

**PORT OF IBERIA DISTRICT
BOARD OF COMMISSIONERS
REGULAR MEETING – TUESDAY, JANUARY 21, 2020
PORT ADMINISTRATIVE OFFICE – 5:30 P.M.
MINUTES**

The Regular meeting of the Port of Iberia District Board of Commissioners was called to order by Commissioner Mark Dore', Board President, at the Port of Iberia Administrative Office, on Tuesday, January 21, 2020, at 5:30 P.M.

In attendance were Commissioners, Mark Dore', President, Danny J. David, Sr., Vice-President, Roy A. Pontiff, Secretary – Treasurer, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry G. Rader.

There were no Commissioners absent.

Also present were Craig Romero, Executive Director, Joanna Durke, Administrative Assistant, Tracy Boudreaux, Bookkeeper-Secretary, Brandi Landry, Receptionist-Secretary, and Ray Allain, Port Attorney.

Thus, with a quorum being acknowledged, Commissioner Danny J. David, Sr. recited the opening prayer and the Pledge of Allegiance.

I. PRESENTATION OF APPRECIATION PLAQUE TO 2019 BOARD PRESIDENT – COMMISSIONER ELBRIDGE "SMITTY" SMITH, III.

Commissioner Mark Dore', newly elected Board President for the year 2020, recognized and presented on behalf of the Board, an appreciation plaque to Commissioner Elbridge "Smitty" Smith, III, 2019 Board President.

**II. APPROVAL OF MINUTES – Regular Meeting Thursday, November 21, 2019.
Regular Meeting Tuesday, December 17, 2019.**

On a motion by Commissioner Elbridge "Smitty" Smith, III, and seconded by Commissioner Roy A. Pontiff, the Commission approved the minutes of the Regular Meeting held on Thursday, November 21, 2019.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Elbridge "Smitty" Smith, III, and Larry G. Rader.

Nays: None.

Absent at Voting: Simieon d. Theodile

And the motion was therefore passed on this the 21st day of January, 2020

On a motion by Commissioner Danny J. David, Sr., and seconded by Commissioner Shane Walet, the Commission approved the minutes of the Regular Meeting held on Tuesday, December 17, 2019.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Elbridge "Smitty" Smith, III, and Larry G. Rader.

Nays: None.

Absent at Voting: Simieon d. Theodile.

And the motion was therefore passed on this the 21st day of January, 2020.

III. DISCUSS AND/OR DISTRIBUTE THE FOLLOWING:

- (a) Budget Summary for Six (6) Months Ending December 2019.**
- (b) Listing of Tenant Lease Billings for 2020.**
- (c) Listing of Boat Stall Tenant Lease Billings for 2020.**
- (d) Approve Payment of Bills & Checks Issued During Interim Period.**

The Executive Director presented a few photographs he took from the Port's Marina which depicted some areas of cans of used (burnt) oil being placed outside of entrance gates, as well as a broken plastic barrel with oil as well. The Executive Director contacted Mr. John Koury, Kourco Environmental Services, to discuss and get his opinion as it relates to environmental concerns. Mr. Koury indicated that the Port can look at its cameras at the Port's Marina, review how the marina leases are structured as to storing lubricants on site and regulation, and enforcement.

A motion was made by Commissioner Elbridge "Smitty" Smith, III, seconded by Commissioner Roy A. Pontiff, to approve and authorize the payment of bills for December 2019, and ratify those paid during the interim period.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

IV. MR. JOHN ISTRE WITH BROUSSARD, POCHE', L.L.P., TO ADDRESS THE COMMISSION – PRESENTATION OF FISCAL YEAR 2018 – 2019 ADUIT.

Mr. John Istre, Broussard, Poche', L.L.P., presented the Port of Iberia District's Financial Audit Report for the fiscal year 2018-2019. There were no management findings cited.

V. REPRESENTATIVE FROM JOULON TO ADDRESS THE BOARD TO DISCUSS RAM DESIGN, LLC PRIMARY TERM OF LEASE AGREEMENT EXPIRING ON DECEMBER 31, 2019 (TRACT "L" – 18.130 ACRES LOCATED ON THE POI MILLENNIUM EXPANSION PHASE II PROPERTY SITE).

{1} Mr. Alok Anand (Joulon).

Administrative Assistant Joanna Durke reported that there was no one from Joulon present at the meeting and this Agenda item will be taken up at a later date.

