

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, NOVEMBER 29, 2018**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on November 29, 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 11:00 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
Richard A. Luettich, Jr., Vice President
Clay A. Cosse, Secretary
Quentin D. Dastugue
Andrew J. Englande, Jr.
Jason P. Latiolais
Herbert I. Miller
Herbert T. Weysham, III

ABSENT:

Mark L. Morgan, Treasurer

ADOPTION OF AGENDA:

Mr. Hassinger advised that the Executive Session listed on the agenda would not be needed at today's meeting. A motion was offered by Mr. Luettich, seconded by Mr. Miller and unanimously adopted, to adopt the agenda.

**RESOLUTION NO. 11-29-18-01 –
APPROVAL OF OCTOBER 18, 2018 BOARD MEETING MINUTES**

On the motion of Mr. Luettich,
Seconded by Mr. Miller, 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 October 18, 2018.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSENT: Mr. Morgan

EMPLOYEE RECOGNITION AND APPRECIATION:

Mr. Hassinger explained that the Board recognizes that the success of the organization depends on having people who are committed and come to work every day giving 110 percent. Therefore, each month the Board takes the opportunity to recognize an individual who is nominated by his/her peers and selected as the Employee of the Month. The Board recognized Paul Laporte, who is an Administrative Coordinator 3 in Finance/Purchasing Department.

Mr. Laporte started his career with the Orleans Levee District (O.L.D.) in 1974 as a Utility Laborer, moved to the Mechanic Shop as a Clerk II in 1976, and then promoted to Clerk Typist II in 1981. In 1990 he transferred to the Purchasing Department as a Stock Clerk Specialist and was promoted to a Stock Clerk Supervisor in 1999. In 2005 with the reclassification of positions by Civil Service, Mr. Laporte was moved into his current position in the Purchasing Department as an Administrative Coordinator 2 with his primary job being the receipt, verification, recordation and release of materials, supplies and equipment delivered to the O.L.D. Mr. Laporte is one of the FPA's most reliable and dedicated employees with unmatched attendance amassing over 4.5 years of sick and annual leave, which if added to his 44 yrs. of employment, he would be able to retire today with a total of 48.5 yrs. of state service.

During Katrina, Mr. Laporte was one of the lucky employees who rode out the storm at the Franklin Avenue facility. He performed his duties of providing supplies and food services to all who stayed and willingly took on other jobs as needed, voicing no complaints during the 10 days he was marooned with his fellow employees.

Mr. Laporte has always performed his duties in a diligent, courteous and polite manner and is willing to do whatever is needed to get the job done and assist in any way he can. He always greets everyone with a broad smile and a genuine courteous manner and is liked and respected by all who know him. Mr. Laporte's initials are P.A.L. and everyone who has had the pleasure of knowing this man agrees the name "PAL" could not be more fitting.

Mr. Laporte demonstrates all of the FPA's values and is an outstanding example to all FPA team members. His commitment and contribution to the FPA and the support he gives his fellow team members allows the FPA to be a success and the organization to meet its flood defense mission.

Mr. Hassinger expressed the Board's appreciation for Mr. Laporte's commitment and the work that he does every day. He presented a Certificate of Commendation to Mr. Laporte.

OPENING REMARKS BY PRESIDENT AND COMMISSIONERS:

Mr. Hassinger commented on the live stream of the Operations Committee meeting held on November 26th and on the professionalism that was demonstrated at the meeting. The quality of the deliberation, discussion and exchange between the Committee and staff, as well as the technical aspects, was outstanding.

Mr. Luettich advised that he joined the November 26th Finance Committee meeting via teleconference and noted that the technology improvements that have been implemented will assist the FPA in its mission. He pointed out that the audio aspects of the technology could still be improved.

PUBLIC COMMENTS:

Roy Arrigo explained that he was going to comment on the St. Bernard Parish lawsuits listed on the agenda under Executive Session and on the inconsistencies between the St. Bernard Parish Government's (SBPG) position and the record, such as SBPG's statement that St. Bernard Parish residents are paying too much for flood protection; however, the Rand Study commissioned by the Coastal Protection and Restoration Authority (CPRA) states that St. Bernard Parish residents are not paying enough. He stated that in light of the fact that the Board would not be meeting in Executive Session at today's meeting, there would be no need for Mr. Cosse to read the statement that he had sent to him.

