

The Board of Commissioners for the Pontchartrain Levee District met at its office on Monday, July 28, 2008, pursuant to due notice given to each member in due time, form and manner as follows:

July 25, 2008

Dear Sir:

You are hereby notified that the next Regular Board Meeting of the Board of Commissioners for the Pontchartrain Levee District will be held at 6:00 p.m. on Monday, July 28, 2008 at the Lucher Office, Lucher, Louisiana.

Very truly yours,

Monica Salins,  
Executive Director

President Wilson called the meeting to order at 6:08 p.m. The following members were present: Messrs. Jesse Bartley, William Addison, Steve Wilson, Webb Harelson, Mike Delaune and Tony Cunningham. Absent was: Robert "Poncho" Roussel.

Pontchartrain Levee District employees in attendance were: Messrs. Monica Salins - Executive Director and Dwight Poirrier - PLD Board Attorney, Also in attendance were: Clinton Rouyea - External Accountant, Jimmy Smith - Maintenance Consultant, and Joe Sevario - Executive Assistant to the Board. Special guests included: Henry Picard, III of Burk-Kleinpeter, Les Waguespack of Shaw Coastal, Charlie Raymond of Taggart Morton Law Firm and Mona Nosari of GCR & Associates.

The Pledge of Allegiance was recited.

A motion to approve the minutes of the Regular Board Meeting of June 30, 2008 was offered by Mr. Cunningham and seconded by Mr. Bartley and unanimously carried. Next, Mr. Delaune moved, seconded by Mr. Cunningham to add an item to the agenda concerning approval of the installation of a utility pole in Convent, LA in St. James Parish to be taken up under Letters of No Objection on this Board Agenda. This motion carried unanimously. Following that addition, Mr. Bartley moved to add an Executive Session to the agenda following the Personnel Committee report for approximately 30 minutes to discuss personnel matters and detailing an employee into the Levee Board Operations Superintendent position. This motion was seconded by Mr. Cunningham and carried unanimously.

## COMMITTEE REPORTS

**Finance Committee:** Mr. Jesse Bartley reported on the Finance meeting held on July 22, 2008. Mr. Bartley moved, seconded by Mr. Delaune to approve to suspend committee rule and allow the PLD President to serve on a committee level and to be a voting member on said committees until further notice as recommended by the committee on July 22, 2008. This motion carried unanimously. Mr. Harelson then moved to approve to consider and allow the PLD President to execute an amendment to Contract No. 2, AR&T Bayou Manchac Project, Amendment No. 6/Task Order No. 6 to Contract 2 which de-obligates all remaining funds except those necessary to compensate PLD consultant for services rendered through July 18, 2008 and to terminate Contract

