

MINUTES OF REGULAR MEETING OF THE
AMITE RIVER BASIN DRAINAGE & WATER CONSERVATION DISTRICT
Location: Louisiana State Capitol 900 North 3rd Street, Baton Rouge, LA 70802

December 12, 2023

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

MEMBERS ABSENT DURING ROLL CALL: Mark Harrell, Edwin Parker

ALSO PRESENT: Bren Haase, CPRA; Blaine Sheets, PLD, Executive Director Rachael Lambert, ARBC, Executive Secretary Toni Guitrau, ARBC; Legal Counsel Larry Bankston, ARBC; 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. Audit Report of 2022-2023 - There were no public comments.

- Nikki Dupuy, with Diez, Dupuy, & Ruiz, LLC: The audit reflected no violations of state rules or deficiencies in the financial statements. In the opinion of the auditor, the ARBC is in compliance with all applicable state and federal laws, the Legislative Auditors Office, as well as internal controls of financial matters within the district. The Board unanimously approved a motion by Bailey, second by Dawson to accept the audit report as presented.
- Toni Guitrau, ARBC Executive Secretary, reviewed with the Board the following Agreed Upon Procedures: Each employee responsible for collecting cash is not also responsible for preparing/making bank deposits, unless another employee/official is responsible for reconciling collection documentation (e.g. pre-numbered receipts) to the deposit; The ARBC Executive Director will reconcile collection documentation to the deposit. Either the employee/official responsible for signing checks mails the payment or gives the signed checks to an employee to mail who is not responsible for processing payments; and the employee who processes payments also mails the checks after signatures are obtained. Management's response: During most of the year, the Executive Director mailed the payments after signing the checks. After his retirement, given the minimal staff the employee who processed the payments also mailed the checks. After year end, the new Executive Director mails the payments after signing the checks. Observe that each reimbursement was reviewed and approved, in writing, by someone other than the person receiving reimbursement. Management's response: It is standard practice to have the reimbursement reviewed and approved in writing by the Executive Director or someone other than the person receiving the reimbursement.

5. Minutes – There were no public comments.

The Board unanimously approved a motion by Raiford, seconded by Webre to approve the November 14, 2023 Regular Meeting Minutes, as presented.

6. Financial Statements – There were no public comments.

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

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

President Clark wished everyone a Merry Christmas and Happy New Year.

8. Report by ARBC Executive Director Rachael Lambert – There were no public comments.

Lambert provided a presentation updating the board on the following:

- LWI Region 9 – Action Plan Amendment #3 – still waiting on the status. The Board will be the first to know when there is an update. The next LWI Coordinator meeting will be on December 20, 2023.

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- RCBG Status - the agreement has been signed by ARBC and mailed to LWI for their signatures.
- Round 2 Projects
 - Clearing & Snagging Comite North of Hwy 10 \$13,736,114
 - Clearing & Snagging Comite South of Hwy 10 - \$13,200,364
 - Taylor Bayou Regional Improvements - \$8,856,263
 - Kennedy Heights Drainage Improvement Project - \$3,743,795
 - Lower Bayou Conway Drainage Improvements - \$1,926,000
 - John Leblanc Detention Improvements - \$536,232
- CRDC & Zone A99
 - The 50% rules apply to all project features.
 - All critical features must be 50% complete before the Zone A99 process can be started
 - Five contracts remain un-awarded
 - FEMA flood hazard mapping team is working with USCAE New Orleans District to track progress and review data as it becomes available.
 - Bi-weekly FEMA and USACE meetings
- Annual Plan: Final Plan delivery on December 11th, submit to the House/Senate before January 1, 2024. Public Meetings in 1st quarter of 2024 are scheduled as January 9th, 5-7 pm, E. Feliciana Alumni Center, January 22nd or 29th, 5-7 pm, Main Goodwood Library, and January 22nd or 29th, 5-7 pm, Ascension Parish Complex.
- Master Plan: All RFQ comments addressed. RFQ Timeline is Advertisement on December 13, 2023, Opening on January 16, 2024, and Award on February 20, 2024. Deadline for completion is December 31, 2024, deadline to submit to Legislature is February 28, 2025. The Evaluation Committee will be board members Clint Cointment, Gary O'Neal, Kenneth Dawson, John Clark, Lee Ann Fitch, and Mark Harrell. Public Comments: Cindy O'Neal suggested that one member represent Livingston Parish. The Board unanimously approved a motion by Gary O'Neal, seconded by Dawson to elect Cointment as the chair of the Evaluation Committee. The Board unanimously approved a motion by O'Neal, seconded by Bailey to proceed with the RFQ advertisement for the Master Plan.

