

OFFICIAL PROCEEDINGS  
ST. MARY LEVEE DISTRICT  
REGULAR MEETING

JULY 11, 2019  
MORGAN CITY, 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, Kenny Arceneaux, Will Terry, James Vidos, Luther Smith, Alton Broussard, and Barry Broussard.

Also present: Tim Matte, St. Mary Levee District Executive Director; Michael Brocato, Operations Manager of St. Mary Levee District; Gerard Bourgeois; William Bourgeois; Jeff Pena and Nicole Cutforth, APTIM; Reid Miller, Miller Engineers; Kevin O’Gorman and Thomas Naquin, T. Baker Smith; State Representative Sam Jones, Senator Bret Allain, Jerry Carroll, CPRA and members of the public and media.

Mr. A. Broussard moved to dispense with the reading and to approve the June 13 regular meeting minutes. After a second by Mr. Arceneaux, the motion carried unanimously.

Mr. B. Broussard presented the payables report, which Mr. Hebert moved to approve. Following Mr. Crappell’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.

Reid Miller of Miller Engineers reported the contractor is making progress on the Bayou Choupique project; the work is 60% complete. Mr. Miller stated that the change order for the elevation of the levee from a 7 foot to 8 foot has been approved.

Mr. Miller reported that 95% of the 10 foot elevation on the Yokely Levee has been completed.

Kevin O’Gorman with T. Baker Smith reported that his office has submitted 60% design plans for the new Morgan City pump station.

Jeff Pena with APTIM reported his office has received all permits from the USACOE for the Bayou Chene Project. Mr. Pena stated that Phase 1a which is now clearing and grubbing, was advertised for bid on July 3<sup>rd</sup> and Phase 1b which is the dredging portion will commence once the removal date for the emergency structure is determined. Mr. Pena also stated that his office will complete Phases 2-4 final designs and submit by November 22<sup>nd</sup>. Mr. Pena reported his office is continuing to work with the attorneys on the land acquisitions and right of ways for the project.

Mr. Pena reported the Bayou Chene Emergency Structure is holding back approximately 20 inches of water at this time; the max water difference was approximately 24 inches.

Mr. Pena reported all permitting is in place for the Bayou Teche project. Mr. Pena stated that the ROW coordination is still ongoing and the attorneys are proceeding with the ROW acquisitions for all the affected landowners. Mr. Pena also reported that the 100% design has been submitted on July 9<sup>th</sup> to DOTD; once comments are received and addressed the project will go out for bid.

State Rep Sam Jones and Sen. Allain both thanked the Levee District for its efforts during the flood fight and work that has been done over the years to increase flood protection in the parish.

Mr. Matte reported that SMLD now has an executed copy of an IGA with CPRA for the funding for the Bayou Chene Flood Control project.

Mr. Matte reported all work crews on the Bayou Chene Emergency Flood Protection Project have been released except for LA. Dept of Wildlife and Fisheries, which are being housed on board the barge for security purposes. Mr. Matte stated that the Atchafalaya River could reach 9 feet because of the storm and a south wind.

Mr. Matte suggested the agenda be expand to add a resolution to declare a State of Emergency to for any expenses that may arise due to the storm.

Mr. Jeremy Meaux with Darnell, Sikes, Gardes & Frederick presented the audit for the year 2018. Mr. Meaux stated an unmodified opinion was issued which is the best possible that can be given. Mr. Terry moved to accept the 2018 audit, which was seconded by Mr. A. Broussard and carried unanimously.

Mr. Arceneaux moved to expand the agenda to add a resolution to declare State of Emergency and to authorize Mr. Hidalgo to sign any documents related to the approaching storm. After a second by Mr. A. Broussard, the motion passed unanimously.

Mr. B. Broussard moved to approve the above mentioned with a second by Mr. Crappell the motion carried unanimously.

**Resolution** 7-11-2019

A resolution of the St. Mary Levee District (“District”) declaring a “State of Emergency” and authorizing any expenditures and/or contracts deemed necessary in response to the forecasted storm and flood threat from the Invest 92L/Tropical Cyclone Two/Tropical Storm Barry and the existing high water.

WHEREAS, the National Weather Service of the United States National Oceanic and Atmospheric Administration’s National Hurricane Center has issued numerous warnings along the coast of Louisiana, and has predicted that the current weather disturbance, now Tropical Storm Barry, will likely become a hurricane with winds of 85 mph and with bring heavy rains and a storm surge to impact St. Mary Parish;

WHEREAS, the Governor of the State of Louisiana, via Proclamation No. 11133 JBE 2019, on July 10, 2019, declared a state of emergency statewide as a result of the imminent threat of emergency conditions, beginning on July 10, 2019 and extending through August 8, 2019, with all public bodies being authorized and directed to cooperate with the State of Louisiana or any public subdivision thereof in response to the effects of this severe weather event; and,

WHEREAS, the forecasted serious and severe weather event, coming in additional to preexisting high water on the Atchafalaya River threaten the health and safety of the citizens of St. Mary Parish and constitutes an exigent circumstance necessitating the declaration of an emergency for procurement purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of St. Mary Levee District, State of Louisiana, that a State of Emergency is hereby declared to exist due to the threat of severe weather on top of existing high water in St. Mary Parish.

BE IT FURTHER RESOLVED that the President, William H. Hidalgo, Sr., is hereby authorized and directed on behalf of the District to make any expenditure necessary and to take all necessary action in connection with the threat of severe weather and the preexisting flooding from the Mississippi River, the Atchafalaya River, and related bodies of water.

BE IT FURTHER RESOLVED, William H. Hidalgo, Sr., President, be authorized and directed to do any and all act and things necessary, proper, or that may be required to carry out and accomplish the transactions contemplated with regards to the above mentioned request.

