

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

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

**February 19, 2013**

MEMBERS PRESENT DURING ROLL CALL: Don Thompson, Terry Louque, Al Bargas, John Brass, Lawrence Callender, Willie George Lee, Randolph Saucier, Jerry Thibeau, Larry Thomas

MEMBERS ABSENT: Russell Cornette, Anthony "Tony" Rouchon

MEMBERS ARRIVED: Joel Louque – 6:20 p.m., Dale Zuelke – 6:03 p.m.

ALSO PRESENT: Dietmar Rietschier, Toni Guitrau, Larry Bankston, Jim Delaune

1. The meeting was called to order at 6:00 p.m. by Don Thompson.
2. Public Comments on Agenda Items: Mr. Andrew Harrison, of Harrison Law Firm in Baton Rouge, spoke in regard to mitigation property for the Comite River Diversion Canal Project.
  - Commissioner Dale Zuelke entered the meeting at this time, 6:03 p.m.
3. Minutes
  - The Board unanimously approved a motion by Callender second by Lee to approve the January 15, 2013 meeting minutes as presented.
4. Financial Statement Report:
  - Bargas presented to the Board the January 2013 General Fund and CRDC Fund financial statements. The Board unanimously approved a motion by T. Louque, second by Thibeau to approve the January 2013 General Fund and CRDC Fund financial statements.
  - Finance Committee Meeting: The next Finance Committee meeting will be in March 2013.
  - John L. McKowen, CPA: The Board unanimously approved a motion by Callender, second by Thibeau to extend a contract for an additional 3 years with John L. McKowen, CPA for a fee of \$3000/annually
  - Bargas hosted a USACE "Credit Presentation" on January 23, 2013 at 10 a.m. at the Associated Builders and Contractors (ABC) office located on Highland Road in Baton Rouge. Members of the USACE, LA DOTD, and ARBC attended. The USACE presented an overview of the Comite River Diversion Canal Project and explained the process of request for credit submission. Bargas said after listening to the presentation, he believes the ARBC will not be able to get credit for the work done by LUC.
5. Report by Executive Director
  - Reported on the general status of the Comite River Diversion Canal Project. Rietschier said that acquiring Profit Island is the most important next step in moving the project forward. An appraisal has been approved by the USACE but the property owner is having his own appraisal done. The date to finalize this has not been determined. The bulk of the HTRW's have been completed.
  - Note: Commissioner J. Louque entered the meeting at this time, 6:20 p.m.
6. Old Business
  - BKI Contract: It was discussed that the BKI contract with ARBC has a \$750,000 limit and Rietschier confirmed that the amount billed under the contract so far is approximately \$690,000. Callender stated that the Environmental Assessment should not be considered as expenses toward the contract limit. Bankston said it is a Professional Services 2 year contract with a limit of \$750,000. He recommended authorizing an amendment to the contract since the scope of work has changed due to additional Task Orders issued. An amendment to the contract would allow BKI and GCR to work through June 30, 2013 or end of said contract. Bankston noted that the LaDOTD cannot make an offer on any property without an HTRW. It was understood that other work provided by BKI was outside of the contract. **The Board agreed to a motion by Bargas, second by J. Louque as follows: Whereas BKI has completed the Phase 1 Hazardous Toxic or Radioactive Waste (HTRW) Investigations; and whereas the HTRW Final Reports have been completed, submitted and approved by the ARBC for all 17 Advance (ADV) Purchase Properties; and whereas, BKI has determined a 'Phase II HTRW Study is recommended for ADV 4 – Carter and ADV 7 – Bergeron and ADV 8 – Bergeron and ADV 9 – Decker and ADV 14 – Midwest Bank, and whereas the LaDOTD is ready to move forward with the purchase of these properties and requires these studies be completed before they can make an offer on these properties, be it resolved that the Board of Commissioners of the ARBC hereby directs Dietmar Rietschier, Executive Director, ARBC to issue and ARBC Task Order to BKI to issue Right of Entry documentation and conduct a Phase II HTRW Study on each of the aforementioned ADV Purchase Properties at a cost to be negotiated between BKI and ARBC: Be it further resolved that the ARBC work orders be negotiated and issued to BKI so that BKI can commence the Phase II HTRW Studies not later than February 25, 2013. Note: Saucier voted against the motion.**  
The Board unanimously approved a motion by Thomas, second by Bargas to increase the BKI contract limit by an additional \$60,000 in order to get Phase II study completed on said properties. Saucier asked if the list included everything that needs to be done and the answer was no. Callender suggested the Finance Committee meet and bring recommendations to the Board at the next meeting if more than \$60,000 is needed.