VI. MR. CODY FORTIER, OWNER/CEO AND MR. FRANCIS FORTIER, MANAGER, WITH RIGID CONSTRUCTORS, LLC TO ADDRESS THE BOARD REGARDING A LETTER OF INTENT TO LEASE TRACT "R" (2.880 ACRES) AND TRACT "S" (10.920 ACRES) LOCATED ON THE PORT OF IBERIA MILLENNIUM EXPANSION PHASE II PROPERTY SITE.

Mr. Cody Fortier, Owner/CEO of Rigid Constructors, LLC, stated that they are looking for land at the Port of Iberia for regular marine construction operations, loading barges with excavators and limestone every once in a while. He stated that there would be nothing hazardous other than a diesel tank that will be a double wall with a ring around it.

Commissioner Danny J. David, Sr. asked how much land they would be wanting. Mr. Cody Fortier stated they are looking to lease the former NOV property site. He stated that they would like to do some improvements to the property but he is unsure of the process on how to do them. Executive Director Craig Romero stated that he explained to Mr. Cody Fortier that one option would be the Port Priority Program, but that would take a little time to go through the process. Mr. Cody Fortier stated that they would need the land before the Port Priority Program would be able to approve the money so he would like to rent the land and then work on the improvements. Commissioner Roy A. Pontiff asked Mr. Cody Fortier when would he like to occupy the property and Mr. Cody Fortier stated the sooner the better.

A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Danny J. David, Sr. to approve and authorize the Executive Director to negotiate a Lease Agreement and terms between Rigid Constructors, LLC and the Port of Iberia District regarding Tract "R" (2.880 acres) and Tract "S" (10.920 acres) located on the Port of Iberia Millennium Expansion Phase II Property Site; and motion further authorizes the Board President to execute the Lease Agreement contingent upon Legal Counsel review and approval with a lease start date of February 1, 2020.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

VII. DISCUSS POLICIES AND PROCEDURES COMMITTEE RECOMMENDATIONS & FINDINGS FROM FRIDAY, MAY 10, 2019 COMMITTEE MEETING:

(a) Discuss/Review Port of Iberia District Policies & Procedures.

(b) Discuss/Review Lease Provisions Relative to Maintenance/Improvements.

Committee Chairman Shane Walet stated that he hasn't established a date yet for a Committee Meeting but would like to have one in the 1st quarter of 2020.

VIII. REPORT FROM MR. GERALD GESSER, GESSER GROUP, APC ON:

(a) All Points Equipment Company, LLC Fabrication/Warehouse Building ("Building C"): (Project 100% Complete)

{1} Discuss/Consider Modular Construction Company, Inc. Application and Certificate for Payment No. 2.

A motion was made by Commissioner Elbridge "Smitty" Smith, III, seconded by Commissioner Simieon d. Theodile, to approve and authorize the Payment of Application Number 2 to Modular Construction Co, Inc in the amount of \$38,250.00 for the All Points Equipment Company LLC Roof Replacement Building C Project for the installation Eight (8) fans; and motion further acknowledges that the Project is 100% complete, with the final project construction costs being \$121,225.00.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

(b) Port of Iberia Administrative Office Building: (Generator Replacement; Aqua Dam Flood Control Structure.)

{1} Status Report – Emergency Generator Replacement.

Mr. Gerald Gesser stated that the project was about 99% complete. The contractor has a control wire that needs to be installed between the generator and the office. The generator is functional manually but not automatic yet.

{2} Status Report – Aqua Dam Flood Control Structure.

******Discuss/Consider MosCamp, Inc. d/b/a Gulf Coast Aqua Dams Invoice No. 0000393 (Structure Purchase).**

A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Simieon d. Theodile, to approve and authorize the payment of Invoice Number 0000393 to MosCamp, Inc. d/b/a Gulf Coast Aqua Dams in the amount of \$44,900.00 for the Port of Iberia District Administrative Office Flood Control Structure Purchase.