Ray Landeche thanked Mr. Hassinger for his service on the Non-Flood Protection Asset Management Authority (NFPAMA) Board from 2010 to 2013 and his current service on the FPA Board. He commented on his concern about Phase 5 of the Lakefront Erosion Control Project and the Lake Terrace park redevelopment. He stated that with the recent Memorandum of Understanding between the NFPAMA and the FPA, he was confused about how the park would be redeveloped and which board would make the decisions concerning the redevelopment. He commented on his concerns about how the lakefront parks are being maintained and on the consistent overspending. He offered his assistance to the Board relative to making known the community's wishes for the lakefront.

Finance Committee:

Mr. Morgan, Chair of the Finance Committee, was unable to attend today's meeting; therefore, Kelli Chandler, Regional Finance Director, provided a report on the items considered by the Finance Committee at its meeting held on November 26th:

- A report was provided by Shannon Fazande on the Human Resource services provided in accordance with the contract with Fazande Consulting. Ms. Fazande stated that 100% of the contract scope was completed and that a final report would be provided to the Chief Administrative Officer (CAO). Sandy West, the FPA's new HR Director, was introduced to the Committee.
- Matt Byrd with Arthur Gallagher reviewed the insurance renewal quotes, all of which were satisfactory with the exception of Auto Physical Damage due to the total renewal value of the vehicles to be insured (increasing from \$3.2 million to \$4.4 Million).
- The Committee discussed Property and Casualty Insurance coverage relative to Hurricane and Storm Damage Risk Reduction System (HSDRRS) insurance coverage needs. The recent valuation provided by the U.S. Army Corps of Engineers (USACE) for the HSDRRS components totaled approximately \$4.3 billion.

Staff will go thru a process similar to the one used for the PCCP in order to determine the amount of coverage needed for insurance purposes.

- Information was presented to the Committee on the actuals for first quarter of Fiscal Year 2019 for the FPA and levee districts, all of which are basically tracking on budget. Finance staff will have an internal discussion on accurately allocating, capturing and recording insurance costs on each of the levee districts' books.
- The Fiscal Year 2018 Financial Audit Report was presented to the Committee. The FPA received a clean, unqualified opinion from the auditor.
- The final amended Fiscal Year 2018 FPA General Fund Budget, which is required due to shifting payroll costs from the levee district to the Authority level, will be presented to the Board later in the meeting for approval.
- The Committee discussed the schedule for preparation of Fiscal Year 2020 Budgets and the calendar of meetings starting in December for reviewing the initial budgets. Second meetings will be held in January with the preliminary report drafted by February and the final report adopted by the Board in March.
- The Committee discussed the proposed Cooperative Endeavor Agreement (CEA) with the Constable for the City of New Orleans for office space in the new O.L.D. Police Station and the proposed renewal of the CEA between the East Jefferson Levee District (EJLD) Police Department and the City of New Orleans/New Orleans Aviation Board for security services for the Louis Armstrong New Orleans International Airport.
- The Committee discussed the proposed transfer of the Berwick property from the EJLD to Jefferson Parish for the development of affordable housing.
- The Committee discussed the proposed CEA with the LA State Police, which allows the O.L.D. Police Department to participate in the Local Agency Compensated Enforcement Detail
- The detailed list of equipment with appraised values had not been completed; therefore, the Committee deferred the proposed sale of surplus equipment by auction.

Operations Committee:

Mr. Miller, Chair, reported that the Operations Committee met on November 26th and discussed the items listed on the Committee's agenda. The Committee ultimately agreed to recommend approval of all of the items. Two of the items concerned the selection of consultants for Indefinite Delivery-Indefinite Quantity (ID-IQ) contracts. Mr. Miller pointed out that, particularly with the Construction Administration and Resident Inspection Services, several of the firms recommended for approval had not previously performed work for the levee districts. The approval of these firms will expand the Authority's ability to have more engineers on board and provide an opportunity to try out some new firms that were highly rated.

