

**MINUTES OF REGULAR MEETING OF THE  
AMITE RIVER BASIN DRAINAGE & WATER CONSERVATION DISTRICT  
3535 S. Sherwood Forest Boulevard, Suite 135, Baton Rouge, LA**

**August 21, 2012**

MEMBERS PRESENT: Don Thompson, Terry Louque, Al Bargas, John Brass, Lawrence Callender, Russell Cornette, Willie George Lee, Joel Louque, Anthony Rouchon, Randolph Saucier, Jerry Thibeau, Larry Thomas

MEMBERS ABSENT: Dale Zuelke (Entered the meeting at (6:06 p.m.)

ALSO PRESENT: Dietmar Rietschier, Executive Director  
Toni Guitrau, Executive Secretary  
Larry Bankston, Attorney

1. The meeting was called to order at 6:00 p.m. by Thompson.
2. Public Comments on Agenda Items: None
3. Minutes
  - The Board unanimously approved a motion by Rouchon second by Cornette to approve the corrected (typos) June 19, 2012 meeting minutes as presented.
  - The Board unanimously approved a motion by Rouchon second by J. Louque to approve the July 17, 2012 minutes with omission of the word 'order' on Line 6 of Bullet 6 under the Executive Director's report.
  - Dale Zuelke entered the meeting at this time. (6:06 p.m.)
4. Financial Statement Report
  - Bargas presented to the Board the July 2012 General Fund and CRDC Fund financial statements. The Board unanimously approved a motion by T. Louque, second by Cornette to approve the July 2012 General Fund and CRDC Fund financial statements, and the new draft 2-page format as provided by Bargas. Bargas reported he met with ARBC staff last week and reviewed the financial statements. At the last ARBC meeting on July 17, 2012, Bargas suggested implementing a subsidiary ledger and electronic system/files of ARBC owned property. This will reconcile the total amount to individual investments, and is a project that could be complete in 60 days. A fire-proof filing cabinet to store documents such as titles of property owned by ARBC has been purchased. Bargas reported to the Board the recommendations of the Finance Committee as follows:
    - a. Review and approve the Organization Chart showing the flow or chain of command from USACE-DOTD-ARBC-Consultants as prepared by Larry Thomas.
    - b. Reviewed and discussed the progress on completion/revisions of the USACE spreadsheet on credit request relative to LUC expenditures from years 2003-2010. Rietschier explained that he had been requested to correlate items on the spreadsheet to 9 letters from the USACE. The letters were from 2009-2012 but the majority of the LUC expenses occurred from 2003-2010. He is currently pulling additional letters, and emails to see if any may be used toward credit for LUC expenses. He also requested records from the USACE to help substantiate the records.
    - c. Discussed ARBC responsibility to document and submit for credit to the DOTD who will in turn submit to the USACE. Bargas stated that ARBC should be able to submit a proposed format to the USACE for pre-approval.
    - d. Discussed the staff in relation to timecards and credits.
    - e. BKI June 2012 Invoice: The Finance Committee determined the unpaid charges in question were for the last trip to Washington, D.C. The Committee agreed the trip was important to the success of the Environmental Assessment and CRDC Project and should be paid in full. The Board unanimously approved a motion by Bargas, second by Thibeau to pay the unpaid portion of the June 2012 invoice from Burk-Kleinpeter, Inc.
    - f. BKI July 2012 Invoice: Rietschier stated that he received the BKI July 2012 invoice, and that it is unpaid but he review and pay it.
    - g. BC Ratio: At the Finance Committee Meeting, Bankston recommended returning to Washington, D.C. in regard to federal funding for the Comite River Diversion Canal Project. The Committee agreed with the recommendation.
5. Report by Executive Director:
  - Rietschier reported that the FONSI was signed. The first order of business is to purchase mitigation lands. The HTRW needs to be done on Profit Island as required by the USACE. That will put us in negotiation with the property owners. Callender provided a copy of the FONSI and noted that the FONSI was signed on July 27,

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2012 and has been available on the public website. Rietschier said he has an email that states that the ARBC should not proceed until it receives official written notification. Callender stated that the HTRW comes from the USACE/Planning and Environmental Department to the LA DOTD. The LA DOTD informs the ARBC that it has received the request. Once that is completed it has to be submitted to the USACE; after the USACE reviews and accepts it, they will send a Right-of-Entry and that is when GCR can proceed. Rietschier said no official letter has been submitted yet to proceed. Rietschier has informed the consultants to proceed with the HTRW investigations on mitigation lands and the advanced land acquisitions along the Comite River Diversion Canal right-of-way. Rietschier said that GCR Associates is working on the Advanced Acquisitions approval by LA DOTD. Rietschier said a motion is not needed; a Task Order has been issued.