This motion having been submitted to a vote, the vote thereon was as follows:
Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

******Discuss/Consider MosCamp, Inc. d/b/a Gulf Coast Aqua Dams Invoice No. 0000394 (Structure Storage).**

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Elbridge "Smitty" Smith, III, to approve and authorize the payment of Invoice Number 0000394 to MosCamp, Inc. d/b/a Gulf Coast Aqua Dams in the amount of \$936.00 for the Port of Iberia District Administrative Office Flood Control Structure Storage.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

Mr. Gerald Gesser reported that he would go out to MosCamp, Inc. and visually inspect the location and take a photograph of the Aqua Dam for the project files and he also stated he would get an insurance certificate on the warehouse where the Aqua Dam will be stored.

- (c) **Proposed Emergency Command Center/File Storage Building:**
 - {1} **Status Report – Proposed Design & Budget Estimate.**
(Port Improvement & Development Committee).

Committee Chairman Mark Dore' reported that the Port Improvement & Development Committee hasn't been held yet, but will be held in the coming weeks.

**IX. LOUISIANA PORT CONSTRUCTION & DEVELOPMENT PRIORITY PROGRAM
SPN H.011928 "EAST & WEST YARD" EXPANSION & SITE IMPROVEMENTS
PROJECT:**

- (a) **Report from Mr. Oneil Malbrough of GIS Engineering, LLC. on:**
 - {1} **Update on Status of West Yard Expansion Project (Building B).**

Mr. Oneil Malbrough presented the Board with a Power Point Presentation. He stated GIS Engineering, LLC has developed an updated cost estimate for the repairs to Building B and new construction items. Mr. Oneil Malbrough stated that in December 2019 Mr.

Craig Romero and himself met with Seadrill for a walkthrough of the building and they listed all the items they needed or wanted and since then that list has been called down. They have eliminated some of the things to reduce the cost. The first numbers came in over the budget that was anticipated.

GIS Engineering, LLC has developed a preliminary design of the concrete expansion. CASE has provided GIS with an updated column repair detail for columns in Bay 5. Mr. Oneil Malbrough stated that GIS Engineering, LLC and Gesser Group, APC generated a preliminary cost estimate for the Two (2) adjacent multi-purpose buildings located on the North and West side of the main building. The total cost estimate for all Five (5) items have been updated and the current estimate totals \$4,697,700.00 (not including the engineering).

Mr. Oneil Malbrough stated that in talking with Seadrill they have found that the best way to bid out the repairs for Phase I of Building B is to break it out by the specialty components of the construction piece. The Seven (7) components would be electrical and lighting, concrete, steel repairs and installation, cranes, second floor multi-purpose facility and warehouse, ground floor multi-purpose facility, and site improvements.

Mr. Oneil Malbrough stated that he met with the LA DOTD and they have agreed with GIS Engineering's recommendation that breaking out the components is the way to bid the Project. GIS Engineering, LLC has committed to the Board to have the Plans and specifications ready in 45 days. The first project will be the electrical. Commissioner Roy Pontiff asked Mr. Oneil Malbrough if the \$4.6M includes engineering fees and Mr. Oneil Malbrough stated that the total does not include the engineering fees. Lengthy discussion ensued.

{2} Drainage Update.

Discuss/Adopt a Resolution Authorizing to Advertise for Bid.

Mr. Oneil Malbrough stated that GIS was scheduled to open bids on Tuesday, January 21st for the Drainage Project, a motion was passed in March 2019 authorizing to Advertise for Bids contingent upon the LA DOTD review and approval. The LA DOTD has a special Resolution that has to be approved for Port Priority and Capital Outlay. Mr. Oneil Malbrough stated that he spoke to the LA DOTD on Friday, January 17th and they could not open bids on the originally scheduled date because a Resolution was not approved. The bid opening date was moved to Tuesday, January 28, 2020.

A motion was made by Commissioner Shane Walet, seconded by Commissioner Elbridge “Smitty” Smith, to adopt the following:

**RESOLUTION REQUESTING AUTHORITY TO ADVERTISE
Port responsible for engineering**

**STATE PROJECT NO H.011928(324)
PARISH OF IBERIA**

RESOLUTION

PORT OF IBERIA DISTRICT BOARD OF COMMISSIONERS

WHEREAS, the Port of Iberia District Board of Commissioners has submitted an application for funding of the State Project Number H.011928(324) Port Improvements East and West Yard Expansion & Site Improvements Site and Drainage Improvements (Phase IV of SPN H.011928) a port improvement project under the Port Construction and Development Priority Program; and

WHEREAS, the State’s share of the project funds have been made available and the Port of Iberia District Board of Commissioners has available its local matching share of the project funds in an amount of not less than ten (10%) percent; and