CHIEF ADMINISTRATIVE OFFICER's REPORT:

Derek Boese, CAO, provided highlights of the CAO's Report:

- Board meetings are currently being live streamed on Facebook. The next step in the FPA's transparency process is live streaming Board meetings via the FPA's website beginning in January as well as Facebook.
- Activities scheduled for Thursday, December 13th: Mandatory Ethics Training (8:00 a.m.) and Sexual Harassment Prevention Training (9:00 a.m.), Ribbon Cutting for the new O.L.D. Police Station (10:00 a.m.), and Annual Safety Meeting/President's Message at New Orleans Lakefront Airport (11:00 a.m.).
- Employee Services – Sandy West was hired as the FPA's new Human Resources (HR) Director and started work on November 13th. The FPA has been without an in-house HR Director for about a year. Ms. West was introduced and provided a brief summary of her experience.

Ms. West advised that she previously worked at Tulane University about 26 years in the HR Department where she gained extensive experience in various HR areas, including acquisitions/recruitment, benefits administration, compensation, employee relations and HR strategy planning. Ms. West began her career at Tulane in the Benefits Division as an HR Assistant, worked her way up to Director of Benefits, and was the Director of Strategic Planning for the past ten years managing the spectrum of HR services. Tulane University is an international research institution with about 6,000 employees, 3,000 student employees and 17,000 students.

Mr. Hassinger commented that he was very impressed with Ms. West when he sat in on the interview conducted by the CAO and FPA Consultant, Shannon Fazande, and welcomed Ms. West to the FPA.

Rusty Kennedy was hired as Deputy CAO and began work on November 26th. The Deputy CAO will focus on efforts previously handled by the former levee district executive directors on a geographic basis, such as, facility management, security, risk and safety, insurance, emergency management and property management (e.g., administrative functions relative to the properties such as the Franklin Complex, new EJLD consolidated facility/safehouse and O.L.D. Police Station). Mr. Kennedy was introduced and provided a brief summary of his experience.

Mr. Kennedy advised that he has about ten years' experience in construction management and emergency management. He spent about five years overseeing the post-Katrina levee rebuilding. Mr. Boese added that Mr. Kennedy worked in the field for a private company, CPRA and FPA for five years watching the USACE build the system in Orleans Parish and that he also knows most of the system in St. Bernard Parish.

The HR Department is fully staffed with the exception of one HR Analyst position, which is being advertised. The HR staff augmentation contract ends on November 30th. A briefing was provided to the Finance Committee by Shannon Fazande on the efforts accomplished under the contract. Mr. Boese advised that the contract deliverables were accomplished 100 percent. A final written report will be received from Fazande Consulting.

- The Permanent Canal Closures and Pumps (PCCP) at the Orleans Avenue Canal were fully tested on October 25th. The station had been tested and commissioned by the USACE; however, the USACE did not conduct a test with the gates closed during a rain event. The FPA coordinated the test with the Sewerage and Water Board of New Orleans (S&WB). FPA personnel were embedded in S&WB Pump Station 7. The pumps operated at 1,550 cfs during the test. The station's maximum capacity is 2,700 cfs. The test was successful and lessons were learned. Tests will also be conducted at the PCCP located on the London Avenue Canal and 17th Street Canal as weather conditions allow.
- The FPA began implementation of Primavera for project management. Needs Assessment and Familiarization were completed in November and training began in December.
- Twenty FPA staff members (Engineering, Operations, Maintenance, Police, Information Technology and Public Information) will receive two days of training in December at UNO on drones and will take the FAA Certification Exam.
- Facilities: O.L.D. Police personnel are in the process of moving into the new O.L.D. Police Station. The demolition of the Loft Building is in progress. Phase 1 of the Franklin Avenue Complex renovations is in progress. The Warehouse portion of the project will be ready for occupancy in late February, 2019. Phase 2 (Administration Building) will be completed prior to hurricane season. The EJLD Safehouse and Consolidated Facility will be completed in late January, 2019. An official ribbon cutting will be scheduled for the new facility.

