**Special Call Meeting**

**DRAFT**

**January 9, 2024**

**The Special Call Meeting for the Board of Commissioners for the Lafourche Basin Levee District met this day at its official domicile at 21380 Highway 20 in Vacherie, Louisiana. The public was invited to attend via Teleconference and at the LBLD office. The meeting was called to order by its President, James P. Jasmin, at 4:30 P.M.**

**The following Commissioners were in attendance: Jeffery Henry, Ascension Parish; Gary Watson, St. John the Baptist Parish; President James P. Jasmin, St. James Parish; Arthur Bosworth IV, St. James Parish; Russell Loupe, St. Charles Parish;** **Craig Carter, Assumption Parish; Kevin Hebert, St. Charles Parish; Larry Sorapuru, St. John the Baptist Parish; Steven Joseph, Ascension Parish; Eric Matherne, St. Charles Parish; and Marlin Rogers, St. Charles Parish. Donald Ray Henry, Executive Director, Attorney, Spencer Long, Melanie Broden, Accounting Technician, and Astrea Jupiter, Administrative Assistant 5 were present.**

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

**Adoption of the agenda was motioned by Vice-President Arthur J. Bosworth, IV and seconded by Commissioner Craig Carter. President Jasmin called for a roll call vote. Roll call vote thereon as follows:**

**YEAS:**

* **Arthur Bosworth IV**
* **Larry Sorapuru**
* **Gary Watson**
* **Jeffery Henry**
* **Craig Carter**
* **Kevin Hebert**
* **James P. Jasmin**

**NAYS: None**

**ABSENT:**

* **Russell Loupe**
* **Marlin Rogers**
* **Eric Matherne**
* **Steven Joseph**

**ABSTAINED: None**

**By a roll call vote of 7 yeas, 0 nay, 4 absent and 0 abstained. The motion passed.**

**President Jasmin asked Mr. Long if there was enough for a quorum. Mr. Long said yes.**

**There were no public comments.**

**On motion of Vice-President Arthur J. Bosworth, IV, seconded by Commissioner Larry Sorapuru, the following resolution was proposed and approved.**

**BE IT RESOLVED, that the Board of Commissioners approve Version 1 Amendment for the renewal of the Executive Director’s, Donald Henry, employment contract.**

