

July 15, 2019

The regular monthly meeting of the Bayou Lafourche Fresh Water District was held on Monday, July 15, 2019 at 5:00 p.m. at the Water District Office, 1016 St. Mary Street, Thibodaux, LA

Present were: Hugh Caffery, Chairman
Greg Nolan, Secretary/Treasurer
Donald Schwab
Francis Richard
Scott LeBlanc -Entered meeting at 5:15 p.m. and left meeting at 5:25 p.m.

Ray Mayet
Eli Miles, Jr.
Chris Domangue

Absent: Gene Harrell, Vice-Chairman; Jake Giardina; Barry Soudelier; Lance Authement

Also present were: David Wolf, Bond Attorney; Greg Chatelain, Delta Coast; Ryan Perque, FOBL
Henry Templet; Hattie Templet; Josh Bordelon; Robert Mire
Barry Marionneaux, Attorney; Ben Malbrough, Executive Director
Jana Langley, Administrative Assistant

Chairman Hugh Caffery asked for a motion to open the public hearing. Moved by Commissioner Ray Mayet, seconded by Commissioner Donald Schwab and unanimously approved to open the public hearing to consider levying additional or increased millage rates without further voter approval or adopting the adjusted millage rate after reassessment and rolling forward to rates not to exceed the prior year's maximum.

Mr. Ben Malbrough advised that the public hearing is to discuss the adjusted millage rate for Terrebonne Parish, and to discuss rolling forward the millage to the maximum.

Mr. Malbrough explained that two resolutions will be adopted during the regular meeting. One resolution will be to adopt the adjusted rate of 2.06 mills, and second resolution will be to roll forward to the maximum rate of 2.11 mills for Terrebonne Parish.

Chairman Hugh Caffery asked three times for any public comments regarding rolling forward the Terrebonne Parish millage rate, and there were no comments.

Moved by Commissioner Eli Miles, Jr., seconded by Commissioner Greg Nolan and unanimously approved close the public hearing on the Terrebonne Parish millage rate.

Chairman Hugh Caffery stated that we will now begin the regular meeting at 5:15 p.m.

Chairman Hugh Caffery stated that public comments can be made at any time in the meeting prior to action on any agenda item upon which a vote is to be taken.

Moved by Commissioner Francis Richard, seconded by Commissioner Ray Mayet to dispense with the reading of the minutes, and approve the minutes of June 17, 2019. Motion carried unanimously.

Moved by Commissioner Francis Richard, seconded by Commissioner Ray Mayet to approve the accounts payable for June. Motion carried unanimously.

Moved by Commissioner Francis Richard, seconded by Commissioner Greg Nolan to approve the finance report for June. Motion carried unanimously.

Commissioner Scott LeBlanc entered the meeting at 5:15 p.m.

Chairman Hugh Caffery asked for a motion to amend the agenda by two-thirds vote to move agenda items under New Business 11(a) and 11(b) regarding the millage adoption next for discussion.

Moved by Commissioner Ray Mayet, seconded by Commissioner Donald Schwab and unanimously approved to amend the agenda by two-thirds vote to move agenda items under New Business 11(a) and 11(b) regarding the millage adoption next for discussion because Commissioner Scott LeBlanc has to leave the meeting after these two agenda items are discussed.

Commissioner Ray Mayet read Resolution No. 1 in full to adopt the adjusted millage rate of 2.06 for Terrebonne parish for tax year 2019. Chairman Hugh Caffery asked for any public comments on Resolution No. 1, and there were none. The roll was called and the votes were as follows: Yeas 8; Nays 0; Abstained 0; Absent 4. Resolution No. 1 was passed by two-thirds vote of the total membership of the board.

Commissioner Ray Mayet read Resolution No. 2 in full to set forth the adjusted millage rate and roll forward the Terrebonne Parish millage rate not to exceed the maximum authorized rate of 2.11 for tax year 2019. Chairman Hugh Caffery asked for any comments on Resolution No. 2, and there were none. The roll was called and the votes were as follows: Yeas 8; Nays 0; Abstained 0; Absent 4. Resolution No. 2 was passed by two-thirds vote of the total membership of the board.

Commissioner Scott LeBlanc left the meeting at 5:25 p.m.

Mr. Malbrough reported that he sent the pumping summary to the board members. We are still siphoning for at least the next month or so. He stated that Eric and the guys at the pump station did a fantastic job monitoring the water surface elevations along the bayou during the tropical event.

Mr. Malbrough advised that the bayou crew did an assessment of the downed trees in the bayou, and will make a plan to start getting those trees out. We will go out for proposals for the replacement of the green machine, and should have the proposals within the next month or so.

Mr. Malbrough stated that we developed a scope of work, and received quotes for the cultural resources survey. The cost will be between \$65,000 to \$75,000 to dig trenches along the footprint of the pipes. This is a requirement of the Corps 404 permit for the pump station project. They also have to do a marine survey.

Mr. Greg Chatelain, Delta Coast, reported that Royal Engineers has completed the review of the plans on the North Water Control Structure Project. They should be ready to advertise next week. Mr. Malbrough stated that at the April meeting they gave authorization to advertise to go out for bid for construction.

