November 16, 2023

OFFICIAL PROCEEDINGS OF BOARD OF COMMISSIONERS OF

CADDO LEVEE DISTRICT

AT REGULAR MEETING HELD ON NOVEMBER 16, 2023

-- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- ---- -- -- -- -- -- -- -- -- ---- -- -- -- -- -- -- -- -- ---- -- -- -

At a regular meeting of the Board of Commissioners of the Caddo Levee District held at 10:00 a.m., November 16, 2023, at 1320 Grimmett Drive, Shreveport, Louisiana, the following members were present: Patrick Harrison, Kandi Moore, James T. Sims, Jackie Baker, Willie Walker, Gary Procell, and Carolyn C. Prator.

Ronald F. Lattier, Law Offices of Ronald F. Lattier; Marshall Jones, J. Marshall Jones JR., (APLC) a Professional Law Corporation; Joshua Monroe, E.I., LA Department of Transportation; Patrick Furlong; P.E., Ali M. Mustapha, P.E., Executive Director; Penny Adams, Assistant Executive Director, and Sam Brimer, Forester were also present. Mrs. Lenora Krielow, CPA, CFF, attended via Zoom.

The meeting was opened with a prayer and the Pledge of Allegiance.

President Harrison asked for any comments from the public regarding agenda items or other issues. There were no public comments.

The Board unanimously approved amending the meeting agenda by shifting items down at Item 24., and adding an **Item, Patrick Furlong; P.E., to speak before the Board,** with a motion by Mr. Sims and a second by Mrs. Moore.

President Harrison stated that the minutes from the October 12, 2023, meeting had been emailed for review and asked for a motion to approve. Mr. Procell made a motion, with a second by Mr. Walker, to approve the minutes from the October 2023 meeting. The motion unanimously passed.

Mrs. Moore discussed the monthly financial reports, and she reported that the District’s operating transactions were in line with monthly averages for this time of year. She explained the expenses included payment for the audit, fuel, and capital levee projects and the income accumulated from CD interest and oil & gas royalties.

The Board reviewed payments and invoices for the month of October 2023 and subsequent bills for the month of September 2023. Mrs. Moore made a motion, with a second by Mr. Baker, to ratify payment of the invoices for the month of October 2023 and subsequent bills for the month of September 2023. The motion unanimously passed.

Mrs. Lenora Krielow, CPA, CFF, reported via Zoom on Caddo Levee District’s 2022-2023 fiscal year Financial Audit Report and the District’s Financial Statement. Mrs. Krielow reported that the audit was conducted under the same procedures as the previous years with a peer review this year. The report resulted in NO Findings.

The Board unanimously approved the following resolution, with a motion by Mr. Sims and a second by Mr. Walker for adopting the changes created by Act 393 of 2023 to the Open Meetings Law that apply to all State and local bodies:

*WHEREAS, Act 393 (Senate Bill 201) of the 2023 Regular Session of the Legislature made significant changes to the Open Meetings Law and created a new non-emergency exception that is available only to certain boards and commissions; and*

*WHEREAS, the changes created by Act 393 to the Open Meetings Law apply to all State and local bodies; and*

*WHEREAS, these changes are directed to public participation and Board member participation in meetings and are directed toward those members of the public and board members who have disabilities recognized by the Americans with Disabilities Act (ADA); and*

*WHEREAS, the new non-emergency exception to the Open Meetings Law authorizes certain boards and commissions to conduct 1/3 of their meetings electronically.*

*NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Caddo Levee District adopts the following policy to accommodate members of the public and board members who have disabilities recognized by the Americans with Disabilities Act (ADA) or their caretakers: “A member of the public and a board member who have disabilities recognized by the Americans with Disabilities Act who desires to attend a Board of Commissioner regular or Committee meeting should notify the Board’s Executive Director by email or by US mail a minimum of 48 hours prior to the date of the scheduled meeting and provide a proof of disability recognized by ADA regulations and policies or the caretakers”. A member of the public and a board member who has met the ADA policy requirements will be notified 24 hours before the meeting of the available electronically methods (Zoom Video Meeting and voice teleconference) with instructions on how to join the meeting, a board members who has met the ADA policy and is attending the meeting electronically counts toward a quorum and may participate and vote in meetings, R.S. 42:17.2.1(A).”*

