

PROCEEDINGS OF THE PORT COMMISSION OF THE PARISH OF WEST FELICIANA, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD ON MONDAY, JUNE 15, 2015.

The Port Commission of the Parish of West Feliciana, State of Louisiana, met in regular session in the Conference room of the Parish Council Governmental Building, 5934 Commerce Street, St. Francisville, Louisiana on Monday, June 15, 2015 at Five-Thirty (5:30) o'clock p.m.

The following members were present: Commissioners Paul A. Lambert, Jr., Z. David DeLoach, Robert B. Fisher, Jr., David Duvic, Andrew A. Grezaffi, III, Alan L. Kirkpatrick, David Opperman, and Nolan Percy [arrived at 5:34 p.m.]. Member absent was Commissioner Greg Ferris.

Also present were: Sam D'Aquila, District Attorney, Howard Arceneaux, Reporter and Mr. Leonard Kilgore, counsel for the Lambert family.

The Port Commission of the Parish of West Feliciana, State of Louisiana, was duly convened by the President, Paul A. Lambert, Jr., who then stated that the Commission was ready for the transaction of business.

Upon the motion of Mr. Opperman, seconded by Mr. Fisher, the minutes of the April 20th meeting [note correction to agenda to read as such]. Lambert abstained. Motion carried 7-0-1-1. Upon a motion of Mr. Opperman, seconded by Mr. Fisher, the minutes of the regular meeting of May 18th and special meeting of June 5th were approved. Lambert abstained. Motion carried 7-0-1-1.

Commissioner, Opperman, seconded by Mr. DeLoach, approved the amended agenda 5.d. to read "in light of item "c" above" for consideration and action; however, Commissioner Duvic made a substitute motion to delete Agenda Items 5(a), (b), (c), & (j) that failed 2-5-1.

President Lambert relinquished the floor as Chair and Vice-President DeLoach continued the meeting. The question was called on Mr. Duvic's substitute agenda motion and the motion failed.

The Commission then proceeded to "discuss and take action" on Agenda Item No. 5(a), starting with receiving the report on the negotiations to require the Lambert family property, by Commissioner Opperman. The motion was made by Commissioner Fisher, seconded by Commissioner DeLoach, to receive the report. Motion passed, with all Commissioners present in favor of the motion, and one [Commissioner Lambert] abstaining. Mr. Opperman's report is as follows:

Committee Report to the West Feliciana Parish Port Commission

At the West Feliciana Parish Port Commission meeting held 18 May 2015, the Commission appointed Commissioners Andrew Grezaffi and David R. Opperman to a committee ("committee") assigned to meet with the Lambert family and their legal representative to discuss acquisition of riverfront property and the use of the riverfront property.

The Lambert family has been in protracted litigation with the West Feliciana Parish Council for the past three years (approximate). On the heels of a court judgment in the Lamberts' favor regarding their possession of certain riverfront property – particularly, the old ferry landing and surrounding property – the Port Commission determined to form the foregoing committee to discuss with the Lamberts whether they had any interest in conveying their interest in the riverfront property to the Port Commission.

The committee met, beginning at 3:30 PM, on 21 May 2015 in the St. Francisville home of Mr. Paul A. "Pal" Lambert, III. Present were Commissioners Grezaffi, Opperman, and Port Commission Vice President Z. Dave DeLoach, ex-officio ranking member, along with West Feliciana Parish Council Member Ricky Lambert, Port Commissioner "Pal" Lambert, and Mr. Len Kilgore, legal counsel for the Lambert family. Council Member Lambert and Commission Lambert are two members of the Lambert family party to the aforementioned litigation.

Those present discussed the various uses of the property, its revenue and tax generating potential, hurdles to developing the property, and private versus public use, control, and development of the property. The attendees also discussed the different modes of the Port Commission's acquiring the property, with the two predominate modes discussed being sale and expropriation.

