

OFFICIAL PROCEEDINGS  
ST. MARY LEVEE DISTRICT  
REGULAR MEETING

AUGUST 9, 2018  
FRANKLIN, LOUISIANA

The St. Mary Levee District (“SMLD”) met on this date with, President William Hidalgo, Sr., presiding and the following board members present: J.P. Hebert, Norris Crappell, James Vidos, Will Terry, Alton Broussard, Barry Broussard, Kenny Arceneaux, and with Luther Smith absent.

Also present: Tim Matte, St. Mary Levee District Executive Director; Michael Brocato, Operations Manager of St. Mary Levee District; Bill Bourgeois; Jeff Pena, APTIM; Reid Miller, Miller Engineers; Thomas Naquin, T. Baker Smith; Stan Aucoin, CPRA; and members of the public and media.

Mr. Crappell moved to dispense with the reading and to approve the July 12<sup>th</sup> regular meeting minutes. After a second by Mr. Vidos, the motion carried unanimously.

Mr. B. Broussard presented the payables report, which Mr. Vidos moved to approve. Following Mr. A. Broussard’s second, the motion carried unanimously.

Mr. Matte presented the Statement of Revenues by sources and Summary of Expenditures of the St. Mary Levee District.

Mr. Jeremy Meaux with Darnell, Sikes, Gardes & Frederick presented the audit for the year 2017. Mr. Meaux stated an unmodified opinion was issued which is the best possible that can be given. Mr. Hebert moved to accept the 2017 audit, which was seconded by Mr. Arceneaux and carried unanimously.

Mr. Tim Matte reported the Bayou Choupique project continues to move forward. Mr. Matte stated the ROW process is still ongoing with the property owners and all permits are in place.

Mr. Miller reported that his office has signed the contract for the Yokely Levee and is currently waiting for the St. Mary Parish Government official’s signature.

Thomas Naquin with T. Baker Smith reported the contractors have seeded and fertilized the Siracusaville section of the Morgan City Levee Construction and Improvements Project. Mr. Naquin reported the contractors have seeded the Lake End Park to Justa Street portion of the project. Mr. Naquin stated the contractors have completed all of the paving, striping, and embankment work on the LA 70 portion of the project. Mr. Naquin reported that the contractors will begin seeding next week and a notice of substantial completion should be awarded within the next few days. Mr. Naquin reported installation of sheet pile is complete for the Justa Street project. Mr. Naquin stated the embankment work will follow once the inspection of the pipe is completed.

Mr. Jeff Pena with APTIM reported his office has received the 408 permission from the USACOE for the Bayou Chene Project. Mr. Pena stated that his office has also received the letter from DNR on the extension of the permit until September 2019. Mr. Pena stated Earthsearch has completed their field visit with the report being reviewed by the USACOE which was then sent to SHPO on July 25<sup>th</sup>. Mr. Pena stated that the public notice will end on August 25<sup>th</sup>.

Mr. Crappell moved to authorized Mr. Hidalgo to sign a mitigation purchase agreement in the amount of \$425,500 pending approval of the USACOE permit. After a second by Mr. Vidos, the motioned passed unanimously.

Mr. Pena reported their office has submitted the permit extension request for the Bayou Teche project which is set to expire September 2018. Mr. Pena stated that the ROW coordination is still ongoing and the landowner is reviewing the ROW request. Mr. Pena also reported 50% design work has been initiated with the Magnetometer and Topographic surveys completed.

Mr. Matte reported that construction on the North Bend Phase B project has begun and they are moving forward on the land acquisitions.

Mr. Matte reported that the wash out area near the Franklin Canal, just south of the flood gate, has been examined by the USACOE and they have an estimated that it would cost \$40,000 to repair. Mr. Matte stated the USACOE plan to use a work crew from New Orleans to complete the repair.

Mr. Matte reported a bank failure has occurred on Front Street in Morgan City near Levee Road and the USACOE plan to stabilize the bank in that area by using large rock. Mr. Matte stated the project is expected to start in the next couple of months.

Mr. Matte reported the USACOE determined the erosion occurring along the GIWW south of the Wax Lake East levee near Cotten Road needs to be shored up. Mr. Matte stated the USACOE will provide rock material for the area if SMLD is willing to do the offloading and placement. Mr. Matte stated this rock shipment will be used for both locations.

Mr. Matte reported SMLD has been informed that the USACOE may have some additional limestone and is working with them to get a more definitive time frame of delivery.

Mr. Arceneaux moved to authorized Mr. Hidalgo to sign a resolution giving preliminary approval for the district to issue up to \$16 million of limited tax revenue bonds for the Bayou Teche Floodgate project. After a second by Mr. Crappell, the motion carried unanimously.

The following resolution was offered by Kenneth Arceneaux and seconded by Norris Crappell:

#### **RESOLUTION**

A resolution giving preliminary approval to the issuance of not to exceed Sixteen Million Dollars (\$16,000,000) of Limited Tax Revenue Bonds of the St. Mary Levee District; making application to the State Bond Commission for approval of said Bonds; providing for the designation and employment of professionals and providing for other matters in connection therewith.

