

MINUTES OF REGULAR MEETING OF THE
AMITE RIVER BASIN DRAINAGE & WATER CONSERVATION DISTRICT
Location: 20355 Government Blvd., Livingston, LA 70754 "Livingston Parish Council Chamber"

June 20, 2023

MEMBERS PRESENT DURING ROLL CALL: John Clark, Jack Harris, Lionel Bailey, Robert Carter, Clint Cointment, Brin Ferlito, LeeAnn Fitch, Mark Harrell, Gary O'Neal, Fred Raiford, Rick Webre

MEMBERS ABSENT DURING ROLL CALL: Edwin Parker
One Vacant "At-Large" position

ALSO PRESENT: Bren Haase, CPRA; Ed Knight, LADOTD; Monica Gorman, Pontchartrain Levee District; ARBC Executive Secretary Toni Guitrau, ARBC Legal Counsel Larry Bankston; Lawrence E. Marino, Oats & Marino

1. Call to Order

The meeting was called to order at 10:00 a.m. by ARBC President Clark.

2. Pledge of Allegiance

3. Roll Call: See above.

4. Minutes – There were no public comments.

The Board unanimously approved a motion by Raiford, second by Webre to approve the May 16, 2023, Regular Meeting minutes, as presented.

5. Financial Statements – There were no public comments.

The Board unanimously approved a motion by Harris, second by Bailey to approve the May 2023 General Fund and CRDC Fund financial statements, as presented.

6. Proposed Administrative Budget 2023-2024 – Public Hearing. There were no public comments.

With public notice having been published, the Board unanimously approved a motion by Bailey, second by O'Neal to approve the Administrative Budget 2023-2024, as presented. Commissioner O'Neal said that the agenda item that he requested to be added regarding the budget analysis discussion may be removed since the Board has covered that item now.

7. Administrative Budget 2022-23, Amendment #3 – There were no public comments.

As there were no public comments, the board discussed the line item 10% rule. An additional \$1500 was added to the line item for advertisements to cover the cost of advertising for the auditor and Executive Director positions. The Board unanimously approved a motion by Bailey, second by Harris to approve the Administrative Budget 2022-23, Amendment #3, as presented.

8. Report by ARBC President – There were no public comments.

- President Clark mentioned Act 170 initially had \$8M provided for the mandated development of the ARBC Master and Annual Plan. It was then reduced to \$100,000. Thanks to Board members working closely with legislators, \$4M was included in the supplemental appropriations HB 560. Today, the IGA with CPRA was signed, and ARBC can begin to do the Master and Annual Plans.
- Agenda Items: Clark reminded commissioners that agenda items that are important need to be on agendas, but we need to be considerate of the time it takes to hold meetings.

9. Report by Legal Counsel – There were no public comments on the following:

- Status of agreement with CPRA, DOTD and PLD – Use of Consultants. Bankston said that CPRA does not believe that an agreement is necessary for the use of consultants.
- HB 560. The Board discussed Supplemental appropriations bill HB 560. 18 (D) The appropriation contained in Section 1 of Act 170 of the 2022 Regular Session of the Legislature for Schedule 01-109 CPRA amended and reenacted to read as follows: On p. 2, at the end of line 8, delete "\$8,000,000" and insert "\$4,000,000."

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- HB 465 by Representative Hodges exempting Livingston Parish from the provisions of the La. Scenic Rivers Act. Current Status: Withdrawn by author.
- HB 406 by Representative Mincey. This Bill requires the DOTD to develop flooding mitigation solutions along the Interstate 12 corridor and produce a report of its solutions by October 1, 2023. Passed, awaiting the Governor's signature or veto.
- HB 514 by Representative Mincey. Abstract: Requires the ARBC to put a proposition to the voters to approve an alternative use of drainage taxes collected pursuant to two previously approved drainage taxes for flood risk reduction. Current Status: Failed, not having passed the full House.
- HB 409 by Representative Edmonds. Abstract: Relative to stormwater utility systems, authorizes parishes and municipalities to create certain districts for the purpose of managing such systems. Current Status: Passed, awaiting the Governor's signature or veto.
- SB 42 - Louisiana Watershed Initiative. Proposed law creates the Watershed Management Council within the DOA. Current Status: Bill died in the House. It was discussed that ARBC is the Steering Committee for Region 9. The next governor will determine if the present Executive Order will remain or be changed.
- **Creation of ARBC Proposal and Qualification-based RFP/RFQ Procurement Process.** Bankston provided to the Board draft procurement rules, a set of professional service contract guidelines and a draft RFQ. Bankston confirmed the \$4 million in HB 560 are restricted and it would require the ARBC staff to keep timesheets of their time spent on the project to be considered for reimbursement. Cointment said that he wanted to add this to next month's agenda to analyze what this \$4 million can be spent on in developing the Master Plan. He suggested ARBC hire a program manager in a company to do modeling and other things that can be included in the Master Plan. This way, ARBC can show movement, contracts, etc. ARBC needs to show legislators next year what has been spent and what is needed. He wants this spelled out in a legal way, so the Board has footings when it requests reimbursements. Haase said that having the agreement signed creates the obligation for those funds. He agrees that at the next meeting, ARBC needs to have a roadmap of getting those dollars executed and getting a plan done and/or projects on the ground. ARBC needs to show successes to request more funding from the legislators.

