PROCEEDINGS OF A REGULAR MEETING OF

**THE BOARD OF COMMISSIONERS OF**

**THE MORGAN CITY HARBOR AND TERMINAL DISTRICT**

**September 14, 2020**

The Board of Commissioners (“Board”) of the Morgan City Harbor and Terminal District (“District”) met in regular session via teleconference and in person on September 14, 2020 at 5:00 p.m. Joseph Cain, President convened the meeting with Commissioners Lee Dragna, Deborah Garber, Tim Matthews, Sr., Ben Adams, Pete Orlando and Steven Cornes in attendance. Adam Mayon was absent. Also present in the meeting were Raymond Wade, Executive Director; Tori Henry, Office Manager; Cindy Cutrera, Manager of Economic Development; Gerard Bourgeois & Jennifer Reasoner, Board Attorneys; Commander Ben Russell, United States Coast Guard (“USCG”); Michael Knobloch, Knobloch Professional Services; Mike Brocato, St. Mary Levee District; O’Neil Malborough, GIS Engineering; Jon McVay, Brice Civil Constructors; 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. Dragna that the minutes of the Regular Meeting of August 10, 2020 be approved and adopted, with said motion carrying unanimously.

It was moved by Mrs. Garber that the report of receipts and disbursements for the month of August, 2020 be received and accepted and that all invoices presented to the Board for the month of August, 2020 be paid. Mr. Matthews seconded that motion, which carried unanimously.

Raymond Wade reported on behalf of Tim Connell that: (i) Dredge Ingenuity has been working for 10 days now but is currently secured due to Tropical Storm Sally. He noted the dredge was able to assist Conrads and Washburn Marine in launching their barges and cleared out the City water intake. (ii) The Corps sent in the Brice dredge to our dock due to Tropical Storm Sally. Jon McVay noted they ran aground at Crew Boat Cut, which caused delays, with repairs needed to wheels and rudders. Other than that, the dredge has been operational for the last 8-10 weeks, averaging 5 million cubic yards a month; and (iii) the contract for Crew Boat Cut to Eugene Island is expected to be awarded by the end of September and arrive in late October.

Mike Brocato provided the Commissioners a presentation and discussion on the Bayou Chene flood control structure project.

Commander Ben Russell thanked Mr. Brocato for a very informative presentation. He also reported that: (i) the Coast Guard has approved the transit of the Golden Ray salvage effort through Bayou Chene. He questioned Mr. Brocato about the waterway being clear for this project and was assured it would be; and (ii) after Hurricane Laura, MSU Morgan City made port assessments of the Intracoastal Waterway confluence, which covered 450 miles, in a record setting four days.

Michael Knobloch reported that: (i) we are still waiting to hear if we are recipients of either the PORT Infrastructure Development or BUILD grants, which should be in late October or November; (ii) our 3rd quarter FSP related training/drill was held last week; (iii) a PMCRCN/TACCS training was held with MSU Morgan City; and (iv) the annual FSP inspection of Youngs Road facility was held with no deficiencies found.

Charles Brittingham reported that: (i) we are looking for Congress to put together a supplemental funding package for Hurricane Laura, with the Corps turning numbers into Washington, DC according to survey data; and (ii) both House and Senate are still working on WRDA, with a hang-up on HM&T. He is not expecting this to be resolved before the October recess but is expecting something to pass during the lame duck session, as well as the annual funding bill.

O’Neil Malborough of GIS Engineering reported that: (i) he provided the board a price to complete surveys, and are awaiting approval; and (ii) Mr. Bourgeois noted that he would like to set up a meeting with Avoca to discuss those possible sights and Mr. Malborough advised at that time he would be able to come up with a with a price to add the southern site at Avoca. Mr. Wade also noted that he sent the preliminary survey information to the Corps for their review.

