

May 21, 2012

The regular monthly meeting of the Board of Commissioners of the Bayou Lafourche Fresh Water District was held on Monday, May 21, 2012 at 5:00 a.m. at the Water District office, 1016 St. Mary Street, Thibodaux, LA

Present were: Hugh Caffery, Chairman Ron Animashaun
Gene Harrell, Vice-Chairman Dr. Darby Chiasson
Robert Thibodaux, Secretary/Treasurer Larry Dugas

Absent: Jake Giardina and Greg Nolan

Also present were: Arthur DeFraithe, Jr., Engineer; Barry Marionneaux, Attorney
Alma Robichaux and Kerry St. Pe', BTNEP; Stevie Smith, All South Engineers; Leslie Suazo
David Plater; Nick Porto; Jerry Waguespack; Stacy Sagona; Ed Harlan; Robert Mire
Archie Chaisson, Jr., Director; Jana Langley, Administrative Coordinator

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Larry Dugas and unanimously approved to go into Executive Session at 5:00 p.m. to discuss litigation entitled Byron Latino vs. Bayou Lafourche Fresh Water District, et al, Parish of Ascension, State of LA, Docket Number 00102574C, and Eric Weil, et al vs. Bayou Lafourche Fresh Water District, et al, Parish of Ascension, State of LA, Docket Number 00102631C.

Moved by Commissioner Larry Dugas, seconded by Vice-Chairman Gene Harrell and unanimously approved to return to Regular Session at 5:25 p.m.

Moved by Commissioner Dr. Darby Chiasson, seconded by Commissioner Ron Animashaun to dispense with the reading of the minutes, and approve the minutes of April 10, 2012 and April 16, 2012. Motion carried unanimously.

Moved by Commissioner Ron Animashaun, seconded by Commissioner Larry Dugas to approve the accounts payable for April. Motion carried unanimously.

Moved by Commissioner Robert Thibodaux, seconded by Commissioner Dr. Darby Chiasson to approve the Master Plan for the Future of Bayou Lafourche dated May 2012 presented by All South Consulting Engineers. Motion carried unanimously.

Chairman Hugh Caffery advised that Archie and he have been talking about a vessel to move around our tree cutting barge, and Archie prepared a report.

Mr. Chaisson showed pictures of a propulsion unit that attaches to the barge. He advised that the propulsion unit is hydraulic powered. It has 360 degree rotation and it turns a 24 inch prop on the bottom, and it steers just like a boat. Mr. Chaisson stated that the cost of the whole package is roughly \$140,000. Chairman Caffery asked if the excavator would be able to pick up the propulsion unit, and Mr. Chaisson answered that it should be no problem.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Dr. Darby Chiasson and unanimously approved to authorize Archie Chaisson to prepare the bid package for the propulsion unit that will be attached to the barge in order to move the barge around to cut trees.

BAYOU OPERATIONS

CREWS: The harvesters were moved north of St. John, and are cutting in the parish line area this week. On harvester #1 we had to replace the hydraulic pump that went out. The tug is working the area between Thibodaux and St Charles. It has been busting lily jams at the bridges and chopping the hydrilla. We have one crew spraying herbicides on the lilies and paspalum north of the Tiger Street Bridge. They have sprayed both banks from the bridge to just short of Labadieville. We will have to spray to the vicinity of St Thomas Bridge.

EQUIPMENT STATUS: Trucks: all operational; Boats: all operational; Harvesters: both operational.

PUMP STATION REPORT

RIVER STAGE: Beginning April: 22.10; Ending Month: 9.34; Current Stage: 10.45

PUMP OPERATION: No. Days Siphon: 17; No. Days Pumping: 13

STATION MAINTENANCE: General maintenance, yard work

Moved by Commissioner Larry Dugas, seconded by Commissioner Dr. Darby Chiasson to approve the finance report. Motion carried unanimously.

Chairman Caffery reported that we have options for the 2012 millage election in either November or December. We want to have it at the most opportune time. There is no real cost difference that can be identified right now.

