

MINUTES OF THE **ST. BERNARD PARISH HOSPITAL SERVICE DISTRICT MEETING HELD ON WEDNESDAY, MAY 5th, 2010 AT SEVEN (7:00) P.M.** IN ST BERNARD PARISH COUNCIL CHAMBERS, LOCATED AT 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA

The Hospital Service District met on Wednesday, May 5, 2010 in the St. Bernard Parish Council Chambers pursuant to notice given to each member and posted in the manner required by law.

The Chairman, Mr. Landry, convened the meeting at 7:12 p.m. and continued with calling the roll.

There were present: Mr. Wayne J. Landry (Chairman), Mr. George Cavignac, Mr. James DiFatta, and Mr. Danny Dysart.

There were absent: None

Also present were: Phil Wendling of Hammes Co.

Mr. Dysart delivered the invocation.

Mr. Chapman led the Pledge of Allegiance.

#1

Agenda Item #1

On motion of Mr. Dysart, seconded by Mr. Cavignac, it was moved to approve minutes of the 4/21/10 HSD meeting.

Mr. Landry stated this letter was an approval from Mark Gates to move forward with the advertising of the project.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavignac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

#2

Agenda Item #2

On motion of the Chair and without objection, it was moved to receive an update from the Chairman.

Mr. Landry explained that the first draw of the HRSA funds were used to pay outstanding bills. The first draw was \$699,471.75. Mr. Landry stated that as new invoices come in, the remainder of the 1.1 Million in HRSA monies will be utilized. Mr. Landry also stated that NMTC consultant revamped their flow chart

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reflect recent developments/changes from St. Bernard Redevelopment LLC. Mr. Landry said that the last thing Pat Forbes is waiting for is a letter of release from Mark Gates regarding the hospital's operational budget. The 5 Million that was allocated to the HSD from St. Bernard Parish Council was discussed with Walter Leger of LRA and his response to Mr. Landry was that the LRA was working on a resolution to make sure the hospital does indeed receive that money.

Mr. Landry asked Mr. Wendling status of the project sign.

Mr. Wendling stated that in a couple of weeks the sign should go up on the site.

No Action Necessary

#3

Agenda Item #3

On Motion of Mr. Cavnac, seconded by Mr. Dysart it was moved to authorize the Chairman to execute Sullivan, Stolier and Resor's Engagement/Terms of Representation.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavnac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

#4

Agenda Item #4

On Motion of Mr. Cavnac, seconded by Mr. Dysart it was moved to authorize the Chairman to execute LaPorte, Sehr, & Romig, Hand CPAs Audit Engagement.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavnac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

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#5

Agenda Item #5

On motion of Mr. DiFatta, seconded by Mr. Cavignac it was moved to authorize the Chairman to execute Coats Rose/Dudley Ventures NMTC Professional Services Agreement

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavignac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

#6

Agenda Item #6

On motion of Mr. DiFatta, seconded by Mr. Cavignac it was moved to authorize the Chairman to execute Engineering Economics Inc. (Commissioning Consult) pending any additional CDBG language that may be needed.

Mr. Chapman wanted clarification that everything the board was doing was being reviewed by Kendall Magee.

Mr. Landry responded that all contracts have been reviewed by Mr. Magee.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavignac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

#7

Agenda Item #7

On motion of Mr. Cavignac, seconded by Mr. Dysart it was moved to authorize the Chairman to execute Balis Company (Construction Cost Estimator) pending any additional CDBG language that may be needed.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

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YEAS: Cavnignac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

#8

Agenda Item #8

On motion of Mr. DiFatta, seconded by Mr. Cavnignac it was moved to authorize the Chairman to execute Breazeale Sachse & Wilson's Engagement/Terms of Representation.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavnignac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

#9

Agenda Item #9

On motion of Mr. Dysart, seconded by Mr. Cavnignac it was moved to ratify check# 1254 a deposit in the amount of \$1500.00 for project sign made payable to Express Signs.

Mr. Landry stated he issued the check beforehand so there will be no delay in constructing the sign.

