

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

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

March 19, 2013

MEMBERS PRESENT DURING ROLL CALL: Don Thompson, Terry Louque, Al Bargas, Lawrence Callender, Russell Cornette,
Willie George Lee, Randolph Saucier, Larry Thomas

MEMBERS ABSENT: John Brass, Joel Louque, Anthony "Tony" Rouchon, Jerry Thibeau, Dale Zuelke

ALSO PRESENT: Dietmar Rietschier, Toni Guitrau, Larry Bankston, Christopher Knotts, Jim Delaune

1. The meeting was called to order at 6:00 p.m. by Don Thompson.
2. Public Comments on Agenda Items: Mr. Frankie Savoy with Resource Environmental Solutions spoke in regard to mitigation property for the Comite River Diversion Canal Project.
3. Minutes
 - The Board unanimously approved a motion by Thomas second by Saucier to approve the February 19, 2013 meeting minutes as presented.
4. Financial Statement Report:
 - Bargas presented to the Board the February 2013 General Fund and CRDC Fund financial statements. The Board unanimously approved a motion by Callender, second by Cornette to approve the February 2013 General Fund and CRDC Fund financial statements.
 - The Board discussed and agreed to research and purchase a Task Order software program including new computer hardware if needed in order to better track Task Orders issued by ARBC. **Thompson requested an update on the status of the research by the April 2013 ARBC meeting.**
 - Finance Committee Report and Recommendations:
Bargas reported that the Finance Committee had discussed and agreed to recommend to the Board the need to move \$188,000 to an Agreement because of Task Orders being de-obligated. Callender clarified that at least 46 Task Orders had been written totaling approximately \$1 million of which \$188,000 were written 'outside of contract'. **Per the Finance Committee recommendation, the Board unanimously approved a motion by Callender, second by Lee to instruct Bankston to draft an agreement/supplement of \$188,000 to the existing BKI contract for services provided 'outside of contract'; and a separate contract increase of \$50,000 to GCR to continue work, along with additional Task Orders.**
 - The next Finance Committee meeting will be in May 2013.
5. Non-federal Sponsor-DOTD, Christopher Knotts, P.E.: Mr. Knotts stressed the need to the ARBC Board to pursue the purchase of Profit Island which provides approximately 60% of mitigation credits and meets the mitigation needs for Phase 1 and 2. He urged the Board to get the consultants to acquire all of the Phase 1 properties, HTRW' s, environmental clearance, title search etc. There needs to be a constructible unit in the event the Corps receives money through the WRDA Bill out of DC. Discussed requesting from the Corps the Final Takings Map on Phase 1 which is the right-of-way map that shows individual tracts and properties that needs to be purchased. Before DOTD can make acquisitions the map is needed. At the meeting held at Bargas' office in January, the Corp said this map was approximately 95% complete. He recommended focusing on Phase 1, and then Phase 2 as Phase 1 needs to be completed and ready to go. Bankston asked if the DOTD would consider writing an official letter requesting the nature and extent in Phase 1 about Brooks Lake Closure acquisition, centerline survey and flowage easement. Knotts agreed to write a letter tomorrow to the Corps. He said that the Amite River Basin Commission can be doing the environmental clearance and title work on properties that are going to be impacted. The DOTD has a section that handles pipeline and railroad relocations. Bargas asked about the status of the items that Knotts proposed the ARBC pursue in Phase 1 and subsequently Phase 2. Nosari said that under GCR-LPAC contract with DOTD, they agreed to acquire all parcels wholly confined within the channel and was a total taking, or parcels where the taking was so significant that it left a residual parcel. They developed GIS maps and developed an inventory of 17 parcels that the Real Estate section of the DOTD approved as advanced acquisitions. Some of those parcels are in Phase 1 but DOTD has not signed off on acquiring everything in Phase 1 until such time they get the final taking lines. HTRW's have been done for the 17 advanced acquisition properties, some into Phase 2. For the remaining properties in Phase 1 nothing has been done on environmental properties, and it needs to be done. This is approximately 10 tracts. **The Board unanimously approved a motion by Callender, second by Thomas to order the consultants to identify all properties that are not in the advance purchases that are part of Phase 1, get an estimate of what those properties are and provide a listing and obtain acknowledgment from DOTD that its agrees with proceeding with title and environmental clearances on those properties.** This will not be under a supplemental contract. **Nosari said that GCR can have that list, all the properties, acreage and cost by noon tomorrow. Rietschier requested that the contractor provide a description on what needs to be done and estimate on how much this will cost before he issues a Task Order. BKI needs approximately 2 weeks to provide the information.** This property being discussed is acquisition for canal construction, not mitigation.

