PROCEEDINGS OF A REGULAR MEETING OF

**THE BOARD OF COMMISSIONERS OF**

**THE MORGAN CITY HARBOR AND TERMINAL DISTRICT**

**September 9, 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 September 9, 2019 at 5:00 p.m. Joseph Cain, President, convened the meeting with Commissioners Tim Matthews, Sr., Pete Orlando, Steven Cornes and Troy Lombardo in attendance. Deborah Garber, Lee Dragna, Adam Mayon and Ben Adams were 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”); Tim Connell, U. S. Army Corps of Engineers; Michael Knobloch, Knobloch Professional; Clay Breaud and Bryan Breaud, GSE/Providence Engineering; Councilmen Louis Tamporello and Mark Stephens, 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 Mr. Lombardo and seconded by Mr. Cornes that the minutes of the Regular Meeting of August 12, 2019 be approved and adopted, with said motion carrying unanimously.

It was moved by Mr. Matthews that the report of receipts and disbursements for the month of August, 2019 be received and accepted and that all invoices presented to the Board for the month of August, 2019 be paid. Mr. Lombardo seconded that motion, which carried unanimously.

Heather Mattern reported that: (i) this is the first day in quite a long time that we have been out of high water; (ii) a new MSIB has been issued but with restrictions; (iii) there has been a slight increase in transits last month, as compared to 2018.

Tim Connell reported that: (i) Berwick Harbor contract has been awarded but no funding until either supplemental funding is released or next fiscal year’s funds; (ii) Bayou Chene dredging award will hopefully be awarded by December; (iii) RM White has dredged over $8 million cubic yards; (iv) Brice dredge is materializing, although late. Task #2 has been issued, and is expected to be working in winter months which is the most optimal time for dredging; and (v) work on the Bayou Boeuf guide wall will commence tomorrow, with locks being closed Monday through Thursday 0700-1900 but remaining open the remainder of the time.

Mike Knobloch reported that: (i) time ran out for FY16 Port Security Grant transfer of funds so we will put those into the 2020 application; (ii) we participated in a Coast Guard annual inspection and FSP quarterly training/drill; and (iii) he and Mac are working on three new grant applications.

Clay Breaud reported that: (i) we received bids this morning on Phase II – Aggregate loading/unloading areas, with the low bidder being Byron E. Talbot at $563,822.50. Based on Mr. Breaud’s recommendation, it was moved by Mr. Orlando, seconded by Mr. Cornes to award the low bidder, Byron E. Talbot, the contract and Notice to Proceed.

RESOLUTION

A resolution awarding and authorizing the signing of the Construction Contract for the “State Project No. H.013795 (322) Port Improvements, Morgan City Rail and Dock Rehabilitation, Aggregate Loading/Unloading Area, (Phase II of H.013795), St. Mary Parish, Louisiana”, funded in part by Louisiana Port Construction and Development Priority Program, and authorizing the issuance of the Notice to Proceed.

WHEREAS, the Morgan City Harbor and Terminal District has received construction bids on Monday, September 9, 2019 at 10:00 a.m., on the “State Project No. H.013795 (322) Port Improvements Morgan City Rail and Dock Rehabilitation, Aggregate Loading/Unloading Area, (Phase II of H.013795), St. Mary Parish, Louisiana”, a port improvements project under the Louisiana Port Construction and Development Priority Program; and

WHEREAS, Providence Engineering and Design, LLC, Consulting Engineer, has recommended that award of contract be made to the lowest qualified bidder, Byron E. Talbot Contractor, Inc. of Thibodaux, Louisiana.

NOW, THEREFORE, BE IT RESOLVED by the Morgan City Harbor and Terminal District, regular session, assembled on this 9th day of September, 2019, acting pursuant to the recommendation of Providence Engineering and Design, LLC, Consulting Engineer, that the Base Bid in the amount of $563,822.50 by Byron E. Talbot Contractor, Inc. of Thibodaux, Louisiana, be accepted and a contract be awarded to them.

BE IT FURTHER RESOLVED that Joseph E. Cain, President, and Raymond M. Wade, Executive Director be and are hereby authorized and directed individually to do any and all acts and things on behalf and in the name of the District that they deem necessary, proper, or that may be required in regards to the award, notice to proceed and contract.

(ii) also on recommendation of Mr. Breaud, Mr. Lombardo moved to accept Certificate of Compliance with Public Bid Law, which was seconded by Mr. Matthews and carried unanimously.

RESOLUTION

Whereas, the Morgan City Harbor and Terminal District has solicited bids for State Project No. H.013795 (322) Port Improvements Morgan City Rail and Dock Rehabilitation, Aggregate Loading/Unloading Area, (Phase II of H.013795), St. Mary Parish, Louisiana, in accordance with the current bid laws of the state of Louisiana, including, but not limited to R.S. 38:2211 et. seq; and

Whereas, the Morgan City Harbor and Terminal District has submitted to LDOTD Certification of proof of publication, one ( l ) copy of the bid proposals and bid bonds as submitted by each of the three (3) lowest bidders, a legible copy of the bid tabulation of all bids received, and certified to be correct by Providence Engineering and Design, LLC., the Engineer, and an authorized official of the Sponsor, a copy of the engineer's recommendation, contract documents, Notice of Award of Contract, and a copy of the recordation data in the Clerk of Court's Office.