WHEREAS, at the request of this Port of Iberia District Board of Commissioners, G.I.S. Engineering, LLC has prepared plans and specifications for said project, which plans and specifications are designated by State Project No. H.011928(324); and

WHEREAS, this Port of Iberia District Board of Commissioners has reviewed the final plans, specifications and cost estimate and accepts them as submitted and the Department of Transportation and Development has reviewed the final plans, specifications, and cost estimate and has approved them inasmuch as they comply with the requirements of the Port Construction and Development Priority Program; and

WHEREAS, all necessary servitudes, rights-of-way, spoil disposal areas, rights of ingress and egress and the means thereof have been acquired by this Port of Iberia District Board of Commissioners, and the titles thereto are valid and indefeasible; and

WHEREAS, this Port of Iberia District Board of Commissioners has obtained all necessary permits required for the construction of this project; and

WHEREAS, the Port of Iberia District Board of Commissioners has agreed to accomplish all necessary utilities, fence and other facilities relocations and alterations made necessary by this project; and

WHEREAS, the Official Journal for the Port of Iberia District Board of Commissioners is The Daily Iberian, whose mailing address is 124 East Main Street, New Iberia, LA 70560, and whose telephone number is (337) 365-6773; and

WHEREAS, this Port of Iberia District Board of Commissioners desires to advertise for competitive bids, in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the Port of Iberia District Board of Commissioners, and furnish engineering services during the progress of the work.

NOW, THEREFORE, BE IT RESOLVED by the Port of Iberia District Board of Commissioners, in Regular session assembled on this 21st day of January, 2020, that the Department of Transportation and Development be and hereby is requested to authorize the Port of Iberia District Board of Commissioners to advertise for competitive bids in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the Port of Iberia District Board of Commissioners, covering the aforesaid improvements.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all necessary servitudes, rights-of-way, rights of ingress and egress and the means thereof have been obtained by the Port of Iberia District Board of Commissioners, and the titles thereto are valid and indefeasible and the Port of Iberia District Board of Commissioners expressly agrees to defend any action for the failure of any servitude, right-of-way, right of ingress or egress, and the Port of Iberia District Board of Commissioners does hereby assume complete responsibility for providing engineering services during construction and the maintenance and upkeep of the project after construction.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all required permits have been obtained by the Port of Iberia District Board of Commissioners.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that the Port of Iberia District Board of Commissioners has available its local matching funds in an amount not less than ten (10%) percent of the total project cost to insure construction of this project.

BE IT RESOLVED that the Port of Iberia District Board of Commissioners will and hereby does assume complete responsibility for all utilities, fence, and other facilities relocations and alterations made necessary by this project.

BE IT RESOLVED that the Port of Iberia District Board of Commissioners does hereby save and hold harmless the Department of Transportation and Development against any loss or damage of any kind incident to or occasioned by Activities undertaken in pursuance of this agreement and expressly agrees to defend any suit brought against the Department of Transportation & Development, and pay any judgment which may result from said suit as it relates to this project.

This Resolution having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the Resolution was therefore adopted on this the 21st day of January, 2020.

{3} Discuss/Approve GIS Engineering, LLC Invoice Number 70003294.

A motion was made by Commissioner Elbridge "Smitty" Smith, III, seconded by Commissioner Danny J. David, Sr. to approve and authorize the payment of Invoice Number 70003294 to GIS Engineering, LLC in the amount of \$19,266.25 for the period December 1, 2019 thru December 31, 2019 which includes December activities including Gesser Group, activities, coordination with potential tenant for requested repairs, coordination with CASE for required structural repairs, and cost estimating associated with Building B repairs; in accordance with contract dated August 21, 2018.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

**(b) Report from Executive Director on:
{1} Status/Update on POI West Yard.**

There was no update on the above agenda item.

X. REPORT FROM MR. ONEIL MALBROUGH OF GIS ENGINEERING, LLC ON:

(a) Port Millennium Expansion Phase III Project – Site Excavations & Dredging.

{1} Update on the Status of the Port Millennium Expansion Phase III Project.

Mr. Oneil Malbrough stated that GIS Engineering, LLC is currently evaluating adjustments to the current slip alignment and they are currently awaiting on the servitude agreement to proceed with Geotech and permitting.

{2} Discuss/Approve GIS Engineering Invoice # 70003296.

