

**PROCEEDINGS OF A REGULAR MEETING OF
THE BOARD OF COMMISSIONERS OF
THE MORGAN CITY HARBOR AND TERMINAL DISTRICT
September 13, 2021**

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 September 13, 2021 at 5:00 p.m. Joseph Cain, President convened the meeting with Commissioners Peter Orlando, Steven Cornes, Matthew Glover and Matthew Tycer in attendance. Deborah Garber, Ben Adams, Adam Mayon and Troy Lombardo were absent. Also present in the meeting were Raymond Wade, Executive Director; Tori Henry, Office Manager; Cindy Cutrera, Manager of Economic Development; Michael Knobloch, Knobloch Professional Services; Gerard Bourgeois and William Bourgeois, Board Attorneys; Eric Matte, T. Baker Smith; Councilman Louis Tamporello, City of Morgan City; 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. Orlando and seconded by Mr. Tycer that the minutes of the Regular Meeting of August 9, 2021 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 August, 2021 be received and accepted and that all invoices presented to the Board for the month of August, 2021 be paid. Mr. Glover seconded that motion, which carried unanimously.

Councilman Tamporello, on behalf of the City of Morgan City, thanked the Port for the support it has shown during Hurricane Ida, particularly to the United States Coast Guard.

Tim Connell reported via teleconference that: (i) the Dredge Alaska had some trouble with its COI for substantial deficiencies and has returned to shipyard but hopes to be back sooner rather than later; (ii) the Weeks Marine dredge that was expected to commence dredging in mid-September was moved to GIWW and expected back in October; (iii) the Dredge Newport was brought in to assist Dredge *Arulaq* in the Bar Channel; (iv) not much damage occurred in the channel from Hurricane Ida but Dredge *Arulaq* lost a rudder and is in shipyard for repairs; and (v) construction at the Bayou Boeuf Locks continues, with an expected completion in December. Mr. Orlando asked if there is any chance for funding for Bayou Chene dredging and Mr. Connell noted he has not received any indication we will receive some but stated there is always FY22 workplan funding.

Michael Knobloch reported that: (i) he and Mac attended the Joint Legislative Committee meeting where our application for West Dock Expansion – Phase 3A was approved in the amount of \$15 million of the expected \$20 million plus project. Mr. Wade noted that over time we will receive three (3) annual reimbursements in the amount of \$5 million each.

Eric Matte reported that: (i) they are completing the bid package for the East Dock Expansion and should be ready by October 6th for advertising and (ii) they continue to work on other projects.

Cindy Cutrera reported that: (i) we were blessed to miss the wrath of Hurricane Ida, but began NWS hurricane calls and Corps Navigation Restoration calls on the 26th and continuously sent out updates and MSIB’s to stakeholders and commissioners. We housed St. Mary OSHEP, USCG, SMSO and Acadian Ambulance during the storm and immediately after recovery ops began with the Coast Guard utilizing both of our facilities and the Cutter Hatchet at our dock. Mr. Wade noted that Admiral Timme visited our facility and was impressed with the accommodations we were able to provide to the Coast Guard during the recovery process. We have been working non-stop with all hands on deck, including providing a database of available warehouse/dock/office space to provide as we receive requests; (iii) the Mississippi River Commission cancelled its low water trip due to COVID, but we submitted our public comment via email; (iv) CPRA rescheduled the virtual stakeholder meeting to provide an update on the Increase Atchafalaya to Terrebonne project; (v) several interviews had to be rescheduled for Jeff Monroe with stakeholders; (vi) Mac took several staffers from Senator Kennedy’s DC office for a boat tour of the District; and (vii) work continues on the MARAD round table for the upcoming Atchafalaya/Red River ribbon cutting.

Gerard Bourgeois presented (i) a resolution declaring a “State of Emergency” and authorizing any expenditures and/or contracts deemed necessary in response to Hurricane Ida. Mr. Cornes motioned to approve said resolution, which was seconded by Mr. Tycer and carried unanimously.

Resolution

A resolution of the Morgan City Harbor and Terminal District (“District”), effective August 26, 2021, declaring a “State of Emergency” and authorizing any expenditures and/or contracts deemed necessary in response to the forecasted storm and flood threat from Tropical Storm (and anticipated Hurricane) Ida.

WHEREAS, the National Weather Service of the United States National Oceanic and Atmospheric Administration’s National Hurricane Center’s current forecast for Tropical Storm Ida places St. Mary Parish and the entire coast of Louisiana within its potential path and has predicted that the weather disturbance will make landfall as a major hurricane with devastating winds of 120 mph, bringing heavy rains and a significant storm surge to impact St. Mary Parish;

WHEREAS, the Governor of the State of Louisiana, John Bel Edwards, and the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) is urging everyone to prepare for Ida and has on August 26, 2021, declared a state of emergency, via Proclamation No. 165 JBE 2021, because of the imminent threat of emergency conditions that threaten lives and property;

WHEREAS, the St. Mary Parish President, has similarly declared the existence of a State of Emergency within St. Mary Parish, in accordance with *La. R.S. 29:727*, due to the threat of serious weather from Ida and the probability for hurricane force winds, storm surge and flooding rainfall; and,

WHEREAS, the forecasted serious and severe weather event, including the serious potential for hurricane storm surge, threatens the health and safety of the citizens of St. Mary Parish and constitutes an exigent circumstance necessitating the declaration of an emergency for procurement purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Morgan City Harbor and Terminal District, State of Louisiana, that a State of Emergency is hereby declared to exist due to the threat of severe weather in St. Mary Parish, effective August 26, 2021.

