

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, SEPTEMBER 20, 2018**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on September 20, 2018, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Hassinger called the meeting to order at 11:20 a.m. and led in the pledge of allegiance. Mr. Cosse called the roll and a quorum was present:

PRESENT:

Lambert J. Hassinger, Jr., President
Mark L. Morgan, Treasurer
Clay A. Cosse, Secretary
Andrew J. Englande, Jr.
Jason P. Latiolais
Herbert I. Miller
Herbert T. Weysham, III

ABSENT:

Richard A. Luetlich, Jr., Vice President
Quentin D. Dastugue

ADOPTION OF AGENDA:

A motion was offered by Mr. Morgan, seconded by Mr. Latiolais and unanimously adopted, to adopt the agenda.

**RESOLUTION NO. 09-20-18-01 –
APPROVAL OF AUGUST 16, 2018 BOARD MEETING MINUTES**

Mr. Cosse stated that at the August 16, 2018 Board meeting he made some comments that he felt were relevant and for some reason were not recorded in the minutes. One of the statements made after Derek Boese, Chief Administrative Officer, stated that we were mowing Lake Borgne Basin Levee District (LBBLD) levees was that “mowing was not canal maintenance”. He stated that he then asked if the canals were being maintained at the same level as in 2017, and Mr. Boese’ answer was “no”. Mr. Cosse said that he then stated that “If there should be a major event between now and the end of hurricane season that this Authority would be held responsible for any damages”, to which he said that some of the members nodded in agreement. Mr. Hassinger asked Mr. Cosse if it would be sufficient to include the comments in the minutes of the September 20 Board meeting. Mr. Cosse agreed.

On the motion of Mr. Morgan,
Seconded by Mr. Cosse, the following resolution was offered:

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Board Meeting held on August 16, 2018.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Cosse, Mr. Englande, Mr. Latiolais, Mr. Miller, Mr. Morgan and
Mr. Weysam

NAYS: None

ABSENT: Mr. Dastugue and Mr. Luettich

EMPLOYEE RECOGNITION AND APPRECIATION:

Mr. Hassinger explained that each month the Board takes the opportunity to recognize a team member for his/her contributions to the Flood Protection Authority. The success achieved over the past couple of years is a result of team members who are 100 percent committed to the Authority and day in and day out exemplify the FPA's core principles. The Board recognized Sean Hodges, IT/GIS Senior Support Analyst, and thanked Mr. Hodges for his contributions toward making the Authority a success.

Sean Hodges was hired by the Orleans Levee District on October 31, 2016 as an IT/GIS Senior Support Analyst. Mr. Hodges' responsibilities primarily include the development, implementation and maintenance of the CADD based geographical information system (GIS); however, he also serves as the Records Officer managing the agency's record and document management needs.

Mr. Hodges was recently assigned the task of compiling a formal consolidated Records Retention Schedule for the FPA and the levee districts to submit to the Secretary of State (State Archives) for approval. He had to be thoroughly knowledgeable about the State's records management policies, requirements and approved processes, including acceptable methods for retaining documents, retention periods and procedures for the disposal of records no longer needed. Prior to the assignment of this task to Mr. Hodges, each levee district had its own schedule and procedures. He worked with representatives of each department to formulate its list of records along with appropriate retention periods and processes for short or long term retention of each set of records, and then developed a consolidated listing and schedule along with a policy that has consistent procedures to be implemented Authority-wide.

Mr. Hodges is also in the process of developing a plan so that he can help each department implement the approved schedule and required procedures. This is an exceptionally huge undertaking considering the massive amount of records placed in storage even prior to Hurricane Katrina.

Mr. Hodges is always professional and knowledgeable and cheerfully provides assistance to anyone needing help. His demonstration of leadership and teamwork while working on the consolidated Record Retention Schedule was exemplary. He

patiently works with everyone in order to achieve the FPA's goals and clearly values each team member's contribution. Mr. Hodges practices the FPA values in his day-to-day activities and is a valuable asset to the Authority.

Mr. Hodges was presented with a Certificate of Commendation in recognition and appreciation for his outstanding service and commitment.

OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:

Mr. Hassinger stated that over the last couple of years, the Non-Flood Protection Asset Management Authority (NFPAMA) attempted to secure FEMA funding to build and implement a flood defense system at the Lakefront Airport. The NFPAMA took the process through arbitration and was unsuccessful. He stated that he asked staff to begin to investigate for the Board's consideration whether the Flood Protection Authority can construct a flood defense system at the Lakefront Airport. Mr. Hassinger explained that the latest data that he had from the Department of Transportation and Development (DOTD) shows that the Lakefront Airport supports a total of 600+ jobs, generates over \$24 million in annual payroll and produces over \$66 million in annual economic output. The Lakefront Airport is obviously a vulnerable area. He commented that he did not know whether such a project is financially feasible or something that the Board wants to pursue; however, he wanted to obtain the data so that it can be brought to the Board so that it is informed and for discussion. Over the next several months additional information on this subject will be brought to the Board for discussion.

