

**OFFICIAL PROCEEDING
OF
SOUTH LAFOURCHE LEVEE DISTRICT
APRIL 10, 2017**

The Board of Commissioners of the South Lafourche Levee District met in a regular session at its regular meeting place, 17904 Highway 3235, Galliano, Louisiana, on Monday, April 10, 2017, at three (3:00) o'clock p.m., pursuant to the provisions of a notice of regular session duly promulgated and posted in accordance with the law.

The regular meeting for the month of June was called to order by President Ronald Callais. Commissioner Clarence Marts led the Pledge of Allegiance.

President Callais directed the secretary to call roll.

Board members present: Ronald Callais
 Robert "Bobby" Eymard, Sr.
 Bob Faulk
 Monty Vegas
 Mitch Danos
 Clarence "CJ" Marts, Jr.
 Roland Curole
 Keith Guidry

Board members absent: Mc Neely Rome

Also present were: Executive Secretary and General Manager Windell Curole; Administrative Assistant 3 Amy Gisclair; Levee Board Operations Superintendent Drake Baudoin; Attorneys Tyler Breaux; Engineering Personnel André Uzee, Ben Hodson, Neil Angelette, MAC member Roland Guidry; CPRA Daniel Dearmond; Members from Mr. Richard "Dick" Guidry's family and news media.

READING OF THE MINUTES

The minutes of the March 13, 2017, Regular Meeting and Special Meeting the March 27, 2017 Special Meeting were approved unanimously upon a motion by Keith Guidry and seconded by Roland Curole.

PRESIDENT'S REPORT

RESOLUTION RICHARD "DICK" GUIDRY BUILDING COMPLEX PRESENTATION TO FAMILY

President Callais presented a picture to Mr. Guidry's family of Mr. Dick Guidry and former Governor McKeithen. This pictured the two gentlemen signing the legislation which start the levee district. President Callais also presented to the family the resolution of the renaming of the building. Mr. Curole stated that is was an honor to work with Mr. Guidry.

Mr. Dennis Guidry explained that his father was extremely proud of the levee district and the way it has been and continues to run.

32ND ANNUAL ABLB WORKSHOP, MAY 4-5, 2017

President Callais reminded all board member of the upcoming workshop in Baton Rouge and to notify Amy if any one has to cancel.

TIER 2.1 DUE MAY 15, 2017

President Callais informed the board that the Tier 2.1 is due no later than May 15, 2017. Please get with Amy to complete and submit this form.

AUDIENCE COMMENTS

There were no comments from the audience.

GENERAL MANAGER'S REPORT

BEN MALBROUGH – BAYOU LAFOURCHE FRESH WATER DISTRICT

Mr. Malbrough presented a slide show of the past, present and future projects. Mr. Malbrough explained how the Bayou Lafourche Fresh Water District started and the area they it covers. The Bayou Lafourche Fresh Water provides clean drinking water to approximately 300,000 residents. This area covers from Donaldsonville to Fourchon. Mr. Malbrough also went into detail about the Mississippi River Water Reintroduction into Bayou Lafourche project.

SLIDE PRESENTATION

General Manager Windell Curole presented a slide show. This slide show started with pictures of Mr. Guidry. Then Mr. Curole then showed pictures of the siphon project upgrades. Mr. Curole also gave an update on all levee section and projects. He also showed slides on the Morganza to Gulf Project.

5 MILL – 10 YEAR TAX RENEWAL RESULTS – 90% APPROVAL

Mr. Curole stated the 5Mill renewal has pasted. The renewal received a 90% approval.

The following resolution was offered by Robert Eymard and seconded by Bob Faulk

RESOLUTION

A resolution providing for canvassing the returns and declaring the result of the special election held in the South Lafourche Levee District, on Saturday, March 25, 2017, to authorize the renewal of a special tax therein.

BE ITRESOLVED by the Board of Commissioners of the South Lafourche Levee District, State of Louisiana (the "Governing Authority"), acting as the governing authority of the South Lafourche Levee District, that:

SECTION 1. Canvass. This Governing Authority does now proceed in open and public session to examine the official tabulations of votes cast at the special election held in the South Lafourche Levee District, on SATURDAY, MARCH 25, 2017, to authorize the renewal of a special tax therein, and said Governing Authority does further proceed to examine and canvass the returns and declare the result of the special election.

SECTION 2. Proces Verbal. A *Proces Verbal* of the canvass of the returns of said election shall be made and a certified copy thereof shall be forwarded to the Secretary of State, Baton Rouge, Louisiana, who shall record the same in his office; another certified copy thereof shall be forwarded to the Clerk of Court and *Ex-Officio* Recorder of Mortgages in and for the Parish of Lafourche, who shall record the same in the Mortgage Records of said Parish; and another copy there of shall be retained in the archives of this Governing Authority.

SECTION 3. Promulgation of Election Result. The result of said election shall be promulgated by publication in the manner provided by law.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 8

NAYS: 0

ABSENT: 1

And the resolution was declared adopted on this, the 10th day of April, 2017.