A motion was made by Commissioner Shane Walet, seconded by Commissioner Danny J. David, Sr. to approve and authorize the payment of Invoice Number 70003296 to GIS Engineering, LLC in the amount of \$1,400.00 for the period December 1, 2019 thru December 31, 2019 which covers December 2019 activities including study and report phase, and evaluating the turning radius of a barge at the Commercial Canal and Bernard Slip interchange; in accordance with contract dated February 1, 2018.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

(b) Bank Stabilization Project.

{1} Update (Chart, All Points, Dynamic).

Mr. Oneil Malbrough stated that at the previous board meeting, the Board authorized GIS Engineering, LLC to Advertise for Bids on the Bank Stabilization Project upon the receipt of the Geotechnical Report and the LA DOTD review and approval. The drawings are being finalized and will be submitted to LA DOTD once completed.

{2} Discuss/Adopt Resolution Authorizing to Advertise for Bid.

A motion was made by Commissioner Danny J. David, Sr., seconded by Commissioner Larry Rader to adopt the following:

RESOLUTION REQUESTING AUTHORITY TO ADVERTISE with Contingency

**STATE PROJECT NO 737-99-0669/H.006846 (324)
PARISH OF IBERIA**

RESOLUTION
PORT OF IBERIA DISTRICT BOARD OF COMMISSIONERS

WHEREAS, the Port of Iberia District Board of Commissioners has submitted an application for funding of the AGMAC Port – Site Bank Stabilization Slip P2 (Chart, Dynamic, & All Points) port improvement project under the provisions of the Capital Outlay Acts; and

WHEREAS, the State’s share of the project funds have been made available; and

WHEREAS, at the request of this Port of Iberia District Board of Commissioners, GIS Engineering, LLC has prepared plans and specifications for said project, which plans and specifications are designated by State Project No.737-99-0669/H.006846 (324); and

WHEREAS, this Port of Iberia District Board of Commissioners has reviewed the plans, specifications and cost estimate and has submitted them to the Department of Transportation and Development. The Port of Iberia District Board of Commissioners will accept the final plans and specifications **contingent** on the Department of Transportation and Development’s final approval inasmuch as they comply with the requirements of the Capital Outlay Acts; and

WHEREAS, all necessary servitudes, rights-of-way, spoil disposal areas, rights of ingress and egress and the means thereof have been acquired by this Port of Iberia District Board of Commissioners, and the titles thereto are valid and indefeasible; and

WHEREAS, this Port of Iberia District Board of Commissioners has obtained all necessary permits required for the construction of this project; and

WHEREAS, this Port of Iberia District Board of Commissioners has agreed to accomplish all necessary utilities, fence and other facilities relocations and alterations made necessary by this project; and

WHEREAS, the Official Journal for the Port of Iberia District Board of Commissioners is The Daily Iberian, whose mailing address is 124 East Main Street, New Iberia, LA 70560, and whose telephone number is (337) 365-6773; and

WHEREAS, this Port of Iberia District Board of Commissioners desires to advertise for competitive bids, in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the Port of Iberia District Board of Commissioners, and furnish engineering services during the progress of the work.

NOW, THEREFORE, BE IT RESOLVED by the Port of Iberia District Board of Commissioners, in Regular session assembled on this 21st day of January, 2020, that the Department of Transportation and Development be and hereby is requested to authorize the Port of Iberia District Board of Commissioners to advertise for competitive bids in accordance with LRS 38:2212, et seq., for the award of a contract in the name of Port of Iberia District Board of Commissioners, covering the aforesaid improvements.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all necessary servitudes, rights-of-way, rights of ingress and egress and the means thereof have been obtained by Port of Iberia District Board of Commissioners, and the titles thereto are valid and indefeasible and Port of Iberia District Board of Commissioners expressly agrees to defend any action for the failure of any servitude, right-of-way, right of ingress or egress, and Port of Iberia District Board of Commissioners does hereby assume complete responsibility for providing engineering services during construction and the maintenance and upkeep of the project after construction.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all required permits have been obtained by Port of Iberia District Board of Commissioners.

BE IT RESOLVED that Port of Iberia Board of Commissioners will and hereby does assume complete responsibility for all utilities, fence, and other facilities relocations and alterations made necessary by this project.

