

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, 2018

MEMBERS PRESENT DURING ROLL CALL: Ben Babin, Jerry Thibeau, David Hoover, Lionel Bailey, Willie George Lee, James Little, Edwin Parker, Larry Thomas, Don Thompson, Kenneth "Wade" Welborn

MEMBERS ABSENT: Matt Milazzo, Tamiara Wade

Vacancy: St. Helena Parish

ALSO, ABSENT: ARBC Executive Director Dietmar Rietschier

ALSO, PRESENT: ARBC Executive Secretary Toni Guitrau, ARBC Legal Counsel Larry Bankston

1. The meeting was called to order at 6:00 p.m. by Babin.
2. Prayer/Pledge of Allegiance.
3. Public Comments on Agenda Items:
4. Minutes

The Board unanimously approved a motion by Thompson, second by Thomas to approve the September regular meeting minutes, as presented.

5. Financial Statement Report

- Hoover presented to the Board the September 2018 General Fund and CRDC Fund financial statements. The Board unanimously approved a motion by Thibeau, second by Thompson to approve the September 2018 General Fund and CRDC Fund financial statements.

6. Executive Director Report by ARBC Counsel

- On October 11, 2018, there was a CRDC Project meeting at DOTD with reports from the Corps as well as DOTD, ARBC and EBR Parish. At the monthly meeting, it was said that
- DOTD is still waiting on maps that were supposed to be ready by the end of September 2018.
- Utility Relocations - American Midstream is to start construction of relocation of a pipeline in November 2018 on the west side. In-Link Pipeline is causing a delay.
- Right-of-Entry - Bankston prepared a ROE for Entergy to go onto the property. Agreements have been signed with Exxon, and they have started boring and drilling.
- Amendment #2 to the Comite River Diversion, Project Cooperation Agreement (PCA) "New Agreement" - Bankston reported that everything involving Hwy. 67 construction will fall under the old PCA. ARBC has given \$10 million to go towards that construction. Everything else will fall under the new agreement. In the new agreement, the Corps will construct the bridges and the canal part at Hwy. 61 and the railroad bridge. Everything going forward under the new agreement is going to be fully federal funded. It means ARBC still has obligations to acquire the LEERDS. ARBC and DOTD still have to front the money, but will be reimbursed. There will be a cash-flow potential issue depending on how long it takes to get reimbursed. This New Agreement came from headquarters. It will not change the role of the ARBC. The feds will be more involved in the CRDC Project because they will have the cash for that aspect. The Board reviewed the DRAFT PCA

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Amendment, Revision #2 for the CRDC Project. This document outlines the guidelines and responsibilities for each agency. It directly involves the execution of the project. In our assessment, it includes language which includes the \$10 million contributed funds by ARBC and allows DOTD to be reimbursed for construction. This DRAFT was sent to all the agencies and includes a Certificate of Authority, Non-Federal Sponsor's Self-Certification of Financial Capability for Agreements, and Certification Regarding Lobbying. The Board unanimously approved a motion by Thibeau, second by Hoover to add the item. Resolution 1143, to the agenda because the Board only meets once per month. The Board unanimously approved a motion by Hoover, second by Thibeau to approve Resolution 1143, which allows the ARBC President to execute the PCA Amendment #2 to the Comite River Diversion Canal Project, as long as it remains as it is written in the Draft form presented and/or with no subsequent deviations to the Draft as of October 4, 2018 Amendment #2 to the PCA between The Department of the Army, LA DOTD, City of Baton Rouge and Parish of East Baton Rouge, and Amite River Basin Drainage and Water Conservation District.

- Bankston reported that at the DOTD meeting on October 11, 2018, he stressed it was important that DOTD be able to do expropriations of property on someone who is not willing to sell, instead of the USACE. It would be more financially beneficial to property owners if the DOTD did the expropriations. This decision has not been made. Also, the USACE estimated the O&M cost of maintenance of the CRDC to be approximately \$600,000-700,000 annually. The O&M is an EBR City-Parish obligation. There has been discussion of ARBC entering into a CEA with EBR City-Parish so that ARBC could provide the O&M of the CRDC.
 - At the October 11, 2018 DOTD meeting, it was suggested that ARBC postpone the execution date of the demolition contract with American Construction and Demolition until after the reimbursement agreement is done so that ARBC may be fully reimbursed. At the recommendation of Bankston, the Board unanimously approved a motion by Thomas, second by Parker to extend the execution of the demolition contract between ARBC and American Construction and Demolition for an additional 30 days.
 - DOTD Report – William Delmar, with DOTD, reported on the CRDC Project. DOTD is currently working on acquiring the construction servitude associated with the north shoofly tie ins at the US61 and the permanent servitude needed for the Barnett Road relocation. Utility relocation designs are ongoing at this time. DOTD is working with the utilities to provide any assistance needed to expedite design and construction. Orx and ExxonMobil are both doing survey work the week of 10.15, and ExxonMobil will be doing two geotechnical borings between now and the end of the month. Right of Entry for survey and geotech will be submitted by Marathon and Entergy by the end of the month. DOTD is developing the design contract for LA 964, and the documents needed for advertisement for LA67 and LA19 along with the rail bridge are also under development.
 - CEA between ARBC and EBR Parish concerning the dirt at Lilly Bayou - Bankston reported that the agreement was signed. City-Parish is currently preparing an excavation plan.
7. ARBC Legal Counsel – see report above

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8. Old Business: None
9. New Business: None
10. The Board unanimously approved a motion by Lee, second by Thomas to adjourn the meeting at 6:35 pm.

APPROVED:

/s/ Ben Babin, ARBC President

/s/ Toni B. Guitrau, Executive Secretary