Mr. Dysart asked if HSD was going to continue to seek sponsorship of the sign through FMOL, Hammes Co. or GSP.

Mr. Landry stated that HSD would continue the efforts in trying to get one of the entities to sponsor the project site sign.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavnignac, Chapman, DiFatta, Dysart

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NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

#10

Agenda Item #10

On motion of Mr. DiFatta, seconded by Mr. Cavnac it was moved to approve St. Bernard Voice Invoice #3528 in the amount of \$42.50 as recommended by the Finance Workgroup.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavnac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

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Agenda Item #11

On Motion of Mr. DiFatta, seconded by Mr. Dysart it was moved to approve FedEx Invoice #7-048-63055 in the amount of \$15.80 as recommended by the Finance Workgroup.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavnac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

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#12

Agenda Item #12

On Motion of Mr. DiFatta, seconded by Mr. Dysart it was moved to approve Balis & Company Invoice #3200 in the amount of \$26,477.29 to be paid by HRSA as recommended by the Finance Workgroup.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavignac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

#13

Agenda Item #13

On Motion of Mr. DiFatta, seconded by Mr. Dysart it was moved to approve BFM Corporation Invoice #s 019487, 019636, 019638 in the amount of \$12,291.50 to be paid by HRSA as recommended by the Finance Workgroup.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavignac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

#14

Agenda Item #14

On Motion of Mr. DiFatta, seconded by Mr. Dysart it was moved to pay Gresham Smith & Partners Invoice #s0639256 & 0639662 in the amount of \$49,344.61 to be paid by HRSA as recommended by the Finance Workgroup.

#15

Agenda Item #15

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On Motion of Mr. Cavignac, seconded by Mr. Dysart it was moved to discuss eligibility of Southern Earth Sciences Inc. response to the RFP for Materials Testing.

Mr. Landry received email correspondence from Sullivan, Stolier & Resor's firm regarding the events surrounding the RFP from Southern Earth Sciences for Materials Testing.

Mr. Landry wanted all members to receive a copy of the correspondence.

On Motion of the Chair, and without objection the rules were suspended and Item # 17 was moved to the current position on the agenda, so that items 15 and 16 could be discussed in Executive Session.

#16

Agenda Item #17

On Motion of Mr. Cavignac, seconded by Mr. Chapman it was moved to accept RFP's for Insurance Brokers and ~~make selection~~ evaluate in Executive Session.

On Motion of Mr. Dysart and without objection it was requested to amend both items 17 and 18 to strike the words "make selection" and insert the word "evaluate".

Mr. Landry then asked the Recording Secretary to read aloud the two (2) respondents, and the dates the RFP's were received. It was determined that both respondents were submitted on time and by the due date.

The respondents were:

1. Aparicio, Walker & Seeling Inc. & AWS Risk Management, LLC; Metairie, LA
2. Beecher Carlson; Houston, TX

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavignac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010

The board retired to Executive Session, and without objection returned to regular session.

On Motion of Mr. Dysart, seconded by unanimous consent, it was moved to defer making a decision regarding the Insurance Brokers RFP and to allow FMOL the opportunity to review the proposals and advise the HSD of what insurance/s were needed at this time.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavignac, Chapman, DiFatta, Dysart

NAYS: NONE

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ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010

On Motion of the Chair and without objection, it was moved to discuss Item #15.

Mr. Landry read into the record the email response addressed to Gretchen Henry from Brian Grubb of Sullivan, Stolier & Resor regarding Southern Earth Science's eligibility as a respondent to the RFP.

Mr. Chapman requested that the initial email from Gretchen Henry to Brian Grubb be read into the record as well.

Mr. Landry read the initial correspondence/email trail into the record.

Mr. Dysart responded that his concern was that he did not want to set a precedent in the future whereby bidders submit communications to the Project Manager prior to opening the bids publically.

On Motion of Mr. Dysart seconded by Mr. Cavnac, it was moved to disqualify Southern Earth Sciences Inc. RFP from the selection.

Mr. DiFatta stated he was troubled by the issue because the reputation of Southern Earth Sciences was excellent and Mr. DiFatta had the opportunity to work with the company in the past and went further to state that he would abstain from the decision of disqualifying the company.

