

Minutes of the First Monthly Meeting of the Board of Commissioners of Consolidated Waterworks District No. 1, held October 1, 2018 at the District's Office, 8814 Main Street, Houma Louisiana.

Present: Clifton Stoufflet, President Stephen Hornsby  
John Pizzolatto, Vice-President Bobby Cockerham  
Chester Voisin, Secretary Charles Brown, Sr.  
David Mosely Lloyd Kern, II

Absent : Vincent Celestin

There being a quorum present the meeting was called to order at 5:30 P.M., pursuant to proper notice in writing to each Board Member and posted in the manner required by law.

The meeting opened with a prayer led by Mr. Charles Brown, followed by the Pledge of Allegiance and Roll Call.

Upon motion by Mr. Stephen Hornsby, and seconded by Mr. Bobby Cockerham, the minutes of September 17, 2018 were unanimously adopted as written.

Three calls were announced for anyone from the public wishing to address the Board. None.

Upon recommendation of staff, it was moved by Mr. John Pizzolatto, and seconded by Mr. Charles Brown, to adopt the following Resolution:

*A resolution awarding and authorizing the signing of the Construction Contract for Consolidated Waterworks District No. 1, Project No. L-12-15-05 Office Renovation Phase II, Terrebonne Parish, Louisiana, and authorizing the issuance of the Notice to Proceed.*

*WHEREAS, the Consolidated Waterworks District No. 1 did receive construction bids on September 12, 2018 for Consolidated Waterworks District No. 1, Project No. L-12-15-05 Office Renovation Phase II, Terrebonne Parish, Louisiana, and*

*WHEREAS, the lowest and best bid was that submitted by B.E.T. Construction, Inc. in the overall amount of \$682,954.00, and*

*WHEREAS, the ARCHITECT, Houston J. Lirette, Jr., has recommended the award to B.E.T. Construction, Inc.;*

*NOW, THEREFORE, BE IT RESOLVED that the Consolidated Waterworks District No. 1 award the construction contract to B.E.T. Construction, Inc. in the overall amount of \$682,954.00, and*

*BE IT FURTHER RESOLVED that the President of Consolidated Waterworks District No. 1, be and he is hereby authorized and empowered to sign a construction contract for and on behalf of the Consolidated Waterworks District No. 1 with B.E.T. Construction, Inc., upon receipt of the performance bond in the amount of the contract price, and*

*BE IT FURTHER RESOLVED that upon receipt of required certificates of insurance evidencing coverage as provided in the project specifications and upon execution and recordation of all contract documents, that the Notice to Proceed should be issued to the Contactor to commence construction of the project,*

*WHEREUPON the motion was put to a vote and the vote thereon was as follows:*

*YEAS: 7*

*NAYS: 0*

*ABSENT AND NOT VOTING: 2*

*And the resolution was declared adopted on this 1<sup>st</sup> day of October 2018.*

Upon recommendation of staff, it was moved by Mr. Stephen Hornsby, and seconded by Mr. Bobby Cockerham, to adopt the following Resolution:

*A resolution awarding and authorizing the signing of the Construction Contract for Consolidated Waterworks District No. 1, Project No. L-1-16-02 Office Roof Replacement, Terrebonne Parish, Louisiana, and authorizing the issuance of the Notice to Proceed.*

*WHEREAS, the Consolidated Waterworks District No. 1 did receive construction bids on September 12, 2018 for Consolidated Waterworks District No. 1, Project No. L-1-16-02 Office Roof Replacement, Terrebonne Parish, Louisiana, and*

*WHEREAS, the lowest and best bid was that submitted by MorCore Roofing, LLC in the overall amount of \$190,275.00, and*

*WHEREAS, the ARCHITECT, Houston J. Lirette, Jr., has recommended the award to MorCore Roofing, LLC;*

*NOW, THEREFORE, BE IT RESOLVED that the Consolidated Waterworks District No. 1 award the construction contract to MorCore Roofing, LLC in the overall amount of \$190,275.00, and*

*BE IT FURTHER RESOLVED that the President of Consolidated Waterworks District No. 1, be and he is hereby authorized and empowered to sign a construction contract for and on behalf of the Consolidated Waterworks District No. 1 with MorCore Roofing, LLC., upon receipt of the performance bond in the amount of the contract price, and*

*BE IT FURTHER RESOLVED that upon receipt of required certificates of insurance evidencing coverage as provided in the project specifications and upon execution and recordation of all contract documents, that the Notice to Proceed should be issued to the Contactor to commence construction of the project,*

*WHEREUPON the motion was put to a vote and the vote thereon was as follows:*

*YEAS: 7*

*NAYS: 0*

*ABSENT AND NOT VOTING: 2*

*And the resolution was declared adopted on this 1<sup>st</sup> day of October 2018.*

Upon recommendation of staff, it was moved by Mr. Chester Voisin, and seconded by Mr. John Pizzolatto, to adopt the following Resolution:

*A resolution for the acceptance of work performed by Jesse Doiron, Inc. in accordance with the Certificate of Substantial Completion for the Project No. L-9-15-04, Montegut Waterline Replacement, Victor LeBoeuf, Price and Cross Streets, Terrebonne Parish, Louisiana.*

*WHEREAS, the OWNER (Consolidated Waterworks District No. 1) entered into an agreement with Jesse Doiron, Inc. for the construction of the 6" waterline along Victor Leboeuf Street, Cross Street, and Price Street under a Resolution dated June 4, 2018;*

