

April 10, 2012

A special meeting of the Board of Commissioners of the Bayou Lafourche Fresh Water District was held on Tuesday, April 10, 2012 at 4:30 P.M. at the Water District office, 1016 St. Mary Street, Thibodaux, LA

Present were: Hugh Caffery, Chairman
Gene Harrell, Vice-Chairman
Robert Thibodaux, Secretary/Treasurer

Ron Animashaun
Dr. Darby Chiasson
Larry Dugas

Absent: Jake Giardina and Greg Nolan

Also present were: Arthur DeFraités, Jr., P.E., Consulting Engineer
Barry Marionneaux, Attorney; Danny Dearborn, DNR
Archie Chaisson, Jr., Director; Jerry Waguespack

Chairman Hugh Caffery advised that he would like to discuss the Coastal Incentive Assistance Program (CIAP) funding, engineering, and legal requirements. Our most important work is to make sure we fulfill any and all of our duties so that we can insure that everything is done to get the CIAP money. We had a plan that was given to us by the CPRA engineer. We followed that plan and made the first submission last week.

Since that time, the need to get the grant proposal submitted has accelerated so we need to devise a proposal together with CPRA to get that award. For that proposal, we will need to identify all the things that we have in our master plan that we say are needs of the bayou. We have been working on that master plan for months, and it is built on a summit that we had. As we complete our master plan, that will be an important part of that proposal.

Chairman Caffery stated that in order to get the CIAP proposal completed, we will have to hire an engineer and engage an attorney to assist with getting the work done.

Moved by Commissioner Ron Animashaun, seconded by Commissioner Robert Thibodaux to authorize the Chairman to hire an engineer to draft a proposal to the CIAP Management Team relative to the Phase 2 of the Mississippi River Re-introduction into Bayou Lafourche Project. Chairman Caffery opened the motion for discussion.

Chairman Caffery stated that Mr. Arthur DeFraités has prepared the Request for Statement of Interest and Qualifications (RSIQ) for an engineering firm to be hired by the District to take the data and studies that have been done, and recommend back to us what would be the most logical, effective work to be done next. Mr. DeFraités has submitted that one component to the CIAP Management Team at CPRA. The other component would be for that same engineering company that we would select to develop plans and specifications for that work so that we could go out and get bids from contractors to do that work. That RSIQ is a package that has to be prepared and we need the services of an engineer who is not going to be the engineer intending to bid on that work so there would not be a conflict of interest.

The request that we will send out to the engineering firms interested will be to have them give us a proposal to develop a way to identify the work needed, and the qualifications you have to develop plans and specifications for that work. We have to develop a package to send out to engineering companies and then to put that out to them for their bids back to us. The most critical thing should be a grade sheet to select among the engineering firms that bid. The grade sheet would have to be legally correct, and has to be acceptable to CPRA and acceptable at the CIAP federal level so that eventually we could get part of that paid for by the CIAP funding.

Chairman Caffery advised that the grant for getting the CIAP money is one body of work that the CIAP Management Team has to put together with the other proposals. This motion on the table is separate and more detail. It is going out and finding an engineering firm to get going on that CIAP funded project even before we for sure get the CIAP funding. We need to get it started so we will have what we need to have when we do get funded.

Chairman Caffery stated that we are moving on two different tracks, and we need to be clear and have good expert advisers. This is why this motion has been made and we have a qualified candidate, Mr. Arthur DeFraités, here. Chairman Caffery asked for any further comments. Mr. DeFraités stated that the Board is interested in hiring an engineer who has the experience and background, but who is not interested in doing the project.

Vice-Chairman Gene Harrell asked if the District would have to match money in order to secure the funding. Chairman Caffery answered that the first component is the RSIQ, which Mr. DeFraités has already worked on, and has been submitted. That would be the part where this engineering company we would select would tell us what the next important thing to do. On that part, that will be the smaller part of the expense.

Chairman Caffery stated that the bigger component would be preparing the plans and specifications for that work. If we get started with this and if it is legal to do it this way, we could go ahead and put this out for solicitations, and get them back so we could select the engineering company but we don't commit to the plans and specs part until and if we get either the State to front the money or the award from CIAP. It would be contingent upon CIAP funding.

Chairman Caffery advised that he wouldn't be opposed for us as a commission to front some limited amount of money to get this process started because we have to work in parallel here. Chairman Caffery asked Vice-Chairman Harrell if he is asking if we are making a big financial commitment here. Vice-Chairman Harrell answered yes, and it is like the last project. We agreed to that project with the ongoing maintenance that we still do not know what we have got to do and what it will cost us. Vice-Chairman Harrell stated now here we are jumping into another puddle of mud with no idea of what it is going to cost, and where it is going. Chairman Caffery stated that the cost right now is preparing a RSIQ. If we do it right, we are not going to be paying for that engineering company with our money. We are going to be paying it with the CIAP funding. The

only thing we are going to be paying with our money perhaps is Mr. DeFrait's time, and the attorney's time to prepare that RSIQ.