Mr. Chaisson stated that Mr. Alan Offner wants the length of the term that we want to go for, and when we want the election to be held. The Board discussed how many years they want to renew the millage term. Chairman Caffery advised that Terrebonne mentioned at one of our meetings that when they go to their voters in 2013 if we are at twenty years it will be a little harder sell for them. We could possibly compromise at fifteen years. Chairman Caffery stated that he would like to run the fifteen years term by Mr. Al Badeaux before the Board makes a formal decision.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Dr. Darby Chiasson and unanimously approved to adopt a Resolution authorizing attorney, F. Barry Marionneaux, law firm Marionneaux & Marionneaux, to represent the Bayou Lafourche Fresh Water District and provide legal services in connection with two litigations regarding Phase 1 of the Mississippi River Re-introduction into Bayou Lafourche Project. **(RESOLUTION ATTACHED)**

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Dr. Darby Chiasson and unanimously approved to adopt a Resolution authorizing attorney, F. Barry Marionneaux, law firm of Marionneaux & Marionneaux, to represent the Bayou Lafourche Fresh Water District and provide legal services and representation to assist in the Phase 2 of the Mississippi River Re-introduction into Bayou Lafourche Project. **(RESOLUTION ATTACHED)**

Moved by Commissioner Robert Thibodaux, seconded by Commissioner Dr. Darby Chiasson and unanimously approved to extend Archie Chaisson, Jr.'s contract through December 31, 2012.

Chairman Hugh Caffery announced that there will be a public hearing on Monday, June 18, 2012 for the 2012 Bayou Lafourche Fresh Water District Dredge Budget, and reviewed the budget summary.

Mr. Stevie Smith, All South Consulting Engineers, gave a quick summary about the tree planting project. He advised that in February the Board asked All South to help with the tree planting in

Donaldsonville. They spent about six weeks finding all the landowners to determine who wanted trees planted on their property. They ended up with fifteen properties where landowners actually wanted trees, and the rest did not want them. All South then solicited quotes from five vendors, and three submitted quotes. Trinity Tree Consultants planted the 70 pond cypress trees on fifteen properties at a cost of \$4,550.00. The cost to All South Engineers on the tree planting project was about \$11,000.00.

Ms. Stacy Sagona stated that it was her understanding in the beginning that the property owners would be able to get the trees and plant them where they wanted, and that went by the wayside. Ms. Sagona advised that as a landowner she does not feel that is right because she is not getting back what she has lost. Chairman Caffery advised that they were going to offer the trees to be planted between the high water and low water marks, and this was brought up at one of our meetings that maybe she missed. Ms. Sagona stated that she is not a happy camper.

Chairman Caffery reported that Stevie Smith and he gave a power point status report to the Bayou Industrial Group in Thibodaux. He would like to give a presentation to the Ascension, Assumption and Lafourche Parish Councils, the water districts, rotary clubs, chambers of commerce, and whoever else we can give a presentation.

Chairman Caffery advised that he asked Rep. Joe Harrison of the Bayou Lafourche Legislative Committee if we could come before them and make a presentation now that we have our Master Plan. Rep. Harrison told Chairman Caffery that he would try to work us in before the session is over.

Chairman Caffery stated that a lady called him from Channel 4 and asked about doing a report on the bayou, and they came out to Valentine to do a report. Commissioner Robert Thibodaux advised that it was on the 5:00 news.

Mr. Chaisson stated that Assumption Parish requested representation at their meeting Wednesday, May 23rd. They are looking for an update on the project.

Ms. Alma Robichaux, BTNEP, presented the Board with a framed picture regarding the Bayou Lafourche Cleanup. The next cleanup is scheduled for March 2, 2013. She showed a power point presentation of the results of the cleanup. She stated that they had over 1200 volunteers. The findings were eighteen tons of trash in three hours. Ms. Robichaux stated that a lot of it was found along the Donaldsonville area.

Ms. Stacy Sagona asked how could you have that much trash in Donaldsonville because they just finished the project there. She said that doesn't make any sense. She stated that she didn't see anybody there during the cleanup, and she lives on the bayou side.

Ms. Robichaux answered that this is all by geomatics that NSU put together. Ms. Sagona stated that she knows that there is no way that there could have been that much trash. Ms. Robichaux stated that she has the Donaldsonville data sheets, and she could get that to Ms. Sagona.

Ms. Robichaux finished giving a rundown on the other items picked up during the cleanup, such as car parts, 55 gallon drums, tires, and 40,000 other various items were picked up.

