**REGULAR MEETING**

**June 5, 2019**

The Board of Commissioners for the Lafourche Basin Levee District met this day in regular session at its official domicile at 21380 Highway 20 in Vacherie, Louisiana and was called to order by its President, James P. Jasmin, at 6:00 P.M.

Present: Commissioners…President James P. Jasmin, St. James Parish; Craig Carter, Assumption Parish; Stanley Folse, St. James Parish; Jeffery Henry, Ascension Parish; Whitney Jasmin, Jr., St. John the Baptist Parish; Russell Loupe, St. Charles Parish; Eric Matherne, St. Charles Parish; Michael McKinney, Sr., Ascension Parish; Gary Watson, St. John the Baptist Parish; Kevin Hebert, St. Charles Parish and Marlin Rogers, St. Charles Parish were present.

A quorum was present to conduct business.

Messrs. Larry Buquoi, Attorney; Donald Ray Henry, Executive Director; Ivy Chauvin, Sr., Assistant Executive Director and Konetha LaGrange, Administrative Assistant 2 were present.

The meeting opened with a prayer and the pledge of allegiance to the flag.

There were no audience comments in reference to agenda items.

On motion of Commissioner Craig Carter, seconded by Commissioner Michael McKinney, Sr., no discussion, no public comments and unanimously approved, the minutes of the Regular Meeting of May 6, 2019 be accepted and filed in the minutes of the Board.

On motion of Commissioner Jeffery Henry, seconded by Commissioner Craig Carter, no discussion, no public comments and unanimously approved, the following cash available for distribution of the month of May 31, 2019 be accepted and filed in the minutes of the Board.

**FIRST AMERICAN BANK:**

**Checking account balance May 2019 181,842.39**

**Deposits: Revenues/Refund 977,179.12**

**Matured D-Notes 0 .00**

**Interest on Checking 17.15**

**Total Cash Available $ 1,590,038.66**

**Cash Disbursements: Operating Expenses 1,127,296.62**

**Funds Transferred Lamp 0.00**

**FIRST AMERICAN BANK BALANCE May 31, 2019 31,742.04**

**INVESTMENTS: Discount Notes/Bonds 10,745,844.71**

**TOTAL BOOK BALANCE FOR: May 31, 2019 $ 10,777,586.75**

On motion of Commissioner Stanley Folse, seconded by Commissioner Marlin Rogers, the following resolution was proposed and unanimously adopted.

BE IT RESOLVED, that the following changes will take place for the July monthly meetings:

Regular Meeting will be held on July 10, 2019

Finance Meeting will be held on July 17, 2019

Committee Meeting will be held on July 24, 2019

On motion of Vice-President Eric Matherne, seconded by Commissioner Russell Loupe, the following resolution was proposed and unanimously adopted.

BE IT RESOLVED that the Board of Commissioners authorize the President, James P. Jasmin, to sign the letter to Pricilla Rivet concerning the fence on her property.

A discussion took place. Vice-President Eric Matherne stated that Ms. Rivet was the last resident that approved the servitude but never received a certified letter signed by President James P. Jasmin yet. Her fence will need to be taken down and there are some things about the tree that he wanted to speak to the attorney, Larry Buquoi, about. President Jasmin stated that he should say it now while everyone was present. Vice-President Matherne stated that it’s best to wait to put the fence back up because the tree will need to be cut down. When the tree gets cut down, it will fall on Ms. Rivet’s property so it will be best to wait until after the removal of the tree to replace the fence. A letter should be drawn up, for legal reasons, that states Ms. Rivet will give permission for the levee district to remove the tree from her property. Mr. Buquoi asked if she will dispose of the tree. Vice-President Matherne said no, we want the tree. It’s our tree. President Jasmin asked Assistant Executive Director, Ivy Chauvin, if he seen the area concerning the tree and fence. Vice-President Matherne stated that it was Sean Webre and himself that visited the area. President Jasmin asked Mr. Chauvin if he was up to par with this subject. Mr. Chauvin stated that one of his concerns is the power line that is near the tree. Commissioner Kevin Hebert stated Entergy can come out for free or to get a tree cutting service to cut the tree down and Entergy can sign a waiver pertaining to the electrical hazards that would be involved. Sam Scholle stated that the Board should make sure they had the right servitude lines because the line has shifted three feet since the first survey of the lines were taken. Vice-President Matherne made a motion to allow the President of the Board to sign the documents to take down the fence and tree. Mr. Buquoi asked if she signed something to give us permission for that yet. Vice-President Matherne said no, we have to send her the papers. She never signed anything, and she also never received anything. Mr. Buquoi responded with, oh, ok, I hope not. Vice-President Matherne said he gave her a copy of what she’s going to get. Mr. Buquoi asked who’s preparing whatever it is she’s going to be signing. Mr. Chauvin responded, at the behest of Vice-President Matherne, and said Ms. Jane Dufour. President Jasmin asked Executive Director Donald Henry if he can update the Board on this subject. Mr. Henry stated that it was made clear that a contractor would have to be hired to cut the tree down but the fence is the issue right now, the motion is about the fence and that is what should be discussed. Mr. Buquoi asked if Ms. Dufour has the paperwork regarding the fence. Vice-President Matherne said yes, and informed Mr. Buquoi that the only paperwork he needed from him was for the access to get to the property when the tree gets cut down. President Jasmin stated that right now, the only concern is the fence. He stated that there is a motion for the removal of the fence. Vice-President Matherne said he made a motion to allow the President to sign documentation that says all of that. It was seconded by Commissioner Russell Loupe and passed by unanimous vote.