Mr. Chapman stated that by just by the mere fact that the issue was being discussed, there was a problem. Mr. Chapman stated that he was troubled because the respondent was told not to email the response electronically and went ahead and did it anyway. Mr. Chapman stated that the HSD board takes the RFP process very seriously.

Mr. Landry stated that everything will be done "by the book", and was in agreement with the legal opinion. Mr. Landry supports disqualification.

Mr. Landry asked if Mr. Ken Meyn of Southern Earth Sciences wanted to speak, and he did.

Mr. Meyn stated that the proposal did not include the piling work and believed there was a hole in the bid proposal. Mr. Meyn wanted Mr. Wendling to know that he included more than what was asked for in the RFP.

Mr. Landry asked Mr. Meyn if he agreed with what was discussed concerning the events that took place.

Mr. Meyn agreed that he did and stated that he respected the board's position.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavnac, Chapman, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

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And the motion was declared **ADOPTED** on the 5th day of May, 2010

#17

Agenda Item #18

On Motion of Mr. DiFatta, seconded by Mr. Chapman it was moved to accept RFP's for Materials Testing and ~~make selection~~ evaluate in Executive Session.

Mr. Landry then asked the Recording Secretary to read aloud the two (2) respondents, and the dates the RFP's were received. It was determined that both respondents were submitted on time and by the due date.

The respondents were:

1. PSI; Jefferson, LA
2. Terracon; Baton Rouge, LA

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

The board retired to Executive Session and without objection returned to regular session.

On Motion of Mr. Cavnac seconded by Mr. Chapman it was moved to accept the Terracon RFP for Materials Testing.

Mr. Landry stated the price of Terracon's bid was the persuading factor for him and Mr. Wendling stated that both companies were extremely competent.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavnac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

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Agenda Item #16

On Motion of Mr. Dysart seconded by Mr. Chapman it was moved to go into Executive Session to negotiate terms of the Flint Group contract and authorize the Chairman to execute the contract.

On Motion of Mr. Cavnac, seconded by Mr. Chapman it was moved to accept the recommendations from both the advice from counsel and Mike Flint of the Flint Group.

Mr. Landry stated that for 120 days, HSD would pay \$2000.00/month to find any eligible grants for the HSD to use; at the time a grant is found, the HSD board will decide upon applying for said grant/s; thereafter, the board will negotiate the terms of fees.

Mr. Dysart wanted clarity if this was an approval of the Grant Manager to go out and seek more grants.

Mr. Landry stated that Mr. Dysart was correct, and the Flint Group was the only respondent originally when the RFP went out for bid, so there are not that many organizations that do this line of work.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Cavnac, Chapman, DiFatta, Dysart

NAYS: NONE

ABSENT: NONE

The Chairman, Mr. Landry, cast his vote as **YEA**.

And the motion was declared **ADOPTED** on the 5th day of May, 2010.

#19

Agenda Item # 19

Old Business

No Action Necessary.

#20

Agenda Item #20

New Business

Mr. Chapman wanted Mr. Landry to give any recent information on the oil spill.

Mr. Landry stated that boom (hard and absorbent) was being placed by local fishermen. British Petroleum is acting responsibly by continuing to keep assets coming and making concessions to commercial fishermen so they can support their families.

No data has been compiled to see what impact the spill is having on the fisheries and wildlife.

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The fishermen are doing everything they can to protect their livelihood by placing the booms accurately and expeditiously.

Congressman Melancon would be present tomorrow at 5:00pm in Council Chambers to give additional information in relation to the oil spill.

Mr. Wendling wanted to remind the board there would be a pre-bid conference for the ERP Package at 2:00pm Tuesday May 11, 2010 in Council Chambers.

There being no further business for discussion, the Chairman, Mr. Landry declared the meeting adjourned at 9:15 p.m. on this 5th day of May, 2010.

Gretchen H. Henry

Gretchen H. Henry
Recording Secretary

Wayne J. Landry

Wayne J. Landry
Chairman