Mr. David Plater asked what would be the estimated percentage of garbage that was there versus what was taken out. He asked how much more is left. Ms. Robichaux stated that the geomatics

group did a survey two weeks before the cleanup, and they had it mapped out of where most of the stuff was, and the categories.

Commissioner Larry Dugas advised that in the area from Belle Rose to Paincourtville that anybody that is cleaning up the bayou can't get to the edge of the water where people would throw stuff because it is clogged up, and there is no way to be able to get to the edge if you are in a boat.

Mr. Kerry St. Pe' stated that they know there are areas like that, and they decided to do all of Bayou Lafourche, and pick up the areas that could be picked up in three hours. There are parts that haven't been cleaned up at all, and there were parts that were cleaned up very well. Some places had volunteers with boats, and other areas didn't have boats. People were just walking along some areas. Ms. Robichaux stated that there were a lot of areas that were inaccessible because of the steepness.

Commissioner Robert Thibodaux stated that as a Board member he would like to thank Mr. St. Pe', Miss Alma, BTNEP, and all the people who were involved with the cleanup. Mr. St. Pe' said thank you very much, and he stated that they could not have done it without the volunteers and help with the finances.

Mr. Plater suggested if somebody could take this information and bring it to different clubs, functions, etc. to raise public awareness of the problems. Chairman Caffery stated that the plan is to go around to each parish and give the report.

Moved by Commissioner Larry Dugas, seconded by Commissioner Robert Thibodaux and unanimously approved the meeting adjourned at 6:10 p.m.

Hugh Caffery, Chairman

Robert Thibodaux, Secretary/Treasurer

It was moved by Vice-Chairman Gene Harrell, seconded by Commissioner Dr. Darby Chiasson that the following Resolution be adopted:

RESOLUTION

A Resolution authorizing attorney, F. Barry Marionneaux, and the law firm of Marionneaux & Marionneaux, APLC, to represent the Bayou Lafourche Fresh Water District (BLFWD) and provide legal services in connection with litigation and/or claims for remediation against BLFWD as a result of alleged issues in performance of Phase 1 of the Mississippi River Re-Introduction into Bayou Lafourche Project (the "Project").

WHEREAS, litigation entitled *Byron Latino, et al vs. Bayou Lafourche Fresh Water District, et al*; Suit No. 102574; Div. "C"; Parish of Ascension, State of Louisiana, and *Eric Weil, et al vs. Bayou Lafourche Fresh Water District, et al*; Suit No. 102631; Div. "C"; Parish of Ascension, State of Louisiana was filed in January and February, 2012.

WHEREAS, the BLFWD requires legal advice and counsel to defend against these lawsuits as well as any subsequently filed lawsuits or claims arising out of Phase 1 of the Project.

WHEREAS, the BLFWD further requires legal advice and assistance in drafting and entering into contracts to effect any remediation deemed necessary by the BLFWD relative to Phase 1 of the Project.

WHEREAS, F. Barry Marionneaux, individually, and on behalf of Marionneaux & Marionneaux, APLC, agrees to be bound by the Maximum Hourly Fee Schedule, as determined by the Attorney General for the State of Louisiana to be effective as of January 14, 2008, set forth below:

HOURLY RATE	EXPERIENCE LEVEL
\$175.00	Attorneys having experience of ten years or more in the practice of law.
\$150.00	Attorneys having experience of five to ten years in the practice of law.
\$125.00	Attorneys having experience of three to five years in the practice of law.
\$100.00	Attorneys having experience of less than three years in the practice of law.
\$45.00	Paralegal services.
\$25.00	Law clerk services.

NOW THEREFORE, BE IT RESOLVED that the BLFWD authorizes attorney F. Barry Marionneaux and the law firm of Marionneaux & Marionneaux, APLC, 23615 Railroad Avenue, Plaquemine, LA 70764, to represent the BLFWD and provide legal services and representation to defend against the above described lawsuits and any subsequently filed claims or lawsuits arising out of Phase 1 of the Project, until resolution.

BE IT FURTHER RESOLVED, that the BLFWD authorizes attorney F. Barry Marionneaux and the law firm of Marionneaux & Marionneaux, APLC, 23615 Railroad Avenue, Plaquemine, LA 70764, to represent the BLFWD and provide legal services in drafting and entering into contracts to effect any remediation deemed necessary by the BLFWD relative to Phase 1 of the Project.