No. 2 as recommended by committee on July 22, 2008. This motion was seconded by Mr. Addison and unanimously carried. Mr. Bartley then moved, seconded by Mr. Addison to approve to consider and allow the PLD President to execute an amendment to Contract No. 1, AR&T Bayou Manchac Project, Amendment No. 4/Task Order No. 4 to Contract No. 1 which de-obligates all funds except those necessary to compensate PLD consultant for services rendered through July 18, 2008 as recommended by committee on July 22, 2008. This motion carried unanimously. Next, Mr. Harelson moved to approve to consider and allow the PLD President to execute an amendment to Contract No. 1, AR&T Bayou Manchac Project, Amendment No. 5/Task Order No. 5 to Contract No. 1 which amends the funding and scoping of services, which provides for completing the feasibility study under Section 211 of the Water Resources Development Act (WRDA) of 1996, and therefore adds all remaining tasks to Contract 1 as recommended by committee on July 22, 2008. This motion was seconded by Mr. Delaune and unanimously carried. Mr. Harelson then moved, seconded by Mr. Delaune to approve to consider and appropriate additional funds in the amount of \$139,000.00 to the AR&T Bayou Manchac Project, Contract No. 1 as amended and proceeding under Section 211 of the WRDA 1996, associated with the revised scope of work under Amendment 5/Task Order 5, with services to be performed from July 19, 2008 moving forward and issuing the PLD consultant a formal Notice to Proceed under this amended Contract 1 as recommended by committee on July 22, 2008. This motion carried unanimously. Next, Mr. Bartley moved to amend the purchase policy to reflect that a necessary purchase between \$2,500.01 and \$5,000.00 be allowed by obtaining two (2) bids/quotes via telephone, fax with documentation or in writing and approval from Executive Director, Finance Chairperson and the Equipment Chairperson as recommended by committee on July 22, 2008. This motion was seconded by Mr. Delaune and unanimously carried. Mr. Harelson then moved, seconded by Mr. Cunningham to approve the regular monthly invoices in the amount of \$58,189.50 as recommended by committee on July 22, 2008. This motion carried unanimously. Mr. Bartley then moved to approve the invoice from G.C.R. & Associates in the amount of \$8,275.33 for Reaches 1B, 2A & 2B from June 1, 2008 thru June 30, 2008 as recommended by committee on July 22, 2008. This motion was seconded by Mr. Cunningham and unanimously carried. Mr. Cunningham then moved, seconded by Mr. Delaune to approve the invoice from GCR & Associates in the amount of \$427.50 for computer technical support from May 1, 2008 through May 31, 2008 as recommended by committee on July 22, 2008. This motion carried unanimously. Mr. Bartley then moved to approve the invoice from Methods, Inc. for the Annual Hardware Maintenance Fee in the amount of \$2,071.00 for fiscal year ending June 30, 2009 as recommended by committee on July 22, 2008. This motion was seconded by Mr. Harelson and unanimously carried. Mr. Cunningham then moved, seconded by Mr. Delaune to approve the invoice from Methods, Inc. for the Annual Software License Fee for the Accounting Package in the amount of \$3,930.00 for fiscal year ending June 30, 2009 as recommended by committee on July 22, 2008. This motion carried unanimously. Mr. Cunningham questioned Mr. Rouyea and Ms. Salins regarding the accounting package currently utilized by PLD, and approved at the current meeting and Mr. Cunningham stated that he would like to explore other accounting options and/or other governmental accounting packages and he would investigate that and get back to the Board. Next, Mr. Cunningham moved to approve the invoice from Board Attorney for the monthly contractual overage of \$775.00 as recommended by committee on July 22, 2008. This motion was seconded by Mr. Delaune and carried unanimously. Mr. Cunningham then moved, seconded by Mr. Bartley to approve to allow the Executive Director to request and withdraw the sum of \$1,246,867.00 from PLD investments to be paid to USACE representing the Non-Federal Cash Contribution by PLD to be applied to the West Shore-Lake Pontchartrain Hurricane Protection Project Feasibility Study as recommended by committee on July 22, 2008. President Wilson clarified that the monies would be withdrawn from the PLD General Investment account. This motion carried unanimously. Mr. Bartley then moved to approve the expenses for the Annual Low Water Inspection of August 21 and 22, 2008 as recommended by committee on July 22, 2008. This motion was seconded by Mr. Addison and carried unanimously.

Mr. Bartley then addressed the Board of Commissioners regarding the inquiry of the PLD Administrative Office into other checking account options concerning interest. Mr. Bartley advised members that Regions Bank is currently offering PLD the best interest rate on said checking accounts and no other bank can either match or beat said interest presently earned.