On motion of Commissioner Craig Carter, seconded by Commissioner Michael McKinney, Sr., the following motion was proposed and unanimously adopted.

BE IT RESOLVED that the Board of Commissioners approve the revised Personnel Policy.

President Jasmin asked Mr. Henry if he had any comments about the revised policy. Mr. Henry stated that the old policy is included in the new policy. It was improved upon by adding progressive discipline and all the upgraded civil service policies. Going forward, after it has been approved, if the Board sees something that will need to be changed, the policy can be amended. Commissioner Craig Carter made the motion to approve the revised Personnel Policy, seconded by Commissioner Michael McKinney, Sr., it was passed by unanimous vote.

On motion of Vice-President Eric Matherne, seconded by Commissioner Russell Loupe, the following motion was proposed and unanimously adopted.

BE IT RESOLVED that the Board of Commissioners approve the motion to take no action on the request from St. Charles Parish to host its annual Independence Day Celebration.

Vice-President Matherne stated he would like to make a motion. President Jasmin said before any motion is made, he would like the Board to understand that there are legal ramifications with this that was brought up. He knows that the Board approves this event every year but this time, there’s high water. Vice-President Matherne said he spoke to parties at the EOC. They stated there would be no issue with St. Charles proceeding with the fireworks display and the height of the water in the Mississippi River would not matter. President Jasmin asked if the Corps was aware that they would have to submit that in a letter to CPRA? He stated there was a letter from CPRA. Mr. Buquoi proceeded to read the information pertaining to the regulation stipulated by CPRA. After the reading, Commissioner Stanley Folse stated that we have been under a state of emergency for a few months and there are a lot of things that can go wrong. He said he is against any activities on the levee at this time because of the danger. He also stated that maybe there should be a Special Meeting for all parties involved. President Jasmin stated he would not have a problem with that as long as everything is compliance with CPRA before the fireworks celebration. President Jasmin asked for the other commissioners’ comments. Commissioner Jeffery Henry stated that during a time of flooding, Donaldsonville set off their fireworks from the cane field when they could not use the levee. Commissioner Kevin Hebert stated that he received a call from the director of PLD about trucks traversing our levee. He informed Mr. Chauvin of the situation. He also stated that he rode the River Road from Luling to Donaldsonville and seen many vehicles using the levee and people fishing from the levee. Mr. Chauvin stated that when this happens, LBLD informs them that they have to leave off the levee. President Jasmin also stated that the sheriff’s office is notified as well. Mr. Chauvin also stated that the Corps is informed of the trucks crossing the levee to the sandpits. They have a certain weight limit that applies to every levee, not just ours. Mr. Donald Henry stated it is our job to follow all rules and regulations which is why he included all the information in the folders so that the Board can make an informed decision. Larry Buquoi stated he would like to point out to the Board that the protocol will need to be followed and the responsible parties can be informed of the correct steps to take in this matter. Vice-President Matherne informed the Board that he would make sure the responsible parties would receive the information. Commissioner Gary Watson stated that St. John Parish puts their fireworks on a barge in the river. He stated that it should be considered as a suggestion to keep traffic off the levee. Vice-President Matherne said he was told the Corps had no problem because it was a U-Haul truck with a trailer, and that is where the fireworks would be set off from. Mr. Buquoi stated that it would be helpful that if a picture is included in the application which would further help the Board make an informed decision. Commissioner Folse stated that we really don’t know what will happen. Commissioner Hebert said he does know how they will set off the fireworks. Commissioner Folse informed Commissioner Hebert that he still had the floor, and Commissioner Folse also stated he would like to make the motion to table the discussion until all information was in. Commissioner Craig Carter seconded his motion. Commissioner Hebert stated that the subject can still be discussed. A discussion took place on whether or not the Board can continue to discuss a subject after a motion was made and seconded. President Jasmin called for a roll call vote on Commissioner Folse’s motion to table it.