- At the July 17, 2012 ARBC meeting the Board approved to begin utilizing the new Task Order form as presented by Bargas. Rietschier distributed to the Board a list of proposed Task Orders for year 2012-2013. Discussed Profit Island, Advanced Acquisitions and HTRW investigations in Phase 1. Total comes to approximately \$250,000.
- Discussed the BC Ratio Study. Rietschier recommended that the ARBC not work on the BC Ratio because the USACE is upgrading it. It was agreed that rather than ARBC beginning an independent BC Ratio Study, the ARBC would follow the progress being made by the USACE. Bargas stated that it was not placed on the meeting agenda to determine the BC Ratio but to discuss it. Bargas and Rouchon stated and the Board agreed that it is important to complete Phase 1 to get the BC Ratio needed. Callender said during the last trip to Washington, D.C. it was close to being in the President's Budget. Bargas said a timeline, plan and schedule are needed. Profit Island is needed to get the required mitigation land to begin construction of Phase 1. Rietschier said the biggest problem is not structuring but is securing federal funding for construction.
- Task Orders: Rietschier requested the Board approve his proposed Task Orders as presented. As recommended by the Finance Committee, the Board unanimously approved a motion by Bargas second by Rouchon to identify ARBC tasks, rank, and amend them on the form as provided by Bargas at the July 17, 2012 ARBC meeting.

**6. Report by ARBC Legal Counsel/Old Business**

- Borrow & Fill Material-Resolution 1096: Sealed bids were opened on August 20, 2012. Beard Construction submitted the only bid. \$1.50/CY with a minimum of 25,000 CY. Bankston said the company has the ability over a period of time to buy additional lots of 25,000 CY. A motion to accept the high bid from Beard Construction Group, L.L.C., Resolution 1096, and to authorize the Executive Director, Mr. Rietschier, to execute a contract consistent with the terms and conditions set forth in the Bid Documents was made by Rouchon, second by J. Louque. A voice vote was called for and resulted as follows:

YEAS: Don Thompson, Terry Louque, John Brass, Lawrence Callender, Russell Cornette, Willie George

Lee, Joel Louque, Anthony Rouchon, Randolph Saucier, Jerry Thibeau, Larry Thomas, Dale Zuelke

NAYS: None

ABSENT: None

ABSTAIN: Bargas (Beard Construction Group, L.L.C. is a member of Associated Builders & Contractors. Bargas is the executive director of that association and desired to abstain from the vote.)

As recommended by Bankston, the Board unanimously approved a motion by Bargas, second by T. Louque to open a savings account in the General fund for the sale of the Borrow & Fill Material and Hunting Lease payments.

- Rietschier reported that ARBC has not invoiced or received payment from dirt sales to PLD. He is waiting on the USACE to provide the amount used then ARBC will invoice PLD. Callender asked the status of selling dirt to Parish President Billy Nungesser, Plaquemines Parish. Callender had previously informed Rietschier that Nungesser was possibly interested in purchasing dirt.
- CEA between ARBC and LA DOTD: The Second Amended CEA has been prepared by B&A and has been submitted to DOTD for its review and comments. This may be completed by the next ARBC meeting.
- Updated the Board on the status of current litigation. Bankston reported the First Circuit Court of Appeals overruled Judge Fields authorization to sequester funds. The plaintiff may appeal.

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- Hunting Lease: The Board unanimously accepted the recommendation by Bankston to allow the assignment of the lease to Mt. Pleasant, Inc. on a motion by Thibeau second by Lee. Bargas abstained. All documents required are in order.
- Property Maintenance Contract Proposal/Professional Service Contract: Bankston sent to Rietschier a Maintenance Contract Proposal via email. The proposed contract was not available for the Board's review but Bankston explained that it was a Request for Proposals listing all the different properties; requires proof of insurance; information of work performed in the past; estimates only per track are needed. Bargas said ARBC should cease using any contractor who does not provide proof of insurance. Mike Bush has provided maintenance of property for ARBC for years and has provided annual proof of insurance. Bankston said that this will be formalized and ready for review of the Board by the next ARBC regular meeting. In the meantime, Mike Bush will continue to maintain the property.

7. New Business

- ARBC Legal Contract (same terms): The Board unanimously approved a motion by Rouchon second by J. Louque to renew the contract with Bankston and Associates for July 2012-June 2014.
- Office Lease Renewal (same terms)– The Board unanimously approved a motion by Rouchon, second by Thibeau to renew the Office Lease (Amendment No. 2) for January 1, 2013-December 31, 2015.
- Capital One and Whitney Bank signature forms: The Board unanimously approved a motion by Thibeau second by Zuelke to remove Callender and add Bargas as authorized signers for ARBC bank accounts.
- A motion to go into Executive Session, to discuss pending litigation (Campbell v. ARBC et al, for no more than 15 minutes was made by Cornette, second by Thibeau. Roll call was as follows:

YEAS: Don Thompson, Terry Louque, Al Bargas, John Brass, Lawrence Callender, Russell Cornette. Willie George Lee, Joel Louque, Anthony Rouchon, Randolph Saucier, Jerry Thibeau, Larry Thomas, Dale Zuelke

NAYS: None

ABSENT: None

ABSTAIN: None

The Board unanimously approved a motion by Cornette, second by Thibeau to exit Executive Session.

- The Board unanimously approved a motion by Rouchon, second by J. Louque to authorize Appointment of a Special Master for the Campbell litigation.

8. The Board unanimously approved a motion by Cornette, second by Rouchon to adjourn the meeting at 7:26 p.m.

APPROVED:

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/s/ Don Thompson  
Don Thompson, ARBC President

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

Date: September 18, 2012