

**MINUTES OF REGULAR MEETING OF THE
AMITE RIVER BASIN DRAINAGE & WATER CONSERVATION DISTRICT
3535 S. Sherwood Forest Boulevard, Suite 135, Baton Rouge, LA**

July 17, 2012

MEMBERS PRESENT: Don Thompson, Terry Louque, John Brass, Lawrence Callender, Russell Cornette, Willie George Lee, Joel Louque, Anthony Rouchon, Randolph Saucier, Jerry Thibeau, Larry Thomas, Dale Zuelke

MEMBERS ABSENT: Al Bargas entered the meeting at 6:03 p.m.

ALSO PRESENT: Dietmar Rietschier, Executive Director
Toni Guitrau, Executive Secretary
Larry Bankston, Attorney

1. The meeting was called to order at 6:00 p.m. by Thompson.
2. Public Comments on Agenda Items: None
3. Bow-Hunting Lease-Sealed Bid Opening: Executive Secretary Guitrau opened 2 sealed bids. High bidder: Glen Redd at \$8.12/acre; required documents were enclosed. Low bidder: Hickory Landing, LLC: Ed Green and Paul Carroll, phone numbers listed, bid \$8.00/acre; required documents were enclosed. Bargas entered the meeting at this time, 6:03 p.m. The Board unanimously approved a motion by Rouchon second by Lee to authorize Bankston to contact the bidders and property owners as discussed. Notice of the Right of First Refusal will be sent to previous property owners to comply with recently passed legislation.
4. Minutes
The Board unanimously approved a motion by Rouchon second by Cornette to approve the June 19, 2012 meeting minutes as presented.
5. Financial Statement Report
 - Bargas presented to the Board the June 2012 General Fund and CRDC Fund financial statements. Bargas noted that all budget line items for fiscal year ending June 30, 2012 were not over 10%. Travel was at 6% due to Rietschier's mileage for the fiscal year being submitted in the month of June. The Board unanimously approved a motion by Rouchon, second by Cornette to approve the June 2012 General Fund and CRDC Fund financial statements. Bargas reported he met with ARBC staff last week and reviewed the financial statements. Each month along with the one page financial statement summary, a Balance Sheet will be available for each Board member to review. He suggested implementing a subsidiary ledger and electronic system /files of ARBC owned property, along with purchasing a fire-proof filing cabinet to store documents such as titles of property etc. On the summary finance report, Saucier noted there was a \$6.75 difference in the ending and beginning cash balances for the months of May and June 2012.
6. Report by Executive Director:
 - Discussed the demolition of the structure at 18845Plank Road.
 - Discussed the status of the Environmental Assessment. Rietschier reported that the majority of public responses have been positive. We will need to move quickly on how to proceed in regard to lands for mitigation.
 - Continuing to try to acquire properties on Hwy. 67, Barbara Dixon tracts. It is being finalized. Also, working on early acquisitions.
 - HTRW Investigations: We have sent requests to the USACE to allow us to proceed with HTRW investigations for selected at risk advanced acquisition properties (17) along the Comite River Diversion Canal existing right of way and Area 1 and 2 of the existing mitigation area. We are waiting for the Corps' review of the cost estimate to proceed on this. Callender asked if we had received anything from the Corps in regard to it being considered reasonable. Rietschier stated he received an email yesterday

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from the Corps and they had one question that is being resolved. As soon as this is settled they can start on the HTRW(s) for these properties.

