MINUTES OF MEETING

TECHE-VERMILION FRESH WATER DISTRICT

August 24, 2020

The Board of Commissioners met on the above date at the Teche-Vermilion Fresh Water District office located at 315 S. College, Suite 110, Lafayette, LA at 10:00 a.m. via Teleconference. Members present were: Mr. Ed Sonnier, Mr. Tommy Thibodeaux, Mr. Ralph Libersat, and Mr. Donald Segura. Member Absent: Mr. Bradley Grimmett. In addition, present were: Mr. Alex Lopresto, Mr. Larry Cramer, Mr. Todd Vincent, Mr. Gene Sellers Jr, Mr. William Graham, Mrs. Jody White, Mr. Carter Sanders, Mr. John Istre, Mr. Donald Sagrera and Ms. Wendy Dupuis.

At this time of the Public Meeting, the Chairman called for any public comment regarding the Agenda. There was no comment.

Upon motion by Mr. Libersat and seconded by Mr. Thibodeaux, the minutes of the previous meeting of July 27, 2020 were accepted and approved. Motion unanimously carried.

Mr. Larry Cramer with Seller and Associates gave an update on the Loreauville Canal Bypass Channel Project. They will be surveying the existing staff gauge to make corrections between the two datums.

Gene Sellers Jr. provided an update on the progress of the New Office Building.

Upon motion by Mr. Thibodeaux and seconded by Mr. Libersat, the Board approved to withdraw M&L Industries bid for the Heavy-Duty Forklift since the Bid did not meet specs. Motion unanimously carried

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Upon motion by Mr. Thibodeaux and seconded by Mr. Segura, the Board approved the second lowest bidder Louisiana Lift and Equipment for the Heavy-Duty Forklift. Motion unanimously carried.

Upon motion by Mr. Libersat and seconded by Mr. Segura, the Board approved the Electrical Upgrade in the Pump Station Control Room by Schneider Electric for $90,357.00. Motion unanimously carried.

The Board had a Roll Call vote with 4 Yeas and 0 nays for the Adoption of the 2020 Millage Rate of 1.410 mills. The vote was unanimous.

Upon motion by Mr. Thibodeaux and seconded by Mr. Libersat, the Financial Statements for the Period ending July 31, 2020 were accepted and approved. Motion unanimously carried.

Upon motion by Mr. Segura and seconded by Mr. Libersat, the Board approved the $500 registration fee for the Annual BVPA River Symposium.

Upon motion by Mr. Libersat and seconded by Mr. Segura, the Board approved to move forward into a research agreement with ULL. Motion unanimously carried.

Upon motion by Mr. Libersat and seconded by Mr. Segura, the Board moved to enter into Executive Session to discuss legal issues concerning the Hartford Lawsuit. Motion carried.

Upon motion by Mr. Libersat and seconded by Mr. Thibodeaux, the Board moved to enter back into Regular Session. Motion carried.

Next on the agenda was a report from legal counsel about the mediation of the Hartford litigation on August 4, 2020

Re: Hartford’s claim of for extensions of time, it was recommended and agreed that in order to facilitate a settlement of the lawsuit that the District waive collection of liquidated damages. After careful consideration, it was determined that the district did not sustain any actual damages as a result of the delay in completion of the Siphon Project. The sum of $544,000 had been appropriated in the original contract but was withheld as liquidated damages and not paid to the

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contactor due to the delay in completion of the project. Accordingly, the dispute with Hartford about liquidated damages was settled by waiving the Districts collection of $544,000 of liquidated damages.

Upon motion by Mr. Libersat and seconded by Mr. Segura, the Board moved that the collection of liquidated damages by the District be waived and the sum of $544,000 remaining in the original contract be paid to Hartford as part of settlement of the Hartford litigation. Motion unanimously carried.

Re: Hartford claim for $1,917,827.60 for damages incurred as a result of obstruction removal costs, general condition costs, standby costs and pipe separation costs, it was recommended and agreed that in order to eliminate the time expense and uncertainty of litigation that this claim be settled for the amount of $336,000. Considering the complexity and expense of the Hartford litigation, it would have cost the District more than that to defend the matter and proceed to trial.

Upon motion by Mr. Segura and seconded by Mr. Thibodeaux, the Board moved that the sum of $336,000 be paid to Hartford Casualty Insurance Company in full and complete settlement of the Hartford litigation and that the Chairman be authorized to sign the settlement documents pending approval by legal counsel. Motion unanimously carried.

Upon motion by Mr. Libersat and seconded by Mr. Thibodeaux, no further business was brought forth, therefore, the meeting adjourned.