PUBLIC COMMENTS:

Carol Byram, a resident of New Orleans, advised that Roy Arrigo could not be present at today's meeting and requested that the Commissioners read Mr. Arrigo's email to the Board. She stated that she, Craig Berthold and Roy Arrigo have attended almost all of the Board's meetings since 2007 and that they have had an invaluable education and feel the obligation to speak out for other residents, especially now regarding the St. Bernard drainage dispute. She stated that they knew that Orleans taxpayers were paying some of St. Bernard's bills and that they did not like it, but said nothing until the cost reached into the multi millions of dollars for just one project to protect a shrimp and soap factory on a drainage canal filled with trash, destroyed piers, boats and boathouses. She stated that Mr. Doody used misleading maps, numbers and canal names to confuse locations in order to push Orleans to pay the full \$4.5 million. Most Orleans residents have no idea that the millage they voted on to protect their properties has also been paying for St. Bernard's properties for 11 years. Unfortunately, no news articles have ever focused on or made it clear to Orleans residents. She stated that during the creation of the Authority she watched a 2006 Legislature video where everyone was assured that parish funds would not be comingled with only a few exceptions. She stated that Mr. Doody ignored this and is responsible for the mess in his parish and that he failed his own neighbors by not educating them early on about future costs. Instead he asked Orleans for a seven mil increase. She stated that she did not know for a fact but believed that years later after he left that he worked against the Authority's tremendous effort to explain to St. Bernard the critical need for a millage increase. She stated that at first Mr. Doody was the Treasurer of the Authority and set

up the financial books. He then became President, where he had absolute control of everything and everyone. His handpicked Executive Director was also from St. Bernard. Orleans Parish had no real representation until Mr. Hassinger, even though Orleans taxpayers were paying 58 percent of some of the Authority's expenses. The Authority is committed to paying for the perimeter protection, including the 23 mile 30-ft. high T-wall surrounding St. Bernard, but Tim Doody wants more. He continues to make impossible and ridiculous claims that their interior drainage system also protects Orleans and Jefferson Parishes. Tim Doody thought he could get a bill through the legislature to force Orleans to pay, but he failed. She commented on Mr. Doody's actions after he left the Authority. She stated that the Authority has already subsidized and compromised with St. Bernard too much and for too long. She stated that she knew that this matter was out of the Board's hands, and in the hands of the courts, and thanked the Board for listening.

Evelyn Riehm stated that for a long time Wood Materials' (Wood) missing trees and sand haul road along the levee from Hickory Avenue to Bailey Street have greatly affected Harahan residents' quality of life with airborne sand. DEQ has Wood under a compliance order for uncontrolled airborne sand. DEQ's public records show that DEQ had a conference call with Wood on September 13th in which the DEQ was advised that Wood was working towards a global settlement in the consolidated matter and additional time was requested to continue settlement negotiations. The parties agreed to conduct an additional conference call on December 13, 2018 on the status. She thanked DEQ for its much needed help for the citizens of Harahan. Wood completed the concrete haul road along the river and is accessing the sand pits directly off the road closer to the river and about 1,000 feet further from residences. Wood has abandoned, graded and lowered the sand haul road along the levee. Berms were placed across four of the openings. Pierce Wood advised at the ribbon cutting ceremony for the concrete haul road that every opening would be closed with berms and tree curtains to help stop airborne sand from entering the community and that a grass rug would be rolled out over the abandoned sand haul road. She reiterated that Wood needs to place tree curtains and lay a grass rug on the sand road along the levee to alleviate the airborne sand as promised. She informed the Authority that there is a two to three foot drop off near the toe of the levee and the abandoned sand haul road that may need to be leveled out.

John Riehm commented about Wood's illegal composting facility on the Harahan bature. Wood sued the City of Harahan and has continued to operate the facility, which is against Harahan law. He stated that the composting operation greatly affects the quality of life of the citizens of Harahan. He commented on the lower court's rulings and advised that the appeal will be heard in the Fifth Circuit Court of Appeals in November. The City of Harahan and its residents are expecting a judgment in its favor.

COMMITTEE REPORTS:

Finance Committee: Mr. Morgan reported that the Finance Committee met prior to the Board meeting. The Committee received a presentation from a representative of Edward Jones regarding the Authority's investments. The Committee discussed the updated Memorandum of Understanding (MOU) with the NFPAMA, the Cooperative

Endeavor Agreement (CEA) between the Jefferson Parish Sherriff and the East Jefferson Levee District (EJLD) Police Department, which will allow the assignment of an EJLD Officer to the Criminal Intelligence Unit, and the proposed amendment to the Fazande Consulting Contract for Human Resources support.

Operations Committee: Mr. Miller reported that the Operations Committee met prior to the Board meeting. The Committee received a report from a representative of the U.S. Army Corps of Engineers (USACE) on the Bellaire Drive seepage. He advised that there is a consensus that the seepage does not present an imminent danger to the levee at this point; however, there is a disagreement as to how the situation should be fixed (e.g., construction of a berm or a subsurface drainage system). The parties will meet again to resolve the issue. He pointed out that the engineering solution may be fine, but not a satisfactory public perception solution. The Committee discussed the Authority's and levee districts' funding requests for the Capital Outlay Project (COP) Program for Fiscal Year 2019-2020. An amendment will be requested to the resolution concerning the EJLD's funding request to increase the project amount for the Jefferson Parish Lakefront Erosion Protection Repairs.