*WHEREAS, the work performed has been inspected by authorized representatives of the Owner and Contractor and found to be substantially complete, and*

*WHEREAS, the representatives of the Owner for this project recommend the acceptance of the substantial completion, and*

*NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Consolidated Waterworks District No. 1, Parish of Terrebonne, State of Louisiana (DISTRICT) does hereby accept the work performed, effective as of the date of recording of this resolution, and does authorize and direct the Clerk of Court and Ex-Officio Recorder of Mortgages of Terrebonne Parish to note this acceptance thereof in the margin of the inscription of said contract under Entry No. 1560663 of the Records of Terrebonne Parish, Louisiana, and*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution be recorded in the office of the Clerk of Court of Terrebonne Parish to commence a 45-day clear lien period, and*

*BE IT FURTHER RESOLVED, that the District Staff is authorized to make payment of retainage upon the presentation of a Clear Lien Certificate.*

*WHEREUPON the motion was put to a vote and the vote thereon was as follows:*

*YEAS: 7*

*NAYS: 0*

*ABSENT AND NOT VOTING: 2*

*And the resolution was declared adopted on this 1<sup>st</sup> day of October 2018.*

Upon recommendation of staff, it was moved by Mr. Charles Brown, and seconded by Mr. Stephen Hornsby, to authorize entering into a service agreement with Brinks for Armored Transport Services for daily deposits. The motion was unanimously adopted.

Ms. Cecilia Norman, Chief Administrative Officer, reported that the group retiree health policy with Humana has a 1/1/19 renewal date and a 7.9% decrease in premiums due to changes in tax laws and Medicare reimbursement rates. It was moved by Mr. Chester Voisin, and seconded by Mr. Lloyd Kern, to renew the policy with Humana for the 2019 policy year. The motion passed by majority with Mr. Stephen Hornsby abstaining.

Mr. David Norman, Legal Advisor, reported that Lafourche Parish Waterworks filed a lawsuit against Digco, wherein they claim a waterline installed by Digco in 2007 was discovered to be installed in the wrong place after it was broken by a contractor in 2014. The Court ruled that the lawsuit was not filed in a timely manner. The court interpreted La.R.S.38:2189 to impose a “preemptive” period instead of a five-year “prescriptive” period. Lafourche Parish Waterworks has requested that the District and other public bodies file an amicus curiae brief with the Louisiana appellate courts to support Lafourche Parish Waterworks’ argument that the law should be interpreted so that the five-year period is a prescriptive period and not a preemptive one. It was moved by Mr. Charles Brown, and unanimously seconded to adopt the following Resolution:

***A resolution adopted by the Consolidated Waterworks District No. 1 of Terrebonne Parish to express its support for Lafourche Water District No. 1’s efforts to convince Louisiana courts to correctly interpret R.S.La. 38:2189***

***WHEREAS***, the Consolidated Waterworks District No. 1 of Terrebonne Parish (Waterworks), is the sole provider of potable water to the residents and businesses of Terrebonne Parish, maintaining a treatment plant and a water distribution system consisting of transmission and distribution lines to accomplish this function; and

***WHEREAS***, Waterworks has been requested by Lafourche Parish Water District No. 1 (Lafourche), the entity that performs a similar function in that Parish, to express its support for certain Lafourche’s efforts in ongoing litigation, namely, “Lafourche Parish Water District No. 1 v. Digco et al” No. 2018-CA-1112 (“the Digco case”); and

***WHEREAS***, in the Digco case Lafourche is suing a contractor and others for alleged faulty performance, to which claim the defendants are utilizing the Louisiana Supreme Court’s ruling in *State v. McInnis Brothers Construction* (“McInnis”) to argue that the five-year period for a public body to bring a suit against a contractor contained in R.S.La.38:2189 imposes a “preemptive” period instead of a five-year “prescriptive” period; and

***WHEREAS***, Waterworks agrees with Lafourche and believes that this reading of La.38:2189 in *McInnis* is an erroneous one under proper statutory interpretation which creates hardship and inequities to public bodies; rather, the law should be interpreted so that the five-year period is a prescriptive period and not a preemptive one; and

***WHEREAS***, Lafourche has requested that Waterworks and other public bodies signify their agreement with this reading of the law by filing amicus curiae briefs with Louisiana appellate courts, and Waterworks’ Board of Commissioners desires to comply with this request; and

***NOW, THEREFORE, BE IT FURTHER RESOLVED***, that Consolidated Waterworks District No. 1 of Terrebonne Parish authorizes its attorney and staff to file any and all appropriate pleadings and documents in the Digco case so as to effectuate the positions and outcomes expressed above and further authorizes its President to sign any and all other documents to further the goals of this resolution.

*Upon Roll Call There Was Recorded:*

*For: 8*

*Against: 0*

*Absent: 1*

*Not Voting: 0*

*And the President declared the resolution adopted this, the 1<sup>st</sup> day of October, 2018.*

At 6:10 P.M, there being no further business to come before the Board, it was moved by Mr. John Pizzolatto, and seconded by Mr. David Mosely, that this meeting adjourn. The motion was unanimously adopted.

---

Secretary

---

President

\*NOTE: Unless otherwise noted, the President abstains from all voting.