9. Report by Legal Counsel – There were no public comments.

- Act 393, 2023 Session. The Board unanimously approved a motion by Raiford, seconded by Dawson to adopt the following rule so it can then be presented to the State Register and go through the registration process. Draft Rule to comply with Act 393 of 2023 Regular Session. NOTICE OF INTENT Amite River Basin Drainage and Water Conservation District. In accordance with R.S. 49:950 et seq., R.S. 42:14 and R.S. 42: 17.2, the Amite River Basin Drainage and Water Conservation District proposes the following Rule in accordance with Act 393 of the 2023 Regular Session of the Legislature. The proposed Rule provides for regulation and procedures to allow those individuals with a disability to participate in its meetings. AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature). Disability Accommodations. The Amite River Basin Commission has determined it does not have the technological capacity to provide people with disabilities, or their designated caregiver, to participate in electronic meetings via electronic means. Therefore, the Amite River Basin Commission will provide a viable alternative method for participation in electronic meetings by people with disabilities and/or their designated caregivers. People with disabilities are defined as any of the following: 1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA); or 2. a designated caregiver of such a person. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted. The requestor shall be provided with an accommodation, or viable alternative method, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting. Such alternative method shall allow the requestor to submit public comments through the agency representative during the meeting by email and/or texts messaging to a designated electronic site. Such site will be monitored during the meeting and the commission members will be made aware of any such comments during the public meeting. AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

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- Act 490 of 2022. If the ARBC board has any changes, revisions, or suggestions they would like to bring to legislators regarding Act 490 of 2022, the board should consider those now so they can prepare legislation, act on it, and present it to a potential author for revisions in the legislature.

10. Old Business

- **Discussion Regarding Annual Plan:** Presentation by Stokka Brown, CSRS. Cointment suggested a priority in the Master Plan should be to assimilate information on flood events so there can be one location to access the information so it can be determined how projects are beneficial or not, and how development and growth has affected flood elevation heights. On page 15 of the proposed Annual Plan regarding the Bayou Manchac Flood Risk Reduction project, it was agreed to include LWI along with Capital Outlay as a funding source. It was also noted that HB 560 allocated \$4M through CPRA to the ARBC (originally Section 1 of Act 170 of the 2022 Regular Session). Out of the \$4 million, CPRA has expended approximately \$100,000 toward setting up the organization to the Amite River Basin Commission per Act 490 of the 2022 Session, leaving approximately \$3.9M. Public Comment: Randy Delatte asked if the \$100M is in litigation. Clark said that is contingent on HUD approving Amendment #3, LWI Action Plan. The Board briefly discussed the Bayou Manchac Project regarding funding, ownership, and progress. PLD has applied for FY Capital Outlay 2024 funding for permitting and construction drawings. The Board agreed that it was one of the top projects that needs to take place. Raiford reminded the Board that it is a critical project that affects multiple parishes. Lambert explained that there have been discussions to submit the ARBC's importance and need in the Amite River Basin and this includes seeing which projects are out there and taking a more active role in getting the projects on the ground. She said whether ARBC takes an active role in the construction of the Bayou Manchac project, it is still intended that some of the \$100M from LWI may fund some of that project. Those dollars would come to ARBC through a CEA with LWI, then subsequently a CEA will have to be signed between ARBC and any subrecipients. All those items would have to come before the Board for a vote. That itself necessitates it being included in ARBC's Annual Plan. Cointment said that ARBC needs to begin looking at where projects are headed, who is leading them, the source of funding, and all the parameters. Public Comment: Randy Delatte said that he agrees the 3 projects mentioned are important. He said he would like to see it start at the bottom of the river and work its way up but each of the 3 projects working in conjunction will help the most people.
- **Annual Plan:** The Board reviewed and discussed the proposed Annual Plan, as presented by Stokka Brown, CSRS. It was agreed that the projected expenditures shown in the Annual Plan for FY 2024, 2025 and 2026 are estimates and not actual money in-hand. This should be noted in the Annual Plan with asterisks so that it is clear to the public. The Board unanimously approved a motion by Raiford, second by O'Neal to authorize submission of an amended Annual Plan to include said comments and asterisks to the legislature by January 1, 2024, as required by Act 490 of the 2022 legislative session. The Board will be sent the amended Annual Plan however it requires no further action of the Board.
- **CRDC Project Status.** Monthly updates can be found on the ARBC website at www.amitebasin.org as provided by the USACE.

11. New Business – There were no public comments.

- **Renew Redshift Consulting Contract:** The Board unanimously approved a motion by Bailey, seconded by O'Neal to renew the contract with Redshift Consulting LLC contingent upon the company being reinstated with Louisiana Secretary of State.
- **2024 Meeting Schedule:** The Board unanimously approved a motion by Dawson, seconded by Bailey to set the ARBC Regular Meeting Schedule. Notice is hereby given that the Board of Commissioners of the Amite River Basin Water and Drainage Conservation District "ARBC", which consists of the Parishes of Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena and St. James will hold its first regular meeting for 2024 on Tuesday, January 9th at 10:00 a.m., at the State Capitol located at 900 North 3rd Street, Baton Rouge, LA. Meeting agendas are posted on the ARBC website, and the place of the meeting and meeting notices are posted on the DOA website. ARBC Regular and Special Meetings are held on the second Tuesday, at 10 am. If a holiday or other conflict arises meeting dates may change. Any changes will be posted on the ARBC and DOA websites. Dates of future meetings of the ARBC are as follows for Year 2024 at 10 a.m.: January 9, February 20 – changed to the 3rd Tuesday due to Mardi Gras holiday, March 12 - Livingston Parish Council Chambers, April 9 - Ascension Parish Council Chambers,

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May 14 - Livingston Parish Council Chambers, June 11, July 9, August 13, September 10, October 8,
November 12, and December 10.

12. General Public Comments. None.

13. The Board unanimously approved a motion by O'Neal, seconded by Cointment, to adjourn the meeting at 12:30 pm.

APPROVED:

/s/John Clark/ARBC President
Date: January 9, 2024

/s/ Toni B. Guitrau, Executive Secretary