**PROCEEDINGS OF A REGULAR MEETING OF**

**THE BOARD OF COMMISSIONERS OF**

**THE MORGAN CITY HARBOR AND TERMINAL DISTRICT**

**October 10, 2011**

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 October 10, 2011 at 5:00 p.m. Vice-President Jerry Gauthier convened the meeting with Commissioners Duane Lodrigue, Deborah Garber, Gregory Aucoin and Joseph Foret in attendance. Thomas Ackel, William Pecoraro, and Joe Jones were absent.

Also present at the meeting were Jerry Hoffpauir, Executive Director; Cindy Cutrera, Manager of Economic Development; Gerard Bourgeois, Board Attorney; Tori Henry, Administrative Assistant; Captain Jonathan Burton, United States Coast Guard (USCG); Clay Braud, GSE Associates, LLC; Mike Knobloch, Knobloch Professional Services, LLC; April Dykes, Weston Solutions; Gary Duhon; along with members of the media and general public.

It was moved by Mr. Aucoin and seconded by Mr. Foret that the minutes of the Regular Meeting of September 12, 2011 be approved and adopted. Motion carried unanimously.

It was moved by Mrs. Garber and seconded by Mr. Lodrigue that the report of receipts and disbursements for the month of August, 2011 be received and accepted and that all invoices presented to the Board for the month of August, 2011 be paid. Motion carried unanimously. Mrs. Garber noted a payment of $1,059,841.21 was received from DOTD for the InterMoor project.

Cindy Cutrera reported that: (i) the September 21st edition of the Tri-Parish times included an article about the Port as a result of the presentation made to the Bayou Industrial Group and a phone interview with Mr. Gauthier. (ii) She attended a 2 day leadership forum hosted by America’s Wetlands Foundation in Houma. It basically focused on Terrebonne and Lafourche Parishes but St. Mary Parish was also mentioned several times as well as the barge in Bayou Chene. The forum for St. Mary and Iberia Parishes is scheduled to be held in May of 2012; (iii) she attended the Governor’s Advisory Commission on Coastal Protection, Restoration and Conservation for an update on the 2012 coastal master plan. There are approximately 20 projects under evaluation that specifically identifies St. Mary Parish as being affected including diversions, hurricane protection, marsh creation, oyster barrier reefs and shoreline protection. (iv) The President’s Gulf coast Ecosystem Restoration Task Force draft report was released, but the LA section of appendix B was still being tweaked and should be out sometime next week. The three week comment period on the report ends October 26.

Jerry Hoffpauir reported on behalf of Darrell Broussard that the letter on Crew Boat Cut is being drafted and will be headed to the Deputy of Civil Works to be signed, which should be completed on the 18th. Mr. Hoffpauir also reported on behalf of Mike Lowe that the dredge in the Berwick Bay Harbor is complete; however, there are still dredges in the Atchafalaya Bar and Horseshoe area.

Mr. Gauthier reported that the USACE stakeholder meeting was held last Wednesday at Oceaneering. He, along with Mr. Aucoin, reiterated Colonel Fleming’s statements regarding funding and made it very clear that there would be no shuffling of funds from project to project.

Jonathan Hird reported that: (i) he is awaiting the action plan from USACE to develop a draft implementation plan for us to review and comment; (ii) he has been working with James Purpera on the language required to secure the residual funds from the 35’ channel deepening feasibility study.

Clay Breaud reported that: (i) the parking lot project is out for bids with bid opening scheduled for Wednesday, November 9th and pre-bid meeting set for Thursday, October 27th. (ii) a preliminary investigation of the mold issue by GSE’s architect John Lyons was made and it was determined that a HVAC contractor needed to be contacted to check for leaky duct work as well as faulty insulation. Both offices containing the mold have return air grilles in the doors which have a lower free air area and could be restricting the air inside the office from getting back into the air plenum in the hallway. This could be causing the building conditioned space to be in a negative pressure which could cause attic air to be pulled around and through the ceiling tiles into the conditioned spaces, putting more moisture inside to condense into liquid water. Mr. Aucoin motioned to authorize Mr. Hoffpauir to move forward with the HVAC contractor to resolve the issue. Mr. Foret seconded that motion which passed unanimously. As a result of the mold issue, GSE’s rental payments will be halted until the mold issue is resolved and Ledet Brothers lease will be terminated as per their request. The check received from Ledet Brothers for $450 to cover July, August, and Septembers rentals will be returned.

Philip Chauvin reported that: (i) the bulkhead project is moving forward with completion of the 200’ at the head of the slip, another 450’, the primary walls, tie back walls, tie backs, and 2 crane pads. It is scheduled to be completed by the end of February; (ii) he submitted change order 3 for additional limestone at InterMoor’s cost of $115,500 and change order 4 to extend an existing storm drain line through the bulkhead at InterMoor’s cost of $13,362; (iii) he is working with HB Young to store dredged material from the slip.

April Dykes reported that: (i) the boat launch project is out for bids with bid opening scheduled for Tuesday, October 18th; (ii) addendum no. 1 will be issued tomorrow including a map identifying the TWIC card exempt area.