BE IT FURTHER RESOLVED that the President, Joseph E. Cain, and/or its Executive Director, Raymond M. Wade, are hereby individually authorized and directed on behalf of the District to make any expenditure necessary and to take all necessary action in connection with the threat of severe weather, the potential for flooding, displacement of people and property.

BE IT FURTHER RESOLVED, Joseph E. Cain, and/or Raymond M. Wade be individually 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 request.

(ii) Louisiana Compliance Questionnaire, which was moved for authorization by Mr. Tycer, seconded by Mr. Glover and carried unanimously; (iii) a resolution authorizing reimbursement agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program for the Western Dock Expansion – Phase 3A project. Mr. Cornes moved to authorize Mr. Wade to execute said agreement, which was seconded by Mr. Tycer and carried unanimously.

RESOLUTION

A Resolution authorizing the Morgan City Harbor and Terminal District to enter into an agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project, referred to sometimes as its “Western Dock Expansion – Phase 3A”; providing for the necessary documentation of the need for the port improvement; and providing for other matters in connection therewith.

WHEREAS, the Morgan City Harbor and Terminal District has a need for port improvements; and

WHEREAS, the Morgan City Harbor and Terminal District has reviewed the application for Western dock Expansion – Phase 3A and agrees with said agreement; and

WHEREAS, the Morgan City Harbor and Terminal District has applied for State matching funds pursuant to Chapter 47 of Title 34 of the Louisiana Revised Statutes of 1950, as amended, to implement a project to improve its port operation and Morgan City Harbor and Terminal District is fully aware of its obligations under said Statute; and

WHEREAS, the Morgan City Harbor and Terminal District is a political body duly organized and existing under the laws of the State of Louisiana and is eligible to apply for funds under said Statute; and

WHEREAS, currently, no funds have been made available by the State for construction of the project; and

WHEREAS, the Sponsor 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, et seq.

NOW, THEREFORE, BE IT RESOLVED by the Morgan City Harbor and Terminal District as follows:

Section 1. That Morgan City Harbor and Terminal District acknowledges that an application was submitted to the Louisiana Port Construction and Development Priority Program.

Section 2. That at the appropriate time and prior to commencement of work on the project Morgan City Harbor and Terminal District agrees to execute a Project Agreement and a Statement of Sponsorship

pursuant to the Statute and hereby authorizes and empowers Raymond "Mac" Wade, Executive Director, to enter into and execute said agreement with the Louisiana Department of Transportation and Development.

Section 3. That Raymond "Mac" Wade, Executive Director, is hereby Authorized Representative for Morgan City Harbor and Terminal District to represent the port with regards to the receipt of funds from the Louisiana Port Construction and Development Priority Program for a port improvement project.

Section 4. That said Authorized Representative shall have the authority to sign and approve all documents that are necessary under the circumstances to accomplish the above project.

And (iv) a resolution authorizing property purchases from M.C. Property Holdings, LLC and H&B Young Foundation adjacent to the District's dock. Mr. Orlando moved to enter into cash sales, complete Phase I and get title policies in place, which was seconded by Mr. Glover and carried unanimously.

RESOLUTION

A resolution providing for the Morgan City Harbor and Terminal District ("District") to purchase property in Morgan City, Louisiana from M.C. Property Holdings, LLC. ("Holdings") and the H. & B. Young Foundation ("Foundation").

WHEREAS, Foundation has agreed to sell, at its appraised price, certain property commonly referred to as the Ozio Fisheries dock or lease, which bears the St. Mary Parish Assessor parcel no. 3194321209.00 and 3194321210.00;

WHEREAS, Holdings has agreed to sell, at its appraised price, certain property commonly referred to as the Hillman dock, which bears the St. Mary Parish Assessor parcel nos. 3194321278.00 and 3194321206.00 (said Ozio and Hillman property referred to herein collectively as "property");

WHEREAS, the District has determined that such property would be beneficial to its mission and for future needs of the residents of the District;

NOW THEREFORE, BE IT RESOLVED that the President, Joseph E. Cain, be and is hereby authorized in the name of the District to purchase said property.

BE IT FURTHER RESOLVED that Joseph E. Cain as President, be and is hereby authorized and directed to do any and all acts and things on behalf and in the name of the District that he deems necessary, proper, or that may be required to carry out and accomplish the intent and terms of the transactions contemplated thereby, including but not limited to paying all sums necessary to investigate the immovable property and related costs necessary for the acquisition of said property.

After a unanimous rollcall vote, the Board entered into Executive Session to discuss Youngswood Yard failure litigation. After the Executive Session ended, it was moved by Mr. Cornes and seconded by Mr. Tyner that the Board return to Regular Session, which passed, and at which point, there being no further business to come before the Board, the meeting was adjourned.

Attest:



Steven Cornes, Secretary