

October 21, 2019

The regular monthly meeting of the Bayou Lafourche Fresh Water District was held on Monday, October 21, 2019 at 5:00 p.m. at the Water District office, 1016 St. Mary Street, Thibodaux, LA

Present were: Hugh Caffery, Chairman Eli Miles, Jr.
Gene Harrell, Vice-Chairman Chris Domangue
Greg Nolan, Secretary/Treasurer Barry Soudelier
Francis Richard Ray Mayet
Donald Schwab Scott LeBlanc

Absent: Jake Giardina and Lance Authement

Also present were: David Wolf, Attorney; David Boudreaux, Delta Coast; Ryan Perque; Stevie Smith
Henry Templett; Hattie Templett; Josh Bordelon; Robert Mire; Jerry Waguespack
Ben Malbrough, Executive Director; Jana Langley, Administrative Assistant

Moved by Commissioner Francis Richard, seconded by Commissioner Ray Mayet to dispense with the reading of the minutes, and approve the minutes of September 16, 2019. Motion carried unanimously.

Moved by Commissioner Barry Soudelier, seconded by Commissioner Francis Richard to approve the accounts payable for September. Motion carried unanimously.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Eli Miles, Jr. to approve the finance report for September. Motion carried unanimously.

Mr. Ben Malbrough advised that he sent the pumping summary to the board members. He stated that we are now back pumping a full capacity so the electricity bills are now up again. Everything is operating normal. The utility pontoon is out for bids. The bids will be opened the second week in November, and we will be presenting that to the board.

Mr. Malbrough reported that we have an amendment to the contract for the Pump Capacity Improvements Project for additional work required for cultural resources investigation. The cultural resources proposal that we received and approved was for a certain amount of work. Unfortunately, the archeologist in the trenching operations came across some things that triggered more exploration than was originally anticipated. The cost is an additional \$53,950 for cultural resources investigation resulting from the expanded scope. There would also be an additional cost of \$15,000 for trenching contractor to facilitate the expanded scope of the cultural investigation.

Moved by Commissioner Francis Richard, seconded by Vice-Chairman Gene Harrell and unanimously approved to amend the agreement for the cultural resources investigation in the amount of \$53,950 and an additional \$15,000 for trenching contractor to facilitate the expanded scope of the cultural resources investigation.

Mr. Malbrough advised that we have to amend the contract for the North Water Control Structure. The Notice to Proceed was issued to Sea Level Construction three weeks ago. They will be mobilizing out to the site the first week in November. The original contract we signed with Royal Engineers had construction administration in the contract but did not have project representation. The figures being proposed by Delta Coast for resident inspection during the duration of construction is for a fee of

\$92,106.00. Mr. Malbrough advised that he would like to recommend a separate contract with Delta Coast for the resident inspection fee.

Mr. Malbrough stated that in addition we had to rectify the original design contract to accommodate for the structure opening and closing forces on the gate when it is under operation. In addition to the design services, there was coordination with DOTD relating to access permits required that were additional to the original scope. The total of the amendment is \$33,046.77.

Commissioner Scott LeBlanc stepped out of the meeting at 5:40 p.m. before any motions were made relating to the amendments to the contract for the North Water Control Structure Project.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Donald Schwab and unanimously approved to amend the original contract with Royal Engineers for \$33,046.77 to accommodate for the structure opening and closing forces on the gate when it is under operation. In addition to the design services, there was coordination with DOTD relating to access permits required that were additional to the original scope.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Francis Richard and unanimously approved to authorize Mr. Barry Marionneaux and Ben Malbrough to execute a professional services contract with Delta Coast not to exceed \$125,000, which includes construction administration and project representation.

Mr. Malbrough advised that we will terminate the contract with Royal Engineers, and move the construction administration fee that we had included in that contract into Delta Coast's contract.

Commissioner Scott LeBlanc returned to the meeting at 5:55 p.m.

Mr. David Wolf, Attorney with Adams and Reese, advised that this is the biggest Revolving Loan Fund made in a single loan. He stated that the Bayou Lafourche Fresh Water District approved the Cooperative Endeavor Agreement, and that has been signed by the CPRA Board and DEQ. The last thing to do is to approve the terms of the loan per a resolution that will be presented tonight. Mr. Wolf explained all the terms of the loan, which will be a draw down loan. The interest rate is 0.95%.

Mr. Wolf stated that the resolution authorizes everything that has to do with the loan, such as maturity schedule, schedule of prepayments, the form of bond, loan and pledge agreement, and DEQ standard form procedures for drawing the money down.

Mr. Wolf advised that the resolution will be published one time in the official journal. For thirty days after the date of publication, any person can contest the legality of the Bond resolution. If there is no challenge of the validity of the Bond after thirty days, then it will be incontestable which is in the state constitution.

Chairman Hugh Caffery asked for any public comments on the proposed resolution as explained by Mr. Wolf, and there were no comments. Chairman Caffery asked for a motion to adopt the resolution authorizing the issuance of its Taxable Revenue Bond in an amount not to exceed \$65,000,000.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Eli Miles, Jr. and unanimously approved to adopt the resolution authorizing the issuance by Bayou Lafourche Fresh Water District of its

Taxable Revenue Bond in an amount not to exceed \$65,000,000, and prescribing the form, terms, and conditions of said Bond, and providing for other matters in connection with the Bond.