Ronald F. Lattier recused himself from offering an opinion to Caddo Levee District regarding the RRWC lease agreement for a portion of the Soda Lake WMA. The Board unanimously approved the lease agreement with the Red River Waterway Commission for 108.80 acres of land use for the Soda Lake area tract, for 3-years, starting March 1, 2024, through February 28, 2027 with a motion from Mr. Procell and a second by Mr. Walker, as follows:

*WHEREAS, the Red River Water Way Commission, herewith referred to as RRWC, purchased a property, 450+ acres, located along the West property line of Caddo Levee District’s (CLD) property know as Soda Lake Property currently leased to Louisiana Department of Wildlife and Fisheries (LDWF) for use as part of the Soda Lake Wildlife Management; and*

*WHEREAS, the RRWC desires to use the 450 acres for developing a public recreation park; and*

*WHEREAS, the RRWC desires to lease a small portion (108.80 acres area) of the Soda Lake property currently leased to LDWF, located along the East property line of the RRWC 450 acre tract as shown on the attached map with a legal description shown for incorporation into the public recreation park; and*

*WHEREAS, the LDWF has no objection and is willing to release the 108.80 acres area from the current leased Soda Lake Property area effective February 1st, 2024, and allow the RRWC to lease the 108.80 acres for the use to develop, operate, and maintain the public recreational park (LDWF letter dated November 1st, 2023, attached to this Resolution).*

*NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Caddo Levee District, in legal session convened, that it does hereby agree to lease the 108.80 property to the Red River Waterway District for a recreation park area at the following described property:*

*A certain piece, parcel or tract of land lying and situated in Caddo Parish, Louisiana, in Sections 4, 5, 9 and 10, Township 19 North, Range 15 West, Northwestern Land District, Louisiana and more of less particularly described as follows:*

*Beginning at the Southeast Corner of the North Half (N ½) of the North Half (N ½) of Section 9, Township 19 North, Range 15 West, Caddo Parish, Louisiana, marked by a concrete monument as shown on a Plat of Survey, by James Cody Goodwin, Professional Land Surveyor Reg. No. 5038, dated November 15, 2022, thence run South 89°10’02” East for a distance of 377.89’ feet to a concrete monument, as shown on said plat of survey along the South Line of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 10, Township 19 North, Range 15 West to a POINT OF BEGINNING; thence run along the survey line North 32°88’42” West for a distance of 789.01’ feet to a 1½ inch iron pipe; thence continue along the survey line North 32°58,46” West a distance of 824.34’ to a 5/8 inch iron rebar, shown to be on the Section Line between Section 4 and Section 9; thence continue along the survey line North 42°56’21” West for a distance of 858.01’ feet to a concrete monument; thence continue along the survey line North 31°39’50” West for a distance of 497.08’ feet to a concrete monument; thence continue along the survey line North 39°30’21” West for a distance of 1,885.79’ feet to a 5/8 inch iron rebar; thence continue along the survey line North 46°48’09” West for a distance of 462.0’ feet to a concrete monument; thence continue along the survey line North 29°54’29” West for a distance of 972.08’ feet to a concrete monument; thence continue along the survey line North 68°15’17” West for a distance of 1,393.33’ feet to a concrete monument; thence continue along the survey line North 52°27’27” West for a distance of 606.45’ feet to a 5/8 inch iron rebar and shown to be on the Section Line between Section 4 and Section 5; thence continue along the survey line North 55°41’38” West for a distance of 788.15’ feet to a concrete monument; thence continue North 55°41’38” West for a distance of 900.40’ feet to a concrete monument on the North Line of Section 5, Township 19 North, Range 15 West; thence continue along the North line of Section 5, South 88° 32’ 32” East for a distance of 1,433.20’ feet, more or less to the Northeast (NE) Corner of Section 5, Township 19 North, Range 15 West; thence continue for a distance of 300 feet +/- along the North line of Section 4, Township 19 North, Range 15 West to the center line of 50 foot wide right of way for a “60 Inch Raw Water Transmission Main”, referenced on Instrument No. 539510, dated July 28, 1971 of the records of Caddo Parish and shown on the plat of survey attached to said instrument; thence continue along said center line of said right of way South 0°30’ East for a distance of 355.0 feet +/-; thence continue along center line of said right of way South 30°00’ East for a distance of 1,260.00 feet +/-; thence continue along said center line of said right of way South 68°00’ East for a distance of 914.40 feet +/-; thence continue along center line of said right of way South 52°55’ East for a distance of 1,385.30 feet +/-; thence continue along center line of said right of way South 43°00’ East for a distance of 566.00 feet +/- ; thence continue along center line of said right of way South 59°00’ East for a distance of 425.00 feet +/-; thence continue along center line of said right of way South 35°32’ East for a distance of 4,380.60 feet +/-: to a point on south line of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), Section 10, Township 19, North, Range 15 West; thence continue North 89°10’02” West for a distance of 700.0 feet +/- along the south line of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 10, Township 19 North, Range 15 West, BACK TO THE POINT OF BEGINNING, containing 108.80 acres +/-, being more particular shown highlighted in yellow on the attached Exhibit A, being an aerial map, prepared by the Red River Waterway Commission.*

