ports. Congressman Ralph Abraham has agreed to be one of the co-sponsors of the bill. (iii) Mac participated in the virtual Mississippi River Commission Change of Command from Major General Toy to Major General Holland and we’ve since been contacted by the New Orleans District to schedule a visit with MG Holland, Vicksburg, New Orleans. Plans continue to evolve to accommodate social distancing guidelines; (iv) we attended Change of Command from Commander Mattern to Commander Russell and he has since visited our office; and (v) we have been in recent contact with CPRA, who is working on geotechnical data collection and rights of entry for the Increase Atchafalaya to Terrebonne project.

Charles Brittingham reported that the House has introduced its Energy and Water Appropriations Bill, which contains $3.84 Billion for O&M, with an additional $570 million in discretionary funds and $655 million for natural disasters. This would be a huge win if it stays as is.

O’Neil Malborough of GIS Engineering provided the commissioners a presentation and discussion on Beneficial Use for Disposal Material on Berwick Bay. Mr. Adams noted that eventually we need to get this material to Avoca because they have lost so much land. Mr. Adams also moved to authorize Mr. Cain to the execution of contract between the District and GIS Engineering for task orders as attached, which was seconded by Mr. Cain 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 GIS Engineering, LLC. in connection with various matters related to navigation issues including managing sedimentation in the Atchafalaya River Channel with an emphasis on keeping the Channel at a deeper navigable depth for longer periods of time.

BE IT RESOLVED, that the President, Joseph E. Cain, be and is hereby authorized and directed to execute on behalf of the District, a consulting agreement with GIS Engineering, LLC. for the necessary service relative to the District, substantially in accordance with the terms and conditions of the consulting

agreement presented this day.

Gerard Bourgeois presented: (i) Ordinance No. 58 for adoption of the 2020 millage by the district, with no change from last year. It was moved by Mr. Cain, seconded by Mr. Mayon and after roll was called, Ordinance No. 58, providing a rate of 4.48 mills, was adopted and motion carried unanimously.

**ORDINANCE NO. 58**

An Ordinance levying and imposing a tax on all the property subject to taxation in the Morgan City Harbor and Terminal District, State of Louisiana, for the year 2020 for the purpose of paying the administrative, operative and maintenance expenses of the Board in said District.

**SECTION 1, BE IT ORDAINED**, by the Board of Commissioners of the Morgan City Harbor and Terminal District, a political subdivision of the State of Louisiana, acting as the governing authority of said Harbor and Terminal District; in regular session convened, that under and by virtue of the Authority of the Louisiana Revised Statutes of 1950 LSA-R.S. 34:329, as amended and Art. 7, Sec. 23 of the Louisiana Constitution of 1974, that the following millage(s) are hereby levied on the 2019 tax roll on all property subject to taxation by the Morgan City Harbor and Terminal District:

**MILLAGE**

**administrative, operative, and maintenance expenses 4.48 mills**

(Tax for: e.g. General Alimony, Library, Maintenance)

**SECTION 2, BE IT FURTHER ORDAINED** that the proper administrative officials of the Parish of St. Mary, State of Louisiana, be and they are hereby empowered, authorized, and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said Parish for the year 2019, and to make the collection of the taxes imposed for and on behalf of the taxing authority, according to law, and that the taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and collection thereof shall be enforceable in the manner provided by law.

**SECTION 3, BE IT FURTHER ORDAINED** that all Ordinance or parts of Ordinance in conflict herewith be and the same are hereby repealed, and this Ordinance shall take effect upon its adoption, the public welfare so demanding.

Gerard Bourgeois also reported (ii) the Board is required to select an official journal annually. Mr. Lombardo moved that the following resolution be adopted, designating the Daily Review as its official Journal, which was seconded by Mr. Orlando and carried unanimously.

**RESOLUTION**

A Resolution designating the Daily 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 Daily 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 Daily Review, a newspaper being published in Morgan City, Louisiana, is designated and selected as the official journal of the District.

(iii) last month we accepted Baker Hughes termination of lease, but they came back and asked for a “as is” acceptance, which is acceptable as long as they can certify compliance with environmental rules, and subject to that certification, recommended the Board accept the change. Mr. Adams moved to authorize Mr. Cain to execute the updated lease termination, which was seconded by Mr. Matthews and carried unanimously; (iv) We previously entered into a 4th Lease Amendment with InterMoor to cover the Youngswood Rehabilitation project at the engineering estimates, but as it came in considerably under budget, Intermoor was due a different rental amount. Mr. Adams moved to delay the increase to next month, which was seconded by Mr. Cain and carried unanimously. (v) We are still waiting on Encos to gather supplies before proceeding with installation of the damaged NOAA Met Station; (iv) we only received one bid for the surplus engines of $8792, which will be paid and picked up Thursday; and (vii) at our March meeting, it was determined to delay the sale of *Barge John Wayne* and instead advertise to lease for $600 per day until July 1st. That time has since expired and Mr.Wade has continued to receive calls to purchase the vessel. Mr. Adams noted Brice is still having a few struggles but making headway and Mr. Orlando noted Brice’s concept in achieving depth and flow is performing. Mr. Cain moved that the following resolution declaring the *Barge John Wayne* surplus and for sale of the same of a minimum of $1,600,000, be approved, which was seconded by Mr. Orlando and carried unanimously, with Mr. Adams opposing.

RESOLUTION

A Resolution declaring the barge *John Wayne* surplus and authorizing the

executive director of the District to execute the necessary documents to sell the same

WHEREAS, the Morgan City Harbor and Terminal District (“District”) has determined that it no longer has a need of the vessel or barge commonly known as the “*John Wayne*”, which is approximately 180’ by 54’ by 12’ deck barge built by LAD Services, in 2013 and its related equipment and appurtenances currently located thereon (collectively herein, the “Barge”); currently located at 800 Youngs Road, Morgan City and would benefit from the sale of the same.

Accordingly, BE IT RESOLVED, that the Barge should be sold as surplus property and that Raymond M. Wade, be authorized and directed on behalf of the District, to advertise the Barge for sale to the highest bidder and to execute all necessary paperwork on its behalf for transfer of same.

BE IT FURTHER RESOLVED THAT the minimum bid for the Barge be set at not less than $1,600,000.00 Therefore, notice of a proposed sale shall be published at least fifteen days prior to the date of the sale in our official journal. And, the sale shall be made to the person with the highest bid.

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

Attest:

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Timothy Matthews, Sr., Secretary