

MINUTES
OF THE
RED RIVER WATERWAY COMMISSION MEETING
OCTOBER 19, 2011
10:00 AM
COMMISSION HEADQUARTERS
NATCHITOCHEs, LOUISIANA

1. **CALL TO ORDER**

The meeting of the Red River Waterway Commission was called to order by Vice Chairman, Commissioner Marc Dupuy, Jr., in the Board Room of the Red River Waterway Commission Office located at 5941 Highway 1 By-Pass in Natchitoches, Louisiana.

2. **ROLL CALL, INTRODUCTION OF GUESTS, AND CALL FOR PUBLIC COMMENTS**

Roll was called and a quorum was present. Others in attendance were asked to identify themselves and offered any comments they may have regarding the agenda. However, no comments were offered.

Present: Commissioner Doug Brown, Commissioner Wayne Davis, Commissioner Marc Dupuy, Jr., Commissioner Paul Fleming, Commissioner Randell Fletcher, Commissioner Andrew J. Hodges, III, Commissioner James F. Maxey, Commissioner Alvin Owens, Commissioner Rogers M. Prestridge, Commissioner Michael Simpson.

Absent: Interim Acting Chairman, Mr. Larry Ardoin, Commissioner David L. Crutchfield, II

RRWC Staff Members Present: Mr. Ken Guidry - Executive Director, Mr. Randy Walters - Marketing Director, Mr. Mike Boydston - Operations & Maintenance Director, Mrs. Cathy Rushing - Executive Assistant, Mr. Colin Brown - Engineer Supervisor, Mr. Luke Pearson - Real Estate Manager, Mr. Greg Upton - Legal Counsel.

Others Present: Ms. Sharon Balfour, Ms. Holly Porter, Mrs. Jessica Broadway, Mrs. Robin Cosenza, Mr. John Marzullo

3. **APPROVAL OF REVISED AGENDA**

By motion of Commissioner Simpson, seconded by Commissioner Hodges, the agenda was revised and unanimously approved. Comments from the public were called for, however, none were offered.

4. **APPROVAL OF MINUTES**

By motion of Commissioner Fletcher, seconded by Commissioner Brown, the minutes of the September 28, 2011 meeting were unanimously approved.

5. **TREASURER'S REPORT**

By motion of Commissioner Maxey, seconded by Commissioner Davis, the Expenditures, Financial Statements & Investment Reports for the month of September, 2011 were unanimously approved.

6. **COMMITTEE REPORTS**

a) **Contracts**

Approval of Amendment No. 1 to the Cooperative Agreement & Quit Claim Deed/Riverview - By motion of Commissioner Prestridge, seconded by Commissioner Brown, the Commission unanimously approved the Amendment No. 1 to the Cooperative Agreement and Quit Claim Deed with regard to the Shreveport Riverview project.

b) **Land Management, Legal Affairs & Affirmative Action**

Approval of Leaseback Agreement/L&D# 5, Tract 4 - By motion of Commissioner Hodges, seconded by Commissioner Owens, the Commission unanimously approved the leaseback agreement with Mr. Jimmy Martin, Jr., for \$18.00 per acre on 10.3 acres at Lock & Dam No. 5, Tract 4, for a total of \$187.50 for a five year term.

Request for Leaseback/L&D# 2, Tracts 4 & 9 - By motion of Commissioner Owens, seconded by Commissioner Simpson and unanimously approved, the staff was authorized to proceed with the leaseback process for Lock & Dam No. 2, Tracts 4 & 9, in accordance with the Red River Waterway Commission policy and guidelines and come back before the Commission for final approval.

Request for Public Bid Lease/Pool 2, Tracts 5 & 7/Kateland Realignment - By motion of Commissioner Simpson, seconded by Commissioner Hodges and unanimously approved, the staff was authorized to proceed with the bid lease process for Pool 2, Tracts 5 & 7 at Kateland Realignment in accordance with the Red River Waterway Commission policy and guidelines and come back before the Commission for final approval.

Request for Public Bid Lease/Pool 3, Tract 85 - By motion of Commissioner Fletcher, seconded by Commissioner Owens and unanimously approved, the staff was authorized to proceed with the bid lease process for Pool 3, Tract 85 in accordance with the Red River Waterway Commission policy and guidelines and come back before the Commission for final approval.

Dredging Issues/Coushatta Realignment & Request for Attorney General's Opinion - By motion of Commissioner Hodges, seconded by Commissioner Prestridge, and unanimously approved, Legal Counsel was instructed to request the following opinions from the Louisiana Attorney:

Who owns or has property rights in and to (i) the new bed of the Red River created by the Coushatta Realignment; and (ii) the bed of the oxbow lake (old Red River channel) created by the Coushatta Realignment; and

Does the public have the right to access and use the waters of the oxbow lake (old Red River) channel created by the Coushatta Realignment for recreation and other purposes.