Vice-Chairman Harrell asked what the timeline is. Mr. DeFrait's answered the three elements they want right now are the description of the scope of services, the intergovernmental agreement draft, and the RSIQ, which contains the document he prepared plus the formal engineering agreement, and a more detailed description of the services to be performed.

Chairman Caffery stated that the grant application has been accelerated. The State has been advised by the federal government that they better have their application in soon. Chairman Caffery advised that Robert Routon told him the RSIQ needs to be in some time around June.

Chairman Caffery asked for a vote on the motion to hire engineer, Mr. Arthur DeFrait's, to draft a proposal to the CIAP Management Team, and the motion was unanimously approved.

Moved by Commissioner Ron Animashaun, seconded by Commissioner Dr. Darby Chiasson to engage an attorney to represent the BLFWD to provide legal services and representation to assist the BLFWD in all aspects of the Phase 2 of the Mississippi River Re-introduction into Bayou Lafourche Project through completion. Chairman Caffery opened the motion for discussion.

Chairman Caffery advised that this attorney would work in contrary with the engineer for all matters in the engineering documents that need to be legally referenced and verified. He would also work to develop, independent of that but not totally, a cooperative endeavor agreement. The endeavor is that we are coming together to get this project going, and get the CIAP funding done. The agreement is all the terms of that cooperation.

Mr. Marrionneaux advised that he will make sure that everything is done properly, above board, and that there are no come backs. We have to keep certain documentation for at least five years. He will do whatever is necessary to comply with every state and federal law. He looks forward to working with Arthur DeFrait's.

Commissioner Larry Dugas asked Mr. Marionneaux if his proposal about the limitation of the money would hinder him in any way. Mr. Marionneaux stated that he has to comply with the rules of the attorney general's office and they set hourly rates. The District is entitled to detailed bills. If the District tells him to slow down a bit, he will do what the Board tells him to do. Mr. Marionneaux stated that Mr. Arthur's work will be up front up until the time that the grant money is going to be able to actually hire someone to actually design the project. He stated that his duties will go beyond that to the bidding process, and any legal issues that would come up during the project. He advised that the Board could limit his representation to a certain point in time, and that is up to the Board.

Chairman Caffery asked for a vote on the motion to engage to hire attorney, Mr. Barry Marionneaux, to provide legal services and representation to the BLFWD in all aspects of the Phase 2 project. The motion was unanimously approved.

Moved by Commissioner Larry Dugas, seconded by Commissioner Robert Thibodaux and unanimously approved to amend the agenda by two-thirds vote to include a discussion regarding the term of the services for the attorney and engineer hired.

Moved by Commissioner Larry Dugas, seconded by Commissioner Dr. Darby Chiasson and unanimously approved that we hire an attorney and engineer that will work at the pleasure of the Board for as long as the Board wants them under the terms and conditions of the Board, and after that they are terminated. The Board will have complete control over the term of their services.

Moved by Commissioner Larry Dugas to amend his previous motion to also include that the Board hires Mr. Marionneaux and Mr. DeFraités under the stipulation as long as needed to complete the process of applying for the CIAP grant money, and the application that would allow us to proceed with Phase 2, and whatever is involved in getting that done. Commissioner Dr. Darby Chiasson seconded the amended motion. The Chairman asked for a vote on the motion, and the amended motion was unanimously approved.

Chairman Caffery advised that one thing we don't have clear is when we have to have in the hands of the State a draft cooperative endeavor agreement. We had some guidance as to what that cooperative endeavor agreement is to be by way of example. We need to find out when that is needed so that we can identify the main issues of that agreement, discuss it, and come to consensus about it.

Mr. Marionneaux advised that from the meeting he had with Michael Somme was that Mr. Somme was going to draft the first draft of the intergovernmental agreement, which is the cooperative endeavor agreement, and tailor it to fit this project.

Mr. Marionneaux stated that they would like a proposal of what this commission lays out as its priority, which is the master plan portion of it. That needs to be worked on pretty quickly.

Chairman Caffery advised that he commits to provide before Monday, April 16th some comments on our master plan draft. The Board went over the recommended changes last month, and Mr. Stevie Smith has made those changes. Chairman Caffery asked Mr. Smith to make a simple list of all the recommendation, and take the two Excel spreadsheets and blend them into one with cost estimates.

Chairman Caffery stated to Mr. Marionneaux that we could provide him with that list so that Mr. Somme can include that as part of the grant application, and later be part of the intergovernmental agreement.

Chairman Caffery advised that he will get that simplified list of recommendations to the Board before the end of this week for the Board to review. We will come back on Monday, April 16th and adopt that as our master plan if we can. We will be making big decisions based on it.

Chairman Caffery requested that Mr. Marionneaux attend the meeting on Monday to discuss in Executive Session the two lawsuits.

Moved by Commissioner Larry Dugas, seconded by Commissioner Dr. Darby Chiasson and unanimously approved the meeting adjourned at 5:30 p.m.

Hugh Caffery, Chairman

Robert Thibodaux, Secretary/Treasurer