**Equipment Committee:** Mr. Webb Harelson reported on the meeting held on July 22, 2008. Mr. Harelson moved, seconded by Mr. Delaune to approve the purchase of the replacement part for the track adjuster system on the New Holland EC 160 as recommended by July 22, 2008. Mr. Harelson noted to members that the cost of said part was \$2,700.00. This motion carried unanimously. Mr. Bartley then moved to approve the purchase of one (1) new F-350 Crew Cab Truck in the amount of \$20,516.00 plus installation of radio in the amount of \$150.00 for a total price of \$20,666.00 as recommended by committee on July 22, 2008. Mr. Bartley clarified that this new F-350 Crew Cab would replace Truck No. 21, the heavy equipment crew cab. This motion was seconded by Mr. Addison and carried unanimously. Mr. Delaune then moved, seconded by Mr. Cunningham to approve the purchase of one (1) new F-150 Extended Cab 4WD Truck in the amount of \$22,808.00 plus installation of radio in the amount of \$150.00 and accessories (running boards, etc) in the amount of \$328.00 for a total price of \$23,286.00 as recommended by committee on July 22, 2008. This motion carried unanimously. Mr. Bartley also added that the purchase of this F-150 would replace Truck No. 16, the Foreman 3's single crew cab truck. Mr. Harelson questioned the review of the specifications on the dozer previously mentioned by the Levee Maintenance Superintendent, and Board Attorney Poirrier advised members that his office has reviewed the specifications and returned the final format to the Executive Director. President Wilson asked that the purchase of the new dozer be added to the August Equipment Agenda for approval of said specifications and intent to bid.

**Security/Safety Committee:** Mr. Tony Cunningham reported on the security meeting held on July 24, 2008. Mr. Harelson moved, seconded by Mr. Delaune to approve the PLD Police Department overtime as needed regarding security and parking for the LSU home football games in order to protect the integrity of the Mississippi River levee as recommended by committee on July 24, 2008. This motion carried unanimously. Next, Mr. Bartley moved to approve to amend Article II, VI "Quorum" of the Pontchartrain Levee District Board of Commissioners By-Laws to state that "No action before committee shall be moved forward to Board for consideration unless said action received a majority vote of members present at committee" as recommended by July 24, 2008. This motion was seconded by Mr. Addison and carried unanimously.

**Personnel Committee:** Mr. Tony Cunningham reported on the Personnel meeting which was held on July 24, 2008. Mr. Cunningham moved to approve the merit increases for employee numbers 3779, 7568, 5153. Employee #47125 shall be granted merit increase predicated that evaluation was satisfactory or above as recommended by committee on July 24, 2008. The Executive Director advised the Board that Employee No. 47125 met requirements as per the evaluation score and Civil Service guidelines, thus said employee was also eligible for said merit increase along with Employee Nos. 3779, 7568 and 5153. Mr. Bartley seconded said motion and carried unanimously. Mr. Harelson then moved, seconded by Mr. Delaune to approve to amend the contract of Clinton Rouyea, External Accountant, to reflect \$60.00 an hour and a yearly cap of \$36,300.00 effective August 1, 2008 through July 31, 2009 as recommended by committee on July 24, 2008. This motion carried unanimously. Next, Mr. Delaune moved to approve to renew the contract of James Smith, Maintenance Consultant, under the same terms and conditions effective August 1, 2008 through July 31, 2009 as recommended by committee on July 24, 2008. This motion was seconded by Mr.

Harelson and carried unanimously. Mr. Cunningham then moved, seconded by Mr. Bartley to approve to amend the contract of Dwight Poirrier, Board Attorney, to reflect \$175.00 an hour and a monthly cap of \$2,600.00 effective August 1, 2008 through July 31, 2009 as recommended by committee on July 24, 2008. This motion carried unanimously.

At this time, Mr. Bartley moved and seconded by Mr. Addison to go into Executive Session for approximately 30 minutes to discuss personnel matters and detailing an employee into the Levee Board Operations Superintendent position. This motion carried unanimously. Executive Session began at 6:45 p.m. At 7:15 p.m. Mr. Harelson moved to return to Regular Session. Mr. Addison seconded this motion and carried unanimously. Mr. Bartley moved, seconded by Mr. Delaune to detail Kenneth Steib, Sr., to the Levee Board Operations Superintendent position and increase his pay to reflect the Civil Service rules and increase said hourly pay for this detail by 10.5% effective the opening of business on Monday, July 28, 2008. Mr. Bartley further stated that the Levee Board Operations Superintendent currently reflected on the PLD Organizational Chart has been out on sick leave for two years and Mr. Steib has been performing his current position and that position for the past two years and Mr. Steib is an asset to the District. This motion carried unanimously.

