

**MINUTES OF REGULAR MEETING OF THE
AMITE RIVER BASIN DRAINAGE & WATER CONSERVATION DISTRICT**

3535 S. Sherwood Forest Boulevard, Suite 135, Baton Rouge, LA

September 17, 2013

MEMBERS PRESENT DURING ROLL CALL: Don Thompson, Terry Louque, Ben Babin, John Brass, Russell Cornette, David Hoover, William "Carey" Jenkins, Willie George Lee, Anthony "Tony" Rouchon, Jerry Thibeau, Larry Thomas, Kenneth Wade Welborn

MEMBERS ABSENT: None

NOTE: Vacant Seat (Livingston Parish)

ALSO PRESENT: Dietmar Rietschier, Toni Guitrau, Larry Bankston, BKI – Matt Weakley

ARBC President Thompson introduced new Board member, William "Carey" Jenkins, EBR Parish. Also, recognized audience member, Mr. Jerry Klier.

1. The meeting was called to order at 6:00 p.m. by Don Thompson.
2. Public Comments on Agenda Items: None
3. Audit 2012-2013 Report (John McKowen): The audit reflected no violations of state rules or deficiencies. In the opinion of the auditor the ARBC is in compliance with all applicable state and federal laws and the Legislative Auditors Office, as well as internal controls of financial matters within the district. The Board unanimously approved a motion by Rouchon, second by Babin to accept the audit report as presented. OPEB for FY 2012-13 is \$11,651.
4. Minutes
 - The Board unanimously approved a motion by Welborn, second by Cornette to approve the August 2013, regular meeting minutes as presented.
5. Financial Statement Report:
 - Rouchon presented to the Board the August 2013 General Fund and CRDC Fund financial statements. The Board unanimously approved a motion by Lee, second by Thibeau to approve the August 2013 General Fund and CRDC Fund financial statements.
6. Executive Director Report
 - Profit Island: Rietschier reported on the status of the 3rd party (surface rights) regarding Profit Island. Thompson addressed the issue of the Board not knowing about the surface rights until May of this year. Thibeau mentioned an October 2011 letter being hand-delivered to Rietschier two years ago. The Board discussed the "Letter of Intent" addressed to the Amite River Basin Commission, dated October 21, 2011 from the Profit Island property owners. Bankston said that the letter from the owners proposed a limited portion of the property for drill sites. The Owners were unable to obtain even a designation of drill sites from the mineral owner. The owner of the surface rights would not release any portion of the property without a substantial payment. ARBC has never received a proposal from the owners of Profit Island with designated drill sites as outlined in the October 2011 letter. Thompson requested that all future documents addressed to the Commissioners be distributed to all commissioners.. Rietschier will review the letter and report back to the Board at its next regular meeting.
 - Genesis Pipeline: Waiting on USACE approval. Genesis has proposed a servitude across the pilot channel. Once USACE has approved the specifications we can enter into such an agreement.
 - Railroad Crossing: Waiting on document from Railroad granting access.
 - Finalized an assessment "COMITE RIVER DIVERSION CANAL PROJECT - An Assessment of Mitigation Needs Functional Element 1," prepared by Nelle Fruge. Rietschier handed out the study to the Board. He believes reducing the amount of mitigation land needed will save money to buy other right of way property. Thibeau stated that the Board did not initially hire Nelle Fruge. The contract was authorized for the hiring of Gulf Coast Testing. He said Rietschier hired Nelle Fruge. Thibeau requested this to be in the record of the minutes. He said 3 or 4 months ago the DOTD asked for surveys to be done on Phase 1. He asked if any progress had been made. Rietschier said the surveys have not been done yet but are ready to be done at Brooks Lake. Thibeau stated that about \$3 million dollars of DOTD work is being held up because of this. Thompson said the high water delayed it until around June. Rietschier said the USACE has not provided the final right of way lines. It has been decided to use the 15-year old right of way lines.
 - Thomas mentioned consideration of purchasing mitigation property on adjacent to Lilly Bayou. Rietschier said it would require an additional Environmental Assessment and the USACE would have to agree. Thomas said that we are at a deadlock with Profit Island and we need to look at other options. Rietschier said the DOTD is interested in pursuing Mitigation Banking.
 - Rietschier updated the Board on the following: Real Estate, Phase I/ADV., Lilly Bayou Access (Irene Rd.), US 61, McMahon property,
 - Denham Springs, Comite, Greenwell Springs prediction gages: The USACE has agreed to continue funding these gages.
 - Flood Plain Management Plan: Rietschier is reviewing the URS 2005 Draft Flood Plain Management Plan.
7. Report by LADOTD: None