CHIEF ADMINISTRATIVE OFFICER'S REPORT:

Derek Boese, CAO, reviewed the highlights of the Chief Administrative Officer's report:

- Tropical Storm (TS) Gordon – Forty-one floodgates, 17 valves and some of the significant sector gates were closed. Daily telephone conference calls were conducted through the holiday weekend. Cautionary measures were taken and gates and valves were closed to respond to a potential elevation of +7-ft. and staff remained prepared to close additional gates, if needed. Surge predictions were three to five feet. Gates were reopened as rapidly as possible on Wednesday, September 5th. A total of 25 to 30 staff members worked throughout the event, starting on Friday, August 31. An After Action Review was conducted with the following findings:
 - Sustain: Higher frequency of text alerts re gate closures
 - Improve: Better text alert system (already complete)
 - Sustain: Port Coordination pre-season paid off
 - Improve: Coordination/understanding with railroads
- Antwan Harris was introduced as the new Public Information Director. Mr. Harris joined the FPA on September 10. He recently worked for Jefferson Parish Government for three years as the Public Information Officer and has over a decade of experience working in media. Mr. Harris stated that he looked forward to helping the FPA gain its presence in the media as well as in the community. Mr. Harris advised that he would develop a plan to present to the Board on identifying and marketing the Authority. Mr. Hassinger commented that part of the feedback received from employees in the last surveys is that the FPA is invisible as an agency and that few in the public recognize the commitment, dedication, professionalism and skillsets brought to the FPA by its 200+ employees. A key part of the Public Information Director's job will be to increase public awareness. Mr. Englande asked

Mr. Harris if he would be working with schools. Mr. Harris responded that he will definitely be working with the schools and that he will meet tomorrow with Anne Rheams, Education Consultant, to discuss furthering the Middle School Science Program, which is a huge area of opportunity. Mr. Boese added that Mr. Harris will be reaching to out Directors and Board Members for feedback and that he has been in the field to meet staff and view operations. Major events in October include the Night Out Against Crime and the Orleans Levee District (O.L.D.) Police Station Ribbon Cutting.

- Employee Services – The employee survey is on-going and is scheduled to close on September 21. A third party consultant, Dee Everett, is administering the survey. As of September 19 participation was at 50 percent. Additional opportunities for participation have been made available to Maintenance staff. Performance reviews were completed for FY 2018. Planning reviews for FY 2019 are due by September 30. Preparations are being made for open enrollment in October. An incumbent was selected for the Engineer 4 position. Two HR Analyst positions are in the process of being filled. The position of HR Director was advertised, the application process closed and resumes should be received from Civil Service next week. Attempts are being made to fill the Training Coordinator position. An offer was extended for the position of Deputy CAO; however, the candidate received a counteroffer and stayed with his current firm. The CAO is continuing to attempt to fill the Deputy CAO position.
- Finance – The Regional Finance Director’s decision to keep the current MIP accounting software, but to go cloud-based, will result in substantial savings in both money and time. Finance will be utilizing additional MIP capabilities that had not previously been used and staff will receive additional training. The FPA anticipates receiving the construction value of the Hurricane and Storm Damage Risk Reduction System (HSDRRS) from the USACE for audit purposes. The value of the HSDRRS is needed so that the Authority does not receive a qualified opinion from the auditor. Finance staff is gearing up for work on Work In Kind (WIK) credits for the HSDRRS. The determination of WIK credits is a major effort that will take place in conjunction with the Coastal Protection and Restoration Authority (CPRA) over the next several years. A list of grant funding opportunities provided by the Grants Administrator was provided to the Board.
- Maintenance – The flood defense system is in good shape. The Levee Maintenance staff has been struggling to keep up with grass growth due to recent heavy rains and manpower shortages; therefore, overtime requirements have continued. On-going issues regarding filing vacancies in Maintenance are being investigated and addressed.
- Engineering – A USACE representative provided a report to the Operations Committee on the Bellaire Drive seepage issue. Discussions are continuing on the issue. Ryan Foster, Engineer, and Darren Austin, Engineer, will be attending the I-STORM annual meeting during the first week of October and will provide a briefing to the group on the recent I-STORM peer review. The USACE armoring/levee lift projects are progressing well. Last week the USACE turned over the Jefferson Heights Reach of the Mississippi River Levee to the EJLD. Next month the USACE is anticipated to turn over the westernmost reaches of the Jefferson Parish Lakefront

Levee to the EJLD. The remainder of the Jefferson Parish Lakefront Levee should be turned over to the EJLD sometime in the spring after the grass growth goals are achieved.

- Facilities – The O.L.D. Police Station is anticipated to be completed in late October. The EJLD Safe Room and Consolidated Facility is anticipated to be completed in January, 2019. The Franklin Complex renovations will begin in early October. The Loft Building located on Franklin Avenue is scheduled for demolition in early October.
- Technology – The FPA is working in conjunction with UNO on setting up a class for employees to achieve certification on drone operations so that drones can be incorporated into the FPA's operations. A professor at UNO proposes to do a research project on levee seepage using drones, which could benefit the FPA. Primavera P6 has been selected for the FPA's project management and scheduling needs. Information will be provided to the Board in October on the cost to implement the software package. The FPA is beginning to explore telematics (e.g., vehicle sensors for measuring work rates).

Mr. Englande suggested that the FPA explore the use of interns. He advised that the Water Environment Federation annual meeting will be held in about two weeks and presents an opportunity for FPA exposure.