MISSISSIPPE VALLEY FLOOD CONTROL ASSOCIATION – ANNUAL MEMBERSHIP RENEWAL

Mr. Curole requested the approval of the annual renewal membership fee in the amount of \$1000.00

Moved by Mitch Danos, seconded by Monty Vegas and unanimously accepted, the board approved the annual membership approval.

SPARE ENGINE REBUILD

Mr. Curole explained that the board approved the rebuild of the spare engine. The company that had agreed to order the parts for the rebuild requested the Levee District to pay the parts and they are received; therefore the company would have the money to order the next set of parts. Mr. Curole discussed this with the board attorney, Mr. Ray Collins, to make sure this was legal. Mr. Curole request a motion for the board to give Mr. Curole the approval to pay the parts as needed.

Moved by Clarence Marts, seconded by Robert Eymard and unanimously accepted, authorized Mr. Curole to approve parts payment for the spare engine rebuild.

ENGINEERING REPORT

OFFICE OF COASTAL PROTECTION AND RESTORATION

Mr. Daniel Dearmond had nothing to report at this meeting.

CORPS OF ENGINEERS (JOEY WAGNER)

There was no one in attendance from the Corps.

PROJECT ENGINEERS

PICCIOLA & ASSOCIATES

Engineer Joe Picciola gave the following report:

- **Elevation of LA Highway 32335 at Larose Crossing in Larose, LA**
Bids were received on Thursday, March 16th. LA Contracting Enterprise, LLC was the low bidder. We are awaiting approval from Facility Planning and Control before awarding the project.
- **Mechanic Shop**
Foret Contracting Group, LLC is the Contractor. The contractor poured the building foundation last week and plans to begin erecting the building.
 - Pay Request No. 03 in the amount of \$65,376.00

Moved by Monty Vegas, seconded by Mitch Danos and unanimously accepted, the board approved Pay Request No. 3 in the amount of \$65,376.00.

J. WAYNE PLAISANCE, INC.

Andre Uzee reported the following:

- **Bayou Lafourche Water Level Control**
We have file for a permit for this project. We are still in the process of answering question from DNR. We are continuing to work on this project.

Mr. Curole reminded the board of the hiring of Mr. Ed Fike to review the mitigation issue for this project. We believe that all the mitigation for this project was complete. Once Mr. Fike's report is complete, the board will have to discuss and figure out what will be the next step.

- **Pump Station No. 4 Upgrades**
This project consists of the replacement of the crane at Pump Station No. 4 and the expansion of the fuel building. We are working with geotechnical and working on safety factor.

LEEVE IMPROVEMENTS – ANGELETTE-PICCIOLA, LLC

Engineer Neil Angelette reported the following:

- **B-North & South, Levee Improvements**
The Notice to Proceed has been issued for this project to Pontchartrain Partners, LLC, and they are preparing to mobilize in equipment and begin construction layout.
- **C-South Levee Improvements**
This project has been awarded to the low bidder RLB Contracting, Inc. Contracts have been signed, and pre-construction meeting was held last week. We will be issuing the Notice to Proceed this week.
- **Larose Floodwall Elevation, Ph2**
The contractor is continuing the floodwall construction, and we are recommending approval of Pay Request No. 13 in the amount of \$300,321.60.
 - Pay Request No. 13 in the amount of \$300,321.60

Moved by Roland Curole, seconded by Mitch Danos and unanimously accepted, the board approved Pay Request No. 13 in the amount of \$300,321.60.

- **Morganza to the Gulf, Reach L**
We have completed the report on the preliminary design phase for the levee portion of this project, and we finalizing the preliminary design phase on the structure to review it with Delta Coast Consultants this week.
- **Bayou Lafourche – Roadway and Drainage Elevations**
We have completed the initial surveying for this project and will be meeting with Windell to discuss preliminary concepts.

MORGANZA TO THE GULF

DELTA COAST CONSULTANTS

Program Manager Report (Mitch Marmande) is working on a progress report on an as built report. In the next few weeks, we will know what is left to complete on mitigation project. Mr. Marmande suggested the importance on to final design on Reach L and Grand Bayou Floodgate. These projects need to be ready so when funding becomes available to build. The key here will be to know how much the dredging project will cost. Mr. Marmande stated a strategy to take bids first and then we will know what funds will be left. Once Mr. Marmande receives the engineering estimates, he will then be able to move forward to figure out the next step with these projects.

ALL SOUTH CONSULTING ENGINEERS

Engineer Report Stevie Smith was not able to attend. Walter Medley with All South Consulting gave an update of the following projects:

- **Reach K & L**
- **Reach K Levee Project**
Reach K Haul In Section
 - Award to Low Land Construction for \$643,794.91.
 - Notice to Proceed August 15, 2016; 120 day contract – Original end date December 13, 2016; Current Contract end date April 12, 2017.
 - SLLD authorized two change orders for additional 36,000 yards to date. Total quantity now 70,000 cubic yards.
 - Contractor has hauled about 60,000 cubic yards of material. Low Land hauling between rain events.
 - Engineering Amendment No. 3 – Additional \$30,000.00 increase – Request for approval

Mr. Marmande reviewed the Engineering Amendment No. 3 and requested the board to approve.