**President Jasmin asked Mr. Long to explain the two amendments. Mr. Long stated that version 1 is the pre-existing contract. The only changes is recognizing the duties now all include the UBRRP. The previous contract had that excluded. In II, changed the evaluation from the month of July to June because of the fiscal year. In paragraph 6, removed the “age 65” for retirement age. Louisiana does not have a specific retirement age. Commissioner Steven Joseph entered the meeting. Commissioner Hebert asked Mr. Long that if Mr. Henry retires next month, would we be responsible for 75% of his health care for the rest of his life. Mr. Long said yes. Commissioner Hebert said that need to be removed 100%. Office of Group Benefits says you have to work 25 years for 75%. He said that the contract was written one sided for Randy Trosclair by Larry Buquoi. This is not about Donald but about the position. If we do not do it for the other workers, this position should not get it. There definitely should be some huge adjustments. We should not look at this as Versions 1 and 2. We should go through these items one by one and discuss changes that will be best for the Board and not the Executive Director. Commissioners Eric Matherne, Russell Loupe and Marlin Rogers entered the meeting. And one other thing, I do have a copy of Monica’s contract in my hand. And if Monica is terminated or whatever, there is no health care benefits. It does not mean it is right or wrong, it is just a comparison between directors. It says this contract shall cease period. Commissioner Larry Sorapuru asked Mr. Donald Henry how many years has he served. Mr. Henry answered 9 ½ years with 2 ½ serving as Executive Secretary. Commissioner Sorapuru stated that in plants, once you hit 10 years you are considered top notch. They provide you with top notch benefits because they are vested. We have a top-notch person here, and we should treat him as such. Commissioner Hebert stated he does not know if that is even legal. The OGB says it right here. Mr. Henry asked if that is the civil service Office of Group Benefits. Mr. Hebert said yes. Mr. Henry said he was not civil service. Commissioner Hebert said he agrees and that is why you should not be entitled to anything. If he quits tomorrow, no matter who is sitting in that position, the Board will be giving away a lot of money. Mr. Henry stated that it is if he retires. If he quits, he will breach the contract. If he terminates the contract, then the contract is terminated. Commissioner Hebert asked if he really needs to be in here while we discuss this. Mr. Henry said of course because you are talking about me. Commissioner Hebert asked Mr. Long to read the paragraph concerning the health care. Mr. Long complied. Commissioner Hebert said it was bad language. Mr. Long agreed. Commissioner Hebert said it contradicts itself and it is nothing against you Donald because I would sign it too. But this is why we should be going line by line. It is more biased towards the director. The contract is bad language and it should be clean and precise. Commissioner Matherne said that he agrees with what Larry said about plants. Now when you leave Dow, you do not get anything. Plants are changing. He and his his wife will receive health care until they die. But they are changing. People are living longer and it is costing more financially. Commissioner Watson agreed 100%. He stated that there are still plants doing it. Commissioner Hebert would like to go back to #2. The position is not civil service. The board decided to give that position an 8% increase. We have to be cognizant of financial responsibilities. Right now, it is open ended. President Jasmin asked about Monica’s contract. Commissioner Hebert stated that it is written different from our director. He had Dwayne’s contract but could not put his fingers on it but it is written different as well. He said he presented Mr. Henry’s contract to other attorneys. They agreed that the language needs to be cleaned up. He feels he is doing the board a favor by pointing that out. commissioner Carter said that if we are finished discussing it, he calls for a vote. Commissioner Rogers said that for paragraph 2, if we want to go with a salary increase of 2 and 2 which will equal 4 that it will be best for the district no matter who the director is. He said if Mr. Henry works for us 24/7, he does not need other employment. If he gets a call at 10pm, it is his job to go out for that call. Can’t take civil service we like it and don’t take it when we do not like it. President Jasmin asked Mr. Long to go over the changes. Commissioner Rogers said that if the director wants to quit, it says he has to give us a year’s notice. It should change to 90 days or 6 months. It is too long of a length of time. It should be shorter. He feels it would benefit the director in case he does not want to wait that long. President Jasmin thinks it should stay as it is. Commissioner Sorapuru said it keeps them from jumping in and out of the pot. Commissioner Carter asked why they did not try to change this four years ago. Commissioner Hebert said it was shoved down their throats then and we have the opportunity now. He asked Mr. Long if he looked back on #3, what does that mean? President Jasmin recognized Mr. Henry to answer. Mr. Henry started to explain. Commissioner Hebert interrupted and asked why is he talking? President Jasmin said he recognized him. Commissioner Hebert said that we are talking about his contract. How does he get input? That does not make sense. President Jasmin asked Mr. Long if there is a reason why Mr. Henry should not be allowed to speak. Mr. Long said no as long as it is to give clarity. Mr. Henry said classified and unclassified have certain benefits when they retire. There is also an insurance policy for everyone. He informed Commissioner Rogers that yes, he works 24 hours. He does not get paid for that. He gets comp time. Commissioner Hebert asked why should the Executive Director get that when he is not civil service. Mr. Henry said to some degree he is according to his contract. According to the attorney, the governor made a ruling that classified and unclassified are considered the same. He inherited some civil service rules from the last director. Commissioner Hebert said his contract is not clear and does not state that rule. Commissioner Rogers asked how can he get comp. Your predecessor was civil service for years and this contract was written so that he doesn’t lose that. Mr. Long stated that just for clarity, the executive order, it combines everything under classified and unclassified employees and there is no difference between them. They are both entitled to the same benefits. Commissioner Hebert said that he thinks the thing about comp time is moot because he only gets 300 hours when he retires. He asked Mr. Long if some of this language should be tightened up. Mr. Long said his job is to advise the board. Looking at the two contracts, his advice would be to make some changes to some of the language. Stuff can be left up to interpretation. Commissioner Matherne said if it’s not really enforceable, we should get a team with Spencer to make it enforceable. If we approve an unenforceable contract, it is a waste of time. President Jasmin asked Mr. Long if he was aware that the attorney general of the state looked at this contract a few years back and that it came back with no discrepancy and that it was fine for the board to approve it? Mr. Long said yes. Just to be clear, he is not saying that the first contract is enforceable. He is just saying that the language could be left up to interpretation by a judge. There’s some language that is a little confusing. Commissioner Rogers said for paragraph 5, if something illegal happens on the weekend, in order to protect this board, we couldn’t do anything about it because it wasn’t in the duties of the levee board. Mr. Long said that paragraph was broken up into three parts for easier reading. It says it includes but not limited to the performing duties. Commissioner Rogers said that he is working for the district and we need to be protected also. He doesn’t care who the director is. This contract is for the next director too. President Jasmin said that our attorney representing the district attorney’s office helped prepare the contract for Mr. Randy. Commissioner Carter said that the district attorney didn’t see anything wrong with the contract. Commissioner Hebert said that he took that totally out of context. You guys spin shit and just spin it and spin and spin it and let it land on the wall and smile. How can you look in the mirror at night with some of the shenanigans you do on this board? Commissioner Rogers said that Randy’s contract was because he was civil service. He had to protect his past. We don’t have a director that was in civil service. Whatever we put in the contract is what we do. President Jasmin asked what is the pleasure of the board. Commissioner Rogers said he would like to see clear language. We have six months and we can come back and show a clean and clear contract. Commissioner Matherne asked if that was a motion. Commissioner Rogers said yes. President Jasmin said that with existing contract and the two-line items that was recommended by the attorney to make changes to, he entertains a motion. Commissioner Larry Sorapuru made the motion to accept version 1 amendment. Vice-President Arthur J. Bosworth, IV seconded his motion. President Jasmin called for a roll call vote. Roll call vote thereon as follows:**

**YEAS:**

* **Arthur Bosworth IV**
* **Larry Sorapuru**
* **Russell Loupe**
* **Gary Watson**
* **Jeffery Henry**
* **Craig Carter**
* **Steven Joseph**
* **James P. Jasmin**

**NAYS:**

* **Eric Matherne**
* **Marlin Rogers**
* **Kevin Hebert**

**ABSENT: None**

**ABSTAINED: None**

**By a roll call vote of 8 yeas, 3 nay, 0 absent and 0 abstained. The motion passed.**

**President Jasmin said that if there was nothing else to discuss, he will entertain a motion for adjournment. Commissioner Hebert asked Mr. Long if that was even legal with him saying he wants to make the two changes? Guys, this is so ridiculous and unprofessional. It is beyond belief and every last one of yall need to be thrown off this board, including you, Donald Ray. The two changes we talked about…what are they? Good luck on this gentleman. A commissioner asked if they had adjourned. The answer was no.**

**Vice-President Arthur Bosworth moved to adjourn and was seconded by Commissioner Craig Carter.**

 **President**