

**MINUTES OF REGULAR MEETING OF THE
AMITE RIVER BASIN DRAINAGE & WATER CONSERVATION DISTRICT**

3535 S. Sherwood Forest Boulevard, Suite 135, Baton Rouge, LA

April 16, 2013

MEMBERS PRESENT DURING ROLL CALL: Don Thompson, Terry Louque, Ben Babin, Al Bargas, John Brass, Lawrence Callender, Russell Cornette, Willie George Lee, Anthony "Tony" Rouchon, Jerry Thibeau, Kenneth Wade Welborn

MEMBERS ABSENT: Larry Thomas

ALSO PRESENT: Dietmar Rietschier, Toni Guitrau, Larry Bankston, Christopher Knotts, Jim Delaune, (Mona Nosari via conference call)

MEMBERS NOT PRESENT DURING ROLL CALL: Dale Zuelke – entered meeting at 6:06 pm

1. The meeting was called to order at 6:00 p.m. by Don Thompson.
2. Public Comments on Agenda Items: Mr. Troy Furr – Co-owner of Profit Island told the Board the appraisal for Profit Island is not yet completed.
3. Minutes
 - The Board unanimously approved a motion by Lee second by Cornette to approve the March 19, meeting minutes as presented.
 - Note: Zuelke entered the meeting at this time, 6:06 pm.
4. Financial Statement Report:
 - Bargas presented to the Board the March 2013 General Fund and CRDC Fund financial statements. The Board unanimously approved a motion by Rouchon, second by Thibeau to approve the March 2013 General Fund and CRDC Fund financial statements.
 - The next Finance Committee meeting will be in May 2013.
5. Non-federal Sponsor-DOTD, Christopher Knotts, P.E.: Mr. Knotts informed the Board that the CRDC project is at a critical juncture and for it to remain viable we must pursue the purchase of Profit Island and secure real estate for a constructible Phase 1. Knotts requested that the ARBC have its contractors come to each Commission meeting to present a status update on where this effort is so the Board knows the progress being made. At last month's meeting, he urged the Commission to pursue land rights, right of entry, HTRW(s), and title work on Phase 1 properties with a sense of urgency. In an effort to follow up on last month's meeting and request, Knotts asked when had the notice(s) to proceed been issued to the ARBC contractors on all the Phase 1 properties including HTRW(s), title work, right of entry etc., and what is the status on those property efforts. Rietschier said the advanced acquisition element is ongoing. As of now, notices have not been issued but action will be taken on that tonight. Discussed the Corps' CR Budget and the availability of funds as their FY ends September 30, 2013. The purchase of Profit Island is needed to better position the project for federal funding. The Corps wants properties in Brooks Lake Closure first, lands west of Hwy. 61 and then lands east of Hwy. 61. Since the DOTD is taking a more active role, Knotts presented copies of a letter addressed to the ARBC Commissioners stating in order for DOTD to more efficiently manage the project (CRDC) and prevent any errors or delays in communication, they wish to adhere to the PCA for the official lines of communication with respect to their obligations under that document. The DOTD Project Manager, Mr. William Delmar, should receive all official project communications unless directed by the PCA. All official project requests and responses, including rights of entry and other related real estate and relocation matters, should go through Mr. Delmar, or as directed by the PCA. This letter was copied to the USACE.

Mr. William Delmar, DOTD Project Manager for the CRDC Project gave an update on the 17 advanced acquisitions: DOTD contractors are working on the appraisals. 7 are either complete or scheduled for completion. Of the remaining 10 properties, the appraisers have contacted or left messages with 8 landowners. They are working to reach the remaining 2. On utility relocations, DOTD has issued an Advanced Notice to Proceed to their contractor. Work will begin on Hwy. 61. Because the nature of utility relocation is very complex and structured, DOTD is requesting that no one other than DOTD Relocation Contractor have communications with utility or pipeline companies regarding this project. This is in an effort to prevent any confusion or duplication of efforts and enable DOTD contractor to properly perform their tasks. DOTD appraisers raised concern regarding access to and from Carney Road. The project cuts across Carney Road, which would limit access. Per the Corps, an alternate route for Carney Road will be made once the Bayou Baton Rouge Drop Structure is completed. The drop structure will act as a bridge across the bayou. This will require a slight alignment of the road.
6. Report by Executive Director

Phase 1 Task Orders (ACTION): Rietschier said that he met with consultants and they are working on Level 2, Carney Rd HTRW(s). Provided a summary to the Board. The BKI contract has a limit of \$750,000. To date, expended \$606,000 and another \$60,000 on Phase 2. Recent Task Orders issued place it at \$667,015. There are additional real estate services which bring the total to \$692,000. Now, we begin environmental studies, surveys, of the remaining properties in Phase 1. (Task Orders 49-61). That group comes to \$198,390. So as last month, we will be exceeding the threshold in the 2 year contract with BKI with a 10%