- Discussed the need for permanent access through Irene Road to Lilly Bayou Control Structure to do testing on the Lilly Bayou structure.
 - Rietschier introduced David Villneuve, Louisiana Utility Consultants, LLC (LUC). Rietschier explained that he asked Villneuve to speak to the Commissioners in regard to how LUC became involved with the USACE in providing real estate services to facilitate right of entries, title searches and other real estate activities as requested by the USACE and ARBC. Mr. Villneuve began working for the ARBC in 2003. Villneuve said that when the Corps began doing the title work, there were some things not done. The Corps could not get permission to enter properties for surveying. The first Task Order was to do the necessary work to provide right-of-entries for 38 tracts to do soil borings. Some issues surfaced as this work was done because the USACE does not do title work, ancient ownership, under existing roads which is necessary to do in order to prevent potential major problems later. LUC did title research on the tax district and identified all utility companies. LUC did the title work under roads, especially Plank Road, which took almost a year to do included 15 tracts going back to the 1800's. The Corps also requested they look into mitigation. In the Plank Road area, within the 25 year Floodplain, the Corps asked them to identify every tract, ownership and how to contact them. This included the McHugh Swamp area and identified property owners from Lower Zachary Road, Plank Road, Hwy. 19 and up. He understands now that the Corps is requesting a certain format and that they are not going to pay meals or mileage and in his contract with ARBC, he was paid for meals and mileage. Bargas asked Villneuve if he has any documentation from the Corps requesting that this work be done. Villneuve stated he thinks he has letters in his file and Rietschier should have them from Ms. LaBure requesting some of that. There may be something in the minutes of the meetings with the Corps in New Orleans. Villneuve explained about ancient ownership under the road, the railroad right of way and fees.
 - Rietschier said that ARBC President, Thompson, requested a meeting with the Corps to discuss the federal and non-federal financial status of the Comite Project. A meeting has been scheduled for July 31, 2012 at the USACE headquarters. Mr. Rietschier asked that besides the President, he would like to also invite the Chairman of the Finance Committee, Mr. Bargas, and member R.J. Saucier to attend this meeting.
 - Mr. Rietschier handed out a copy of the Project Cooperative Agreement (PCA) that defines the federal and non-federal obligations. Mr. Bargas requested for Mr. Bankston to write a synopsis of the PCA for the Board. Bargas said that in reviewing the financial statements, if you are a publicly held corporation and you have a liability such as your matching share you would be required to make an accrual of that amount and reflect it as a liability. It would be an estimate. He asked the auditor about this. He said we need to understand what the potential liability is and what we can do to mitigate and reduce it. As this is an accounting issue, he asked the ARBC auditor to find out from the State if in governmental accounting it has to be reported. Bargas said we have a liability to match a certain portion of the cost of the project. It needs to be recorded throughout the project. Saucier asked if the Corps could provide a fairly concise document as a guideline for the July 31, 2012 meeting; he requested that Rietschier ask the Corps for the papers upfront prior to the meeting. The Board unanimously approved a motion by Thomas second by Callender requesting that Bankston simplify the PCA for the Board. The Board wants to understand the liabilities and assets in the document.
7. Report by ARBC Legal Counsel/Old Business
- Updated the Board on the status of current litigation. Bankston will file a Writ to the First Circuit Court of Appeals due to Judge Fields authorizing the request to sequester funds. The sheriff offices from Ascension, East Baton Rouge and Livingston Parishes will deposit future Comite River Diversion Canal Project tax money into the Registry of the Court with the 19th Judicial District Court in an interest bearing account. For the time being, the funds will not be available to the ARBC.
 - CEA between ARBC and LA DOTD: The Second Amended CEA has been prepared by B&A and has been submitted to DOTD for its review and comments.
 - Status of procedures for application of project credits to COE: No report
 - Task Order Committee Report: Bargas reported that the committee agreed to clear past Task Orders at the end of the fiscal year and re-issue the Task Orders so they have a more definitive plan on how they are to be issued and executed. Following the meeting, Bargas sent to members of the Task Order Committee, a synopsis of bullet points that need to be integrated into whatever is done.

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Bargas handed out for review, and discussed the Task Order form he created, as requested by the Task Order Committee. Rietschier asked if he should continue operating under the existing system for the Task Orders to GCR on early acquisitions and the HTRW Task Orders until the new system is finalized. Thompson said to do business as usual until something is worked out. Thompson asked if Rietschier had reviewed the form and Rietschier said he had. Bargas said it is important to collect data and catalog it electronically. This should be implemented as soon as possible. Thomas mentioned that monthly reports should reference Task Orders. Rietschier stated that ARBC should have its own numbering system. The Board unanimously approved a motion by J. Louque second by Rouchon to immediately implement the new Task Order form as presented by Bargas. Bargas mentioned the issue of applying for credits in relation to ARBC staff time-keeping system and the need to develop a method that ARBC staff can log in their time. GCR has sent this to Rietschier, and it needs to be given to the Board quickly.

- Maintenance of property: No update.

8. New Business

- Resolution 1094- A General authorization for Don Thompson to sign on Project Resolution: The Board unanimously approved a motion by Rouchon, second by Lee to approve Resolution 1094, as presented.
- Resolution 1095-Authorization to approve purchase of property Tracts 473 & 476 as per cash sale and approval of Hold Harmless Agreement. The Board unanimously approved a motion by Bargas, second by Saucier to approve Resolution 1095, as presented.
- Documentation regarding ARBC Commissioners absence to regular meetings: Per ARBC Bylaws, the ARBC President shall advise the Governor if any member misses three consecutive meetings without good cause at the request of the Board of Commissioners. Reporting of absentee excuses to the Board should be documented in the minutes of the next regular meeting so that the absence may be excused. The Board unanimously approved a motion by Callender, second by Rouchon to report the reason for the absence, vote on whether to excuse the absence, in the minutes following the absence of Board Members by way of an Agenda Item.

9. The Board unanimously approved a motion by Cornette, second by Rouchon to adjourn the meeting at 7:26 p.m.

APPROVED:

/s/ Don Thompson
Don Thompson, ARBC President

/s/ Toni B. Guitrau
Toni B. Guitrau, Executive Secretary

Date: August 21, 2012