The Board discussed and unanimously approved a motion by Mrs. Moore and a second by Mr. Sims on the renewal of Certificate of Deposit currently held by Home Federal Bank and maturing on November 17, 2023 for a 24 - months term at the rate of 4%.

The Board discussed the renewal of Certificate of Deposit currently held by Hancock Whitney Bank to mature on November 23, 2023. The Board unanimously approved a motion by Mr. Sims and a second by Mr. Walker for a 24 - months term with Hancock Whitney Bank in US Treasury Bonds at the rate of 4.75%.

The Board unanimously approved the request from Stephen Hoff to advertise for bid for grazing purposes: Tract #1-Approximately 146 acres located in E/2 of SE/4 of Sec 1,T19N, R16W, less road; NE/4 of NE/4 of sec 12, T19N, R16W; and NW/4 of NW/4 of Sec 7, T19N, R15W, less KCS & G Railroad with a motion by Mrs. Moore and a second by Mr. Walker.

The Board unanimously approved the transfer of Campsite Permit from Mary Jean Roddey to Benton H. Land for approximately one (1) acre known as Lot# 49 on Caddo Lake located in Section 35, T21N, R16W, Caddo Parish, Louisiana with a motion by Mr. Sims and a second by Mr. Baker.

The Board unanimously approved the transfer of Campsite Permit from Charles Harris to Richard Burns for approximately one (1) acre known as Lot# 104 with 100 feet of water frontage located on Black Bayou in NW/4 of SW/4 of NW/4 of Section 23, T22N, R15W, Caddo Parish, Louisiana with a motion by Mrs. Moore and a second by Mr. Procell.

The Board unanimously approved the transfer of Campsite Permit from Jere Brannon to Joseph Glenn Turner for approximately one (1) acre known as Lot#162 located on Black Bayou in Section 8, T22N, R15W, Caddo Parish, Louisiana with a motion by Mr. Sims and a second by Mr. Walker.

The Board considered the renewal of contract for professional/legal services with Ronald F. Lattier. The Board unanimously approved the following resolution to approve the professional legal services contract for Mr. Ronald F. Lattier of The Law Offices of Ronald F. Lattier for December 1, 2023, through June 30, 2024, with a motion by Mr. Sims and a second by Mr. Walker:

*WHEREAS, the Board of Commissioners of the Caddo Levee District is presently engaged in extensive and continuing operations in conjunction with various State, Parish, City and Federal Agencies relating to drainage and flood control programs in Caddo Parish, Louisiana; and,*

*WHEREAS, the Caddo Levee District is financially involved in numerous legal matters arising out of these operations and required legal advice and assistance during regular and special meetings and at various other times regarding these matters; and,*

*WHEREAS, abstracts of title to lands either belonging to the Caddo Levee District or involved in its projects, from time to time need examining; and,*

*WHEREAS, it is anticipated that said Board will be occasionally involved in lawsuits and the resolution of these suits require special legal counsel; and,*

*WHEREAS, the District Attorney of Caddo Parish, the Board's legally designated counsel, is involved in extensive prosecution of criminal matters in Caddo Parish, and does not have a sufficiently large staff to adequately handle the legal affairs of the Board; and,*

