

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

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

December 18, 2012

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

MEMBERS ABSENT: Russell Cornette, Don Thompson

ALSO PRESENT: Dietmar Rietschier, Toni Guitrau, Jenna Linn, Larry Bankston, Jim Delaune, Mona Nosari, Jamie Parker

1. The meeting was called to order at 6:00 p.m. by T. Louque.
2. Public Comments on Agenda Items: None
3. Minutes
 - The Board unanimously approved a motion by Rouchon second by Thibeau to approve the October 16, 2012 meeting minutes as presented.
4. Financial Statement Report:
 - Bargas presented to the Board the November 2012 General Fund and CRDC Fund financial statements. It was noted to add an additional 'line item equity name' on the financial statements to include "Land Acquisitions" for property acquired instead of using the line item "Furniture & Equipment." Reported income of \$181,425 from Fill and Borrow material sales. Made note that Beard Construction is continuing to excavate Borrow and Fill material. Reviewed and compared prior year to current year income and expenses. The Board unanimously approved a motion by Rouchon, second by Thibeau to approve the November 2012 (includes October 2012 statements) General Fund and CRDC Fund financial statements.
 - ARBC/USACE Non-federal sponsor credits: Bargas reported that Mr. Rietschier has created a 'coding system' that may be acceptable to the USACE and in 30 days may have a report back on the approximate \$380,000 of denied past credits. Bargas mentioned the possibility of using the existing accounting system to track credits.
 - Budget 2013-14: To be presented to the Finance Committee in April/May 2013.
 - Capital Budget: Bargas reminded the Board of the Budgetary and Financial requirements of the "Second Amended Cooperative Endeavor Agreement between ARBC and DOTD" in regard to budgeting, quarterly and annual requirements by Amite River Basin Commission and LA DOTD.
 - Task Orders: The Board unanimously approved a motion by Rouchon, second by Zuelke to approve the following Task Order agreement as discussed at the October 16, 2012 ARBC meeting: At the October 16, 2012 meeting, Rietschier reported he is utilizing the Task Order form as provided by Bargas. He issued 17 Task Orders on 17 properties. Bankston said purchase 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.**
 - Bargas reported that at the ARBC October 16, 2012 meeting, Thompson had requested a report to include all costs of legal fees, ARBC consultant's costs, ARBC 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. Bargas said the reports he has reviewed conclude approximately \$1800 in expenses compared to \$5000 in income over 3 years. The lease was to provide liability protection and was not to be a revenue source.
5. Report by Executive Director
 - Profit Island – mitigation property: The owners of Profit Island do not agree with the \$3.3 million value of Profit Island as based on a USACE approved appraisal. Ms. Nosari stated it is \$1343 an acre. She explained the options available to the ARBC and the owners of Profit Island if the offer is rejected by the property owners. **The Board unanimously approved a motion by Rouchon second by Saucier to**

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approve making an offer to the property owners in the amount of \$3.3 million for the purchase of Profit Island per the approved USACE appraisal.

- Rush Property: Rush property appraisal is currently being reviewed by the USACE. Bargas stated that at the Executive Committee meeting, Thompson requested, and the Committee agreed, that all expenditures cease and desist on efforts to purchase the Rush Property. This issue is being brought to the Board for discussion. **The Board unanimously approved a motion by Bargas second by Saucier to cease expenditures and efforts to purchase the Rush property. The Board agreed on motion by Rouchon second by Saucier to amend the motion to consider review of this property once it has reached a stopping point.**
- McMahan and Freeman Property (Mitigation Area 2): HTRW investigations on these properties are underway at this time. Title work and other real estate documentation is under legal review. Additional HTRW's will be required in the future on properties located on the east bank of the Comite River in Mitigation Area 2. This area will require building relocations and Mr. Rietschier suggested that HTRW investigations for this area be held until some future time since the possible acquisition of Profit Island and the McMahan and Freeman properties will fulfill a large portion of the mitigation requirements to continue construction phase of the project. Callender expressed concern that the LA DOTD may lose millions of dollars in appropriated funds toward the Comite River Diversion Canal Project, which have been sitting idle for years, when the next Legislative Session begins. The ARBC should be purchasing property and mitigation land, right-of-way etc. Thomas agreed in pursuing the purchase of mitigation lands. Delaune stated that HTRW's have a shelf-life of 6 months to 1 year; if needed, a second HTRW is not as expensive. Bargas reminded the Board again of the Budgetary and Financial requirements of the "Second Amended Cooperative Endeavor Agreement between ARBC and DOTD" in regard to budgeting, quarterly and annual requirements by Amite River Basin Commission and LA DOTD. **The Board unanimously approved a motion by Bargas second by Thomas to retain GCR & Associates, Inc. (max. \$7500) to work with the ARBC and LA DOTD to prepare a Capital Outlay Budget for land acquisition and relocations (non-federal expenses) that includes the canal right-of-way and mitigation areas. The cost estimates to be desegregated to a lot or parcel level. The report or status update will be available within 30 days.**
- Rietschier requested a Task Order be ratified per the request of the USACE. The USACE needs right-of-entry to do borings to check wells, water levels etc. He requested from the USACE an extension to the deadline of January 4, 2013. The Board unanimously approved a motion by Rouchon second by Lee to ratify the Task Order, as presented.