BE IT RESOLVED THAT Port of Iberia District Board of Commissioners does hereby save and hold harmless the Department of Transportation and Development against any loss or damage of any kind incident to or occasioned by Activities undertaken in pursuance of this agreement and expressly agrees to defend any suit brought against the Department of Transportation & Development, and pay any judgment which may result from said suit as it relates to this project.

This Resolution having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the Resolution was therefore adopted on this the 21st day of January, 2020.

{3} Discuss/Approve GIS Engineering Inv. Number 70003295.

A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Elbridge "Smitty" Smith, III to approve and authorize the payment of Invoice

Number 70003295 to GIS Engineering, LLC in the amount of \$7,774.43 for the period December 1, 2019 thru December 31, 2019 which covers December activities including preparation of preliminary plans and specifications, coordination with LA Testing (geotechnical), and received borings for Chart and Dynamic locations; in accordance with proposal dated October 10, 2019.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

(c) AGMAC Project General Engineering and Consulting Services:

{1} Update on Status of AGMAC Project.

Mr. Oneil Malbrough stated that nothing has changed on the Federal side with the exception of Mr. Oneil Malbrough requesting dates to meet with the new Colonel (Colonel Murphy).

{2} AGMAC Port's Maintenance Dredging Permit Update.

Mr. Oneil Malbrough stated that the USACE requested a Quality Certification from the LA Department of Environmental Quality (DEQ). He also indicated that the AGMAC Port's Maintenance Dredging Permit was applied for on December 12, 2019 to the USACE and the LDNR. The LDNR is currently reviewing the submitted application.

(d) AGMAC Phase I Dredging Project:

{1} AGMAC Dredging Project – Update on Permit.

Mr. Oneil Malbrough reported that the permit application was submitted to USACE and LDNR on December 12, 2019 and is currently being reviewed.

{2} AGMAC Dredging Project – Pipeline Coordination.

Mr. Oneil Malbrough reported that there are Three (3) pipelines that will be relocated and Two (2) pipelines that will be matted. GIS Engineering, LLC is also working with a sub-consultant Mr. Ed Landgraf in regards to relocation and matting.

A number of meetings have been held with Boardwalk and Shell in January and they are moving along. He stated that they are running behind the original schedule but the survey work is being done. A meeting with Kinder Morgan will be held the week of the 27th of January or soon thereafter. There is a weekly meeting scheduled with both Boardwalk and Shell every Tuesday morning via conference call.

{3} Landowner Coordination.

There was no update on the above agenda item.

{4} Survey Update.

GIS Engineering, LLC has completed the survey of Commercial Canal, and is currently surveying the overbanks to finalize the disposal areas. The next phase of work will be the Hydrographic Survey of the GIWW.

{5} Discuss/Approve GIS Engineering, LLC Invoice Number 70003293.

A motion was made by Commissioner Larry Rader, seconded by Commissioner Roy A. Pontiff to approve and authorize the payment of Invoice Number 70003293 to GIS Engineering, LLC in the amount of \$36,548.97 for the period of December 1, 2019 thru December 31, 2019 which covers December 2019 activities for survey field work, permit preparation, and pipeline coordination.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

XI. REPORT FROM PORT ATTORNEY ON:

(a) Update on Henry Bernard Property Located Behind the POI Administrative Office.

{1} Status of Navigation Servitudes on Bernard Canal.

{2} Status of Navigation Servitude – (MIF & Henry Bernard).

Mr. Ray Allain, Port Attorney stated that as the Board is already aware of, he has been attempting to get Navigation Servitudes from not only Bernard Port Properties, LLC but also the persons who own or lease adjacent property to the Bernard Canal. There are Six (6) Navigational Servitudes all together that will need to be signed (Bernard Port Properties, LLC, Mr. Henry Bernard, Timothy Thibodeaux and his wife, Geoshipyard (GeoMarine), and MB/CD). Mr. Ray Allain stated that he has drafted all of the Servitudes. He stated that unfortunately he attempted to get a Navigational Servitude from Geo Shipyard last year, but the LeCompe family that owns stock in Geo Shipyard transferred their stock to the company for the land before the servitude was signed and recorded. The property is now owned by Red Guard, so Mr. Ray Allain drafted a Navigational Servitude for Red Guard to sign. Once all the servitudes are received then the Port will be ready to purchase the Bernard Property. Mr. Ray Allain stated that he will be drafting a Buy/Sell Agreement for Mr. Henry Bernard to sign.