Mr. Cosse inquired about the potential of privatizing services (e.g., equipment breakdowns and personnel) in connection with Mr. Boese' statement about the manpower shortage. Mr. Boese explained that the FPA contracts a large amount of mowing at this time. Staff is looking at contracting herbicide application and some manual labor. The FPA is outsourcing the mowing on the interior of the outfall canals. Outsourcing is being explored where it makes sense and where there are the funds to do so. The public bid process must be used for outsourcing services. Outsourcing is on the FPA's radar as a tool to continue to expand upon its efforts. Mr. Cosse pointed out the efficiency and benefit gained by using a private contractor (e.g., the contractor uses and must maintain his equipment). Mr. Boese responded that the benefit depends on the contractor, the equipment used and the work required. He explained that the FPA has one contractor that is very good and another that struggles. FPA manpower must be used to monitor contracts and ensure that standards are met.

Mr. Morgan noted that the Finance Department may need temporary help to assist with updating the FPA assets since the USACE will be providing comprehensive information on the assets. Mr. Boese explained that Directors have been requested to advise him should they need temporary assistance. Temporary help is also anticipated to be needed for implementing the records retention program.

Mr. Hassinger commented that 50 percent response on the employee survey is inadequate. The FPA needs comprehensive information from the survey. He asked that the Directors and staff encourage colleagues to participate in the survey, which is totally confidential. Everyone's feedback is needed—both positive and negative. The FPA has tried to respond to the information received in the past surveys. It is the FPA's

intention to respond to the information received in the current survey. Feedback from employees is needed for the FPA to progress.

NEW BUSINESS:

**RESOLUTION NO. 09-20-18-02 –
AMENDMENT OF CONSULTING AGREEMENT WITH FAZANDE CONSULTING**

Mr. Morgan advised that the proposed amendment of the consultant agreement with Fazande Consulting to extend the contract and increase the total contract amount was considered by the Finance Committee. He noted that Mr. Miller was in favor of the amendment; however, he reluctantly concurred. He explained that the FPA retained the services of Fazande Consulting approximately six months ago on an emergency basis. The initial not to exceed contract amount was \$635,000. The FPA has not made a lot of progress in hiring staff, but is hopeful that the need for consulting services is winding down and that in the next nine weeks the FPA can get its staff level up where a consultant will no longer be needed. He stated that he was hesitant because the FPA did not advertise for retaining consulting services and just retained the consultant on an emergency basis. The FPA is spending three-quarters of a million dollars on an emergency basis without public evaluation. On the positive side, he stated that a lot of progress has been made and that Mr. Boese feels very good about the status of FPA staff and that in the near term staff will be able to handle Human Resource (HR) services on their own. He pointed out that staff will need assistance with open enrollment taking place in October.

Mr. Miller pointed out that the original contract was for a period of six months, which is just over \$100,000 per month. The amendment of the contract is for a nine week extension at a cost of \$137,000; therefore, the involvement of the consultant is substantially less over the nine week period than it was previously. He stated that Mr. Boese has made it clear that the FPA could survive without the extension; however, it would fairly quickly be in trouble. The extension of the contract will allow the consultant to significantly complete the project.

Mr. Hassinger explained that the FPA has had a lot of challenges in the HR function over the past several years and that it has been a key recurring theme in employee surveys. Historically, the FPA has done a great job looking out for the structures and the flood defense system, but not as much time looking inward. HR touches every other function in the Authority and has not done very well. The FPA pulled the trigger on the situation several months ago because it was in an emergency situation. HR was not functioning, things were not getting done and problems are compounded when the HR function does not work. A goal has been to add staff. One of the challenges encountered over the past several months is that the number of HR personnel decreased. New people had to be hired to replace those who left. The cost is significant; however, part of the cost results from the FPA not having full time people on staff. The FPA does not have a HR Director at this time and the HR Department has a shortage of staff. He stated that the work product has been exceptional and the FPA has made great strides over the last several months. He hoped that the services are

winding down and the FPA is at a place where it can provide employees with excellent client services, which has been the goal.

On the motion of Mr. Miller,
Seconded by Mr. Morgan, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No. 02-15-18-02 authorized the FPA Chief Administrative Officer to negotiate and execute a professional services agreement with Fazande Consulting to provide Human Resources consulting services at a cost not to exceed \$635,250; and

WHEREAS, there is a need to extend the aforementioned agreement with Fazande Consulting services through November 31, 2018 and to provide an increase of \$137,403 to the not to exceed contract amount of \$635,000 for said services.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves an amendment to the agreement with Fazande Consulting for Human Resources consulting services to extend the agreement through November 30, 2018 and to increase the not to exceed amount of the agreement from \$635,000 to \$772,403 (an increase of \$137,403), and authorizes the FPA Chief Administrative Officer to execute said amendment and any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Cosse, Mr. Englande, Mr. Latiolais, Mr. Miller, Mr. Morgan and
Mr. Weysham

NAYS: None

ABSENT: Mr. Dastugue and Mr. Luettich

RESOLUTION NO. 09-20-18-03 - APPROVAL OF REVISED MOU BETWEEN THE FPA, ON BEHALF OF THE O.L.D., AND THE NFPAMA

Mr. Morgan advised that the Finance Committee discussed the revised MOU between the FPA, on behalf of the O.L.D., and the NFPAMA. He explained that the O.L.D. was authorized by the Louisiana Legislature to construct and operate marinas, parks and other non-flood protection assets. After Hurricane Katrina the Legislature split the flood protection assets from the non-flood protection assets. A MOU was originally confected with the Division of Administration, the initial manager of the non-flood assets. The Legislature subsequently established the NFPAMA Board to manage the non-flood assets. The updated MOU is for the management of the non-flood assets by the NFPAMA Board. The list of assets can be modified as needed.