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8. Report by ARBC Legal Counsel

- Land needed for this construction is owned by the State of Louisiana, Office of State Police (Tract 54).. Located on this property is a joint emergency services training center. B&A has met with State Police regarding the need to use this property for the construction of Brooks Lake Closure. Instead of acquiring ownership of the land, B&A is working on a Joint Use Agreement to be entered into between ARBC and State Police. This Agreement would allow ARBC and the Corps to access the land for construction and maintenance. Additionally, the Agreement would allow for the construction of a necessary access road. It would not transfer ownership and a substantial cost would be eliminated.
- Dirt Bid: Including an Option which will allow the Contractor to purchase additional borrow and fill material. The Option price shall be in accordance with the original bid price. In order to exercise the Option, the Contractor must agree to purchase at minimum an additional 5,000 cubic yards of borrow and fill material. The Contractor shall have 180 days from the acceptance of its initial bid to exercise the Option. Notice of the intention of the Contractor to exercise the option shall be conveyed to ARBC in writing. Upon providing notice, the Contractor shall have 30 days to remove borrow and fill material, unless a longer time is agreed upon by ARBC.

9. Executive Committee Report:

- ARBC Bylaws and Administrative Manual: Draft amendments were given to the ARBC Board for their review. This matter will be voted on at the October 15, 2013 regular meeting of the Board of Commissioners.
- Request for proposals for consultants: This matter was deferred until the October 15, 2013 regular meeting of the ARBC Board of Commissioners.

10. Old Business

- Modification of Board approved contract with Gulf Coast Testing to Nelle Fruge, Individually: On motion by Rouchon, second by Cornette the Board approved the modification of the contract from Gulf Coast Testing to Nelle Fruge, Individual. Thibeau voted nay.
- Demolition Bids: The Board unanimously approved a motion by Louque, second by Babin to approve the lowest bidder, Zimmer-Eschette/\$31,600 to demolish and remove asbestos etc. at 18363 and 18383 Plank Road Zachary, La.

11. New Business

- GCR Inc. Contract – Renewal/Expires 10/18/13: The Board unanimously approved a motion by Rouchon, second by Thibeau to extend the expiration date (six months) to March 2014.
- Consideration of advertising for bids for sale of dirt at Lilly Bayou: The Board unanimously agreed on motion by Rouchon, second by Thibeau to advertise for the sale of Borrow and Fill Material at Lilly Bayou. Counsel prepared a “DRAFT” bid document consistent with prior bid. The ability to amend the agreement was added to the bid documents. The “DRAFT” was approved and counsel to put bid in final form.
- The Board unanimously approved a motion by Rouchon, second by Lee to add to the agenda the item “Beard Contract Extension.”
- Beard Contract Extension: The Board unanimously approved a motion by Thomas, second by Babin to extend Beard’s contract for an additional 60 days.
- Consideration of hiring a grant writer: At Babin and Thibeau’s request the Board considered and discussed hiring a grant writer to help fund repairs to the Amite River weir. Babin addressed the issue of the condition of the Amite River weir stating the weir has sunk and is in need of rocks. Babin stressed the ARBC mission is to mitigate flood damage in the Amite River Basin, serve as a multi-parish authority to accomplish flood control measures; facilitate cooperation between federal, state and local governing bodies to foster floodplain management; maintain and operate structures built under the auspices of the Commission; and coordinate river management within the basin. Thompson stated he will mention this to the Airport Commission grant writer.

12. The Board unanimously approved a motion by Louque, second by Thomas to adjourn the meeting.

APPROVED:

/s/ Don Thompson

Don Thompson, ARBC President

Date: October 15, 2013

/s/ Toni B. Guitrau

Toni B. Guitrau, Executive Secretary