### **STAFF REPORTS**

A written report on the Hurricane and Flood Control Projects was submitted by Ms. Mona Nosari of G.C.R. & Associates and she presented same to the Board of Commissioners, PLD employees, PLD consultants and guests present.

### **LETTERS OF NO OBJECTION**

Mr. Addison addresses the Board and asks for clarification from any member regarding request number 8 under the Letters of No Objection, specifically Pioneer Americas, LLC. Mr. Wilson stated that in reviewing said request for Letter of No Objection, the soil borings request resulted from a concern by DEQ and ground water concerns. Following additional discussion by other board members, the following requests were presented to the Board for action:

**Four Seasons Self Storage** – request dated June 16, 2008 concerning permission to perform excavations for the installation of a detector check meter on an existing water line, levee station 2980+00, at Burnside, Louisiana, in Ascension Parish. Mr. Bartley moved, seconded by Mr. Addison to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated June 30, 2008 and Louisiana Department of Transportation and Development dated June 25, 2008. This motion carried unanimously.

**Wagner Oil Company** – request of June 11, 2008 thru Gulf Land & Seismic, Inc. concerning permission to conduct 3-D seismic surveys in Tps. 10 S, Rs. 2E, adjacent to the left descending Mississippi River Levee, in Ascension Parish, Louisiana. Mr. Cunningham moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated July 2, 2008 and Louisiana Department of Transportation and Development dated June 25, 2008. This motion carried unanimously.

**Pioneer Americas LLC (Olin Chlor Alkali Products Facility)** – request of June 24, 2008 through Providence Engineering and Environmental Group LLC concerning permission to drill 20 soil borings and install a temporary piezometer within each bore hole at the facility, levee station 1533+36.1, at St. Gabriel, Louisiana, in Iberville Parish. Mr. Harelson moved, seconded by Mr.

Addison to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers dated July 17, 2008 and Louisiana Department of Transportation and Development dated July 7, 2008. This motion carried unanimously.

**Shell Pipeline Company, LP** – request of June 6, 2008 concerning permission to perform excavations to install vent fittings on an existing pipe, levee station 3509+00, in St. James Parish, Louisiana. Mr. Addison moved, seconded by Mr. DeLaune to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers dated July 18, 2008 and Louisiana Department of Transportation and Development dated June 27, 2008 and further addressed the Board and his concern for the safety of PLD Maintenance crews during the opening of such a “hole” in the levee. Mr. Wilson asked that a message by the Director be given to the Administrative Assistant, Kelly Poche, to contact the representative for Shell Pipeline Company, LP and be granted additional assurances, in writing from Shell, to provide a “mowing strip” around said opening and any other security barriers and notification signs to avoid and prevent harm to any PLD employee, PLD equipment, Shell employee or equipment or any other individual utilizing this area during the opening for this installation. This motion carried unanimously.

**Entergy Gulf States Louisiana, LLC** – request of July 1, 2008 through T. Baker Smith, Inc. concerning permission to install two (2) wooden power poles on the protected side, levee station 2378+70, in Ascension Parish, Louisiana. Mr. Bartley moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers dated July 3, 2008 and Louisiana Department of Transportation and Development dated July 7, 2008. This motion carried unanimously.

**Bevel Tech Group, Inc.** – request of June 18, 2008 through Weems Development, LLC concerning permission to excavate a retention pond on the protected side, levee station 2458+44, at Bowden, Louisiana, in Ascension Parish. Mr. Delaune moved, seconded by Mr. Bartley to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers dated July 21, 2008 and Louisiana Department and Development dated July 1, 2008. This motion carried unanimously.