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- USACE ROE – Lilly Bayou Repair: **The Board unanimously approved a motion by Callender second by Lee to extend an existing Right of Crossing agreement between Kansas City Southern Railroad and ARBC to allow access to the Lilly Bayou Control Structure area. All necessary insurance arrangements will be made.**
- Rietschier provided to the Board the GCR Real Estate forecasted estimates of approximately \$40 million as provided for the preparation of a Capital Fund Budget. This does not include relocation costs.
- Property Maintenance Contract: **The Request for Proposals will be published/advertised for the labor, equipment, materials and supplies for ground maintenance and grass cutting.**
- Bankston reported that due to a lawsuit filed and won by the Livingston Parish-COA against the LPSO, the LPSO has paid the ARBC \$93,547.10. This amount is to be confirmed by the ARBC CPA or auditor.
- ARBC By-laws, Policy Manual: The Personnel Committee met on January 18, 2013 at 10:00 a.m. They will hold additional meetings which are to be scheduled in regard to updating the ARBC By-laws and Policy Manual.
- Monthly Review – Absent Board Members (January 2013 ARBC meeting): The Board unanimously approved a motion by Callender, second by Thomas to excuse the absences of Brass and Lee.
- Beard Construction Contract Option: **The Board unanimously approved a motion by Callender second by Thibeu to allow the Contractor to exercise the option to purchase additional borrow and fill material in consideration of the sum of \$1.50 per cubic yard at a minimum of 25,000 cubic yards, paid by the Contractor to the ARBC. The total price to be paid by the Contractor shall be \$37,500.00 at minimum. The dirt must be removed within 6 months of the execution of the Option.**
- Legislative and USACE Visit, Washington, DC Trip: The Board discussed that the last few trips were successful because they were able to get the Environmental Assessment, and set up a meeting in New Orleans for Profit Island with the help of Congressman Vitter. **Thompson said he will put together a meeting and will decide who goes to Washington, DC.** Thibeu suggested that Saucier should be considered to go.
- Robert Rules of Order: Bargas suggested that following Robert Rules of Order, as included in the ARBC By-laws, is important to maintain order at ARBC meetings. He said that if we do not follow the Robert Rules of Order then we are in violation of the ARBC By-laws.

7. New Business

- Authorize the Right of Entry by Genesis Pipeline at Lilly Bayou: **The Board unanimously approved a motion by Callender second by Saucier to authorize the Right of Entry by Genesis Pipeline at Lilly Bayou.**
- Receive Appraisal Review on Profit Island: Bankston confirmed the numbers of the original appraisal.
- Authorize Executive Director to seek bids or proposals to demolish buildings on Tracts 473 and 476: **The Board unanimously approved a motion by Thibeu second by Thomas to authorize the ARBC Executive Director to seek bids or proposals to demolish buildings on Tracts 473 and 476.**
- Amend motion by Al Bargas (ARBC Meeting of September 18, 2012): Rietschier requested that the Board amend a previous Board approved motion by Bargas at the September 18, 2012 meeting. Rietschier suggested eliminating some of the language in the motion because the purchase of property is the responsibility of the LADOTD. Saucier recommended that Rietschier discuss modifications to the motion with Bargas. Actions discussed but not agreed upon by the Board are as follows: Rietschier suggested that future motions that are long in length and require Board consideration should be submitted to the Board in advance of each meeting. Bargas requested that in order to comply with this request monthly reports should be submitted to the Board more than one week in advance of each ARBC meeting.
- **Thompson requested that future agenda 'action items' be highlighted.**

8. New Business: None

9. The Board unanimously approved a motion by Thibeu, second by Zuelke to adjourn the meeting at 7:27 p.m.

APPROVED:

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/s/ Don Thompson  
Don Thompson, ARBC President  
Date: March 19, 2013

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/s/ Toni B. Guitrau  
Toni B. Guitrau, Executive Secretary