WHEREAS, pursuant to the provisions of Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority (the "Act"), and subject to the approval of the State Bond Commission, the St. Mary Levee District (the "Issuer") desires to issue not exceeding \$16,000,000 of its Limited Tax Revenue Bonds (the "Bonds"), to be payable from the proceeds of a 5 mill ad valorem tax currently being levied within the Issuer, authorized at an election held on May 1, 2010 (such rate being subject to adjustment from time to time due to reassessment) (the "Tax"); and

WHEREAS, the Issuer desires to make formal application to the State Bond Commission for approval of the Bonds, and further to employ professionals in connection therewith;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the St. Mary Levee District (the "Governing Authority"), acting as the governing authority of the Issuer, that:

SECTION 1. Preliminary approval is given to the issuance of not exceeding Sixteen Million Dollars (\$16,000,000) of Limited Tax Revenue Bonds of the Issuer, pursuant to the Act, for the purpose of funding flood protection projects, including the acquisition of equipment therefor, and paying the costs of issuance of the Bonds, said Bonds to be payable from and secured by the Tax. The Bonds will be issued in one or more series, will bear interest at a rate or rates not to exceed six percent (6%) per annum, and will mature over a period not exceeding thirty (30) years from the date thereof.

SECTION 2. Application is hereby made to the State Bond Commission, Baton Rouge, Louisiana, for approval of the issuance and sale of the Bonds and for consent and authority to proceed with the issuance and sale of the Bonds as provided above, and Bond Counsel is directed to make application to the State Bond Commission in accordance with the foregoing on behalf of the Issuer. By virtue of applicant/issuer=s application for, acceptance and utilization of the benefits of the Louisiana State Bond Commission=s approval(s) resolved and set forth herein, it resolves that it understands and agrees that such approval(s) are expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the

"State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.", adopted by the Commission on July 20, 2006, as to the borrowing(s) and other matter(s) subject to the approval(s), including subsequent application and approval under said Policy of the implementation or use of any swap(s) or other product(s) or enhancement(s) covered thereby.

SECTION 3. This Governing Authority finds and determines that a real necessity exists for the employment of special counsel in connection with the issuance of the Bonds, and accordingly, Foley & Judell, L.L.P., of New Orleans, Louisiana, as Bond Counsel, is hereby employed to do and perform work of a traditional legal nature as bond counsel with respect to the issuance and sale of said Bonds. Said Bond Counsel shall prepare and submit to this Governing Authority for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of such Bonds, shall counsel and advise this Governing Authority as to legal matters pertaining to the issuance and sale thereof and shall furnish its opinions covering the legality of the issuance of the Bonds. The fee of Bond Counsel for each issue or series of bonds shall be fixed at a sum not exceeding the fee allowed by the Attorney General=s fee guidelines for such bond counsel work in connection with the issuance of such series of revenue bonds and based on the amount of said Bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said Bonds. The President of this Governing Authority is hereby authorized and directed to execute, and this Governing Authority hereby agrees to and accepts the terms of, the engagement letter of Bond Counsel appended hereto as **Exhibit A**. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Executive Director of the Issuer is hereby empowered and directed to provide for payment of the work herein specified upon completion thereof and under the conditions herein enumerated.

SECTION 4. The District shall retain one or more investment bankers and/or municipal advisors pursuant to a subsequent resolution to be adopted by this Governing Authority.

SECTION 5. Prior to the delivery of the Bonds, the Issuer anticipates that it may pay a portion of the costs of funding flood protection projects, including the acquisition of equipment therefor, from its general fund. Upon the issuance of the Bonds, the Issuer reasonably expects to reimburse any such expenditures of other available funds from a portion of the proceeds of the Bonds in an amount not to exceed \$2,500,000. Any such allocation of proceeds of the Bonds for reimbursement will be with respect to capital expenditures (as defined in Reg. 1.150-1(b)) and will be made upon the delivery of the Bonds and not later than eighteen months after the later of (i) the date such expenditure was paid or (ii) the date on which the project was placed in service, but in no event more than three years after the original expenditure was paid. This Section is intended to be a declaration of official intent within the meaning of Reg. 1.150-2.

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

YEAS: Wilson Terry, Junius Hebert, Jr., James Vidos, Kenny Arceneaux, Jr.,  
William Hidalgo, Barry Broussard, Norris Crappell, Alton Broussard

NAYS: None

ABSENT: Luther Smith

And the resolution was declared adopted on this, the 9<sup>th</sup> day of August, 2018.

Mr. Hebert authorized Mr. Brocato to hire a contractor to perform repairs on the floodside along the GIWW near Cotten Road. After a second by Mr. B. Broussard, the motion carried unanimously.

Mr. Hidalgo asked for further comments and did not receive any. Mr. Terry moved for adjournment, which was seconded by Mr. Crappell and carried unanimously.

Attest:

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Barry A. Broussard, Secretary  
St. Mary Levee District