Mr. Morgan further explained that he had several questions regarding the MOU, which were answered. The Legislature has given the NFPAMA the right to sell non-flood protection assets; however, clear title to the assets could not be achieved without the FPA's agreement. It was determined that buildings housing FPA employees, such as the Franklin Complex and O.L.D. Police Station, would be managed by the FPA. The MOU does not have an expiration date. The Bohemia Spillway was determined to be a

flood protection asset. A local citizen voiced his concern at the Finance Committee meeting; however, the Finance Committee recommended that the Board proceed with the approval of the MOU. The MOU will be brought before the NFPAMA Board next week for approval.

The Board discussed the potential inclusion of a term in the MOU. Jesse Noel, NFPAMA Director, pointed out that the inclusion of a term could potentially present problems and that the MOU can be amended at any time with the concurrence of both boards. Wilma Heaton, Director of Governmental Affairs and Chair of the NFPAMA, suggested that a provision be added to the MOU for periodic reviews. Board members concurred that the MOU should include a provision for review every four years.

Mr. Hassinger clarified that the Board is voting on the approval of the MOU with a contingency that it include a provision for four year review periods. Mr. Boese advised that he would work with Mr. Noel to update the MOU's language. The revised version of the MOU would be brought to the NFPAMA next week for approval.

On the motion of Mr. Morgan,
Seconded by Mr. Miller, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No. 05-17-07-11 approved the Memorandum of Understanding (MOU) between the FPA East and West and the Division of Administration, the manager of the non-flood assets designed by Act 1 of 2006 of the LA Legislature, regarding Non-Flood Assets of the Orleans Levee District (O.L.D.) dated and effective March 17, 2007, and

WHEREAS, the FPA approved the amendment of the aforementioned MOU by Resolution No. 06-21-07-030 at its meeting held on June 21, 2007; and

WHEREAS, Act 475 of 2007 of the LA Legislature reorganized the Orleans Levee District by creating the Algiers Levee District, consisting of the portion of Orleans Parish on the west bank of the Mississippi River, and placing the Algiers Levee District under the jurisdiction of the Southeast Louisiana Flood Protection Authority-West; and

WHEREAS, the Non-Flood Protection Asset Management Authority (NFPAMA) was created by Act 1014 of 2010 of the LA Legislature to manage the non-flood protection assets of the O.L.D.; and

WHEREAS, there is a need to update the parties of the MOU, as well revise the terms and conditions of the document; and

WHEREAS, the Memorandum of Understanding Regarding the Management of Non-Flood Assets of the O.L.D. between the Board of Commissioners of the FPA, on behalf of the O.L.D, and the NFPAMA was revised to update the parties of the agreement and include terms and conditions negotiated between the FPA and the NFPAMA.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East approves the updated and revised Memorandum of Understanding

Regarding the Management of Non-Flood Assets of the Orleans Levee District between the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, on behalf of the Orleans Levee District, and the Non-Flood Protection Asset Management Authority, and authorizes the FPA Chief Administrative Officer to execute said MOU and any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Englande, Mr. Latiolais, Mr. Miller, Mr. Morgan and Mr. Weysham
NAYS: Mr. Cosse
ABSENT: Mr. Dastugue and Mr. Luettich

RESOLUTION NO. 09-20-18-04 - APPROVAL OF FPA EMPLOYEE HANDBOOK

Mr. Morgan explained that the Employee Handbook was submitted to Board members and discussed by the Finance Committee. Mr. Hassinger advised that he determined it was appropriate to bring the Employee Handbook before the Board for approval because it is a policy statement. Mr. Boese explained that an FPA Employee Handbook was developed about 1-1/2 years ago as a major exercise. The document before the Board is an update of the Employee Handbook and includes additional provisions regarding regionalization. Some policies that were addendums to the initial Handbook have been incorporated into the main body and additional consistent policies have been included.

On the motion of Mr. Miller,
Seconded by Mr. Englande, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) Employee Handbook, effective January 1, 2017, was developed to establish consistent policies and procedures for the employees of the FPA and the levee districts under the FPA's jurisdiction; and

WHEREAS, the aforementioned Employee Handbook was reviewed and revised to reflect the updated policies and procedures of the FPA.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the Employee Handbook, effective August 28, 2018.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Cosse, Mr. Englande, Mr. Latiolais, Mr. Miller, Mr. Morgan and
Mr. Weysham
NAYS: None
ABSENT: Mr. Dastugue and Mr. Luettich

RESOLUTION NO. 09-20-18-05 - APPROVAL OF CEA BETWEEN JEFFERSON PARISH SHERIFF AND EJLD POLICE DEPARTMENT

Mr. Morgan advised that the CEA between the Jefferson Parish Sheriff and EJLD Police Department allows the placement of an EJLD Officer in the Criminal Intelligence Center

in order to better protect the flood defense system at no cost to the FPA. The Criminal Intelligence Center is regional and covers the metropolitan New Orleans area.