BE IT FURTHER RESOLVED, that the BLFWD will hire F. Barry Marionneaux and Marionneaux & Marionneaux, APLC, to provide legal services as set forth herein as long as needed as determined by the Board of Commissioners of BLFWD. The Board will have control over the terms of the services.

WHEREUPON, the motion was put to a vote and the vote thereon was as follows:

YEAS: Ron Animashaun, Dr. Darby Chiasson, Larry Dugas, Gene Harrell
Hugh Caffery, Robert Thibodaux

NAYS: None

ABSENT AND NOT VOTING: Jake Giardina, Greg Nolan

ABSTAINED: None

And the Resolution was declared adopted on this 21st day of May, 2012.

I, Robert Thibodaux, Secretary/Treasurer, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Bayou Lafourche Fresh Water District, at a meeting held on the 21st day of May, 2012, at which meeting a quorum was present and voted, and that said Resolution is now in full force and effect.

WITNESS MY OFFICIAL SIGNATURE this 21st day of May, 2012.

/s/ Hugh F. Caffery
Hugh F. Caffery, Chairman

/s/ Robert Thibodaux
Robert Thibodaux, Secretary/Treasurer

It was moved by Vice-Chairman Gene Harrell, seconded by Commissioner Dr. Darby Chiasson that the following Resolution be adopted:

RESOLUTION

A Resolution authorizing attorney, F. Barry Marionneaux, and the law firm of Marionneaux & Marionneaux, APLC, to represent the Bayou Lafourche Fresh Water District (BLFWD) to provide legal services and representation to assist in the Phase 2 Mississippi River Re-Introduction into Bayou Lafourche Project (the "Project).

WHEREAS, the BLFWD is preparing a proposal for Coastal Impact Assistance Program funding, and in connection therewith, needs legal counsel to work in conjunction with its engineers for all matters that need to be legally referenced and verified.

WHEREAS, the BLFWD further requires legal advice and assistance in drafting and entering into contracts to in connection with BLFWD's obligations relative to Phase 2 of the Project.

WHEREAS, F. Barry Marionneaux, individually, and on behalf of Marionneaux & Marionneaux, APLC, agrees to be bound by the Maximum Hourly Fee Schedule, as determined by the Attorney General for the State of Louisiana to be effective as of January 14, 2008, set forth below:

HOURLY RATE	EXPERIENCE LEVEL
\$175.00	Attorneys having experience of ten years or more in the practice of law.
\$150.00	Attorneys having experience of five to ten years in the practice of law.
\$125.00	Attorneys having experience of three to five years in the practice of law.
\$100.00	Attorneys having experience of less than three years in the practice of law.
\$45.00	Paralegal services.
\$25.00	Law clerk services.

NOW THEREFORE, BE IT RESOLVED that the BLFWD authorizes attorney F. Barry Marionneaux and the law firm of Marionneaux & Marionneaux, APLC, 23615 Railroad Avenue, Plaquemine, LA 70764, to represent the BLFWD and provide legal services and representation to assist in the Phase 2 of the Project until completion.

BE IT FURTHER RESOLVED, that the BLFWD will hire F. Barry Marionneaux and Marionneaux & Marionneaux, APLC, to provide legal services as set forth herein as long as needed as determined by the Board of Commissioners of BLFWD. The Board will have control over the terms of the services.

WHEREUPON, the motion was put to a vote and the vote thereon was as follows:

YEAS: Ron Animashaun, Dr. Darby Chiasson, Larry Dugas, Gene Harrell
Hugh Caffery, Robert Thibodaux

NAYS: None

ABSENT AND NOT VOTING: Jake Giardina, Greg Nolan

ABSTAINED: None

And the Resolution was declared adopted on this 21st day of May, 2012.

I, Robert Thibodaux, Secretary/Treasurer, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Bayou Lafourche Fresh Water District, at a meeting held on the 21st day of May, 2012, at which meeting a quorum was present and voted, and that said Resolution is now in full force and effect.

WITNESS MY OFFICIAL SIGNATURE this 21st day of May, 2012.

/s/ Hugh F. Caffery

Hugh F. Caffery, Chairman

/s/ Robert Thibodaux

Robert Thibodaux, Secretary/Treasurer

