

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

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

October 16, 2012

MEMBERS PRESENT: Don Thompson, Terry Louque, Al Bargas, John Brass, Lawrence Callender, Russell Cornette, Willie George Lee, Joel Louque, Anthony Rouchon, Randolph Saucier, Jerry Thibeau, Larry Thomas, Dale Zuelke

MEMBERS ABSENT: None

ALSO PRESENT: Dietmar Rietschier, Executive Director
Toni Guitrau, Executive Secretary
Larry Bankston, Attorney

1. The meeting was called to order at 6:00 p.m. by Thompson.
2. Public Comments on Agenda Items: Comments were offered by Jessie Hynes Babcock, with Beau Box Commercial Real Estate, representing Andy Batson/ McMann property. Ms. Babcock asked the status of the McMann property as the last time they spoke to Rietschier they were told they would hear from an appraiser but have not. This was discussed and determined that they will not have a status update until after January 2013.
3. Minutes
 - The Board unanimously approved a motion by Bargas second by Thomas to approve the September 18, 2012 meeting minutes as presented. Bargas requested that Secretary Guitrau confirm that a motion made at the September 2012 ARBC meeting was not omitted. Note to Minutes: Secretary Guitrau confirmed the motion questioned was from the August 2012 ARBC meeting and was not omitted from the September 18, 2012 minutes. **Bargas requested that all Action Items be in 'bolded' print in future minutes.**
 - A question was raised as to the status of the ARBC Board of Commissioners powers and authority. Legal counsel was asked to advise the board as to the extent of the powers and duties of the Commissioners. Bankston explained that an Advisory Board makes recommendations to State Agencies and are a recommending body. The agency is under no obligation to follow those recommendations. Bankston reviewed ARBC statute RS 38-3302 and 3307 with the Board. The ARBC is a collective body with individual board members having no specific authority. The power is from the collective action of the board or the delegation of some duties to the executive director or the president of the Board. ARBC is more than an advisory board. ARBC board has the power of any political subdivision with the authority to set policies, procedures, bylaws, and it has authorized the creation of an Executive Director's position. ARBC board has the authority to approve contracts and acquisition of property.
4. Financial Statement Report:
 - Bargas presented to the Board the September 2012 General Fund and CRDC Fund financial statements. The Board unanimously approved a motion by Cornette, second by J. Louque to approve the September 2012 General Fund and CRDC Fund financial statements.
 - **Bargas offered to host a presentation on "credits" possibly in October; Mark Wingate, USACE, is preparing the presentation.**
 - **Thompson requested at the Finance Committee Meeting a report to include all costs of legal fees, ARBC consultant's costs, Executive Director's time, in regard to the hunting leases, marking the boundaries, preparing contracts, so that it may be used for the BC Ratio Study. Rietschier said he had not prepared it yet but will soon.**
 - Bargas reported he met with ARBC staff on October 10, 2012.
 - Finance Committee Report: All Finance Committee members were present at the October 12, 2012 meeting. Discussed the Financial Statements and the Balance Sheet ending September 30, 2012. Noted the \$200 petty cash reversal. Reviewed the progress on completion and revisions of the USACE spreadsheet on credit request relative to LUC expenditures from years 2003-2010. Rietschier was requested to correlate items on the spreadsheet to 9 letters from the USACE. He has submitted this along with supporting documents from prior years. The letters were from 2009-2012 but the LUC

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expenses occurred from 2003-2010. Rietschier reported to the Finance Committee that at the last PDT meeting the USACE mentioned implementing a new Credit Program. Budgetary and Financial requirements of "Second Amended Cooperative Endeavor Agreement between ARBC and DOTD: Reviewed and discussed Sections 2.3, 2.6, 2.8 and 2.9. in regard to budgeting, quarterly and annual requirements by Amite River Basin Commission and LA DOTD. Rietschier sent in a request for payment of fill material to the PLD. **Rietschier will contact PLD for status of payment from PLD.** Discussed the staff in relation to timecards and credits. Discussed financial projections on HTRWs, early acquisitions, and Profit Island. Rietschier is currently utilizing the Task Order form that was provided by Bargas and approved by ARBC Commissioners.

5. Report by Executive Director:

- Profit Island: Discussed the status of Profit Island.
- Outreach Program: Rietschier has attended and spoke to the public about the status of the Comite River Diversion Canal Project at the City of Denham Springs council meeting and the Denham Springs Kiwanis Club.
- Status of Appraisal for Mitigation. Area 1. Appraisals have been done on the Comite Dirt Pit, Mouille Property. Rietschier is requesting that the DOTD consider in the Advanced Acquisitions to include about 300 acres on the western end. Requested and received from GCR a checklist (USACE acquisition process) so that we know what the USACE, DOTD, ARBC, and consultants responsibilities are. In order to do Brooks Lake, land is needed first in case money owed is received from the USACE (reallocation).
- Acquisition of at risk advanced acquisitions (17 properties): Coordinate with DOTD. Delaune, with BKI, Inc., is working on HTRWs on these properties.
- Discussion about Al Bargas' motion last ARBC meeting in regard to Advanced Acquisitions, and Task Order Form.
- Discussed DOTD/ARBC financial projections in accordance with Second Amendment of CEA between DOTD and ARBC.