Mr. David Wolf, bond attorney with Adams and Reese Law Firm, stated that he represents local governments, municipalities, parishes, port commissions, etc. around Louisiana. His job is to help local governments borrow money through the issuance of bonds. He advised that he is here tonight as special counsel to the Clean Water State Revolving Loan Fund, which is a fund that is operated by DEQ. The pump station project qualifies for financing through the Clean Water State Revolving Loan Fund at a low interest rate. The current rate of the DEQ program is 0.95%. Local governments have to provide a specific source of repayment when they borrow money. This project has been in partnership with CPRA, and CPRA will contribute part of the cost of this \$65,000,000 project. CPRA will contribute \$50,000,000 and \$15,000,000 by the Bayou Lafourche Fresh Water

District. The Fresh Water District will issue a \$65,000,000 bond for fifteen years. It will be payable from the revenues of the millage and the revenues the District receives from CPRA under a Cooperative Endeavor Agreement. The CEA is close to being finalized. This will be a draw down loan.

Mr. Wolf advised that the first step of the process is the resolution that is on the agenda tonight. It is a preliminary approval to the issuance of not exceeding \$65,000,000 of revenue bonds to be secured by pledge of District tax and payments by CPRA under the Cooperative Endeavor Agreement. The bond will mature at not more than fifteen years at interest rate of not to exceed 0.95%, which includes DEQ 0.50% administrative cost. He stated that the resolution does not commit you to this loan yet. It is just a preliminary approval. There will be another more elaborate resolution that will need to be approved once we have gotten approval from the State Bond Commission.

Mr. Malbrough presented to the Board a few corrections to the resolution that needs to be adopted. The resolution will be signed by Greg Nolan, Secretary/Treasurer after the corrections are made.

Moved by Commissioner Greg Nolan, seconded by Commissioner Eli Miles, Jr. to adopt the resolution as amended for preliminary approval to the issuance of not exceeding \$65,000,000 of revenue bonds to be secured by pledge of District tax and payments by CPRA under the Cooperative Endeavor Agreement. The resolution also authorizes the Executive Director of the District to submit the loan application that is necessary with DEQ after approval from the State Bond Commission. The resolution also acknowledges that even though Mr. Wolf is the attorney for DEQ, he will prepare all the paperwork and submit it to the Bayou Lafourche Fresh Water District subject to the Bayou Lafourche Fresh Water District's attorney's review and approval. Motion carried unanimously.

Chairman Hugh Caffery asked where bond funds come from, and Mr. Wolf answered that Congress appropriates approximately two billion dollars to the state revolving loan fund. The money is divided among the fifty states according to a formula. Louisiana gets about eleven million per year for the drinking water revolving loan fund, and about sixteen million a year for the clean water revolving loan fund. The state matches 20% of that. The money is loaned out, and as the loans are repaid into the revolving loan funds additional monies can be made.

Chairman Hugh Caffery asked what restrictions will be on the District's excess of revenues beyond the annual payments on the bond, and Mr. Wolf answered that the loan will not be pledged by our user fees, or any other source of revenues. The loan will be pledged by District millage tax defined in the resolution, and payments by CPRA. Mr. Wolf stated that once we set aside enough money each year from the millage to cover that year's debt service, we are free to use the balance any way we want.

Mr. Wolf stated that he will be back at the August or September meeting with some news about the State Bond Commission, and the other resolution.

Mr. Malbrough advised that in the next week or two we will be ready to go out and solicit Request for Proposals for the Derelict Vessel Removal Project, and he needs authorization to go out and solicit Request for Proposals as soon as the amended IGA from Lafourche Parish is received.

Moved by Commissioner Francis Richard, seconded by Commissioner Donald Schwab and unanimously approved to authorize Ben Malbrough to go out and solicit Request for Proposals for the Derelict Vessel Removal Project as soon as the amended Intergovernmental Agreement is received from Lafourche Parish.

Mr. Ryan Perque gave an update on the Friends of Bayou Lafourche as follows:

- ❖ He reported that they received between \$500,000 to \$600,000 worth of projects in the works from Donaldsonville to Raceland.
- ❖ They got their approval from wildlife service, from historical preservation, and are waiting on no objection from the Army Corps for the Nicholls State University Project.
- ❖ The Bayou Country Children’s Museum had an estuary exhibit in place that had become nonfunctional. We helped them acquire some funds to design the exhibit, and the estuary exhibit is now a very accurate depiction of Bayou Lafourche.
- ❖ The Board came up with an idea to begin providing a source of information for individuals and property owners who want to make enhancements to their bayou side, specifically to help with erosion prevention.

Moved by Commissioner Francis Richard, seconded by Commissioner Ray Mayet and unanimously approved to go into executive session at 6:40 p.m. to discuss litigation regarding Carroll J. Aucoin, Jr., Tonie A. Aucoin and Aucoin Homestead, L.L.C. Vs. Bayou Lafourche Fresh Water District, 23rd Judicial District Court, Parish of Assumption, Docket Number 33837.

Moved by Commissioner Donald Schwab, seconded by Commissioner Ray Mayet and unanimously approved to return to regular session.

Moved by Commissioner Ray Mayet, seconded by Commissioner Eli Miles, Jr. and unanimously approved the meeting adjourned at 7:00 p.m.

Hugh Caffery, Chairman

Greg Nolan, Secretary/Treasurer