On the motion of Mr. Morgan,
Seconded by Mr. Latiolais, the following resolution was offered:

WHEREAS, Joseph P. Lopinto, III, in his capacity as Sheriff of Jefferson Parish wishes to provide citizens with effective and efficient law enforcement protection by operating a Criminal Intelligence Center (“CIC”) that will create an environment where law enforcement agencies in the Metropolitan New Orleans area can collect, correlate, analyze and disseminate actionable criminal intelligence in a timely manner; and

WHEREAS, Art. VII, Sec. 14(C) of the Louisiana Constitution of 1974 provides that for a public purpose, the State and its political subdivisions or political corporations may engage in cooperative endeavors with each other or with any other private association, corporation or individuals; and

WHEREAS, the participation of the East Jefferson Levee District in said CIC will benefit the citizens of the greater New Orleans Metropolitan area.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East (FPA) approves the Cooperative Endeavor Agreement between Joseph P. Lopinto, III in his capacity as Sheriff of Jefferson Parish and the East Jefferson Levee District Police Department through the East Jefferson Levee District, and authorizes the FPA Chief Administrative Officer to sign said CEA and any and all documents necessary to accomplish the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Cosse, Mr. Englande, Mr. Latiolais, Mr. Miller, Mr. Morgan and
Mr. Weysham

NAYS: None

ABSENT: Mr. Dastugue and Mr. Luettich

RESOLUTION NO. 09-20-18-06 - RETENTION OF LEGAL SERVICES OF BURGLASS & TANKERSLEY, LLC

Mr. Hassinger advised that the proposed resolution before the Board addresses legal services for the sixth lawsuit filed by St. Bernard Parish.

On the motion of Mr. Miller,
Seconded by Mr. Morgan, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East and Lake Borgne Basin Levee District (“FPA”) have been named as defendants in the litigation entitled, “St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al”, 34th Judicial District Court for the Parish of St. Bernard, Division C, Civil Action No. 15-1163”.

WHEREAS, Burglass and Tankersley will be compensated pursuant to the Louisiana Attorney General's maximum Hourly Fee Schedule of February 8, 2016, which allows:

<u>Rate</u>	<u>Description</u>
\$225 per hour	For attorneys having experience of 10 or more in the practice of law
\$175 per hour	For attorneys having experience of 5-10 years in the practice of law
\$150 per hour	For attorneys having experience of 3-5 years in the practice of law
\$125 per hour	For attorneys having experience of less than 3 years in the practice of law
\$60 per hour	For Paralegal Services
\$40 per hour	For Law Clerk Services

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East pursuant to La. R.S. 42:262 does hereby retain and employ Burglass & Tankersley, LLC as special counsel, effective September 5, 2018, for representation in the litigation entitled, "St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al", 34th Judicial District Court for the Parish of St. Bernard, Division C, Civil Action No. 15-1163".

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is authorized to execute an agreement with Burglass & Tankersley, LLC for the aforementioned legal representation.

BE IT FURTHER RESOLVED, that this Resolution and proposed contract described herein shall be submitted to the Attorney General for the State of Louisiana for approval.

The foregoing was submitted to a vote, the vote thereon was as follows:
 YEAS: Mr. Cosse, Mr. Englande, Mr. Miller, Mr. Morgan and Mr. Weysham
 NAYS: None
 ABSTAINED: Mr. Latiolais
 ABSENT: Mr. Dastugue and Mr. Luettich

RESOLUTION NO. 09-20-18-07 - SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST CAPITAL OUTLAY PROGRAM FUNDING REQUEST

Mr. Miller advised that the Operations Committee reviewed the Capital Outlay Program (COP) funding requests for the Authority and levee districts. Most of the COP funding requests have previously been approved by the Board for prior fiscal years.

On the motion of Mr. Morgan,
 Seconded by Mr. Latiolais, the following resolution was offered:

WHEREAS, the State of Louisiana Capital Outlay Program (COP) funding applications are required to be submitted by November 1, 2018, with a Resolution requesting sponsor funding; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) has projects that require funding from the COP in order to initiate design and/or construction phases of said projects.

BE IT HEREBY RESOLVED, that the FPA by this Resolution formally requests the State of Louisiana COP to fund the following FPA projects for Fiscal Year 2019-2020 in the amounts shown:

A. SURGE BARRIER EDUCATIONAL- VISITORS CENTER/MECHANIC COMPLEX - \$1,250,000

B. OUTFALL CANAL BANK EROSION CONTROL FOR ORLEANS LEVEE DISTRICT AND EAST JEFFERSON LEVEE DISTRICT - \$3,500,000

BE IT FURTHER RESOLVED, that the FPA does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER RESOLVED, that the FPA is committed to providing a local project match to the extent it is economically able to for the amounts required/recommended and necessary by the State.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer be authorized to sign any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized and designated to act on behalf of FPA in all matters pertaining to each of the aforementioned projects for which Capital Outlay funds are being requested including requests for State disbursements.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Cosse, Mr. Englande, Mr. Latiolais, Mr. Miller, Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Dastugue and Mr. Luettich

RESOLUTION NO. 09-20-18-08 - EAST JEFFERSON LEVEE DISTRICT-CAPITAL OUTLAY PROGRAM FUNDING REQUEST

Mr. Morgan offered a motion to amend the resolution to increase the amount of the request for funding for the Jefferson Parish Lakefront Erosion Protection Repairs to \$5 million and to specify that the request is for Reach 1 only. Mr. Boese explained that the FPA has an on-going engineering study with CH2M Hill and that better data was received resulting in the revised cost estimate. The motion to amend the resolution was seconded by Mr. Cosse and unanimously adopted.

