

REGULAR MEETING
July 5, 2023

The Board of Commissioners for the Lafourche Basin Levee District met this day in regular session at its official domicile at 21380 Highway 20 in Vacherie, Louisiana. The public was invited to attend via Teleconference and at the LBLD office. The meeting was called to order by its President, Eric Matherne, at 6:00 P.M.

Before the start of the meeting, President Eric Matherne asked for a moment of silence in honor of our beloved colleague and honorable commissioner, Mr. Michael McKinney, Sr. that passed away on July 2, 2023.

The meeting opened with a prayer and the pledge of allegiance to the flag.

Present: Commissioners... Craig Carter, Assumption Parish; President Eric Matherne, St. Charles Parish; Larry Sorapuru, St. John the Baptist Parish; Arthur Bosworth IV, St. James Parish; Gary Watson, St. John the Baptist Parish; Michael McKinney, Sr., Ascension Parish; Marlin Rogers, St. Charles Parish; James P. Jasmin, St. James Parish; Kevin Hebert, St. Charles Parish; Jeffery Henry, Ascension Parish were present. Russell Loupe, St. Charles Parish was absent.

A quorum was present to conduct business.

Messrs. Spencer Long, Attorney; Donald Ray Henry, Executive Director; Ms. Melanie Broden, Accounting Specialist and Ms. Astrea Jupiter, Administrative Assistant were present.

Commissioner Arthur J. Bosworth, IV made the motion to adopt the agenda. The motion was seconded by Vice-President Jeffery Henry. President Matherne called for a vote. The motion passed.

There were no public comments on the agenda items.

On motion of Commissioner James P. Jasmin, seconded by Commissioner Arthur J. Bosworth, IV, the minutes of the Regular Meeting of June 7, 2023 be accepted and filed in the minutes of the Board. President Matherne called for a vote. The motion passed.

On motion of Commissioner Arthur J. Bosworth, IV, seconded by Commissioner Gary Watson, the following cash available for distribution of the month of June 30, 2023 be accepted and filed in the minutes of the Board.

FIRST AMERICAN BANK:

Checking account balance May 2023	\$ 283,888.28
Deposits/Transfer In – June	
Revenues/Refund	20,981.73
Interest on Checking	11.54
Funds transferred in	330,462.09
Operating Expenses/Other	552,605.33
Funds transferred out	0.00
TOTAL ACCOUNT BALANCE JUNE 30, 2023	\$ 82,738.31

LAMP

Account balance – May	4,610,696.89
Funds transferred in	0.00
Funds transferred out	330,462.09
Interest Income Earned	18,445.73
TOTAL ENDING BALANCE JUNE 30, 2023	\$ 4,298,680.53

INVESTMENTS: BNY

Discount Notes/T-Bills/Bonds	5,008,794.65
TOTAL CASH & INVESTMENTS AS OF JUNE 30, 2023	\$ 9,390,213.49

No public comments were made. President Matherne called for a vote. The motion passed.

On motion of Commissioner James P. Jasmin, seconded by Commissioner Gary Watson, the following resolution was proposed and approved.

BE IT RESOLVED, that the Board of Commissioners approve a 4% cost of living raise and a 4% merit raise for the Executive Director, Donald Henry, as discussed in the June Committee Meeting.

President Matherne called for a roll call vote. Roll call vote thereon as follows:

YEAS:

- Arthur Bosworth IV
- Larry Sorapuru
- Gary Watson
- Jeffery Henry
- Craig Carter
- James P. Jasmin

NAYS:

- Marlin Rogers
- Kevin Hebert
- Eric Matherne

ABSENT:

- Russell Loupe

ABSTAINED: None

By a roll call vote of 6 yeas, 3 nays, 1 absent and 0 abstained. The motion passed.

On motion of Commissioner Arthur J. Bosworth, IV, seconded by Commissioner Marlin Rogers, the following resolution was proposed and approved.

BE IT RESOLVED, that the Board of Commissioners authorize the Executive Director, Donald Henry, to enter into the Cooperative Endeavor Agreement (CEA) between the Lafourche Basin Levee District and St. Charles Parish for reimbursement to increase the height of the Sunset Levee and to construct an access roadway and surcharge area across certain immovable property owned and operated by St. Charles Parish.

