**DRAFT**

**REGULAR MEETING**

**August 5, 2020**

 The Board of Commissioners for the Lafourche Basin Levee District met this day in regular session at its official domicile at 21380 Highway 20 in Vacherie, Louisiana. The public was invited to attend via Teleconference and at the LBLD office in accordance with the Louisiana Governor’s Proclamation Number 97 JBE 2020, extending Phase 2, LBLD office access is limited to 50% of the total occupancy as determined by the State Fire Marshal, which is 44 individuals at one time, including our employees. Every individual SHALL wear a face covering over the nose and mouth when entering the building. You can refer to gov.louisiana.gov for guideline exceptions. The meeting was called to order by its President, James P. Jasmin, at 6:00 P.M.

 The meeting was called to order by President James P. Jasmin.

Present: Commissioners… Craig Carter, Assumption Parish; Larry Sorapuru, St. John the Baptist Parish; Russell Loupe, St. Charles Parish; Eric Matherne, St. Charles Parish; Michael McKinney, Sr., Ascension Parish; Arthur Bosworth IV, St. James Parish; Gary Watson, St. John the Baptist Parish; Kevin Hebert, St. Charles Parish; President James P. Jasmin, St. James Parish; and Jeffery Henry, Ascension Parish were present. Marlin Rogers, St. Charles Parish was absent.

 A quorum was present to conduct business.

Messrs. Larry Buquoi, Attorney; Donald Ray Henry, Executive Director; Ivy Chauvin, Sr., Assistant Executive Director; and Ms. Melanie Broden Accounting Specialist were present.

 The meeting opened with a prayer and the pledge of allegiance to the flag.

 President James Jasmin introduced the two new Commissioners to be appointed to the Board, Arthur Bosworth IV and Larry Sorapuru.

 Adoption of the agenda was motioned by Commissioner Michael McKinney, Sr. and seconded by Vice-President Craig Carter. President Jasmin called for a roll call vote. Roll call vote thereon as follows:

YEAS:

* Michael McKinney, Sr.
* Arthur Bosworth IV
* Larry Sorapuru
* Russell Loupe
* Gary Watson
* Jeffery Henry
* Craig Carter
* Eric Matherne
* James P. Jasmin

NAYS: None

ABSENT:

* Marlin Rogers
* Kevin Hebert

ABSTAINED: None

By a roll call vote of 9 yeas, 0 nay, 2 absent and 0 abstained. The motion passed.

 There were no Public comments in reference to agenda items.

 On motion of Commissioner Gary Watson, seconded by Commissioner Arthur Bosworth, the minutes of the Regular Meeting of July 1, 2020 be accepted, after the correction is made and filed in the minutes of the Board.

Commissioner Eric Matherne requested that the pages of the Board minutes be numbered. President James Jasmin stated that Commissioner Kevin Hebert is now in attendance. President Jasmin acknowledged the engineers, Henry Picard, BKI, Oneil Malbrough and Kyle Galloway, GSI, and Ray Bender, Greenup Industries. President Jasmin asked for a correction to be made on page 12 of the minutes to the motion made by Commissioner Gary Watson for the meeting changes to go in effect in August. He stated that he didn’t vote nay, but yay. Commissioner Russell Loupe, if he remembers correctly, didn’t vote yay, but nay. President Jasmin informed Mr. Donald Henry, Executive Director, to note the correction. President Jasmin called for a roll call vote. Roll call vote thereon as follows:

YEAS:

* Michael McKinney, Sr.
* Arthur Bosworth IV
* Larry Sorapuru
* Russell Loupe
* Gary Watson
* Jeffery Henry
* Craig Carter
* Eric Matherne
* Kevin Hebert
* James P. Jasmin

NAYS: None

ABSENT:

* Marlin Rogers

ABSTAINED: None

By a roll call vote of 10 yeas, 0 nays, 1 absent and 0 abstained. The motion passed.

 On motion of Commissioner Jeffery Henry, seconded by Commissioner Michael McKinney, Sr., the following cash available for distribution of the month of July 31, 2020 be accepted and filed in the minutes of the Board.

**FIRST AMERICAN BANK:**

 **Checking account balance June 2020 $ 143,039.72**

 **Deposits/Transfer In – July**

**Revenues/Refund 129,211.08**

 **Interest on Checking 14.22**

 **Funds transferred in 428,276.63 Operating Expenses/Other 468,225.21**

 **Funds transferred out 0.00**

 **TOTAL ACCOUNT BALANCE APR. 30, 2020 $ 232,316.44**

**LAMP**

 **Account balance – June 4,125,628.19**

 **Funds transferred in 0.00**

 **Funds transferred out 428,276.63**

 **Interest Income Earned 0.00**

 **TOTAL ENDING BALANCE MAY 31, 2020 $ 4,125,628.19**

**INVESTMENTS: BNY**

 **Discount Notes/T-Bills/Bonds 5,330,597.41**

**TOTAL CASH & INVESTMENTS AS OF APR. 30, 2020 $ 9,260,265.41**

 President Jasmin called for a roll call vote. Roll call vote thereon as follows:

YEAS:

* Michael McKinney, Sr.
* Arthur Bosworth IV
* Larry Sorapuru
* Russell Loupe
* Gary Watson
* Jeffery Henry
* Craig Carter
* Eric Matherne
* Kevin Hebert
* James P. Jasmin

NAYS: None

ABSENT:

* Marlin Rogers

ABSTAINED: None

By a roll call vote of 10 yeas, 0 nays, 1 absent and 0 abstained. The motion passed.