*WHEREAS, by the Board of Commissioners of the Caddo Levee District that in view of the real and urgent necessity of present and future special legal counsel, that The Law Offices of Ronald F. Lattier be retained as Special Counsel for one year beginning December 1, 2023 and ending June 30, 2024, at a stipulated fee in accordance with professional service contract submitted herewith, subject, however, to the approval of the proper officials of the State of Louisiana, at a rate as follows:*

1. *A fee of $175.00 per hour for attorneys having experience of ten years or more in the practice of law.*
2. *A fee of $150.00 per hour for attorneys having experience of five to ten years in the practice of law, $125.00 per hour for attorneys having experience of three to five years in the practice of law, $100.00 per hour for attorneys having experience of less than three years in the practice of law, $45.00 per hour for paralegal services, and $25.00 per hour for law clerk services.*
3. *Notwithstanding the foregoing fee schedule, State will pay a fee of $100 per hour for all approved non-local (more than 30 miles one way) automobile travel by attorneys.*

*WHEREAS, the Board of Commissioners of the Caddo Levee District, pursuant to La. R.S. 42.262, does hereby retain and employ The Law Offices of Ronald F. Lattier as special counsel; and*

*NOW, THEREFORE BE IT RESOLVED, that the President or Vice President of the Board is especially authorized to enter into, on behalf of the Board, the said Professional Service Contract submitted herewith.*

*BE IT FURTHER RESOLVED that this Resolution and proposed contract described herein be submitted to the Attorney General for the State of Louisiana for approval.*

*The resolution having been submitted to a vote; the vote thereon was as follows:*

*YEAS: 7 ABSENT: 0*

*NAYS: 0 NOT VOTING: 0*

The Board considered the renewal of contract for professional/legal services with J. Marshall Jones, Jr. The Board unanimously approved the following resolution to approve the professional legal services contract for J. Marshall Jones, Jr. of J. Marshall Jones JR., (APLC) a Professional Law Corporation for December 1, 2023 through June 30, 2024, with a motion by Mrs. Moore and a second by Mr. Procell:

*WHEREAS, the Board of Commissioners of the Caddo Levee District is presently engaged in extensive and continuing operations in conjunction with various State, Parish, City and Federal Agencies relating to drainage and flood control programs in Caddo Parish, Louisiana; and,*

*WHEREAS, the Caddo Levee District is financially involved in numerous legal matters arising out of these operations and required legal advice and assistance during regular and special meetings and at various other times regarding these matters; and,*

*WHEREAS, abstracts of title to lands either belonging to the Caddo Levee District or involved in its projects, from time to time need examining; and,*

*WHEREAS, it is anticipated that said Board will be occasionally involved in lawsuits and the resolution of these suits require special legal counsel; and,*

*WHEREAS, the District Attorney of Caddo Parish, the Board's legally designated counsel, is involved in extensive prosecution of criminal matters in Caddo Parish, and does not have a sufficiently large staff to adequately handle the legal affairs of the Board; and,*

*WHEREAS, by the Board of Commissioners of the Caddo Levee District that in view of the real and urgent necessity of present and future special legal counsel, that J. Marshall Jones JR., (APLC) a Professional Law Corporation be retained as Special Counsel for one year beginning December 1, 2023 and ending June 30, 2024, at a stipulated fee in accordance with professional service contract submitted herewith, subject, however, to the approval of the proper officials of the State of Louisiana at a rate as follows:*

1. *A fee of $175.00 per hour for attorneys having experience of ten years or more in the practice of law.*
2. *A fee of $150.00 per hour for attorneys having experience of five to ten years in the practice of law, $125.00 per hour for attorneys having experience of three to five years in the practice of law, $100.00 per hour for attorneys having experience of less than three years in the practice of law, $45.00 per hour for paralegal services, and $25.00 per hour for law clerk services.*
3. *Notwithstanding the foregoing fee schedule, State will pay a fee of $100 per hour for all approved non-local (more than 30 miles one way) automobile travel by attorneys.*

*WHEREAS, the Board of Commissioners of the Caddo Levee District, pursuant to La. R.S. 42.262, does hereby retain and employ J. Marshall Jones JR., (APLC) a Professional Law Corporation as special counsel; and*