Commissioner Larry Sorapuru asked what is the total amount of reimbursement dollar figure. Mr. Donald Henry, Executive Director, answered that it would be the \$3.5 million from CPRA and an additional \$2 million from St. Charles Parish. Commissioner Kevin Hebert stated that it was his first time seeing this, no chance reading it. He would like to read it before voting on it. Mr. Donald Henry said he would defer it the lawyer, Mr. Spencer Long, explain any questions. Mr. Long stated that he cooperated in constructing the CEA agreement. It describes each party's obligations. Commissioner Hebert said that once again he don't know how something can be put in front of us and expect for us to vote on it without seeing it before. Mr. Long went on to read the obligations.

4. The obligations of LBLD under this Agreement shall include:
 - a. Acquire any and all local, state, and federal permits required for the construction of Project A;

- b. Prepare, along with St. Charles Parish, a construction bid package combining Project A and Project B. This package will need to be submitted and approved by CPRA prior to advertisement for bidding. The bid package will also be presented to the Parish for review and comment relative to those items pertinent to Project B;
- c. Coordination with CPRA on project updates and reimbursement requests related to Project A;
- d. With St. Charles Parish being involved in the review and acceptance process, LBLD will advertise the Project, receive bids, and award the Project to the lowest responsible bidder on the project which will be performed. The lowest bid for the project shall be defined as the sum of the cost of Project A plus the cost of Project B;
- e. Notify the Parish of the intended award of the contract, the expected cost for Project B, and the expected date for commencement of the construction work;
- f. Administer the construction contract with the selected contractor, including construction administration, construction monitoring, and construction inspection;
- g. At the beginning of construction, provide an estimate to the Parish of the anticipated construction administration, monitoring, inspection, and testing fees that will be prorated toward Project B during the course of construction;
- h. Approve monthly pay requests by the contractor, and submit an invoice to the Parish for their portion of the construction work as related to Project B, inclusive of the construction fees shown above in item (g);
- i. Notify the Parish of any construction issues relative to Project B;

j. Notify the Parish prior to completion of the construction work for Project B and facilitate a final inspection of the work with the Parish;

k. Perform project close-out and final invoicing to the Parish upon completion of the work; and

l. Timely provide St. Charles Parish with all inspection reports, change orders, change directives or other proposed modifications to Project B;

5. The obligations of the Parish under this Agreement shall include:

a. Provide to LBLD final construction plans, geotechnical reports, and specifications for Project B certified by a Professional Engineer properly licensed in the State of Louisiana;

b. Provide to LBLD and maintain through the duration of the project all documents relative to all local, state, and federal permits required and obtained for Project B;

c. Provide to LBLD an engineer's construction cost estimate for Project B;

d. Provide written approval to LBLD of the expected cost for Project B and that sufficient funds to cover the estimated construction cost for Project B have been properly budgeted by the Parish and that the funds will be available prior to the first public advertisement date. It is the intent of this item to satisfy La. R.S. 38:2212 requirement of properly budgeting funds prior to issuance of public advertisement for the Project;

e. Coordination with CPRA on project updates and reimbursement requests related to Project B;

f. Work closely with LBLD relative to any construction issues as noticed by LBLD per items 4. g, h, and i above;

g. Immediately approve, process and make payment to LBLD for monthly construction cost invoices within thirty (30) calendar days of receipt of the invoice from LBLD; and

h. At the completion of construction, provide written confirmation that all construction work relative to this agreement have been satisfactorily completed, pay all outstanding invoices and retainage to LBLD, and written confirmation that all requirements of this agreement have been satisfied.

Commissioner Hebert asked how much of it will be reimbursed. Mr. Long stated all of it. Commissioner Hebert asked who is constructing the road. Mr. Long said LBLD will. The intention of the road is to give LBLD access. Mr. Hebert stated that he understands the intent because he was involved in the process. The question is whether LBLD will continue to have access after the project is complete because the Parish has concerns about that because of the size of trucks and equipment the district uses. Mr. Long stated that LBLD will not be getting servitude. The road will become a public road after the completion of the project. LBLD can use it for regular trucks but heavy equipment access, no, they can not. Commissioner Hebert asked if LBLD will have a key to the gate on the weekends. Commissioner Sorapuru asked if it will be a black top road. Mr. Long said he wasn't sure. Commissioner Sorapuru asked that if the road will be public, why would they need a gate to access the road. Commissioner Hebert stated he wasn't sure if there would be a road. Mr. Stokka Brown, CSRS, stated that in the agreement there is no language saying there's no access or that there is access in the final language.