Moved by Mitch Danos, seconded by Monty Vegas and unanimously accepted, the board approved for Engineering Amendment No. 3 with an increase of \$30,000.00.

Reach K On Site Excavation Section

- All South has submitted 100% Plans and Specs to South Lafourche Levee District, TLCD, and CPRA for review. Have received minimal comments for CPRA. Revised plans and specifications will be completed before end of month.
- Expect to be out for advertisement in April, with bids in May.
- Tree chipping at upper end is complete on the west side of Grand Bayou. East side underway.
- Dike work awaiting repairs on NLLD machine.

Reach K Marsh Mitigation

- Geotechnical work began this week.
- Additional survey work to begin next week as well.

CB & I ENGINEERS

Engineer Hillary Thibodaux reported the following:

- **Grand Bayou Floodgate Structure**

We will be ready to move forward to the next phase once funding becomes available. As report at previous meetings, we received some comments and we have responded to all. Mr. Thibodaux explained since responding to the comments, he has not received any other additional comments.

LEGAL, PERMITS, AND RIGHT-OF-WAYS COMMITTEE REPORT

Chairman Mitch Danos announced that we had no permit request to report.

BOARD ATTORNEY

Attorney Tyler Breaux explained the back ground of the case South Lafourche Levee District vs Chad M. Jarreau Suit and it reached the Louisiana Supreme Court. This case started in the 17th JDC. The ruling the 17th JDC had allotted for an approximate \$164,000 in damages for economic loss and severance damages, as well as \$142,000 in attorney fees. The SLLD was also awarded \$16,000 in loss of revenue. This came after SLLD filed suit against Chad M. Jarreau to enjoin him from continuing him to excavate after the land that was appropriated for the purposes to serve the community with flood protection. This case was sent to the Court of Appeals. The Court of Appeals then reversed the ruling for the economic loss damages, noting that the trial court did not consider a 2006 Amendment to the Louisiana Constitution. This amendment made an exception for levees in an appropriation process to refer to and uses the 5th Amendment of the United States Constitution. The 5th Amendment of the US Constitution pertains to the taking for public purposes. Mr. Breaux explained in more detail of the 5th Amendment of the US Constitution.

Mr. Curole stated the State never sold the right to build levees to the land owners. Therefore, this right was kept by the State. Mr. Curole explained after the legislation of 1921, that payments were to be made for right of way, before payments were not made for this right of way. It was not until 1974 legislation that fair market value was implemented. There was an understanding that any payments made for right of way was a gift or gratuity because the State always had the right to build these public projects on the property. The 2006 amendment stated specifically for hurricane protection.

Mr. Breaux stated the Court of Appeals reversed the ruling of the District Court, which reversed the amount of damages that was awarded of \$164,000. Mr. Breaux also believes this reverse the award that the Levee District received for the improper excavation issue.

This case then made it to the Louisiana Supreme Court. There were a few issues at this level that were under review. Mr. Breaux explained the most important part of the decision was the attorney fees. There was a 25% cap applied for the attorney fees. The Louisiana Supreme Court upheld the Applet Courts ruling on the fair market value. This fair market value was \$11,000 based on the type of taking that took place. Mr. Breaux state by applying this cap reduced the attorney fees.

The end result Louisiana Supreme Court had a favorable ruling for the South Lafourche Levee District.

Mr. Curole stated the attorney fees were adjusted from \$146,000 to \$2,600. Mr. Curole also explained the 2006 Legislation Amendment was sponsored by Mr. Reggie Dupre. This legislation was put in place because of the issues Ponchartrain Levee District experienced. Mr. Curole expressed how well the law has worked for the most part. However, Mr. Curole explained the part that did not work well. The

appraiser hired by the Levee District stated that the property in back end at the borrow canal is worth much less than the frontage at the 4 lane highway. The Louisiana Supreme Court agreed with the other appraisers, which stated the rear of the property and frontage the road way have the same value. Mr. Curole stated that appraiser was geographically incompetent, which means, he no experience with this type of taking in south Louisiana. This was the only issue that the Louisiana Supreme Court ruled on that Mr. Curole did not agree with. Therefore the valuation will increase to approximate 5 times more than what the Levee District has paid.

Mr. Vegas questioned how this will affect other land owners moving forward? Mr. Curole explained moving forward we have a second case that we are awaiting a decision. The second case is just on property value. Mr. Curole stated the Louisiana Supreme Court is in the process of reviewing the second case. Mr. Curole believes because of the ruling on Chad M. Jarreau case that the second could be dismissed. We are still awaiting a decision on whether the Louisiana Supreme Court will hear the case.

FINANCE COMMITTEE

INVOICES

Commissioner Monty Vegas announced that the Finance Committee had reviewed the invoices and recommended they be paid.

On a motion of Monty Vegas, seconded by Clarence Marts, and unanimously carried, the board approved the payment of the invoices as presented.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

With no further business to discuss, the board unanimously adjourned the meeting on a motion of Bobby Eymard and seconded by Mitch Danos.

/s/Ronald Callais, President

/s/Windell A. Curole, Executive Secretary