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waiver. These are the HTRW(s) that needs to be done. Action needs to be taken tonight to approve this so that the consultants can move on this. He spoke to the consultants and wants effort placed on the properties at the west end, #53 and 54. Bargas said this is above and beyond what was approved at last month's meeting. He asked how this happened in the last 30 days that we are short another \$140,000. BKI contract ends July 27, 2013 and we should approve more than \$140,000. It is critical to this project to build Brooks Lake and buy Profit Island. If we have a lapse in engineering services over costs, we may delay the project and risk losing funding. Knotts said before they can advertise for construction, the Corps has to have a level of assurance that the land rights have been acquired. Prior to them opening bids, mid-September, we must have actually secured landrights on the property. Then between bid opening and the end of September the Corps must award the contract. By the end of July or early August we will have to demonstrate to the Corps that we have the land rights or will have the land rights (Brooks Lake). Bargas said we can't use the \$140,000 to focus on 2 properties because we won't make the closing. Bargas said after the last meeting he wrote a motion which he then handed out to the Board for their consideration. He believes it is critical to keep continuity with our consultants/engineers. Rietschier said he did not want to do this tonight but instead have the Finance Committee review his documents. Bargas said his motion would renew the contract with BKI instead of putting it out for bid which would take too much time that we do not have. The Board discussed how much time it would take to rebid the contract. Bargas made the motion as presented to the Board. Thompson said he recommends the Board take this up at the next regular meeting of the Board. Thibeau said the BKI contract has a clause that if renewed it can be terminated with 30 days written notice if necessary. Bankston said it is a 30 day termination for convenience. Bargas made the motion again seconded by T. Louque. Bankston said that the contract can be renewed and if the Board changes their mind it can be terminated with a 30 day written notice as it has flexibility. **Motion by Bargas second by T. Louque was as follows: Whereas, the Amite River Basin Commission (ARBC) is one of the non-federal Partners on the Comite River Diversion Canal; Whereas the ARBC is responsible for timely engineering and related services necessary and required for acquisition of canal right of way and wetlands mitigation properties; Whereas, the ARBC has a renewable contract that was awarded to Burk-Kleinpeter, Inc. (BKI) on a competitive bid basis and under which time sensitive engineering and related services are currently being performed on an ongoing basis by BKI and/or its subcontractors; Whereas, federal funding and project participation and therefore construction could be adversely affected if engineering and related services are interrupted and/or delayed; Be it Therefore Resolved, the Board of Commissioners of ARBC authorizes, empowers and directs the Executive Director of the ARBC to renew the contract with BKI under the same terms and conditions as the original contract for a period not to exceed two additional years and for an amount not to exceed \$750,000; Be it Further Resolved, the aforementioned contract renewal shall be completed no later than April 30, 2013; said renewal to become effective immediately upon expiration of the original contract such that services currently being performed by BKI and/or its subcontractors is not interrupted causing further delay in property acquisition necessary for the construction of the Comite River Diversion Canal.**

A yea and nay vote was called for and was as follows:

YEAS: Don Thompson, Terry Louque, Ben Babin, Al Bargas, John Brass, Lawrence Callender, Russell Cornette, Willie George Lee, Anthony "Tony" Rouchon, Jerry Thibeau, Wade Welborn, Dale Zuelke

NAYS: None

ABSENT: Larry Thomas

ABSTAIN: None

- **The Board unanimously approved a motion by Rouchon second by Cornette to give Rietschier authorization to issue Task Orders #49-61 with emphasis on properties #53 and 54.**
- **Capital Outlay: Rietschier reported that Bargas made a spreadsheet on all properties including costs of acquisition for Phase 1 as part of the CEA requirement of a budget. This will be further discussed at the next meeting of the Board in May 2013.**
- **Property Maintenance Contract: The Request for Proposals was published/advertised for the labor, equipment, materials and supplies for ground maintenance and grass cutting. 2 sealed bids were received and opened with the low bidder being Tractor Services for \$3045 to bushhog 89 acres as requested. The Board unanimously approved a motion by Rouchon second by Thibeau to approve a contract with Tractor Services for \$3045.**
- **Task Order Software: In progress of researching different options.**
- **Emergency Preparedness Conference: Rietschier reported that Emergency Preparedness during flooding events Conference held on April 15, 2013 from 9:30-11:30 a.m. at the City Hall in Denham Springs was successful with speakers Ken Graham, Meteorologist-in-Charge, NWS, Dr. Suzanne Van Cooten, Hydrologist-in-Charge, Lower Mississippi River Forecast Center, and George Arcement, Director Louisiana Water Science Center. These agencies provide critical information during flooding events and requested future meetings to be held.**
- **Legal Report:**
 - The Board unanimously approved a motion by Rouchon second by Cornette to add to the agenda the Lilly Bayou Perpetual Access Easement.
 - The Board unanimously approved a motion by Rouchon second by Lee to approve the Just Compensation the Lilly Bayou Perpetual Access Easement. \$146,535.00
 - The Board unanimously approved a motion by Rouchon second by Lee to make the offer for the perpetual easement for the price listed as presented (authorization to send the letter).
 - The Board unanimously approved a motion by Rouchon second by Thibeau to add to the agenda the Appraisal Report for McMahon Property. (320 acres)

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- The Board unanimously approved a motion by Bargas second by Rouchon to approve Option 1, proposed fees appraisal report and Proposed fees New Timber Cruise for \$3,700 but if not available, approve Option 2 for \$5,500.

7. Committee Reports:

- Thompson reported the Personnel Committee did not meet last week due to bad weather.
- Handouts of Proposed Bylaw amendments were presented to the Board for their review to be discussed at the next regular meeting of the ARBC Commission on May 21, 2013.

8. Old Business

- Monthly Review – Absent Board Members (March 2013 ARBC meeting): The Board unanimously approved a motion by Cornette, second by Lee to excuse the absences of Brass, J. Louque, Anthony “Tony” Rouchon, Jerry Thibeau, Dale Zuelke.
- Mouille Property – The Board unanimously approved a motion by Rouchon second by Cornette to suspend acquisition of the Mouille Property.

9. New Business

10. The Board unanimously approved a motion by Cornette, second by Thomas to adjourn the meeting at 7:25 p.m.

APPROVED:

/s/ Don Thompson

Don Thompson, ARBC President

Date: May 21, 2013

/s/ Toni B. Guitrau

Toni B. Guitrau, Executive Secretary