NOW, THEREFORE, BE IT RESOLVED by the Morgan City Harbor and Terminal District, Regular Session, assembled on this 9th day of September, 2019, does hereby certify that the bidding procedures comply with Louisiana Revised Statutes 38:2211, et. seq.

BE IT FURTHER RESOLVED that Joseph E. Cain, President, and Raymond M. Wade, Executive Director be and are hereby authorized and directed individually to do any and all acts and things on behalf and in the name of the District that they deem necessary, proper, or that may be required in regards to the certification of said bidding.

(iii) We are still waiting on the Corps permit but have confirmed that St. Mary Levee District has no objection and should be receiving the Geotech information within the next few weeks for Phase III – East Dock Expansion.

Cindy Cutrera reported that: (i) she and Mac, along with several commissioners and a good representation from the Town of Berwick and the City of Morgan City attended the Low Water Inspection Tour aboard the M/V Mississippi. Mac was provided an opportunity to speak before the MRC, USACE and others in attendance for about 45 minutes and showed drone footage of beneficial use areas as well as a video and photos from Brice. John McVay also spoke to the group about the status of the dredge. Mac briefly addressed the MRC at the public meeting touching on the condition of the river and the need for dredging and funding. (ii) We continue to monitor the activities of the Louisiana Watershed Council who is responsible for the direction of the Louisiana Watershed Initiative allocating $6,875,044,000 in Community Development Block Grant Mitigation (CDBG-MIT) funds to grantees recovering from qualifying 2015, 2016, and 2017 disasters. Because St. Mary Parish is partly in two watersheds, Parish Government will be involved with both the South Central Planning District, which will apply to be the management entity for the watershed on the east and the Acadiana Planning District on the west; (iii) We remain engaged with St. Mary Excel with two main focuses of creating a resiliency lab in Morgan City and taking advantage of Opportunity Zone designation within the Port District; and (iv) Joe Cain attended a visit and meeting with her and Mac at the Young Memorial Marine Facility, which is very impressive, and she believes we need to help promote the school. We do plan to have them as a guest at a future stakeholder meeting, but a personal visit really provides first-hand experience what the school has to offer.

Gerard Bourgeois presented: (i) Louisiana Compliance Questionnaire, which was moved for authorization by Mr. Orlando, seconded by Mr. Lombardo and carried unanimously; (ii) Final Payment Application No. 3 for electrical modifications in the VTS room, submitted by Chris’ Electric and approved by Carl Blum, Architect. Mr. Cornes moved to authorize said payment in the amount of $10,300, pending receipt of clear lien certificate, which was seconded by Mr. Lombardo and carried unanimously; and (iii) an agreement between the District and NOAA for the survey stations to work with the NOAA PORTS Systems. Mr. Lombardo moved to authorize Mr. Cain to execute said agreement, substantially similar to version presented, and that the following resolution be adopted, which was seconded by Mr. Matthews and carried unanimously.

**RESOLUTION**

A Resolution approving contract between the U.S. Department Of Commerce National Oceanic And Atmospheric Administration, National Ocean Service, Center For Operational Oceanographic Products And Services and the Morgan City Harbor and Terminal District for the Quality Control and Dissemination of Data for the Morgan City Physical Oceanographic Real-Time System (PORTS®)

BE IT RESOLVED by the Board of Commissioners of the Morgan City Harbor and Terminal District (“District”), in regular session assembled on this 9th day September, 2019 that it does hereby approve the contract between the U.S. Department Of Commerce National Oceanic And Atmospheric Administration, National Ocean Service, Center For Operational Oceanographic Products And Services and the Morgan City Harbor and Terminal District for the Quality Control and Dissemination of Data for the Morgan City Physical Oceanographic Real-Time System (PORTS®), and

BE IT FURTHER RESOLVED that Joseph E. Cain, President of the District, 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 in regards to such PORTS agreement.

(iv) Clear lien certificate on Phase I – Railroad Maintenance has been received and Mr. Cornes moved to release the final Retainage Payment in the amount of $11,728.38, which was seconded by Mr. Lombardo and carried unanimously.

After a unanimous rollcall vote, the Board entered into Executive Session to discuss the suit against Crosby Marine, LLC for damage caused to the Morgan City Harbor and Terminal District’s NOAA Meteorological Station #2 in the Atchafalaya River. After the Executive Session ended, it was moved by Mr. Orlando and seconded by Mr. Cornes 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:

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Timothy Matthews, Sr., Secretary