On the motion of Mr. Morgan,
Seconded by Mr. Englande, the following resolution was offered:

WHEREAS, the State of Louisiana Capital Outlay Program (COP) funding applications are required to be submitted by November 1, 2018, with a Resolution requesting sponsor funding; and

WHEREAS, the East Jefferson Levee District (EJLD) has projects that require funding from the COP in order to initiate planning, design, land acquisition and construction phases of said projects.

BE IT HEREBY RESOLVED, the Southeast Louisiana Flood Protection Authority-East (FPA) on behalf of the EJLD by this Resolution formally requests the State of Louisiana COP to fund the following EJLD projects for Fiscal Year 2019-2020 in the amounts shown:

**JEFFERSON PARISH LAKEFRONT EROSION PROTECTION REPAIRS,
REACH 1 - \$5,000,000**

BE IT FURTHER RESOLVED, that the EJLD does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER RESOLVED, that the EJLD is committed to providing a local project match to the extent it is economically able for the amounts required/ recommended and necessary by the State.

BE IT FURTHER RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (FPA) Chief Administrative Officer be authorized to sign any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized and designated to act on behalf of EJLD in all matters pertaining to each of the aforementioned Projects for which Capital Outlay funds are being requested including requests for State disbursements.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Cosse, Mr. Englande, Mr. Latiolais, Mr. Miller, Mr. Morgan and
Mr. Weysham
NAYS: None
ABSENT: Mr. Dastugue and Mr. Luettich

**RESOLUTION NO. 09-20-18-09 - LAKE BORGNE BASIN LEVEE DISTRICT
CAPITAL OUTLAY PROGRAM FUNDING REQUEST**

Mr. Boese explained that Item A is new and that the LBBLD is the only levee district under the FPA's jurisdiction that does not have a safehouse facility for its administrative and levee maintenance staff. The proposed safehouse is similar to the type used for the Jefferson Parish pump stations and is the basis of the cost estimate.

On the motion of Mr. Cosse,
Seconded by Mr. Englande, the following resolution was offered:

WHEREAS, the State of Louisiana Capital Outlay Project (COP) funding applications are required to be submitted by November 1, 2018, with a Resolution requesting sponsor funding; and

WHEREAS, the Lake Borgne Basin Levee District (LBBLD) has projects that require funding from the COP in order to initiate planning, design, land acquisition and construction phases of said projects.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East on behalf of the LBBLD by this Resolution formally requests the State of Louisiana COP to fund the following LBBLD projects for Fiscal Year 2019-2020 in the amounts shown:

- | | |
|--|--------------------|
| A. DESIGN AND CONSTRUCT A SAFE-HOUSE FACILITY TO HOUSE LBBLD STAFF DURING A STORM/EMERGENCY EVENT | \$4,000,000 |
| B. REPLACEMENT OF CATENARY RAKES AT DRAINAGE PUMP STATION 4 | \$1,500,000 |
| C. REFURBISHMENT OF CATENARY RAKE SYSTEM AT DRAINAGE PUMP STATION 1 | \$950,000 |

BE IT FURTHER RESOLVED, that the LBBLD does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER RESOLVED, that the LBBLD is committed to providing a local project match to the extent it is economically able for the amounts required/ recommended and necessary by the State.

BE IT FURTHER RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (FPA) Chief Administrative Officer be authorized to sign any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized and designated to act on behalf of LBBLD in all matters pertaining to each of the aforementioned Projects for which Capital Outlay funds are being requested including requests for State disbursements.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Cosse, Mr. Englande, Mr. Latiolais, Mr. Miller, Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Dastugue and Mr. Luettich

RESOLUTION NO. 09-20-18-10 - ORLEANS LEVEE DISTRICT CAPITAL OUTLAY PROGRAM FUNDING REQUEST

On the motion of Mr. Morgan,

Seconded by Mr. Latiolais, the following resolution was offered:

WHEREAS, the Orleans Levee District (O.L.D) has successfully obtained funding from the State of Louisiana Capital Outlay Program (COP) for the design and construction of several vital projects over the past years; and

WHEREAS, the State of Louisiana COP funding applications are required to be submitted by November 1, 2018, with a Resolution requesting sponsor funding; and

WHEREAS, the O.L.D. has projects that require funding from the COP in order to initiate design and/or construction phases of said projects.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East on behalf of the O.L.D. by this Resolution formally requests the State of Louisiana COP to fund the following O.L.D. projects for Fiscal Year 2019-2020 in the amounts shown:

- | | |
|--|---------------------|
| A. Bayou St. John Water Management Improvements | \$ 875,000 |
| B. Highway 90 Land Bridge | \$ 5,000,000 |

BE IT FURTHER RESOLVED, that the O.L.D. does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.

3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER RESOLVED, that the O.L.D. is committed to providing a local project match to the extent it is economically able to for the amounts required/ recommended and necessary by the State.