*NOW, THEREFORE BE IT RESOLVED, that the President or Vice President of the Board is especially authorized to enter into, on behalf of the Board, the said Professional Service Contract submitted herewith.*

*BE IT FURTHER RESOLVED that this Resolution and proposed contract described herein be submitted to the Attorney General for the State of Louisiana for approval.*

*The resolution having been submitted to a vote; the vote thereon was as follows:*

*YEAS: 7 ABSENT: 0*

*NAYS: 0 NOT VOTING: 0*

Marshall Jones reported that crude oil and natural gas prices will continue to rise. Mr. Jones also presented to the Board a draft agreement with PermCap LLC for review. The Board discussed and unanimously approved a motion by Mrs. Prator and a second by Mrs. Moore to approve the agreement with PermCap LLC for the assignment of two (2) wells located on District property to capture carbon credits, while they plug and abandon the wells, contingent upon Mr. Jones will seek the necessary bids to update the agreement with language for liquidated damages.

There was no President’s Report, but Mr. Harrison expressed his appreciation to the Personnel Committee for their recent work for the District.

Mr. Mustapha reported that construction on the new West Agurs Pump Station Project has the steel framing and force main piping system completed, and delivery of the electrical control panels and the mechanical equipment has arrived for the projects continuation. A change order and partial payment will be made for the partial work that has been completed.

Mr. Mustapha also reported that Mr. Kevin Bryan, AIA, has presented three (3) qualified building contractors quotes under $250,000 for the design of the exterior walls of the Office Building rehabilitation and repairs. The Board decided a construction meeting would be scheduled for next Tuesday, November 21, 2023 at 2:00PM to further review the necessary materials and repairs.

Mr. Mustapha provided an update on the Boat Launch to be located South of the Twelve Mile Bayou Levee, East of the Bayou crossing of I-49. A permit for the access route over the Twelve Mile Bayou Levee Segment has been submitted and is currently under review.

Mr. Mustapha also provided an update on the status of the Red River Navigation Feasibility Study Project (Shreveport to Texarkana). Freese and Nichols, Inc. has planned a public meeting in Texarkana with further details, if interested, to be emailed to the Board.

Mr. Mustapha reported that James Construction Group has completed Jimmy Davis (LA 511) Red River Bridge crossing replacement survey work with no effects found to impact the Red River - Caddo South Levee Segment.

The Caddo Levee District Board of Commissioners thanked Mr. Mustapha for his many years of service and dedication as the Administrator.

There was no Legal Committee Report.

There was no Forester’s Report.

Mr. Monroe reported he was reviewing several permits submitted to the DOTD by the District and will get them all processed and completed in upcoming weeks.

There was no Legal Committee Report.

There was no Equipment Committee Report.

There was no Recreational Committee Report.

Mr. Furlong expressed appreciation for being considered for the position of Executive Director before the Board. He explained that his professional and personal experiences make him an ideal candidate to fill the position. He offered to answer any questions that the Board might have before making their final decision.

Mr. Sims on behalf of the Personnel Committee made a motion, with a second by Mrs. Moore, to enter an Executive Session to discuss personnel matters. The motion unanimously passed.

After the discussion of the Personnel matters, Mrs. Prator made a motion, with a second by Mr. Sims, to exit the Executive Session. The motion unanimously passed.

Mr. Harrison reported that the Personnel Committee discussed with the Board the recommendation of job offers, for each, Sam Brimer and Patrick Furlong. Personnel Committee Chair, Mrs. Moore, expressed gratitude for everyone’s support during several meetings and the final consideration process.

The Board unanimously approved the Personnel Committee’s recommendation to offer Patrick Furlong the position of Executive Director with a motion by Mrs. Prator and a second by Mr. Sims.

The Board unanimously approved the Personnel Committee’s recommendation to offer Sam Brimer a job title change that is better matched to his actual job duties by creating a new position through the Civil Service and create an Executive Director Succession Plan for him with a motion by Mrs. Prator and a second by Mr. Sims.

With no further business to be brought before the Board, Mrs. Prator made a motion to adjourn, with a second by Mr. Procell. The motion unanimously passed, and the meeting was adjourned.

President