6. Report by ARBC Legal Counsel/Old Business

- Bankston Status of Profit Island: The HTRW has been completed but the initial HTRW did not include a NORM Report, which is a radiological determination. BKI completed this and no additional work is needed. This has been sent to the USACE for their review and approval. Once approved proceeding to acquire property can take place. The appraiser has secured the services of Mr. Peters for a timber inventory. The findings have been turned over to the appraiser and are included in his report. This should be complete by next week. The appraiser's report will be turned over to the USACE for their review. When they approve the appraisal ARBC will ask the USACE for permission to acquire the property.
- Discussed the hunting camp on Profit Island.
- Monthly Review – Absent Board Members: The Board unanimously approved a motion by Rouchon second by Thomas to excuse the work-related absence of Russell Cornette at the September 18, 2012 meeting.
- GCR/ARBC Contract: The Board unanimously approved a motion by Bargas second by Callender to accept the amended GCR/ARBC contract extension through October 18, 2013 for an increase of \$50,000. This contract extension is to include the acquisition of properties', secure appraisals, negotiate with property owners and is amended to include relocation services, preparation of closing documents, filing and/or recordation fees, and any other associated work deemed necessary to acquire properties located within the Comite River Diversion Canal Project Right-of-Way and project mitigation areas.
- ARBC Organizational Chart as prepared by Larry Thomas: Callender suggested adding the Executive Committee to the Chart. It was concluded that the Executive Director reports directly to the Board but will remain above the Board on the Organizational Chart. The Board unanimously approved a motion by Rouchon second by Saucier to accept the Chart as presented but to include the Executive Committee as suggested by Callender.

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- Task Orders: Rietschier reported he is utilizing the Task Order form as provided by Bargas. He issued 17 Task Orders on 17 properties. Bankston said negotiations with property owners are the responsibility of the LADOTD. Discussed the purchase of the 17 properties – advanced acquisitions. **Bargas requested that the Executive Director get a response from the LADOTD on the issue of the 17 properties. A portion of the requested task orders are related to services that must be provided by DOTD, rather than ARBC. ARBC will work with DOTD to proceed with those services under its contract with GCR.**
- Property Maintenance Contract: A Draft Property Maintenance Contract was presented to the Board for consideration at the next regular ARBC meeting. The Executive Secretary confirmed that the only insured property maintenance contractor with the ARBC is Mike Bush. Rietschier stated that property had not been cut recently. Thompson said that it is going into the dormant season.
- Hunting Lease Update: The Board discussed consideration to allow hunting by use of guns on previously leased property (bow hunting only). Bargas made a motion not to modify the existing hunting leases stating that the point of leasing the property was to mitigate the risks; this was seconded by Callender. Callender stated it was advertised as a ‘bow lease’ and is also a safety issue. President Thompson did not call for a voice vote of the Board members following the motion by Bargas, second by Callender. Thompson asked if there is an alternate motion to approve gun usage. This was discussed further. The Board unanimously approved a substitute motion by Rouchon second by Lee to allow Bankston to research the matter of modifying an existing lease(s), and to contact both lease owners before this is discussed at the next ARBC regular meeting.
- At the September 28, 2012 ARBC meeting, Callender presented to the Board for consideration of adoption a “Strategy Forward.” Board members were to contact Callender with suggestions to the “Strategy Forward” document. Bargas stated that the Second Amended CEA between DOTD and ARBC requires a ‘plan’ and budgets. **Rouchon suggested an updated draft of the “Strategy Forward” document or a plan to be prepared for consideration at the next ARBC meeting. Bargas stated that Rietschier had agreed to create a plan or document with his own ideas in comparison to the document prepared by Callender.**

7. New Business

- Easement/Servitude agreement Lilly Bayou Structure access road: Resolution 1098. The Board unanimously approved a motion by Rouchon second by Saucier to adopt Resolution 1098 to allow Thompson to sign the agreement. The access road will be for 6 months for total costs of \$6,000.00.
- The Board unanimously approved a motion by Rouchon, second by Callender to add “Executive Session” to the agenda to discuss litigation matters.
- A motion was made by Thibeau, second by Lee to enter Executive Session for 10 minutes to discuss litigation matters Campbell v. ARBC et al. A roll call was taken and was as follows:
- YEAS: Don Thompson, Terry Louque, John Brass, Lawrence Callender, Russell Cornette, Willie George Lee, Anthony Rouchon, Randolph Saucier, Jerry Thibeau, Larry Thomas, Dale Zuelke
NAYS: None
ABSENT: (Absent from Roll Call Vote) Joel Louque
ABSTAIN: Bargas
- Following the return of Regular Session, the Board unanimously approved a motion by Rouchon, second by Cornette to reject Judge Fields’ “Special Master” recommendation.”
- The Board discussed and recommended no change in the date of the ARBC November 2012 meeting.

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

APPROVED:

/s/ Don Thompson

Don Thompson, ARBC President

Date: October 16, 2012

/s/ Toni B. Guitrau

Toni B. Guitrau, Executive Secretary