

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

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

May 21, 2013

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

MEMBERS ABSENT: Russell Cornette, Willie George Lee

ALSO PRESENT: Dietmar Rietschier, Toni Guitrau, Larry Bankston, Christopher Knotts, William Delmar, Jim Delaune, (Jamie Parker 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.
 - Note: Zuelke entered the meeting at 6:06 pm.
2. Public Comments on Agenda Items: None
3. Minutes
 - The Board unanimously approved a motion by Rouchon second by Thibeau to approve the April 16, 2013, regular meeting minutes as presented.
 - The Board unanimously approved a motion by Rouchon second by Thibeau to approve the April 25, 2013, special meeting minutes as presented.
4. Financial Statement Report:
 - Bargas presented to the Board the April 2013 General Fund and CRDC Fund financial statements.
 - Bankston will request the total amount of local tax money sequestered so it may be documented in financial statements. It was agreed to ask the ARBC auditor, John McKowen, if an accrual in the financial statements should be made.
 - Rietschier will invoice Beard Construction under the dirt removal contract.
 - Finance Committee Report:
 - Thompson said the Finance Committee agreed to recommend to the Board the option of possibly updating accounting software (QuickBooks) to track Task Orders. Bargas stated that tracking Task Order expenses has been a challenge without a more sophisticated accounting system. Bargas stated that currently the Board is paying its CPA \$700/month, with a requested increase of \$150/month upon renewal of contract ending June 30, 2013 plus additional fees if extra work outside of contract is needed. The Board discussed the option of the Executive Secretary (shifting responsibilities) entering financial information directly into QuickBooks instead of retaining an outside CPA for a portion of the data entry. Currently, the Executive Secretary is responsible for payroll, paying invoices, deposits and entering all financial information into Quicken then she forwards the information (check registers, reconciled bank statements) to the CPA to enter it into QuickBooks. Bargas explained how QuickBooks can be used to track Task Order expenses. He suggested renewing the CPA contract until a decision can be made concerning the purchase of enhanced features of QuickBooks. The CPA Contract renewal will be voted on at the next regular board meeting. Bargas said that QuickBooks software can range from \$1500 up to \$4000 depending on the level needed. It was noted that if the Board decides to begin utilizing QuickBooks in-house, the CPA contract can be cancelled with a 30 day written notice or they may renegotiate and reduce the activities of the CPA. Rietschier said whatever decision is made; he would like to have a transition period. **Thompson suggested that Rietschier arrange the meeting with Postlethwaite & Netterville and let him go over it with the staff. Bargas requested the Executive Committee meet since duties may be shifted. Bargas suggested the meeting with Postlethwaite and Netterville be held at his office. Bargas agreed to set up the meeting.**
 - The Board was informed that 2013 was not a reassessment year. The Tax Millage rate will remain at 2.52 mills.
 - The Board unanimously approved a motion by Rouchon, second by Callender to approve Amendment #1 – Administrative General 2012-13 Budget, as presented. It was agreed that a Public Hearing will be held during the June regular meeting – concerning the Proposed Administrative General 2013-14 Budget.
5. Report by Executive Director
 - The Executive Director requested that legal counsel provide an update on Profit Island. Bankston updated the Board on the status of the appraisal. The board was also advised that a separate company has rights over the property for drilling. Waiver of the surface rights was discussed. Mr. David Ogwyn, of the Ogwyn Law Firm, L.L.C., representing Profit Island, L.L.C, addressed the Board on this matter. Bargas stressed concern over the delays the past 7 months. Bargas requested a deadline on AAHU acres that the Furr family is willing to sell with a map and price. Mr. Ogwyn stated the letter from today offers to transfer 417 AAHU acres; with respect to the survey timeline, the Corps accepts aerial surveys which he believes they can get a survey based on aerial photos and analysis that was done earlier; within 3 weeks. He indicated his clients should be able to reach an agreement as to the exact acreage and the waiver of the surface rights. They will provide an