6. Report by ARBC Legal Counsel/Old Business

- Monthly Review – Absent Board Members: None
- No action was taken concerning the Dixon property. The relocation payment is pending approval by the USACE.
- The Board unanimously agreed on motion by Rouchon second by Callender to enter into Executive Session, for no more than 15 minutes, to discuss the Campbell et al v. ARBC et al – ongoing litigation strategy. The Board voted to return to public session by a vote of all members.
- The Board unanimously approved a motion by Rouchon second by Thibeau to have Bankston & Associates file pleadings to oppose concursus proceedings brought by the East Baton Rouge Parish Sheriff, Livingston Parish Sheriff, and Ascension Parish Sheriff concerning the Canal tax proceeds.
- Property Maintenance Contract: At the October 16, 2012 ARBC meeting, a draft Property Maintenance Contract was presented to the Board for consideration. An addendum will include \$1 million insurance, automobile/general liability, requirement. The Board unanimously approved a motion by Callender second by Rouchon to approve the contract proposal, as amended.
- Hunting Lease Update: The Board discussed consideration to allow hunting by use of firearms on previously leased property for bow hunting only. Bankston's opinion was the Board has no authorization to modify the current lease/contract to allow for the use of firearms.

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- Strategy Forward Document: No action taken. Callender stated the motion earlier in the meeting to authorize GCR and Associates to provide a report on the cost of mitigation, right-of-way, early acquisitions etc., property by property, for the whole channel/canals sufficient for the time being.
- Status of Executive Committee Meeting on ARBC By-laws, Policy Manual, and strategic planning: Bargas stated no meetings to his knowledge have been set. Rouchon stated that the Policy Manual should be reviewed by the Personnel Committee. Rietschier said that Thompson appointed J. Louque, Zuelke and Brass as the Personnel Committee. No meeting has been set to review the By-laws. Bankston has provided a draft of a Policy Manual to Mr. Rietschier.
- Rietschier provided information regarding the ARBC contractor bush hogging seedlings planted in a section of the mitigation area. Rietschier reported problems with pipeline and fire safety issues as well as a nearby subdivision were why the property was bushhogged. Fire-lanes, primarily along the northern property line were bush hogged for fire safety purposes. A high pressure gas pipeline servitude was also bush hogged because the gas pipeline was in danger of explosion and needed repair. Callender asked if the ARBC will have to pay for the damage to the seedlings or be fined. Rietschier said not to his knowledge. Rietschier reported that he discussed with the USACE the need for maintaining fire-lanes and servitudes and 4-5 foot posts markings delineating the mitigation areas. Callender asked if the USACE is going to replant the trees in the same area and if so why would they do that if it is on top of a pipeline. Callender said the pipeline company is responsible for cutting pipeline property. He asked if each piece of property owned by the ARBC will require fire-lanes to be cut. Rietschier explained that some of the trees have died naturally. Rietschier stated the USACE did not provide the ARBC with an operation and maintenance manual as they should have.

7. New Business

- **Profit Island: The Board unanimously approved a motion by Rouchon second by Callender to approve an appraisal review by Norbert Schexnayder, Jr., Gulf South Appraisal, CO, for the verbally agreed upon amount of \$2500.**
- Callender asked Mr. Rietschier if he had contacted Representative Schexnayder in regard to the LCA Blind River Diversion Project per his email request. Mr. Rietschier stated he had not seen the email and will not be available for a few weeks.

8. The Board unanimously approved a motion by Callender, second by Rouchon to adjourn the meeting at 7:30 p.m.

APPROVED:

/s/ Don Thompson

Don Thompson, ARBC President

Date: January 15, 2013

/s/ Toni B. Guitrau

Toni B. Guitrau, Executive Secretary