10. Old Business - There were no public comments on Old Business agenda items.

- **Auditor and Executive Director Advertisement Notifications.** Guitrau mailed out notices to 32 LLA approved auditors on May 19, 2023. To date, no firm has applied. It was also posted on the ARBC website and placed in The Advocate on May 23rd and 30th. Deadline for submissions is June 30, 2023. The notice for an ARBC Executive Director was placed in The Advocate on June 5th and 12th. It is on The Advocate online, the State Civil Service website, LinkedIn, the ARBC website, and Louisiana Engineering Society website. 5-6 resumes are received daily. Deadline for submissions is July 14, 2023. The Board requested that Guitrau share all resumes with them through one-drive.
- **Update on Legislative Funding Status.** Cointment recommended that the Board begin getting its request together for what it will be asking for in funding before the deadline of November 1st to the legislature. The Board discussed who would handle said submission/request to the legislature. Clark said that ARBC may need to refer to Larry Bankston in this matter.
- **Discussion of Annual/Performance Review.** Bankston will prepare a policy/procedure for performance review of staff to be considered at the next Board meeting.
- **Discuss/Schedule future ARBC meeting place, dates and time:** The Board unanimously agreed to hold future ARBC meetings on the second Tuesday of each month, at 10 a.m. on motion by O'Neal, second by Bailey. The next regular meeting of the ARBC will be held on July 11, 2023, 10 a.m. at the LSU Center for River Studies building, 100 Terrace Ave, Baton Rouge, LA 70802.
- **CRDC Project Status.** Updates can be found on the ARBC website at www.amitebasin.org as provided by the USACE. The ARBC does not have a role in construction or review, but it does participate in what is transpiring. There is no reconciliation available.

11. New Business - There were no public comments on New Business agenda items.

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- **LWI – Round 2 deadlines/ranking criteria/timelines as Region 9 Steering Committee.** Harrell stated he would need to leave the meeting shortly, but he requested to make a statement regarding the project applications submitted to LWI for approval. He proposed that the parishes come together to file a mandamus. The Board discussed that the 10 heaviest impacted parishes of the August flood of 2016 should have received funding. Harrel said he would have the attorney of Livingston Parish reach out to the other parish attorneys. The Board discussed the difference between LWI Round 2 applications, and the list of projects Chip Kline had requested ARBC put together as state funded projects. O’Neal asked Haase who can the ARBC reach out to about getting involved and become a better advocate as these discussions are ongoing. Haase said it would be OCD, Pat Forbes and he could facilitate it. He suggested inviting Pat Forbes to the next meeting as he is the lead administrator of these funds. Harrell left the meeting at this time.
- **IGA between ARBC and Ascension Parish – Drone video of CRDC Project.** The Board unanimously approved a motion by O’Neal, second by Harris to approve said IGA at no cost to ARBC. There will be editing and a script. Cointment said it is free of charge however it will have Ascension 21 on it and ARBC. It will go to the ARBC Executive Committee for review before it is released to the public. It will be an ARBC product.
- **ARBC Interactive Map – Quantum Spatial, Inc. Invoice, Bob Jacobsen.** The Board discussed the request from Bob Jacobsen to reimburse him for a \$7500 invoice from Quantum Spatial, Inc. to complete the ARBC Interactive Map of the August flood of 2016. Jacobsen said this was basically an “at risk” change order that former Executive Director Rietschier did not submit to the Board and therefore Jacobsen took it on at risk himself to order the work to be done since he is the Project Manager. He received the invoice in April 2023 and paid it. The invoice notes that the signed proposal was dated November 2, 2022. Cointment said this should not happen without Board approval first. Clark said they will check into this matter.
- **Update on permission to use ARBC data – LSU project linking flood resilience to urban re-investment in Baton Rouge.** The Board unanimously approved a motion by Cointment, second by Harris to establish a procedure, and to include a legal disclaimer. Haase said that CPRA has such procedures in place and that Mr. Bankston and Mr. Peterson can get together on this matter. Bob Jacobsen said these are GIS files. It is common practice in the engineering community to share information with each other. When he was asked for the information, he referred the firm to the ARBC.

General Public Comments: There were no public comments.

12. The Board unanimously approved a motion by O’Neal, second by Raiford to adjourn the meeting at 12:00 p.m.

APPROVED:

/s/John Clark/ARBC President
Date: June 20, 2023

/s/ Toni B. Guitrau, Executive Secretary