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- Advanced Properties Acquisition: Nosari with GCR-LPAC stated they contacted the 17 property owners and the title work was complete in October 2012. The HTRW's are complete. There are several properties that are in Phase 2 of the HTRW. The appraisal reports have all been ordered and they expect the reports to be in on all 17 properties within 60 days. Review appraiser, Mike Defelice will review and negotiations for the properties will begin within the next 90 days.

6. Report by Executive Director

- Reported on the general status of the Comite River Diversion Canal Project. Rietschier said regarding Profit Island, the second appraisal should be done by the end of this month then it has to be sent to the Corps. This mitigation has to be out of the way before we can talk about construction. There has to be a Level 2 HTRW investigation on about 5 tracks of land in the Carney Rd. area primarily in Phase 1.
- Property Maintenance Contract: The Request for Proposals was published/advertised for the labor, equipment, materials and supplies for ground maintenance and grass cutting. 7 RFP packages have been requested from ARBC.
- Emergency Preparedness Conference: Rietschier reported that the Board and public are invited to attend an Emergency Preparedness during flooding events Conference to be held on April 15, 2013 from 9:30-11:30 a.m. at the City Hall in Denham Springs. 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.

7. Personnel Committee: Rietschier reported the Personnel Committee met and will hold several more meetings over the next 2 to 3 months in regard to amending the ARBC Bylaws and Personnel Policy Manual. Bargas requested a deadline be set as it has been months in progress. This was discussed and no deadline will be set.

8. Old Business

- Callender stepped out of the meeting at this time.
- Monthly Review – Absent Board Members (February 2013 ARBC meeting): The Board unanimously approved a motion by Thomas, second by Lee to excuse the absences of Cornette and Rouchon.
- Washington DC trip: Thompson reported he spoke to Congressman Cassidy's office last month, Vitter's office and they do not advise a trip to Washington unless we see what happens with the WRDA Bill in Washington.
- Callender entered the meeting at this time.

9. New Business

- Motion as follows by Saucier: To clarify and define the official and operational line of communication between the ARBC and all participating agencies in the CRDC Project (ARBC, USACE, LaDOTD, and EBRP). The objective of this motion is to better coordinate activities and avoid multiple lines of communication that may create confusion, misunderstanding and misdirection. Further, this motion is made to further clarify the organizational chart approved by the Commission on 10/16/12, delineating lines of authority and official lines of communications between federal and non-federal partners toward implementation of the Comite River Diversion Canal Project. Be it established that all communications on behalf of ARBC, in pursuit of the Comite River Diversion Canal Project, between ARBC and the other federal and non-federal partners of said project, be done through the ARBC office or Executive Director. Any ARBC commissioner contacting any federal or non-federal partners on official matters pertaining to the Commission or the Comite River Diversion Canal Project shall do so through the ARBC office. Nothing in this resolution should be considered as an attempt to restrict any individual communication by a commissioner to any state, local or federal official. Unless authorized by the Commission, such communications shall not be considered official or authorized by the ARBC. This does not apply to the daily interagency communications between the ARBC office, federal and non-federal partners and consultants hired by ARBC to assist in carrying out the objectives of the ARBC and implementation of the Comite River Diversion Canal Project.