BE IT FURTHER RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (FPA) Chief Administrative Officer be authorized to sign any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized and designated to act on behalf of O.L.D. in all matters pertaining to each of the aforementioned Projects for which Capital Outlay funds are being requested including requests for State disbursements.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Cosse, Mr. Englande, Mr. Latiolais, Mr. Miller, Mr. Morgan and
Mr. Weysham

NAYS: None

ABSENT: Mr. Dastugue and Mr. Luetlich

EXECUTIVE SESSION:

1. *St. Bernard Parish Government v. Lake Borgne Basin Levee District, et al*", 34th Judicial District Court, Division E, Parish of St. Bernard, Civil Action No. 18-0865
2. "*St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al*", 34th Judicial District Court for the Parish of St. Bernard, Division C, Civil Action No. 18-1065
3. "*Fucich Contracting, Inc. versus Shread-Kuyrkendall and Associates, Incorporated, et al*", U.S. District Court for the Eastern District of Louisiana, Section E, Civil Action No. 18-02885
4. "*St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al*", 34th Judicial District Court for the Parish of St Bernard, Division D, Civil Action No. 18-1018
5. "*St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al*", 34th Judicial District Court for the Parish of St. Bernard, Division A, Civil Action No. 18-1066
6. "*St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al*", 34th Judicial District Court for the Parish of St. Bernard, Division C, Civil Action No. 15-1163"

A motion was offered by Mr. Morgan, seconded by Mr. Miller, and unanimously adopted by a roll call vote for the Board to convene in Executive Session to consider and discuss

the six law suits filed against the FPA by St. Bernard Parish, which are listed on the Board agenda. The Board convened in Executive Session at 12:30 p.m.

A motion was offered by Mr. Morgan, seconded by Mr. Cosse and unanimously adopted for the Board to reconvene in Regular Session. The Board reconvened in Regular Session at 1:30 p.m.

NEW BUSINESS: (CONTINUED)

RESOLUTION NO. 09-20-18-11 - TO STAY THE DIVESTITURE AND TRANSFER OF ST. BERNARD INTERNAL PUMPING AND DRAINAGE FUNCTIONS CALLED FOR BY RESOLUTION 06-14-18-04 FOR A PERIOD OF NINETY DAYS BEYOND JANUARY 1, 2019

Mr. Hassinger advised that the Board considered the issue in Executive Session. There was no further discussion on the resolution.

On the motion of Mr. Morgan,
Seconded by Mr. Miller, the following resolution was offered:

WHEREAS, the Flood Protection Authority is authorized under La. R.S. 38:281 et seq., R.S. 38:301, R.S. 38:327, and La. Const. Article VI, Part III to provide for the construction and maintenance of levees, levee drainage, flood protection, and hurricane flood protection within the territorial jurisdiction of the Flood Protection Authority including on its own behalf or for the areas under its authority; and

WHEREAS, under La. R.S. 38:281 et seq., R.S. 38:301, R.S. 38:327, and La. Const. Article VI, Part III, the construction, maintenance, and care and inspection of levees, within the jurisdiction of the numerous levee districts and levee authorities established by Louisiana law shall devolve on the levee districts and levee authorities and the boards of commissioners of the respective levee districts and levee authorities; and

WHEREAS, the Lake Borgne Basin Levee District currently operates interior drainage pumps and maintains drainage canals in St. Bernard Parish; and

WHEREAS, La. R.S. 38:330.2 allows the Flood Protection Authority to divest itself of any internal drainage or pumping responsibilities that would otherwise fall to the responsibility of a parish governing authority; and

WHEREAS, on June 14, 2018, the Board of Commissioners adopted Resolution No. 06-14-18-04, by which the Flood Protection Authority would transfer all St. Bernard Parish internal pumping and drainage functions to St. Bernard Parish on January 1, 2019; and

WHEREAS, the Flood Protection Authority is engaging in discussions with St. Bernard Parish government officials to formulate an amicable resolution of the issue of divestiture and accomplish divestiture on mutually agreeable terms and timing; therefore

BE IT HEREBY RESOLVED that the Board of Commissioners approves a stay of the divestiture and transfer of St. Bernard Parish internal pumping and drainage functions called for by Resolution No. 06-14-18-04, for a period of ninety days, or until April 1, 2019; and

BE IT FURTHER RESOLVED that the stay approved by this Resolution is contingent upon St. Bernard Parish Government negotiating in good faith, the parties continuing to make progress toward a resolution and St. Bernard Parish Government filing motions to stay each of the law suits that it has filed against the Flood Protection Authority, including:

St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al, 34th Judicial District Court for the Parish of St. Bernard, Division C, Civil Action No. 15-1163

St. Bernard Parish Government v. Lake Borgne Basin Levee District, et al, 34th Judicial District Court, Division E, Parish of St. Bernard, Civil Action No. 18-0865

St. Bernard Parish Government v. Lake Borgne Basin Levee District, et al, 34th Judicial District Court for the Parish of St. Bernard, Division C, Civil Action No. 18-1065

St. Bernard Parish Government v. Lake Borgne Basin Levee District, et al, 34th Judicial District Court for the Parish of St. Bernard, Division A, Civil Action No. 18-1066

St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al", 34th Judicial District Court for the Parish of St Bernard, Division D, Civil Action No. 18-1018; and

BE IT FURTHER RESOLVED that if it becomes apparent that the parties are unable to reach amicable resolution, the President of the Board shall notify the Board so that a special or emergency board meeting may be called to rescind the stay provided by this Resolution.

BE IT FURTHER RESOLVED, that the President of the Board of Commissioners for the Flood Protection Authority is authorized to execute all documents necessary to accomplish the stay of the divestiture called for by Resolution No. 06-14-18-04.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Cosse, Mr. Englande, Mr. Latiolais, Mr. Miller, Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Dastugue and Mr. Luettich

The next regular monthly Board Meeting will be held on October 18, 2018 at the Franklin Avenue Administrative Complex.

There was no further business; therefore, the meeting was adjourned at 1:32 p.m.