

Waterworks District No. 2, Parish of Beauregard

MINUTES

The Board of Commissioners, governing authority of Waterworks District No. Two (2) of the Parish of Beauregard, Louisiana, met in an open and public session at 6:00 p.m. on Monday, November 13, 2023, at the regular meeting place of said Board, 9252 Hwy 27, Singer, LA.

Jerry Cooley, President of the Board of Commissioners called the meeting to order and on roll call, the following members being present: Jerry Cooley, Bill White, Caroll Johnson, Lisa Gearen, and Richelle Bowman.

Absent: 0

Others Present: *Mathieu Rose, Mark McCarty, Jay Delafield-legal counsel, and Jay DeLouche-attorney*

Public Participation: *There was no one present for public participation*

Amendment to the Agenda:

Bill White made a motion, 2nd by Lisa Gearen to add Mr. Jay DeLouche to the Agenda to discuss the PFAS settlement.

Approval of Minutes:

Richelle Bowman, 2nd by Lisa Gearen, moved to adopt the Minutes of the October 2023 meeting and to forego the reading thereof, motion carried without opposition.

Approval of Financial reports:

Richelle Bowman, 2nd by Lisa Gearen. moved to adopt the financial reports as written for October 2023, the motion carried without opposition.

Payment authorization:

Richelle Bowman, 2nd by Lisa Gearen, moved to pay monthly invoices for November 2023, the motion carried without opposition.

PFAS Settlement: Jay DeLouche-Attorney

Mr. DeLouche introduced himself as an attorney with 32 years of environmental experience, and explained the reasoning behind the PFAS settlement. 3M and Dupont manufactured the chemical PFAS (polyfluoroalkyl substances), also known as the "Forever" chemical which can be found in household items such as Teflon pots, Dental Floss, and so forth, as well as in Fire Fighting Foam. He presented the board with information pertaining to PFAS, and explained that it was developed in 1938. Within the last year the EPA has pushed the UCMR5 (The Fight Unregulated Contaminant Monitoring Rule) regulations which include the PFAS chemicals. The EPA every few years they pass a rule to regulate water districts.

UCMR5 is used to collect data from each drinking water system, which DOES NOT have anything to do with this PFAS settlement. 3M and Dupont have agreed in June 2023 to pay out approximately \$12 Billion to water district that have PFAS in their system. If you have PFAS in your water system the money is allocated to each District, but it is a big secret, and no one at this point know how it will be distributed. It will take in the capital cost and the operation of removal for water system that do have it in their

systems. The 3m settlement is \$10.5 Billion, and Dupont is \$1.85 Billion. The settlement has not been approved by the courts yet. The Dupont settlement will be heard on 12-14-2023, and the 3M settlement will be heard on 2-2-2024. So, the approval is pending the outcome of the court's decision.

The District needs to file a claim and your testing Data now, just in case in the future you do have PFAS, and then you are covered under this settlement. A critical point is that this comes in 2 phases. Phase 1- District that had already tested for PFAS, and it was found in their system before June of this year. 2nd phase is for those that have not turned in data yet. You have to test and submit that data within 45 days of court approval. The UCMR5 testing is not the same as the PFAS testing. You have to test PFAS at each water source, and you have 5 Wells as your testing source, and you have until 2026 to test. The key is that there is no measurement concentration limit. The settlement level is the detection level, which is the lowest level which is measured "parts per trillion".

The Board asked about annual testing, and what this means for water districts?

Mr. DeLouche stated that the District needs to do the testing as soon as possible, yet we don't want to test now as in the sense of it being an emergency. It is not an annual test, but just a one-time test for the settlement. We will know more once it goes before the courts in December for approval. We are under the Phase 2 part, and if the courts decide to go forward, then we will go from there. He further stated that the contingency fee is 25% of the settlement, if it comes to a settlement. He would also ask to be reimbursed for the cost of the testing.

After further discussion, Bill White, 2nd by Lisa Gearen moved to retain Mr. Jay DeLouche as legal counsel for the PFAS settlement class action law suit. The motion carried without opposition.

Unfinished Business:

Giner Drilling: Mark McCarty discussed the offer made by Griner's Arbitrator (Confidential document) in the liquidated damages issue due to delays by Griner in completing the Fields Well #5 project, and after further discussion the Board rejected the monetary arbitration offer by Griner, stating it was not feasible.

Mark McCarty requested permission to go back to Griner with a more feasible counter offer of \$25,000.00. Mr. Jay DeLafield was in agreement with this amount, and if accepted he would draw up the documents for release.

Mr. Bill White, 2nd by Carol Johnson, moved to reject Griner's present offer with a counter offer of \$25,000.00, giving Mark McCarty the authority to proceed on behalf of the District. The motion carried without opposition.

Tiger Island Wildfire:

Paula Rose-District Secretary discussed the final cost to the District for the Tiger Island Wildfire came to \$67,464.45.

New Business:

The District received a notice from the US Department of Justice Victim Notification System (VNS) concerning fraud in Computer Crimes. A gentleman is being accused of fraudulent charges as representing himself as technology support for various company within the United States

Bill White, 2nd by Richelle Bowman, moved to contact the US Department of Justice for further information, and to participate in VNS if we were affected. The motion carried without opposition.

Paula Rose brought before the Board the present Bulk Water charges, and stated they were insufficient at the present rate of \$10 per 1,000 gallons. A request was put forth to change the policy as follows, and rescind to August 1, 2023.

1. Setup up fee during business hours per location of \$100.00
2. \$20.00 per 1,000 gallons.
3. Setup fee for weekends and holidays is \$250.00

Richelle Bowman, 2nd by Lisa Gearen, moved to increase the Bulk Water rates with a rescinded date of August 1, 2023 in the amount as described above. The motion carried without opposition.

Maintenance Report: Mathieu Rose

Mathieu supplied the Board with a Hydraulic model for the Water Sector Program for review only.

Mathieu discussed the future water main projects for the Capital Outlay on Ben Elston, S Bearhead Rd, and Lane Road.

Mathieu discussed the Leak Location machine that was purchased and would like to offer this service to our customers. It would be to help the customer locate their leaks without the benefit of having the leak repaired. They would need to sign a document of “no” liability, and the service would only be offered during week day business hours. If the customer was in agreement, then the \$100 would be added to their bill.

Lisa Gearen, 2nd by Richelle Bowman, moved to offer the Leak Location service to the customers at a cost of \$100 per leak, with a sign document prior to finding the leak. The fee would be added to the bill, and it would be a one-day service only, when it did not hinder the every day operations of the water district. The motion carried without opposition.

Adjournment:

There being no further business, upon a motion by Lisa Gearen, 2nd by Richelle Bowman, the meeting was adjourned, the motion carried without opposition.

I DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the minutes of the business meeting held on Monday, November 13, 2023, at the regular public meeting place of said Board at 9252 Hwy 27, Singer, Louisiana.

Paula Rose-District Secretary/Treasurer

Jerry Cooley, President