Saucier stated that in order to move efficiently and swiftly, the ARBC needs to be sure of the mechanics for interacting and communicating. He said there are times during enthusiasm to create a canal, it may cause distress and misdirection with the way we communicate with some of the agencies. In his opinion, we lose sight of the ARBC organizational structure, our chain or chart of command. This motion is to honor that chain or chart of command and operate through the ARBC Executive Director. That is the best way to get proper coordination with our motions and with the wisdom and knowledge that Dietmar (Executive Director) has, he can bring together the necessary elements when an issue needs to be addressed.

On motion by Saucier, second by Thomas, Thompson called for those in favor of the motion. Callender called for discussion. Bargas stated that under Robert Rules of Order once a motion is made and seconded the chair opens the floor for discussion. Bargas asked if the ARBC had any complaints from one of its partnering agencies. Saucier stated he is not aware of any

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complaints. Bargas asked Rietschier if he is aware of any complaints. Rietschier stated no. Callender said he does not want to impinge on any powers as individual commissioners, and means no disrespect to Saucier, but as a representative of Livingston Parish, he has full rights to represent Livingston Parish and speak to appropriate federal and state agencies in an official capacity and would inform the ARBC that he is/was communicating with the agencies. He does not want to be told he cannot talk to them without permission of the Commission. Saucier said the main intent of the motion is to focus lines of communication that goes through the agency; that we look as a head or leader to make sure we are all involved in and can share information so if there are things a commissioner is going to be talking about he (Executive Director) can bear force on and has an opportunity to do so. Callender said he is speaking as a commissioner representing Livingston Parish, and as past president of the ARBC. He stated he was transparent as ARBC president as the record reflects. Any communication performed as past president and as a commissioner is transparent to this organization. He does not feel that this is necessary for the Board to go through. As commissioners they are empowered to carry out what the legislators set forth for them as a Commission of 13 commissioners. Saucier said no one is questioning this but what he is bringing up is the function of an organization is to have a head and chain or chart of command. Thompson said this motion is in relationship to that chart adopted by the Board last year. Callender said he does not object to the chart but as a commissioner of Livingston Parish appointed by the legislature he does not want to personally be impinged in carrying out of duties as a commissioner. He believes there is an adequate system put in place by the state legislature and is opposed to changing the state statues. He would defer to the ARBC attorney if the statues need to be changed. He said he was presented with this motion only minutes ago and is not prepared to vote on it. Thomas said the commissioners are elected to a Board, not individual agents representing each parish. They come together and operate as a Board. He believes Saucer's motion simplifies the chain of command and makes it easier for DOTD and the federal level. Each commissioner represents their parish as a Board member not as individual entities. He said that Callender was a good president but commissioners are not individual agents and they cannot go about doing things the other commissioners know nothing about. Saucier stated there is nothing in the motion that prohibits Callender from having independence and representing his constituency. It says when acting in the name of the commission that we centralize those communications so that it goes through Dietmar (Executive Director) so that he has an opportunity to add whatever he needs. Bankston said he reviewed this motion earlier and he added the language beginning "Nothing in this resolution should be considered as an attempt..." etc. He said this is a common problem among Boards. Nothing in this motion can prohibit a Board member from taking a position, and contacting people. Bargas said he does not recall any Board member going to any individual or agency saying they are officially representing the ARBC besides Thompson and Rietschier. He said there is concern over a perception of a problem that does not exist. This was discussed in further detail. T. Louque asked Knotts if any Board member besides Thompson or Rietschier contacted him. Knotts said that this is not DOTD business and to his knowledge there are no issues with it. Bargas said he requested a meeting with DOTD to address the Capital Budget issue which is part of the CEA requirements but that should not be considered as an official position. Roll call was as follows:

FOR: Don Thompson, Terry Louque, Russell Cornette, Willie George Lee, Randolph Saucier, Larry Thomas

AGAINST: Al Bargas, Lawrence Callender

MEMBERS ABSENT: John Brass, Joel Louque, Anthony "Tony" Rouchon, Jerry Thibeau, Dale Zuelke

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: April 16, 2013

/s/ Toni B. Guitrau

Toni B. Guitrau, Executive Secretary