Chairman Hugh Caffery stated that he is very grateful to Ben for bringing all of this to us, and thanked David Wolf for the work he put in on this with Ben. Mr. Malbrough stated that this is a result of a lot of very hard work by a lot of people dating very many years back. We took advantage of a couple of opportunities, and very good timing. Mr. Malbrough stated that David has been very good to work with, and there were several hurdles we had to work through. If David was not on our team, we do not think we could have finally got to where we are tonight.

Mr. Wolf advised that when the closing takes place it will be in Baton Rouge, and they will probably want to do a ceremony with a big check. Mr. Wolf asked that some or all of the Board come to Baton Rouge for the closing and ceremony.

Mr. Malbrough advised that we received proposals on September 26th for the Bayou Lafourche Derelict Vessel Removal Project. We evaluated the proposals, and Mr. Malbrough recommended that we award the project to the Couvillion Group LLC with a contract amount of \$242,409.00, of which \$200,000.00 will be coming from Lafourche Parish Government. We received proposals from Grillot Construction Group, LLC in the amount of \$569,300.00 Couvillion Group, LLC in amount of \$242,409.00, and Bayou Construction Group, who was non-responsive because they left out a lot of the requirements that were laid out in the proposal. The proposal is to remove twelve vessels.

Moved by Commissioner Francis Richard, seconded by Commissioner Ray Mayet and unanimously approved to award the Bayou Lafourche Derelict Vessel Removal Project to Couvillion Group, LLC in the amount of \$242,409.00.

Mr. Malbrough advised that the employee group health insurance premium will increase by 5% for year 2020, and asked the Board for their decision on paying the employees' premiums.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Scott LeBlanc and unanimously approved to pay 100% of the health insurance premium for the active employees' for the year 2020.

Mr. Ray Mayet read the Notice of Public Hearing that will be held by the Bayou Lafourche Fresh Water District on November 18, 2019 at 5:00 P.M. at the District office located in Thibodaux, LA. The public hearing will be for the 2020 Proposed Operational Budget, and 2020 Proposed Pump Capacity Improvements Project Budget. He read the budget summaries for the 2020 Proposed Operational Budget, and 2020 Proposed Pump Capacity Improvements Project Budget. Moved by Commissioner Ray Mayet, seconded by Commissioner Donald Schwab and unanimously approved that the public hearing on the two proposed budgets will be held November 18, 2019.

Mr. Malbrough requested that a budget committee be appointed. Chairman Hugh Caffery appointed a budget committee consisting of Chris Domangue, Scott LeBlanc, Gene Harrell and Francis Richard.

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

- They were at a banquet three weeks ago, and Chip Kline with CPRA stated that if it had not been for Ben's innovative ideas and techniques to put together the CEA in the way that it would actually work with the new pump station it would not have been possible.

- He will put together a press release for the Derelict Vessel Removal Project. He advised that they are trying to make recommendations for erosion control, and are looking at different types of plants.
- They have released to social media each milestone the District projects have reached. The weir removal project release was picked up by Daily Comet, Houma Courier, Donaldsonville Chief and The Advocate.
- They are finally at a point now to be able to release to the public the maps of the 65 to 70 assets along the bayou. Each one has pictures, phone numbers, and contact information. We will constantly be adding assets to the maps.
- They are putting together four commercials about Bayou Lafourche.
- They have resubmitted their capital outlay request for the 6.2 million. They are waiting for a no objection letter from the Corps on the Recreational Trails project. Lorio Foundation has made a pretty significant commitment over the next two years.

Mr. Malbrough advised that a large coalition of people from south Louisiana is going to Washington to lobby, which includes legislators, congressmen, senators and their staff. He stated that he will be going tomorrow through Thursday.

Chairman Hugh Caffery asked for any public comments, and there were none.

Moved by Commissioner Barry Soudelier, seconded by Commissioner Francis Richard and unanimously approved to go into executive session at 6:30 p.m. to discuss negotiations with Ascension Parish Government, West Ascension Drainage District, and Parish Utilities of Ascension relating to the Pump Capacity Improvements Project and Donaldsonville Drainage Improvements.

Moved by Commissioner Francis Richard, seconded by Commissioner Donald Schwab and unanimously approved to return to regular session.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Eli Miles Jr. and unanimously approved to authorize Mr. Barry Marionneaux and Ben Malbrough to negotiate agreements with Parish Utilities of Ascension, West Ascension Drainage District, and Ascension Parish Government to build the Donaldsonville Drainage Pump Station Projects, and once the construction is complete we will turn over the ownership of the structures as well as the operation and maintenance obligations of both structures. In addition, the agreements will also lay out the terms and conditions of us negotiating and giving a right-of-way to Parish Utilities of Ascension for the relocation of their water intake facility on Bayou Lafourche. It will also lay out the terms and conditions in which we will assist in the construction and/or installation of their intake pipe of their relocated facility as part of our Pump Capacity Improvements Project. The work will be done by us, and will be fully reimbursable by Parish Utilities of Ascension and/or Ascension Parish Government.

Moved by Vice-Chairman Gene Harrell, seconded by Commissioner Eli Miles, Jr. and unanimously approved the meeting adjourned at 7:10 p.m.

Hugh Caffery, Chairman

Greg Nolan, Secretary/Treasurer