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outline of the proposal to the Corps for their review. **The Board unanimously made a motion by Callender, second by Louque to move forward expeditiously with Profit Island; submit a written game plan and submit it to ARBC, DOTD and Corps; ask the sellers to meet immediately with the Corps and its staff. Motion requested that the sellers report back to DOTD and ARBC concerning such meeting.**

- Renewal of ARBC-BKI Contract: Several comments were made concerning the terms of the contract. Bargas stated he did not agree with the contract being open-ended or without a maximum price. Further, he recommended the contract be amended on Page 4 to reflect “Executive Director” disagrees or agrees instead of “ARBC”. Bargas said the Executive Director should assume responsibility for issuing task orders. The question was raised as to whether BKI billed the Board for its attendance at board meetings. It was noted that BKI has not been charging for attending ARBC meetings, and a “30 day termination for convenience” is still included in the contract. **A motion was made by Bargas, seconded by Callender, to approve the renewal contract as presented but with amendment concerning inserting Executive Director on page 4 of the Contract as noted, and to sign the contract tonight since all parties are present.** A roll call vote was called for and resulted as follows:

YEAS: Thompson, Welborn, Rouchon, Brass, Babin, Zuelke, Callender, Thibeau, Thomas, Louque

NAYS: Bargas

ABSENT: Cornette, Lee

ABSTAIN: None

- Rhett Russell, McMahan Property: Rietschier stated they are willing sellers, and it is approximately 320 acres with 60 AAHU acres. The appraisal amount is \$992,000. **A motion was made by Rouchon, seconded by Thibeau to purchase the McMahan property for mitigation in the amount of \$992,000.00.** ARBC will await a Request to make the formal offer from the USACE. A roll call vote was called for and resulted as follows:

YEAS: Thompson, Welborn, Rouchon, Brass, Babin, Zuelke, Callender, Thibeau, Thomas, Bargas, Louque

NAYS: None

ABSENT: Cornette, Lee

ABSTAIN: None

- ARBC Resolution 1101: (full resolution available at the ARBC office) partial document as follows: Whereas, through the passage of the Biggert – Waters Flood Insurance Reform Act (Public Law 112-141, aka: BW12) signed into law by President Obama on July 6th of 2012, the NFIP was revised such that the public’s trust and reliance on the program to provide affordable flood insurance protection for prior investments in their homes and business’ was essentially discontinued with no practical alternative provided for. The passage of BW12 substantially and immediately devalued the investments made in all properties receiving subsidized insurance premium rates through the drastic increase in the cost of flood insurance. The implementation of BW12 will have broad and yet unmeasured collateral consequences in the housing market and the real estate and banking industries. These financial impacts will expand to all types of government, business and industry in heavily impacted areas. Whereas, each of us must consider the need to have a long term, sustainable and viable NFIP. Such a NFIP must include the adoption of accurate new FIRMs from time to time such that at some point the NFIP is actuarially and financially sound and self-sustaining. **Therefore, be it resolved that, we ask our legislative delegation to amend or revise the Biggert – Waters Flood Insurance Reform Act. A motion was made by Callender, seconded by Babin to adopt Resolution 1011 as presented.** A roll call vote was called for and resulted as follows:

YEAS: Thompson, Welborn, Rouchon, Brass, Babin Zuelke, Callender Thibeau, Thomas, Bargas, Louque

NAYS: None

ABSENT: Cornette, Lee

ABSTAIN: Rouchon

Currently, the approximate amount of flood insurance policies are as follows: Ascension Parish: 11,000; EBR Parish: 29,000; East Feliciana Parish: 60; Livingston Parish: 13,000; St. Helena Parish: 60; St. James Parish: 1200 for a total of approximately \$55,000 polices.