Cindy Cutrera reported: (i) since last month’s meeting, it seems all we have done is chased hurricanes and sediment and participated in daily National Weather Service and Navigation Restoration calls. She noted how awesome it has been to work with Commander Russell and XO Newton, who has kept Mac up to date on any MSIB and port status changes. St. Mary Sheriff’s Office set up a unified command center, as well as an overflow dispatcher in our EOC during the storm. The tropical storm warning for Sally has just been dropped. (ii) The Mississippi River low water inspection trip was cut short due to TS Sally. We worked with Brice on presentations that were sent in with our public comment, along with a letter to Major General Holland to please reschedule her visit. We also sent out a video of shoaling in Berwick Bay and received a call two weeks later from Chip Kline with CPRA with questions; and (iii) she virtually attended a four-day Port Executive Inland Marine Port Management class and is now certified.

Gerard Bourgeois presented: (i) Louisiana Compliance Questionnaire, which was moved for authorization by Mr. Dragna, seconded by Mr. Cornes and carried unanimously; and (ii) Youngswood Yard Rehabilitation Project Fifth Amendment to Lease between the District and InterMoor due to project cost underrun. Mr. Orlando moved to authorize Mr. Cain to execute said Amendment to Lease increased by the amount of $4482 effective September 1st, and the following resolution be adopted, which was seconded by Mr. Cornes and carried unanimously.

RESOLUTION

A resolution providing for the Morgan City Harbor and Terminal District (“District”) to enter into an amendment of lease of its Youngswood property to InterMoor, Inc. (“InterMoor”).

WHEREAS, Lessor and Lessee entered into that certain Lease of (the “Original Lease”) effective October 1, 2009, which was executed by Lessor and Lessee on November 5, 2009;

WHEREAS, the Lessor and Lessee specifically agreed in the Lease that Lessor had the right to make reasonable capital improvements to the Premises requested by the Lessee;

WHEREAS, the Lessee has requested that Lessor apply under the Louisiana Port Priority Program for certain Yard Rehabilitation work outlined in State Project No H.014297 documents (“Yard Rehabilitation”) in an amount not to exceed SEVEN HUNDRED FORTY THOUSDAND AND NO/100 ($740,000.00) DOLLARS;

WHEREAS, the Yard Rehabilitation cost the Lessor less than the anticipated SEVEN HUNDRED FORTY THOUSDAND AND NO/100 ($740,000.00) DOLLARS;

WHEREAS, in consideration of the aforesaid contributions from Lessor and the benefits to Lessee, Lessee has agreed to increase the monthly rental due under said Lease by the sum of $4,482.05 per month commencing effective September 1, 2020.

WHEREAS, Lessor is authorized by various state laws to promote economic development within its boundaries, desires to execute this amendment to its sublease which it believes will increase the domestic and foreign waterborne commerce and create and provide employment and business opportunities for the inhabitants of the Morgan City Harbor and Terminal District and of the Parish of St. Mary, Louisiana and all of which will further add to the welfare and prosperity of the persons residing within the geographic limits of the District and the Parish of St. Mary, Louisiana; and

WHEREAS, Lessor and Lessee have agreed that modifying certain provisions regarding the term contained in the Lease would be in the best interest of Lessor and Lessee and in furtherance of the above stated development; and

NOW THEREFORE, BE IT RESOLVED that the President, Joseph E. Cain, be and is hereby authorized to enter into an amendment of the District’s lease agreement with InterMoor increasing its rental as a result of Yard Rehabilitation.

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 lease and the transactions contemplated thereby.

Mr. Bourgeois also reported that: (i) we are still waiting on some parts for the damaged NOAA station; (ii) several business owners received notice from CPRA to do surveys along the intercoastal waterway for the Increase Atchafalaya to Terrebonne study; (iii) the Barge John Wayne was sold to Central Boat Rentals; and (iv) Mr. Hillman was not satisfied with our appraisal of his land, so we will need to further discuss.

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

Attest:

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Timothy Matthews, Sr., Secretary