And the Resolution was declared adopted on this 11<sup>th</sup> day of July, 2019.

Mr. Crappell moved to authorize SMLD to participate with the St. Mary Parish Government for materials on the Yokely Levee project.

Mr. Hebert moved to authorize the legal team to expropriate property for the Bayou Teche Project. After a second by Mr. Arceneaux, the motion carried unanimously.

**RESOLUTION** 2019-07-11

WHEREAS, in accordance with *La. R.S. 38:329.3*, the St. Mary Levee District’s Board of Commissioners is vested with the management and control of the District, including the authority to establish, construct, operate and maintain flood control works as they relate to hurricane protection, tidewater flooding, saltwater intrusion and conservation;

WHEREAS, the District has determined that the completion of the Bayou Teche Flood Protection Project (La. State Project Number H.013488), St. Mary Parish, Louisiana and the acquisition of nearby land is necessary and proper;

WHEREAS, the Board of Commissioners has determined that the facts and circumstances relative to property in the vicinity of the planned Bayou Teche Protection Project, including but not limited to the inability of the District to amicably acquire ownership in the expedient manner required herein, makes it necessary and useful

that the District expropriate certain properties which are necessary for permanent construction of the Bayou Teche Protection Project;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the St. Mary Levee District finds and determines that the public interest, convenience and necessity require the acquisition of a servitude of permanent right of use, easement and way for the construction, development, operation, maintenance, repair and/or replacement of levee and/or flood control structure(s) on, under and across the following described property(ies):

That certain tract or parcel of land of Ursin Boudreaux, et ux. identified as Tract DEFGHIJQPOD as shown on the right-of-way per map or plat, prepared by Miller Engineers & Assoc., Inc., dated April 3, 2017, bearing its Drawing No. 13502-RW4.dwg, and is made a part hereof for particularity of description; along with a right of way during construction for access to said Tract DEFGHIJQPOD over a 20' wide strip land from Chauvin Lane to said Tract DEFGHIJQPOD running along the centerline of line identified by points ABCD on said map or plat.

That certain tract or parcel of land of D.T. Caffery, L.L.C., et al., in the Northwest boundary of its property running a total linear distance of 1,1800.65± feet beginning at La. Hwy 87 and running generally southerly along Cleco transmission line, between Fifty (50') and Two hundred (200') feet wide as shown on the right-of-way per map or plat, prepared by Miller Engineers & Assoc., Inc., dated April 3, 2017, being Drawing No. 13502, which is made a part hereof for particularity of description.

That certain tract or parcel of land of the United States of America identified as Tract ABCDEFGHIJKLMNOPQA as shown on the right-of-way per map or plat, prepared by Miller Engineers & Assoc., Inc., dated April 3, 2017, bearing its Drawing No. 13502-RW3.dwg. which is made a part hereof for particularity of description.

The use to which the real property is to be applied is for the public improvement referred to as above; such use is a public use authorized by law;

The interest subsequently set forth in the real property is necessary to and for the public use, and the taking of the interest in the real property is necessary to secure and to enforce such public use;

The public improvement is planned and located in a manner which will be most compatible with the greatest public good and the least private injury;

It is further resolved by this Board that the St. Mary Levee District acquire by expropriation in accordance with the Louisiana laws relating to eminent domain, for the uses and purposes of the public improvement the interest in the above described real property.

It is further resolved that Bourgeois Law, LLC, counsel for this District, is authorized and directed to commence and maintain any action(s) or proceeding(s) in eminent domain in the 16<sup>th</sup> Judicial District Court of Louisiana, in and for St. Mary Parish, against any and all necessary and proper parties for the purpose of expropriating and acquiring the interest in the real property described above, for the uses and purposes stated above, and to take all steps necessary for such acquisitions and/or expropriation in the name of the District. To the extent that any landowner transfers the requisite real property described above prior to filing for expropriation, William Hidalgo, Sr., President, be and is authorized and directed to execute on behalf of the District all corresponding agreements with landowners concerning the above described properties.

It is further resolved that, in any action or proceeding, petition(s) may be made through such court in the manner provided by law for an order authorizing and permitting the District to take immediate possession of and to use the interest in real property for the public improvements, uses and purposes.

It is further resolved that the District deposit in the court in connection with such proceedings on such application for immediate possession, out of any funds or funds under the control of the board available for such uses or purposes, such amounts of money as the court may direct and determine to be reasonably adequate to secure the owner or owners of such interest in real property and premises so sought to be taken, just compensation and damages for the taking and as otherwise provided by law in such actions and proceedings.

**BE IT FURTHER RESOLVED**, William Hidalgo, Sr., President, be authorized and directed to do any and all act and things necessary, proper, or that may be required to carry out and accomplish the transactions contemplated in regard to the above mentioned project, including all necessary actions to expropriate the required servitudes, easements and rights of ways.

The voting was as follows:

**YEAS:** Kenny Arceneaux, Alton Broussard, Barry Broussard, Norris Crappell, J.P. Hebert, William Hidalgo, C. Luther Smith, Will Terry and James Vidos

**NAYS:** none

**ABSTENTIONS:** none

The resolution was adopted by affirmative vote equal to or exceeding two-thirds (2/3rds) of a quorum.

IN WITNESS WHEREOF, I have hereunto set my hand as Secretary of the St. Mary Levee District on the \_\_\_\_ day of July, 2019.

Mr. Matte reported that a tentative date has been set for August 6 to host a meeting for residents or land owners in the area of west of Charenton Canal.

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

Attest:

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Barry A. Broussard, Secretary  
St. Mary Levee District