- Authorize Rietschier – USACE Credits: **The Board unanimously approved a motion by Rouchon, seconded by Louque to allow the Executive Director to act without prior Board approval in the incurring of costs associated with carrying out ARBC responsibilities with respect to the CRDC Project, with a limit of \$10,000, in those cases where timely action is needed and no official USACE credit approval has been received.**
6. Non-federal Sponsor-DOTD: Mr. William Delmar, DOTD Project Manager for the CRDC Project update: Report by Mr. Delmar as follows: Last week, Kia White, Chris Knotts, and William Delmar had a phone discussion with Linda LaBure regarding a few issues on real estate. During the discussion, the topic of credits was mentioned. From the discussion, it sounded as if the Non-Federal sponsors would not likely receive credit for all of the activities listed in the ARBC credit package. When the evaluation is finalized, USACE will write a letter to DOTD, which DOTD will in turn provide to ARBC. On the topic of Advanced Acquisitions, any actions

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taken on the Advanced Acquisition properties including maintenance of the property would be at risk. We would not be eligible for credit for any property not required for the project. USACE will likely consider any maintenance cost as long as it is considered reasonable. On Utility Relocations, DOTD's contractor, Cardno TBE, is out in the field and working in the area of Hwy 61. Please allow them to interact with the various utilities and pipelines to prevent any miscommunication or confusion. Colonel Fleming with USACE met with Secretary LeBas about a week after the April meeting. During the meeting, he pointed out that the Non-Federal sponsor had not acquired Profit Island. It is becoming noticeable that USACE is expecting to receive money for the Comite Project, and they are waiting on us to get the necessary Right-of-Way and mitigation. Delmar asked the ARBC what is the current status of the HTRW and title work. Delmar stated that mitigation property should not be cut (maintained) by ARBC with the exception of a fire lane.

7. Committee Reports:

Bargas stated that at the September 18, 2012 meeting, the Board unanimously agreed for the Executive Committee to meet and review the ARBC Bylaws. Bargas said it was reviewed by the Personnel Committee, instead. Bargas recommended this be reviewed by the Executive Committee as the Board previously instructed. **The Board unanimously approved a motion by Bargas, second by Thibeaumont to table this matter until the next regular meeting of the Board.**

8. Old Business

- Monthly Review – Absent Board Members: The Board unanimously approved a motion by Bargas, second by Rouchon to no longer place on ARBC Regular Meeting agendas the item to "Review and Excuse Absent Board members."
- Authorize Executive Director to secure Hazardous Report and to seek bids on demolition of buildings: **The Board unanimously approved a motion by Rouchon, second by Thibeaumont to authorize the ARBC Executive Director to secure a Hazardous Report and to seek bids on demolition of buildings recently acquired by ARBC.**

9. New Business

- Discussion about expenses regarding Commissioners attending social events: The Board agreed that Bankston could request from the Ethics Board as to whether or not a USACE Swearing-in Ceremony and following events is considered a social event. Commission members have paid the \$50 fee with their personal money to attend.
- Discussion about timing of items placed on the agenda: It was agreed to follow the ARBC Bylaws regarding timing of items placed on the agenda. The ARBC Bylaws are as follows: The President, and/or Executive Committee and/or Executive Director, shall prepare and distribute to District Board members at least five business days in advance of each meeting an agenda of items to be considered at the meeting. Any two Board members may place an item on the agenda by so advising the President and/or Secretary. Copies of the agenda shall be mailed to the full Board of Commissioners and to members of the news media who have requested the agenda.
- Strategic Planning and Team Building Conference: Bargas made a motion to hold a weekend Strategic Planning and Team Building Conference with a monetary limit of \$10,000; this was amended by Rouchon to a "day session" to be hosted by Billy Arceneaux or someone similar. The amended motion was seconded by Callender. The Board unanimously approved the amended motion.

10. The Board unanimously approved a motion by Brass, second by Rouchon to adjourn the meeting at 8:00 p.m.

APPROVED:

/s/ Don Thompson
Don Thompson, ARBC President
Date: June 18, 2013

/s/ Toni B. Guitrau
Toni B. Guitrau, Executive Secretary