

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

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

**July 16, 2013**

MEMBERS PRESENT DURING ROLL CALL: Don Thompson, Terry Louque, Ben Babin, John Brass, Russell Cornette, Anthony “Tony” Rouchon, Jerry Thibeau, Larry Thomas, Kenneth Wade Welborn, Willie George Lee, Dale Zuelke

MEMBERS ABSENT: Lawrence Callender

NOTE: Vacant Seat (EBR Parish)

ALSO PRESENT: Dietmar Rietschier, Toni Guitrau, Larry Bankston, Christopher Knotts, William Delmar, Jim Delaune,  
(Jamie Parker via conference call)

1. The meeting was called to order at 6:00 p.m. by Don Thompson.
2. Public Comments on Agenda Items: None
3. Minutes
  - The Board unanimously approved a motion by Babin second by Thibeau to approve the June 2013, regular meeting minutes as presented.
4. Financial Statement Report:
  - Rouchon presented to the Board the June 2013 General Fund and CRDC Fund financial statements. The Board unanimously approved a motion by Cornette, second by Lee to approve the June 2013 General Fund and CRDC Fund financial statements.
5. Executive Director Report
  - Profit Island: Profit Island is still under negotiation.
  - Other Mitigation:
    - A. Purchase of mitigation property from Mitigation Banks is on hold due to information provided at the USACE meeting today.
    - B. McMahon Property is in the final stages of negotiation and the Freeman property is under environmental investigation/survey.
  - Rietschier updated the Board on the following: Real Estate, Phase I/ADV., Lilly Bayou Access (Irene Rd.), US 61, demolition of structures. Genesis Pipeline is being reviewed by USACE Regulatory.
6. Non-Federal Sponsor – Mr. William Delmar, DOTD: Mr. Delmar reported on the activities worked by DOTD and its contractors. DOTD has its Utility Relocation contractor, Cardno TBE, working on Highway 61. Letter for Right of Entry have been sent to the landowners. The contractor is working quickly in the area. GCR is working on the appraisal reviews for the Advanced Acquisitions. They have informed the DOTD that the reports will start coming in later this week. Last meeting, DOTD reported that they would move forward on acquiring 40 percent of the mitigation. DOTD had a meeting with the local sponsors on July 9, 2013. After that meeting, they agreed to iron out the form and solicit proposals from all the mitigation banks. However, during a conference call meeting, today, with the USACE, they learned that the acquisition of mitigation credits would be a Project Cost. This means that the expense would be shared between the Federal and Non-Federal sponsors at the 75/25 split. However, USACE would have to contact the banks and purchase the credits.
7. Report by ARBC Legal Counsel:
  - Hearing is set for September 16, 2013 concerning various motions filed by ARBC and the Class representatives. The motions include: Motion in Limine, Exception re: concursus, Motion to compel discovery, and Motion to Quash and Protective Order.
  - Attempts are underway to have the tax money being held released. B&A will file a Writ Application with the First Circuit Court of Appeals on this issue.
  - A Status Conference was held on June 26, 2013, in which the following deadlines were established:
    - a) Discovery cutoff is January 16, 2014.
    - b) The case is set for a week long jury trial beginning on March 24, 2014.
    - c) Class attorney has now filed a Writ to the Louisiana First Circuit Court of Appeal on the issue of the Ascension Parish Sheriff Concursus. The Writ is pending. ARBC counsel has filed an opposition to the Writ.
    - d) ARBC counsel has filed Motion for Summary Judgment over the Sheriff’s Suit. If successful, the tax money held by Ascension Parish would be released to ARBC.
    - e) On June 18, 2013, B&A attended the ARBC monthly board meeting.
    - f) On July 9, 2013, B&A attended a meeting with DOTD.
    - g) B&A assisted in preparing the Management’s Discussion and Analysis.
    - h) B&A met with a representative from Resource Environmental Solutions (“RES”). RES provided information regarding its ability to supply approved mitigation bank credits for the Project.

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8. Old Business. None

9. New Business

- Resolution for Negotiations of Advanced Acquisition Properties: Said Resolution grants the ARBC Executive Director 15% flexibility to discuss with DOTD dollar amounts. The Board unanimously approved a motion by Rouchon, second by Thibeau to approve the Resolution for Negotiations of Advanced Acquisition Properties, as presented.
- Consideration to issue request for proposals concerning acquisition of mitigation credits: If done, the DOTD will be the non-federal partner that will issue the RFP(s).
- Gulf Coast Testing, L.L.C./Nelle Fruge Contract: GCT/Nelle Fruge has previously held a contract with ARBC. The Board unanimously approved a motion by Rouchon, second by Lee to approve the 2 year contract between ARBC and GCT beginning July 16, 2013, as presented.
- Bank Resolutions – Signature Cards: The Board unanimously approved a motion by Rouchon, second by Thomas to remove Bargas and add Rouchon to the Bank Signature cards. (Whitney and Capital One Banks)
- Bargas Request for Per Diem & Mileage: The Board of Commissioners was advised of Bargas' request for past per diem and mileage payments. As a result, the Legislative Auditor and legal counsel were asked to provide guidance concerning such payments. ARBC recently received a response from Jennifer Schaye, General Counsel for the Legislative Auditor, regarding this matter. Ms. Schaye informed ARBC that it is able to provide Bargas with payment for the most recent fiscal year; however, ARBC may not provide payment in connection with previous fiscal years, as those financials have been closed. Total payment for the recent fiscal year including per diem and mileage is \$1349.38 less payroll tax deductions. The Board unanimously approved a motion by Thibeau, seconded by Rouchon to make payment to Bargas for \$1349.38.

10. The Board unanimously approved a motion by Cornette, second by Thibeau to adjourn the meeting.

APPROVED:

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/s/ Don Thompson  
Don Thompson, ARBC President  
Date: August 20, 2013

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