

IBERIA PARISH LEVEE, HURRICANE, AND CONSERVATION  
DISTRICT REPORT

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DATE: Thursday, August 11, 2011

TIME: Six (6:00) O'Clock P.M.

ATTENDANCE: James Landry, Ronnie Gonsoulin, William Patout, Ben Langlinais, Frank Minvielle, James Stein, Alfred "Todd" Landry, and Ronald Hebert, Jr.

ABSENT: Scott Saunier.

OTHERS: Marc Berard - Berard, Habetz, & Associates, Jacques Cousin - Legal Counsel, Oneil Malbrough - Shaw Group, Inc., Jason Akers - Foley Judell, L.L.P., and John Charpentier - Berard, Habetz, & Associates, Rickey Huval - Iberia Parish Assessor, Rickey Brouillette - La. Office of Coastal Restoration and Protection.

I. ROLL CALL

II. APPROVAL OF MINUTES

Mr. Jacques Cousin stated that in reviewing the minutes it wasn't clear if the chairman had been authorized by the Board to enter into a contract with Shaw Group, Inc. Also, at that time it wasn't clear if the funds were going to come from the District's budget or if the Parish was going to sign the contract. Since the last meeting, funds have been reconfigured to pay Shaw Group, Inc. He suggested that someone make a motion to expand the agenda to make it clear that Mr. Gonsoulin has the authorization, by the District, to sign the contract.

Mr. Cousin also stated that he has drafted a short contract addressing what Shaw Group, Inc. will do for the Master Plan. A copy will be given to Mr. Malbrough for Shaw Group Inc. to review, sign, and return for the District's signature.

Mr. Alfred "Todd" Landry entered the meeting at 6:03 p.m.

A motion was made by Mr. Ben Langlinais, seconded by Mr. Frank Minvielle, which hereby approve the minutes of the July 14, 2011 Iberia Parish Levee, Hurricane, and Conservation District.

And the motion was therefore passed on this 11<sup>th</sup> day of August 2011.

II. ACTIONS TO BE DISCUSSED

A motion was made by Mr. Ben Langlinais, seconded by Mr. Frank Minvielle to expand the agenda to discuss the contract with Shaw Group Inc. in relation to the Master Plan.

And the motion was therefore passed on this 11<sup>th</sup> day of August 2011.

Mr. Jacques Cousin stated that since the last meeting the Parish has reallocated funds in the District's budget to allow sufficient funds to enter into a contract with Shaw Group, Inc. He has prepared a very simple contract which authorizes Shaw Group, Inc. to do the three phases of work. He suggested that someone should entertain a motion authorizing the Chairman to execute the contract with Shaw Group, Inc. for the Master Service Agreement.

A motion was made by Mr. James Stein, seconded by Mr. Jimmy Landry, authorizing the chairman to execute a contract with Shaw Group, Inc. for the Master Service Agreement at a cost of \$35,000 to be paid from the Parish's budget available for the District.

And the motion was therefore passed on this 11<sup>th</sup> day of August 2011.

Mr. Cousin stated that he will provide Mr. Malbrough with a copy of the draft Master Service Agreement for Shaw Group, Inc. to fill in the amount of \$35,000, sign it, and send back to the District for Chairman Gonsoulin to sign the Agreement.

A. Mr. Jason Akers with Foley and Judell, L.L.P. addressed the finances of the District.

Mr. Jason Akers stated that he is here to discuss the revenue matters respecting the District, revenue for general operations and revenue for capital expenditures. The current concern would be about capital expenditures, and how funds will be raised for the construction of the levee system.

Mr. Akers stated that from a jurisdictional basis the District is all of Iberia Parish except for the portion that is within the Atchafalaya Basin Levee District, which has an assessed value of about \$35 million. The remaining \$472 million assessment is part of the Iberia Parish Levee District. Constitutionally Levee Districts may have property taxes approved for operations on "the alluvial portions of the district subject to overflow". The subject to overflow is a matter of determination of the Assessor. Right now we are operating under the assumption that the entire Parish outside of Atchafalaya Basin District is alluvial and subject to overflow.

Mr. Akers went on to explain, for capital expenditures there are two real options under your current Legislation, which include General Obligation Bonds and Limited Tax Bonds. Both require an election and a vote of the people, with simple majority of people to vote in favor for passage.

Under state law, you are limited under General Obligation Bonds, and can only issue up to 10% of your assessed value. Limited Tax Bonds are a bit different, whereas you would draft a proposition that the voters would vote to provide funding not only for capital expenditures but also for operations. In comparison, a General Obligation Bond election has proceeds which can only be used for capital expenditures and not day to day operations of the District.