**Valero – St. Charles Refinery** – request of July 14, 2008 requesting approval for revisions to their original plans which includes driving 147 timber piles instead of the 90 piles originally proposed, levee station 5375+01, at Norco, Louisiana in St. Charles Parish. Mr. Cunningham moved, seconded by Mr. Bartley to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers dated July 21, 2008 and Louisiana Department of Transportation and Development. This motion carried unanimously.

**Valero – St. Charles Refinery** – request of July 2, 2008 requesting approval to drive piles for a pump pad, installation of a concrete pump pad, and electrical duct bank and an underground HDPE pipeline, levee station 5375+00, at Norco, Louisiana in St. Charles Parish. Mr. Cunningham moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers dated July 25, 2008 and Louisiana Department of Transportation and Development dated July 8, 2008. This motion carried unanimously.

At this time, Mr. Delaune moved and seconded by Mr. Cunningham to consider the request of:  
**Entergy- St. James Parish-** request of July 11, 2008 requesting permission to install one (1) pole with a supporting anchor on the protected side, levee station 3650+73, at Convent, Louisiana, St. James Parish. Mr. Cunningham moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to

this request as per letters of no objection from the Corps of Engineers dated July 16, 2008 and Louisiana Department of Transportation and Development dated July 14, 2008. This motion carried unanimously.

### **RIGHTS OF ENTRY**

**Department of the Army, Corps of Engineers, New Orleans District** – request of July 14, 2008 from Linda C. LaBure to the Pontchartrain Levee District for right-of-entry for a period of one year to perform surveys, soil borings, environmental and cultural resources investigations, and hazardous, toxic and radioactive wastes (HTRW) assessments and to carry out other exploratory work as may be necessary to complete investigations being made of said lands by the Government in connection with the Lake Pontchartrain, Louisiana and Vicinity, Hurricane Protection Project, North of Airline Highway, St. Charles Parish, Louisiana, St. Rose Drainage Structure and I-310 Floodwall as depicted on the Corps drawings (2 of 2) dated July 9, 2008 entitled ROE St Rose.dgn and ROE I-310.dgn predication, *said grant of **right-of-entry predicated on PLD coordinating with DOTD and notifying private residential landowners by certified mail with 5 days notice and nonresidential landowners with 15 days notice prior to entry unto the properties.*** Mr. Cunningham moved, seconded by Mr. Addison to grant right of request as requested. The motion carried unanimously. Mr. Wilson addressed Ms. Mona Nosari, GCR & Associates, to verify said predication is based on her research of the title of said property within the last 10 years. Ms. Nosari stated that she would research same at the St. Charles Parish Courthouse and verify current landowners and she further stated that she would advise the Director when all notifications had been sent and all statute requirements had been met to allow PLD to forward said Letter of No Objection.

### **PRESIDENT’S REMARKS**

President Wilson addressed the members and requested that the Director provide Mr. Addison, Commissioner of East Baton Rouge Parish, with a copy of all of the Letters of No Objections that may be put on the Board Agenda. Said requests are to be delivered to Mr. Addison at the Thursday committee meetings, prior to the Board meetings, for his review and comment if necessary. President Wilson further stated because of Mr. Addison’s professional experience as an engineer for 40+ years, Mr. Addison would compliment the evaluation and opinion of the Board when considering such requests.

### **OLD BUSINESS**

None.

### **NEW BUSINESS**

None.

### **PUBLIC COMMENT**

None.

## ADJOURNMENT

At this time, Mr. Cunningham moved, seconded by Mr. Delaune to adjourn. The motion carried unanimously and President Wilson declared the meeting adjourned at 7:50 p.m.

          /s/ Monica T. Salins            
**Monica T. Salins, Acting Secretary**

          /s/ Steve Wilson            
**Steve Wilson, President**  
**Pontchartrain Levee District**