(b) Update on AGMAC Dredging Project – Pipeline Coordination (Legal Counsel).

Mr. Ray Allain stated there is a total of 16 pipelines across the Commercial Canal, 14 of those will have to be moved for the 20' channel and only Five (5) of them will be affected by Phase I of the 16' channel. He stated that they have met with the Five (5) pipeline companies and estimates from them have been received. Mr. Ray Allain stated that in the course of the conversations, the Port would like to reserve its right to recover from the expenses if it turned out legally the pipeline companies were responsible for the relocation. He stated that in 2009 he wrote an opinion regarding this subject. Since this is a complicated subject Mr. Allain stated that it would only be resolved in Federal Court.

(c) Discuss/Consider Amendment to AGMAC – General Legal Services Contract of Employment.

Mr. Ray Allain stated that historically the Port Commission has involved between 10 and 15 percent of his time in his legal practice. Recently, this number has increased between 15 to 18 percent as some of the projects require more time.

Mr. Allain stated that in the past 27 years he has had someone in his office to help him out but he is by himself right now and it is a little more difficult, so he has been looking for someone to help. He was referred to Ms. Ashley Philen by a customer of his. He stated that he is very impressed with her and thinks it would be very helpful to him to have her approved as he requested the Board do. Mr. Ray Allain stated that he is not asking for any increase in his fees with the Amendment to his contract. Ms. Ashley Philen would start working at \$200 an hour. The contract he is presenting to the Board dated January 20, 2020, is identical to the previous contract that was approved besides a name change.

A motion was made by Commissioner Roy A. Pontiff, seconded by Commissioner Shane Walet, to approve and authorize an Amendment to the AGMAC – General Legal Services Contract of Employment which will authorize Ms. Ashley E. Philen (sub-contracted Attorney) to serve under this contract at a rate of \$200/hour through Allain & Allain, in connection with AGMAC matters, as well as representation in general Port matters.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

XII. REPORT FROM EXECUTIVE DIRECTOR ON:

- (a) Discuss/Approve Norris Insurance Consultants, Inc. Professional Services Contract Invoice for the Year 2020 for Property & Liability Insurance Consulting Services (Pmt #1).**

A motion was made by Commissioner Roy A. Pontiff, and seconded by Commissioner Danny J. David, Sr. to approve and authorize the Board President to execute a Contract for Professional Services - Insurance Advisor (dated January 2, 2020) between Norris Insurance Consultants, Inc. and the Port of Iberia District regarding insurance consulting services as it relates to property-liability insurance for the Port of Iberia; and motion further approves that the fee for the consulting services is \$9,000.00, payable in halves as described in the January 2, 2020 Contract.

This motion having been submitted to a vote, the vote thereon was as follows:

Yeas: Mark Dore', Danny J. David, Sr., Roy A. Pontiff, Shane Walet, Simieon d. Theodile, Elbridge "Smitty" Smith, III, and Larry Rader.

Nays: None.

Absent at Voting: None.

And the motion was therefore passed on this the 21st day of January, 2020.

- (b) Update on Lease Agreement Between Red Guard & the POI Regarding Lots 23-26 (0.827 acres) at the Port of Iberia.**

Mr. Craig Romero stated that the Port was getting an Environmental Phase I done to make sure the property was clean before Red Guard could occupy the property. Kourco is in the process of getting this done.

- (c) Update on the Lease Agreement between Noble Drilling Services & the POI Regarding Lot 14R-A (0.992 acres) at the Port of Iberia for Module Storage.**

Administrative Assistant Joanna Durke stated that the lease is being done.

- (d) Update on Lease Agreement Between Seadrill Americas, Inc. & the POI Regarding Site B-1 (57.4 acres) Located at the POI West Yard.**

Mr. Craig Romero stated that Seadrill has sent the money to the FTZ Board.

- (e) Executive Director's Monthly Report.**

**Summary of Real Estate Legal News Scout Real Estate Company (Hammy Davis).

- (f) Announcements:**

There were no announcements.

XIII. ADJOURNMENT.

On a motion made by Commissioner Danny J. David, Sr., and seconded by Commissioner Roy A. Pontiff the meeting was adjourned at 7:30 p.m.

**ROY A. PONTIFF
SECRETARY/TREASURER**

**MARK DORE'
PRESIDENT**