Another major way to fund a Levee District is through sales taxes. However, Iberia Parish District's authorizing Legislation did not provide for sales tax authority, which does not eliminate the opportunity to have it added. This would require a Legislative fix asking for that authority to be granted to the District. Most likely if granted it will be granted at the will of the elector, having to have an election before being able to impose that tax. The proposition would be worded so that the proceeds of the tax could be used for operations and maintenance as well as capital expenditures. This would again place the District back in the same position as with Limited Tax Bonds, which includes getting a big chunk of money up-front for capital expenditures and also having on-going revenue. This is why most Levee Districts tend to lean towards an ad valorem tax or a sales tax and not towards General Obligation Bonds because it gives the District the benefit of having money for operations as well.

Mr. Akers referred to a handout explaining the time process to have an election for the issuance of General Obligation or Limited Tax

Bonds. With a bond sale the District would have money in hand by September 2012. With an ad valorem tax, it would be March 2013 before the operation millage funds would roll in.

Mr. Akers explained that all current figures are based on forecasts and projections. Assessed values move up and down every year, with interest rates going up and down as well. All of these variables come into play on how much funding the District could actually get. The most important thing is explaining to the voters the value of what they are being asked to approve and what they are going to get out of it.

Chairman Gonsoulin recognized Mr. Rickey Huval, Iberia Parish Assessor, noting that he has provided a sheet of information for us on an ad valorem tax from 1 - 5 mills and what dollar amount it would raise in Iberia Parish.

B. PowerPoint Presentation by the Shaw Group, Inc. - Proposed Landowner Questions and Answers.

Mr. Oneil Malbrough presented a list of answers to the questions derived from the subcommittee meeting. Mr. Malbrough stated that this will give the Board something to work from. He advised the members to mark the document with corrections and return back to him to be constructed into a PowerPoint presentation. Next month he will have a revised copy for review. Corrections can continue to be made until satisfaction is reached for the document to be used in a public meeting. Mr. Gonsoulin asked that the members present any changes in the next ten days to Mr. Malbrough.

C. PowerPoint Presentation by Mr. John Charpentier with Berard, Habetz, & Associates - Iberia Parish Levee, Hurricane, and Conservation District plans.

Mr. Charpentier stated that in meeting with Mr. Gonsoulin and Mr. Berard in recent weeks he was assigned to create a PowerPoint presentation for the citizens of Iberia Parish. All being unfamiliar territory, with much research and compiling information from the State Master Plan, the Projected Levee Alignment and numerous websites, he was able to construct a document for the Board's review.

The goal is to keep people educated, on the proposed levee system to be constructed. He assembled the presentation from history explaining how we got here, what are the problems, and how to fix the problems and how to fund it. Using graphics it illustrates the problems that a lot of citizens do not yet realize. He welcomed the idea of adding or taking out content in the presentation.

Mr. Berard addressed the issue of a mission statement developed by the Advisory Committee. It was questioned if the Board would like to modify the statement or create their own. The District agreed that the mission statement needs to be expanded and adjusted to the current situation.

Mr. Ben Langlinois commented that a known historian Mr. Warren Perrin, whom is into Cajun culture and has delivered speeches on hurricane protection, would be a person to provide the District with further information on cultural aspects of our heritage to put into the PowerPoint.

The Board discussed condensing the presentation for the sake of time to present to the Parish and City Councils. The PowerPoint would then be presented in different locations of the Parish for the public's information and education.

It was suggested that an additional slide to the presentation be added containing pictures of a flood model for the New Iberia Senior High School and the Iberia Parish Court House.

Mr. Gonsoulin suggested that next month the Board review the presentation on the screen, discuss and critique it then.

D. Approval of Invoice #211282 and Invoice #211309 both to Berard, Habetz, & Associates, Inc.

A motion was made by Mr. Jimmy Landry, seconded by Mr. Ben Langlinois, to pay Invoice #211282 in the amount of \$982.50 and Invoice #211309 in the amount of \$295.00 to Berard, Habetz, & Associates.

And the motion was therefore passed on this 11<sup>th</sup> day of August 2011.

### III. OTHER BUSINESS

A motion was made by Mr. Jimmy Landry, seconded by Mr. Ben Langlinois to adopt the yellow line as the Preliminary Conceptual Plan and omit the blue line from the proposed Levee Alignment presented by Shaw Group, Inc.

And the motion was therefore passed on this 11<sup>th</sup> day of August 2011. It was discussed that Mr. Rickey Brouillette will provide further information of when the Conceptual Plan will have to be submitted to be included in the State Master Plan.

Mr. Jimmy Landry stated that he attended a meeting in Abbeville, which discussed Vermilion Parish getting out the Chenier Levee Plan District and joining the South Central Plan, with Iberia Parish. Further meetings will be conducted for further discussion on this matter.

It was discussed that the District should further discuss its finances for the upcoming year, as well as, hiring someone to assist with daily operations.

Chairman Gonsoulin stated that the next meeting of the District will be held on Thursday, September 8, 2011 at 6:00 p.m.

### IV. ADJOURN

There being no further business, a motion was made by Mr. Alfred "Todd" Landry, seconded by Mr. Frank Minvielle, that the District does hereby adjourn.

All members present voted affirmatively and the motion carried unanimously.

I hereby the fore going to be exact and true:

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Ronnie Gonsoulin, Chairman