On motion of Commissioner Arthur Bosworth, seconded by Commissioner Michael McKinney, Sr., the following resolution was proposed.

BE IT RESOLVED that the Board of Commissioners authorize the Board Attorney, Larry Buquoi, on behalf of the Lafourche Basin Levee District Board, to request an opinion from the Louisiana Attorney General concerning the following issues:

1. In Attorney Opinion 16-0118, the opinion states that …”the governing authority of the District cannot enter into an employment contract for a term beyond the term of the Governor.”

a. What is the definition of “term of the governor”?

b. On what date does the Governor’s term end?

2. What is the maximum allowable term of an employment contract between the Executive Director and the Lafourche Basin Levee District Board and the Assistant Executive Director and the Lafourche Basin Levee District Board?

President Jasmin asked Mr. Larry Buquoi to explain. Mr. Buquoi stated that the contracts go to the term of Governor. After he speaking with other districts, the Ponchartrain Levee District’s attorney stated their contracts go to 30 for their contracted employees. Mr. Buquoi asked the question when does the term end? Is the 30th when the people appointed by the Legislation take office or the 30th after the inauguration of the Governor in January? So for this Board and others, this request would be for clarity purposes. If the Board authorizes it, he will send the request. Commissioner Arthur Bosworth made the motion to grant the request. Commissioner Michael McKinney, Sr. seconded the motion. President Jasmin called for a roll call vote. Roll call vote thereon as follows:

YEAS:

* Michael McKinney, Sr.
* Arthur Bosworth IV
* Larry Sorapuru
* Russell Loupe
* Gary Watson
* Jeffery Henry
* Craig Carter
* Eric Matherne
* Kevin Hebert
* James P. Jasmin

NAYS: None

ABSENT:

* Marlin Rogers

ABSTAINED: None

By a roll call vote of 10 yeas, 0 nays, 1 absent and 0 abstained. The motion passed.

On motion of Commissioner Eric Matherne, seconded by Commissioner Russell Loupe, the following resolution was proposed.

 BE IT RESOLVED that the Board of Commissioners approve the request to begin operations and maintenance on the West Bank Hurricane Protection Levee – Magnolia Ridge Levee, St. Charles Parish, Louisiana, Sta. 10+00 to Sta. 29+56.

 Commissioner Larry Sorapuru asked if this was a new project. Mr. Sam Scholle with St. Charles Parish informed him that this was a new segment of about 1500 feet of new levee associated with the protection levee. Mr. Donald Henry informed Commissioners Sorapuru and Bosworth that they will take a tour soon of the levee system.

 President Jasmin called for a roll call vote. Roll call vote thereon as follows:

YAYS:

* Michael McKinney, Sr.
* Arthur Bosworth IV
* Larry Sorapuru
* Russell Loupe
* Gary Watson
* Jeffery Henry
* Craig Carter
* Eric Matherne
* Kevin Hebert
* James P. Jasmin

NAYS: None

ABSENT:

* Marlin Rogers

ABSTAINED: None

By a roll call vote of 10 yeas, 0 nays, 1 absent and 0 abstained. The motion passed.

On motion of Commissioner Gary Watson, seconded by Commissioner Michael McKinney, Sr., the following resolution was proposed.

 BE IT RESOLVED that the Board of Commissioners approve to and sign the Flowage Easement Agreement pertaining to Parcel 1-6A for the Ellington Pump Station.

 President Jasmin called for a roll call vote. Roll call vote thereon as follows:

YEAS:

* Michael McKinney, Sr.
* Arthur Bosworth IV
* Larry Sorapuru
* Russell Loupe
* Gary Watson
* Jeffery Henry
* Craig Carter
* Eric Matherne
* Kevin Hebert
* James P. Jasmin

NAYS: None

ABSENT:

* Marlin Rogers

ABSTAINED: None

By a roll call vote of 10 yeas, 0 nays, 1 absent and 0 abstained. The motion passed.

On motion of Commissioner Eric Matherne, seconded by Commissioner Jeffery Henry, the following resolution was proposed.

BE IT RESOLVED that the Board of Commissioners approve to re-advertise for bids for a new 2020 F-250 4x4 crew cab (in budget).

Mr. Donald Henry stated we did not receive any bids. Commissioner Eric Matherne made the motion to re-advertise for bids. Commissioner Sorapuru asked when did we advertise. Mr. Henry stated it started about a month ago. Mr. Sorapuru asked if we only accept Ford bids. President Jasmin informed him we also take equivalent make or models. Makes that has close to the specifications we are looking for. Mr. Henry informed Commissioner Sorapuru that we advertise in the papers and online.