Mr. Kilgore expressed that the Lambert family would consider selling their interest in the property, dependent – all parties agreed – on the sale price. The attendees also discussed expropriation, with all its benefits and short-comings, including a discussion regarding whether expropriation would end, or extend, the litigation over the property. In the end, all agreed that any acquisition of the property, regardless of mode, depended on property's value. The meeting concluded with the understanding that the committee, the Lamberts, and their counsel, would meet again following the results of an appraisal the Port Commission has engaged, or will engage soon. The parties also agreed that the Lambert family would work to determine an acceptable sale price for their interest in the property.

/s/ Andrew Grezaffi
Commissioner Andrew Grezaffi
June 11, 2015

/s/ David R. Opperman
Commissioner David R. Opperman
June 11, 2015

The Commission next received a report from Commissioner DeLoach on the hiring of a real estate appraiser, to go forward with appraisal of the riverfront property in question. Mr. DeLoach reported that after interviewing five appraisers and receiving their resumes, it appeared to him that Mr. Henry Tatje was the most suitable and qualified. Mr. DeLoach further reported that Mr. Tatje would charge \$12,500 for his services, providing a contract for execution by the Commission. The contractual services would be broken down in two phases; phase one covering inspection of the property, and phase two producing the appraisal report.

The survey would be based on a Google map, and assuming that the property is approximately 33.4 acres.

There was further discussion on the engagement of the appraiser, with District Attorney Sam D'Aquila suggesting there was a need to identify what amount of land was needed. Mr. Kilgore then stated that it would be necessary to appraise the entire property and not just the 33 acres in question with the acreage of the entire property being approximately 70 acres.

It was also mentioned by Commissioner DeLoach that phase one of the appraiser's work would cost \$5,000, with phase two costing \$7,500, for a total of \$12,500.

There is also discussion of whether the contract should state that it could be terminated by the Port at any time. It was moved by Commissioner Kirkpatrick, seconded by Commissioner Opperman, to accept the contract as presented, but with a termination clause, reflecting there would be ten (10) days written notice provided to the appraiser if the Port decides to terminate the contract. There was further discussion of the proposed provision to terminate the contract, if

the appraiser would be willing to agree to terminate, at the end of any phase, within five (5) days. Lambert abstained. Motion carried 7-0-1-1.

The documents provided by Mr. DeLoach comprising the resumes of Mr. Tatje and the four other appraisers will be attached to the record of this meeting.

The next item under Item 5(c) of the Agenda was a discussion of the letter addressed to the Port Commission from attorney, John Brumfield regarding the "Toby Ford map." It was agreed that the Port Commission would apologize for the use of Mr. Ford's map with Commissioner Opperman to write a letter to attorney Brumfield. The "Toby Ford map" would be replaced with the Google map supplied by Commissioner Greg Ferris.

District Attorney Sam D'Aquila provided the Commissioners with a handout, consisting of an extract of the pertinent part of the Louisiana Revised Statute, Title 18, covering expropriation.

There was also discussion of the need for an opinion from the Attorney General, for the Commission to acquire property through expropriation.

Agenda Item 5(k) was next discussed, concerning the appointment of a committee to communicate with various riverboat companies about their needs to dock vessels in West Feliciana Parish. A motion was made to appoint Commissioners Alan Kirkpatrick and David Duvic to contact Laurie Walsh and provide a preliminary report at the next meeting, with the report to be furnished within ten days. Motion passed, with Commissioner Lambert abstaining.

Agenda Item No. 6, the procurement of E&O insurance coverage, was next discussed. It was agreed that the insurance brokers would be provided with the most recent annual report of the Port Commission as well as informed of the additional recent as well as planned activities of

the Port Commission. Because several Commissioners raised questions regarding coverage, it was decided to defer action on the insurance coverage and related issues into our next meeting.

At 7:15 p.m., upon a motion of Mr. Opperman and seconded by Mr. Fisher, the Port Commission stood adjourned until the July 20, 2015 at 5:30 p.m. at its regular meeting place.

/s/Paul A. Lambert, Jr.
Paul A. Lambert, Jr., President

/s/Robert B. Fisher, Jr.
Robert B. Fisher, Jr., Secretary-Treasurer