IBERIA PARISH LEVEE, HURRICANE,

AND CONSERVATION DISTRICT MEETING MINUTES

DATE: Thursday, February 1, 2018

TIME: Six (6:00) O’Clock P. M.

PLACE: Iberia Parish Courthouse, Council Chambers

300 Iberia Street – 4th Floor, New Iberia, LA 70560

ATTENDANCE: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

OTHERS: Executive Director Ray Fremin, Jr.,

CALL TO ORDER

Chairman James Stein called the meeting to order.

PRAYER AND PLEDGE

ROLL CALL

APPROVAL OF MINUTES

A motion was made by Benson Langlinais, seconded by James Landry, that the Iberia Parish Levee, Hurricane and Conservation District does herby approve the January 4, 2018 minutes as published.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the motion was therefore passed on this 1st day of February, 2018.

PERSONS TO ADDRESS

None.

SPECIAL BUSINESS

None.

PUBLIC COMMENTS ON BUSINESS TO BE DISCUSSED

 (Comments accepted from the general public)

A motion was made by Lauren Brown, seconded by James Landry, that the Iberia Parish Levee, Hurricane, and Conservation District does hereby recess its Special Session and convene into Public Hearing to receive public comments on business to be discussed.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the motion was therefore passed on this 1st day of February, 2018.

Upon hearing no comments, a motion was made by Benson Langlinais, seconded by Lauren Brown, that the Iberia Parish Levee, Hurricane, and Conservation District does hereby recess its Public Hearing and reconvene into Regular Session.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the motion was therefore passed on this 1st day of February, 2018.

Chairman James Stein requested that the Board move forward to elect its officers at this time.

OLD BUSINESS

1. Discuss and consider election of officers for 2018.

Chairman James Stein opened the floor for nominations of Chairman.

A motion was made by Edwin Leblanc, seconded by Lauren Brown, nominating Benson Langlinais as Chairman.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the motion was therefore passed on this 1st day of February, 2018.

Mr. James Stein announced Mr. Benson Langlinais a Chairman.

Mr. James Stein opened the floor for nominations of Vice-Chairman.

A motion was made by Roy Pontiff, nominating James Landry as Vice-Chairman.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the motion was therefore passed on this 1st day of February, 2018.

Mr. James Stein announced James Landry as Vice-Chairman.

Mr. James Stein opened the floor for nominations for a Secretary-Treasurer.

A motion was made by Lauren Brown, nominating Patrick Broussard as Secretary-Treasurer.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the motion was therefore passed on this 1st day of February, 2018.

Mr. James Stein announced Patrick Broussard as Secretary-Treasurer.

Chairman Benson Langlinais proceeded with the remainder of the meeting at this time.

DIRECTOR’S REPORT

1. Executive Director Ray Fremin, Jr. stated that the account balance is $96,563.79.

He also advised that members packets include monthly expense reports and that the District is currently at 54% of the expenditures for the current budget.

Members of the District briefly discussed having funds in order to have someone take minutes and handle business upon the departure of Mr. Fremin. It was also discussed that funds would be needed to publish the minutes, which is currently covered by the Parish of Iberia. It was then discussed that the Board would likely meet monthly until the audit comes, and that meeting dates would be determined thereafter.

Mr. Stein noted that they met with the Parish President who intends to continue business as usual with new members appointed to the District.

Mr. Fremin noted that there was some discussion in regards to keeping the checking account open with a zero balance, but found out that it would be required to have a CPA to conduct necessary work. This would not work since the balance would be zero there would be no funds to pay for the CPA

OLD BUSINESS

1. Discuss and consider resolution accepting the final plan as developed by the director, the CPA and the Legislative auditor for the final accounting of the district.

Discussion of the plan included the following:

1.  The board discuss and accept the engagement letter from the CPA and that will tell us how much it will cost to complete the process.( I am currently waiting on the letter from the CPA and I will forward it to all members when that is received.
2. Then as of a chosen date all financial activity will end and the CPA can begin its work to determine what amount of funds are left in the account for final disbursement as well as prepare the necessary documents to file with the legislative auditors office.

3. Prior to actual disbursement of funds the district must receive rebates/refunds from the liability and workers compensation insurance companies. These are from premiums which were prepaid for the entire year. I have requested that the coverage ends on Jan 31 so that they can start the refund process as soon as possible.

4. This entire process as well as the wait time for the insurance refund will likely take a couple of months.
5. After my last day of employment with the district I will agree to develop agendas for 2 months so that the board can continue to meet and conduct it's business. After that time the task will need to be coordinated between the board members to determine the method of providing for this.

6. Most of the board has been polled and it appears that at least 5-6 members will remain in place with 3-4 resignations which will have to be replaced by the appointing entities. With 5-6 members remaining in place there will be a quorum to continue to conduct business as usual. However, the board should consider election of officers soon.

7. Some discussion has taken place with regard to leaving the checking account open with little or no money in the account so that an account would always be ready to accept future funding. However this is not possible because with an open account even with a $0.00 balance, there would still be some require reporting to the state legislative auditor and OSRAP (state reporting office). But with no staff and no funds to hire an account this would be diffficult to accomplish.

8. Most of the district files have been packed up and I have made arrangements for Iberia Parish Government to store the files and allow for access by the board.

9. The district owns one piece of equipment (a printer) and some office supplies. These items are still available for use by the board but since the office will be vacated and there are no provisions for a place to store this the board will have to determine who will take possession of these items.

This may not answer all of your questions. This has been a very difficult process to maneuver through. Please contact me by phone or email with additional questions or comments.