President Matherne asked if there is a weight restriction. Mr. Brown stated that there are no restrictions. Since the parish decided to make it a public road after the project is done, heavy equipment will need a permit to access it so there was no need for that in the final language. Commissioner Sorapuru wanted to know if there is a road to get to the boat launch. Mr. Brown said yes, there will be. As of now, specific to this project, LBLD will make a gravel road so that there will be access to the levee with the fill. Commissioner Hebert said, yet again, we voting on something without seeing it. He knows what going with this project but he doubts everyone else knows what's happening.

President Henry called for a roll call vote. Roll call vote thereon as follows:

YEAS:

- Arthur Bosworth IV
- Larry Sorapuru
- Gary Watson
- Jeffery Henry
- Craig Carter
- James P. Jasmin
- Marlin Rogers
- Kevin Hebert
- Eric Matherne

NAYS: None

ABSENT:

➤ Russell Loupe

ABSTAINED: None

By a roll call vote of 9 yeas, 0 nay, 1 absent and 0 abstained. The motion passed.

On motion of Commissioner Larry Sorapuru, seconded by Commissioner Arthur J. Bosworth, IV, the following resolution was proposed and approved.

BE IT RESOLVED, that the Board of Commissioners approve the request from the US Corps of Engineers for Right of Entry (ROE) construction including ingress and egress to increase the ROW limits ROW from baseline station (BL Stas.) 3109+50 to 3137+50 to B/L Stas. 3108+00 to 3139+00 to allow the contractor additional space to build temporary ramps if necessary for the “Mississippi River and Tributaries (MR&T), Lafourche Basin Levee District, Ama #2 Levee Enlargement, ROE for Construction, St. Charles Parish, LA,” File Number H-8-48510, Sheet Identification Numbers R-01 to R-05, dated May 2023, and should remain valid for a period of approximately 30 months through February 13, 2025, or until completion of work, whichever comes first.

President Henry called for a vote. The motion passed.

On motion of Commissioner Larry Sorapuru, seconded by Commissioner Gary Watson, the following resolution was proposed and approved.

BE IT RESOLVED, that the Board of Commissioners approve to amend the term of the Professional Services Agreement through June 30, 2024 and to approve an additional budget of \$24,000 for Civix to continue coordinating approval of the design change with utility operators and obtain amended agreements as needed and to provide professional consulting services as requested.

President Matherne called for a vote. The motion passed.

Mr. Stokka Brown, CSRS, Inc., gave the highlights on the Upper Barataria Project.

Segment 2 Sunset Levee Rebid

Summary

- **Levee Lift and Des Allemands boat Launch bid together to lower unit price of fill and reduce access road costs**
- **Draft-Final CEA with LBLD and St. Charles Parish submitted for execution**
- **Civix continued LONO coordination for pipeline crossings**

Next Steps

- **GIS and DDG bid document comment pickups**
- **Civix finalize LONOs**
- **CSRS finalize Bid Package consolidation**
- **Execution of CEA with LBLD and St. Charles Parish**
- **Bid Package review and approval by LBLD, SCP, and CPRA**
- **Advertise Bid**

Schedule

- **1 month to bid**

Segment 3 – Floodgate

Progress Update

- **Meeting between CSRS, GIS, and Stantec to discuss comments with Design and Review teams**

- **Regarding comment resolution 95% kickoff meeting and preliminary progress status review currently agreed upon by the Design and Review teams**
- **Executed contract to begin H&H Modeling to support final design**
- **BKI working on MEP 65% Design**
 - **35% progress submitted to GIS**

Next Steps

- **Complete H&H modeling**
- **BKI complete MEP 65% Design**
- **CPRA to review status of the 65% design deliverable recommendations**

Segment 4 – Floodgate to Hwy 90

Progress Update

- **BKI Interim studies proposal executed**

Next Steps

- **Greenup to submit Interim studies proposal Scope of Services and Fee Estimate**
- **Complete Alternatives Analysis**

Commissioner Arthur J. Bosworth, IV made a motion to adjourn and Vice-President Jeffery Henry seconded his motion.

PRESIDENT

07/10/2023