* S. Folse – yes
* G. Watson – no
* J. Henry – no
* C. Carter – no
* R. Loupe – no
* E. Matherne – no
* W. Jasmin – no
* M. Rogers – no
* M. McKinney - no
* J. Jasmin – no

The motion did not pass.

President Matherne made a motion to further discuss the item. Commissioner Hebert seconded. President Jasmin called for a vote. It was passed with a unanimous vote.

Further discussion took place. President Jasmin stated that until the Board hears anything from Vice-President Matherne, no action will be taken. Once the requirements are met, as the attorney directed the Board, President Jasmin stated he does not see any reason why permission couldn’t be granted. In the event it’s not, it will not be granted. Mr. Buquoi stated once the information is gathered and sent to CPRA and to the Board, then at that point, another meeting will have to be called, which will be a Special Meeting, and decide yay, nay, or get with CPRA. Commissioner Jeffery Henry asked if the other parishes had to comply with this. President Jasmin stated yes, they will if they want to use the levee. Mr. Buquoi stated that everyone will have to comply because of the state of emergency.

Vice-President Matherne made the motion to take no action on this item. It was seconded by Commissioner Russell Loupe. President Jasmin called for a vote. It was unanimously passed.

On motion of Commissioner Craig Carter, seconded by Commissioner Jeffery Henry, the following motion was proposed and unanimously adopted.

BE IT RESOLVED that the Board of Commissioners authorize the staff to hire one Mobile Equipment Operator 2 position.

On motion of Commissioner Stanley Folse, seconded by Commissioner Craig Carter, the following motion was proposed and unanimously adopted.

BE IT RESOLVED that the Board of Commissioners gives authorization to advertise for the acceptance of bids for a 2019 Ford F-150 4x4 Crew Cab Pick-Up as per the approved 2019 budget.

Mr. Mike Chopin with Burk-Kleinpeter gave an update on the Upper Barataria Project. He stated that CPRA has approved all fees associated with the surveying and geotechnical engineering but is currently waiting for the intergovernmental agency agreement. Some of the work has been done, but the rest of the work can not be completed until the agreement is done. As for the Sunset surveying, Mr. Oniel Marbrough stated that they are ahead and will be completed soon. The information should be turned in to the Levee Board on June 7th. Mr. Sam Scholle gave an update to what is being accomplished that will add to the levees under the Upper Barataria Project.

Mr. Buquoi stated he is still working out the procedure with the lawyer that represents the Board with the lawsuit of Mr. Whitney Jasmin. The Board does not need an executive session to talk about things. Depositions have already been taken on this case. There will be additional depositions to be taken. They have filed interrogatories in the case. Interrogatories are questions that you get to ask the other side. They, on our behalf, have asked questions to the other side and are now awaiting the answers. The attorney is also awaiting the ethical records that have been requested. That is where we are right now so there is no need to have an executive session at this time. The attorneys will put the procedures together and an executive session will take place at the next Regular Meeting in July. The attorney will not be at LBLD for the executive session. He will teleconference in and/or give Mr. Buquoi a detailed report to submit to the Board on his behalf. The Board can review the report but when done, return the report back over to Mr. Buquoi. Copies of the report will not be allowed to be made or distributed. Once reviewed, Mr. Buquoi will destroy it. Mr. Donald Henry will not be able to attend the executive session. Mr. Buquoi believes that Mr. Whitney Jasmin will not be able to attend as well. So at that point, Mr. Buquoi will have the procedure ready for the Board to follow. Mr. Buquoi reminded the Board that the executive session is confidential and the information is not to be shared with anyone. Commissioner Loupe inquired about the other lawsuit with the secretary. Mr. Buquoi said there is no news at all, it’s not moving forward. Mr. Donald Henry stated the EEOC never responded. Mr. Buquoi said that that was correct, they didn’t. Mr. Buquoi stated he spoke to Sara (Long) a while back to ask about the EOC complaint, and she said she placed a call and informed him that there were no changes.

Commissioner Stanley Folse made a motion to adjourn and Commissioner Russell Loupe seconded his motion.

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PRESIDENT

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06/12/2019