Further, also included in the motion, the executive director of the Red River Waterway Commission is authorized to take whatever legal action (including filing suit) is necessary to prevent anyone from denying access to the oxbow lake created by the realignment of the Red River at Coushatta, Louisiana.

c) Recreation

Recreation Area Status Report - A prepared report was provided in the meeting packet. Mr. Mike Boydston reported on the following items:

- There had been 206,000 visitors to the District recreation facilities during the month of September, 2011, with 1,916,843 visitors year to date.
- The FLW Fishing Tournament held October 1, 2011 at the Grand Ecore Recreational site was a huge success.
- Dredging at the Natchitoches Parish Port site should be completed this week.

d) Ports

Approval of Cooperative Endeavor Agreement/Red River Parish Port/Material Handling Equipment - By motion of Commissioner Fleming, seconded by Commissioner Simpson, the Commission unanimously approved the Cooperative Endeavor Agreement with the Red River Parish Port regarding funding in the amount of \$400,000 for the purchase of the material handling equipment

Ports Requests for 2012 Capital Projects Funding - Commissioner Fleming noted that the Committee had met on Tuesday, October 18, 2011 and received 2012 funding requests from the various ports. Those requests were taken under advisement by the Commission and will be presented at a later date for Commission approval. No action was taken at this time relative to those requests.

e) Public Awareness & Marketing

BASS, LLC Sponsorship Letter of Agreement - By motion of Commissioner Owens, seconded by Commissioner Prestridge, the Commission unanimously approved the Sponsorship Letter of Agreement with B.A.S.S., L.L.C.

Marketing Update - A prepared report was provided in the meeting packet. Mr. Walters also reported that he would begin working on dates to schedule a tour of all of the District recreational facilities for the Commissioners and District legislators.

f) Personnel - No report

g) Revenue, Banking & Budget

Approval of 2011 Audit Engagement Letter - By motion of Commissioner Davis, seconded by Commissioner Fletcher, the Commission unanimously approved the 2011 Audit Letter of Engagement with Roberts, Cherry and Company, CPA firm.

h) Legislative - No report

7. **EXECUTIVE DIRECTOR'S REPORT** - Mr. Kenneth P. Guidry reported that while the concerns over the COE funding issues are still be addressed, there appears to be little change for the 2012 budget cycle. However, he will continue to work toward visiting with congressional members and/or their aides in an effort to encourage change in that regard. Mr. Guidry also reported that Blue Cross/Blue Shield of Louisiana has issued a 14.60% premium increase for 2012. He will be working on seeking alternate quotes for the employee health care benefit package and will bring that information back to the Commission for review.
8. **STATUS OF RIGHTS-OF-WAY/ENGINEERING REPORT** - Prepared reports were provided in the meeting packets. Mr. Colin Brown gave a brief update regarding on-going project activities.
9. **GENERAL COUNSEL REPORT** - No report
10. **CORPS OF ENGINEERS REPORT** - Ms. Holly Porter reported that the COE FY-2012 funding is not looking good at this point; the COE is currently working under Continuing Resolutions. At this point, Ms. Holly presented the Commission with reimbursement checks representing full compensation for the COE's portion of the cost sharing projects in Pools 1 & 2 and a partial reimbursement for the projects in Pools 3, 4, & 5. The Commissioners and Mr. Guidry thanked Ms. Porter for the presentation.
11. **RED RIVER VALLEY ASSOCIATION** - In the absence of Mr. Rich Brontoli, Mr. Guidry highlighted Mr. Brontoli's prepared report as provided.
12. **OTHER BUSINESS** - None
13. **COMMENTS FROM THE PUBLIC** - None
14. **EXECUTIVE SESSION**

By motion of Commissioner Prestridge, seconded by Commissioner Simpson and unanimously approved, the Commission entered into Executive Session to discuss the following matters of litigation:

Tudor, Inc. Vs RRWC
Tenth Judicial District Court
Natchitoches Parish, Louisiana
Docker No. C-84656A

Immediately following Executive Session, by motion of Commissioner Prestridge, seconded by Commissioner Hodges and unanimously approved, the Commission entered into Regular Session.

By motion of Commissioner Prestridge, seconded by Commissioner Maxey, and unanimously approved, Legal Counsel was instructed to bring the bonding company into the law suit against Tudor, Inc.

15. **RECESS**

There being no further business to conduct at this time, by motion of Commissioner Simpson, seconded by Commissioner Hodges, and unanimously approved, the meeting was adjourned.

JAMES F. MAXEY

LARRY ARDOIN

SECRETARY/TREASURER

INTERIM ACTING CHAIRMAN