A motion was made by James Stein, seconded by Lauren Brown, that the Iberia Parish Levee, Hurricane, and Conservation District does hereby adopt a Resolution accepting the final plan as developed by the director, the CPA and the Legislative auditor for the final accounting of the district (Resolution No. 2018-02)

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the Resolution was therefore passed on this 1st day of February, 2018.

Mr. Fremin stated that if the proposed Resolutions are adopted, the majority of the financial steps will have been completed by February 15th, which will also be his last day of employment. He noted that the only other financial obligations would be refunds of a portion of annual premiums from the insurance company and the payment of CPA and the liquidation of the funds on a pro-rata share to the funding agencies of this current budget year.

Upon continued discussion, he stated that that he has agreed to volunteer his time to produce an agenda for the next couple of months in order that the Board can meet. He also stated that it appears that there will be 5-6 members that plan to remain on the Board, which is enough to have a quorum in order that the Board can operate. He then advised that all files have been packed and are to be moved somewhere in the Courthouse so that the Board can have access to the files. He then noted that the Board only owns a printer and office supplies which are available to the Board. Members of the District briefly discussed designating someone to the email account and voice mail for the phone calls. It was also discussed for the executive director to have a discussion with the parish president about leaving the files, supplies and equipment in the office currently being used. This would provide for a place for the board members to be able to work to develop future agendas and proceed with other work of the district.

Mr. Stein pointed out that the District will no longer be a member of the Association of Levee Boards of Louisiana as there are no funds to pay the Association.

Mr. Fremin also discussed that the upon completion of all financial obligations checks will have to be issued to the two entities in order to return funds as previously discussed.

1. Discuss and consider the engagement letter as submitted by Kolder Chamapgne Slaven and Company, CPA.

Mr. Fremin advised that this proposal is to hire the CPA to do the work which does not include a cost, but is rather based on time and expenses. He noted that the firm advised that costs should run between $500-$1,000.

A motion was made by James Landry, seconded by Edwin Leblanc, that the Iberia Parish Levee, Hurricane, and Conservation District does hereby adopt a Resolution authorizing an engagement letter as submitted by Kolder, Chamapgne, Slaven and Company, CPA.

A substitute motion was made by James Stein, seconded by Roy Pontiff, that the Iberia Parish Levee, Hurricane, and Conservation District does hereby adopt a Resolution authorizing an engagement letter as submitted by Kolder, Chamapgne, Slaven and Company, CPA, with a cap of $1,000. (Resolution No. 2018-03)

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the Resolution was therefore passed on this 1st day of February, 2018.

NEW BUSINESS

A motion was made by Roy Pontiff, seconded by James Stein, in order to expand the agenda to discuss and consider a Resolution requesting the District Attorney to request an Attorney General’s opinion with regard to Louisiana RS 38:313 and to determine if it applies to the Iberia Parish Levee Hurricane And Conservation District with regard to the abolition of the district, since section “c” of RS 38:313 indicates that it may not apply because of its multiple purpose as a levee and conservation district.

This motion to expand having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the motion to expand was therefore passed on this 1st day of February, 2018.

A motion was made by James Stein, seconded by James Landry, that the Iberia Parish Levee, Hurricane, and Conservation District does hereby recess its Special Session and convene into Public Hearing to receive public comments on an expansion to discuss and consider a Resolution requesting the District Attorney to request an Attorney General’s opinion with regard to Louisiana RS 38:313 and to determine if it applies to the Iberia Parish Levee Hurricane And Conservation District with regard to the abolition of the district, since section “c” of RS 38:313 indicates that it may not apply because of its multiple purpose as a levee and conservation district.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the motion was therefore passed on this 1st day of February, 2018.

Upon hearing no comments, a motion was made by James Stein, seconded by James Landry, that the Iberia Parish Levee, Hurricane, and Conservation District does hereby recess its Public Hearing and reconvene into Regular Session.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the motion was therefore passed on this 1st day of February, 2018.

A motion was made by James Stein, seconded by James Landry, that the Iberia Parish Levee, Hurricane, and Conservation District does hereby adopt a Resolution discuss and consider a Resolution requesting the District Attorney to request an Attorney General’s opinion with regard to Louisiana RS 38:313 and to determine if it applies to the Iberia Parish Levee Hurricane And Conservation District with regard to the abolition of the district, since section “c” of RS 38:313 indicates that it may not apply because of its multiple purpose as a levee and conservation district. (Resolution No. 2018-04)

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: James Stein, James Landry, Benson Langlinais, Roy Pontiff, Edwin Leblanc, and Lauren Brown.

NAYS: None.

ABSENT: Patrick Broussard, Scott Ransonet, and Ronald Gonsoulin.

And the Resolution was therefore passed on this 1st day of February, 2018.

Mr. Fremin explained that the Legislative Auditor contacted him stating that they came across a Statute which states that any Levee District created after January 1, 1974 which had not substantially completed the construction of a project and had submitted an ad valorem tax in support of the construction of the project, and had failed, would have to be abolished. He noted that he reviewed said Statue and that Subsection C, states that District’s created with multiple objectives do not apply.

He then advised that the Legislative Auditor has suggested that the District Attorney’s Office make a request to the Attorney General for an opinion on whether or not this applies.

CORRESPONDENCE

None.

NEXT SCHEDULED MEETING

March 1, 2018

ADJOURNMENT

There being no further business, a motion was made by James Stein, seconded by Edwin Leblanc, that the District does hereby adjourn.

All members present voted affirmatively and the motion carried unanimously.

I hereby certify the fore going to be exact and true:

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Ray Fremin, Jr., Executive Director

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