President Jasmin called for a roll call vote. Roll call vote thereon as follows:

YEAS:

* Michael McKinney, Sr.
* Arthur Bosworth IV
* Larry Sorapuru
* Russell Loupe
* Gary Watson
* Jeffery Henry
* Craig Carter
* Eric Matherne
* Kevin Hebert
* James P. Jasmin

NAYS: None

ABSENT:

* Marlin Rogers

ABSTAINED: None

By a roll call vote of 10 yeas, 0 nays, 1 absent and 0 abstained. The motion passed.

 On motion of Commissioner Eric Matherne, seconded by Commissioner Kevin Hebert, the following resolution was proposed.

BE IT RESOLVED that the Board of Commissioners approve a 4% merit performance salary increase for the Assistant Director Ivy Chauvin.

President Jasmin called for a roll call vote on tabling the item. Roll call vote thereon as follows:

YEAS:

* Russell Loupe
* Eric Matherne
* Kevin Hebert

NAYS:

* Michael McKinney, Sr.
* Arthur Bosworth IV
* Larry Sorapuru
* Gary Watson
* Jeffery Henry
* Craig Carter
* James P. Jasmin

ABSENT:

* Marlin Rogers

ABSTAINED: None

By a roll call vote of 3 yeas, 7 nays, 1 absent and 0 abstained. The motion failed.

 On motion of Commissioner Kevin Hebert, seconded by Commissioner Eric Matherne, the following resolution was proposed.

BE IT RESOLVED that the Board of Commissioners approve to amend the employment contract of Ivy Chauvin, from a seven (7) year contract for services to a contract for services that will terminate at the end of the present term of the Governor of the State of Louisiana.

Commissioner Gary Watson asked Mr. Larry Buquoi that going back to agenda item #8, aren’t we getting a legal opinion on this? Mr. Buquoi said yes, on both contracts. Commissioner Watson said it wasn’t necessary to vote on this item if we are getting the legal opinion from the Attorney General. Mr. Buquoi said yes, we need to vote on it. We need to vote because it is now a 7 year contract, so once we vote on it, the definition of the contract can change from 7 years to ending at the Governor’s term. Commissioner Kevin Hebert said he’s just trying to follow protocol by asking to put this on the agenda since we had the opinion that Mr. Donald Henry’s contract was void so he thinks we should take steps to make sure if Mr. Ivy Chauvin’s contract is voided as well to give him the same curtesy as well.

President Jasmin called for a roll call vote. Roll call vote thereon as follows:

YEAS:

* Larry Sorapuru
* Russell Loupe
* Gary Watson
* Eric Matherne
* Kevin Hebert

NAYS:

* Michael McKinney, Sr.
* Arthur Bosworth IV
* Jeffery Henry
* Craig Carter
* James P. Jasmin

ABSENT:

* Marlin Rogers

ABSTAINED: None

By a roll call vote of 5 yeas, 5 nays, 1 absent and 0 abstained. The motion failed.

 On motion of Commissioner Kevin Hebert, seconded by Commissioner Eric Matherne, the following resolution was proposed.

BE IT RESOLVED that the Board of Commissioners approve on combining the finance and committees meeting to the same day:

A. Regular Board Meeting on the 1st Wednesday of the month; Finance Meeting on the 1st Monday or Wednesday following the Regular Meeting at 6:00pm and the Committee Meeting to follow at 6:30pm or whatever time the board would prefer.

Commissioner Kevin Hebert said that he loves seeing you guys so much, but if we can only meet on two days a month because he knows that a few of the Commissioners stated that their schedules were tight so it might help. He said he knows that they would have to figure how to space the meetings out and figure how to post the public notices. We could discuss that or if you would rather meet three times, that’s fine too.

President Jasmin called for a roll call vote. Roll call vote thereon as follows:

YEAS:

* Russell Loupe
* Eric Matherne
* Kevin Hebert

NAYS:

* Michael McKinney, Sr.
* Arthur Bosworth IV
* Larry Sorapuru
* Gary Watson
* Jeffery Henry
* Craig Carter
* James P. Jasmin

ABSENT:

* Marlin Rogers

ABSTAINED: None

By a roll call vote of 3 yeas, 7 nays, 1 absent and 0 abstained. The motion failed.

 Mr. Henry Picard with BKI highlights on the Upper Barataria Project. There is a full report in the folders. Davis Diversion is still on hold. Awaiting direction from CPRA. Provided maps and applied for purchasing land in St. Charles parish. Sunset is 95% complete. Continuing preliminary design for the Barge Gate. The Team is scheduled to deliver plans in August. Received additional requests from the Corps on permitting. Held several meetings this month on the Watershed Initiative. Some of the meetings held were with Parish Presidents of St. John, St. James and St. Charles. Mr. Oniel Marbrough informed the Board that a meeting with Lafourche Parish was set up today. Commissioner Hebert thanked Mr. Picard for a more detailed invoice.

Commissioner Jeffery Henry made a motion to adjourn and Commissioner Gary Watson seconded his motion.

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 PRESIDENT

AJ

08/10/2020