Captain Burton reported that: (i) the Cheranton Canal and Bayou Chene are both completely open to traffic with a contract pending for the Bayou Chafer. Mr. Hoffpauir made mention that USACE and USCG will work together in moving the buoys to identify Crew Boat Cut as the official channel.

Mike Knobloch reported that: (i) all 2009 Port Security Grant (PSG) paperwork is being reviewed by FEMA in Washington DC and we are awaiting a letter of authorization to proceed by Department of Homeland Security; (ii) received a request last week to provide additional information on specific projects within the 2010 PSG; (iii) received 41 duplicate emails stating 2011 PSG grant application was approved and will officially have to be accepted via ND grants system; (iv) the final application for the Tiger Discretionary Grants is October 31st.

Mr. Bourgeois reported that: (i) St. Mary Parish wishes to purchase from the Port 60’ of property on Federal Avenue adjacent to the levee right away in the amount of $15,976 to complete the road from Second Street to Federal Avenue. Mr. Aucoin moved to authorize Mr. Gauthier to enter into the sale of said property in the amount of $15,976 followed by Mrs. Garber’s second. Motion passed unanimously.

**RESOLUTION**

A resolution providing for the sale by the Morgan City Harbor and Terminal District (“District”) of an approximate .282 acre tract to the Parish of St. Mary (“Parish”).

WHEREAS, Parish has offered for purchase an approximate .282 acre tract of property for its industrial road project at its full and just compensation;

WHEREAS, the District agrees to accept such offer for its use and benefit.

NOW THEREFORE:

BE IT RESOLVED that the President, Jerry A. Gauthier, be and is hereby authorized in the name of the District sell to the St. Mary Parish Government, the following described property for the price and sum of $15,976.00, to-wit:

That certain tract or parcel of land identified as Parcel No. 2-6 per Project No. SMP 09-08-02, Morgan City Industrial Road, City of Morgan City, St. Mary Parish.

BE IT FURTHER RESOLVED that Jerry A. Gauthier, 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 sale and the transactions contemplated thereby.

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

YEAS: Jerry Gauthier, Gregory Aucoin, Deborah Garber, Joey Foret, Duane Lodrigue

NAYS:

ABSENT AND NOT VOTING: Thomas Ackel, William Pecoraro, Joe Jones

The Resolution was declared adopted this 10th day of October, 2011.

Mr. Bourgeois suggested that action was necessary on an agreement between the District and James Purpera, which provides for assistance with State projects at $300.00 per month plus expenses. It was moved by Mr. Lodrigue and seconded by Mrs. Garber that the District enter into an agreement with James Purpera, which carried unanimously.

Mr. Bourgeois presented an application for partial payment #6 for Phase III of the Youngswood Site Development that was submitted by Dolphin Services and certified by T. Baker Smith. Mrs. Garber moved to authorize payment to Dolphin Services in the amount of $376,040.54, which was seconded by Mr. Aucoin and carried unanimously. Change orders 3 & 4 were also presented for Phase III of the Youngswood Site Development which was submitted by Dolphin Services and certified by T. Baker Smith. Mr. Foret moved to authorize Mr. Gauthier to execute those same change orders, which was seconded by Mr. Lodrigue and carried unanimously.

Mr. Bourgeois also suggested that action was necessary on a contract between the District and Moffat & Nichol which will be funded by Planning & Control, along with Moffatt & Nichol letter and fee proposal with changes to contract and tasks. Mr. Aucoin moved to authorize Mr. Gauthier on behalf of the District to enter into contract with Moffatt & Nichol and was seconded by Mr. Foret. Motion 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 H. 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.

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

YEAS: Jerry Gauthier, Gregory Aucoin, Deborah Garber, Duane Lodrigue, Joseph Foret

NAYS:

ABSENT AND NOT VOTING: Thomas Ackel, William Pecoraro, Joe Jones

The Resolution was declared adopted this 10th day of October, 2011.

Mr. Bourgeois reported that: (i) he was approached by Greg Guidry in reference to the Port possibly purchasing approximately 2.3 acres of property in Berwick along the Atchafalaya River. Mr. Gauthier noted the said property was on the river side of the levee. Mr. Gauthier and Mr. Aucoin both expressed concerns on purchasing the property at this time only on speculative reasons with no particular plans in the making. It was tabled to be discussed in the future. (ii) It was moved by Mr. Aucoin and seconded by Mr. Lodrigue that District will provide the 20% match as indicated in its 2011 TIGER III Discretionary Grant and that Mr. Knobloch be authorized to execute all documents necessary to file District’s 2011 TIGER III Discretionary Grant.  The motion carried unanimously.

After unanimous roll call vote of the commission, an expansion of the agenda was made to consider Miller Engineers & Associates Inc. letter of “No Objection” on behalf of Central Boat Rentals. Mr. Aucoin moved to authorize Mr. Hoffpauir to execute this letter of “No Objection” which was seconded by Mr. Lodrigue.  Motion carried unanimously.

Per the Agenda, the Board entered into Executive Session regarding the report, development and/or course of action regarding security personnel, plans or devices; particularly related to the U.S. Department of Homeland security programs and during the Executive Session, Mr. Aucoin left the meeting and as a quorum was no longer met, the meeting adjourned.

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

Attest:

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Thomas M. Ackel, Secretary