NEW BUSINESS:

RESOLUTION NO. 11-29-18-02 – ADOPTION OF FY 2018 FINANCIAL AUDIT REPORT

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

WHEREAS, Ericksen Krentel was retained by the Louisiana Legislative Auditor on behalf of the Southeast Louisiana Flood Protection Authority-East (FPA) to conduct the financial audit of the FPA, East Jefferson Leve District, Lake Borgne Basin Levee District and Orleans Levee District for the fiscal year ending June 30, 2018; and

WHEREAS, Ericksen Krentel completed the aforesaid audit and has issued the Financial Report for the fiscal year ending June 30, 2018.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East adopts the Financial Report issued by Ericksen Krentel for the fiscal year ending June 30, 2018.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSENT: Mr. Morgan

**RESOLUTION NO. 11-29-18-03 –
CEA WITH THE CONSTABLE FOR THE CITY OF NEW ORLEANS FOR
OCCUPYING OFFICE SPACE IN THE O.L.D. POLICE STATION**

Mr. Hassinger recognized Lambert Boissere, Jr., Constable for the City of New Orleans, who was present at the meeting.

Mr. Boese explained that the Finance Committee discussed and recommended approval of the proposed CEA with the Constable. The Constable's Office is a separate component of the new O.L.D. Police Station. The CEA provides for the payment of rent on a monthly basis minus a credit to be applied for courier services provided by the Constable's staff. The courier service will benefit the FPA as it will alleviate the need for O.L.D. Police staff to perform this duty.

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

WHEREAS, the Constable for the City of New Orleans (the Constable) will occupy 1,160 square feet of office space in the Orleans Levee (O.L.D.) District Police Station located at 6799 Elysian Fields Avenue; and

WHEREAS, a Cooperative Endeavor Agreement (CEA) is required between the Southeast Louisiana Flood Protection Authority-East (FPA), on behalf of the O.L.D., and the Constable in order to set forth the terms and conditions for the occupancy of said space; and

WHEREAS, Article VII, Section 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, with the United States, or its agencies, or with any public or private association, corporation, or individual"; and

WHEREAS, the premises shall be used solely for the purpose of conducting the official business of the Constable; and

WHEREAS, the CEA shall be for an initial term of three years, commencing on December 1, 2018 and expiring on November 30, 2021, with the option to renew the CEA on an annual basis after the initial three year term; and

WHEREAS, the CEA shall provide for the leasing of the aforementioned space by the Constable at the fair market value rate of \$16.00 per square foot or \$1,546.67 per month, excluding utilities and janitorial services which shall be the responsibility of the Constable, with said rate to be adjusted at the commencement of each one year option period based upon the U.S. Consumer Price Index-All Urban for the previous twelve month period not to exceed five (5%) percent, and with a credit of \$600.00 to be applied to the monthly rental rate, effective with the commencement of the CEA, for courier services to be supplied by the Constable for up to 30 deliveries per month; and

WHEREAS, the CEA may be cancelled upon 30-days' written notice by the Constable.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the FPA Chief Administrative Officer to execute a Cooperative Endeavor Agreement between the FPA, on behalf of the O.L.D., and the Constable for the City of New Orleans, for occupying 1,160 square feet of space in the O.L.D. Police Station located at 6799 Elysian Fields Avenue based on the aforementioned terms and conditions.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich, Mr. Miller and Mr. Weysham

NAYS: None

ABSENT: Mr. Morgan

RESOLUTION NO. 11-29-18-04 - COOPERATIVE ENDEAVOR AGREEMENT BETWEEN NEW ORLEANS AVIATION BOARD AND SLFPA-E

Mr. Boese advised that the Finance Committee discussed and recommended approval of the proposed CEA relative to the Louis Armstrong New Orleans International Airport. The City of New Orleans requires that the CEA be updated annually. The EJLD Police Department has participated in this detail for a number of years. The detail is administered through the Jefferson Parish Sheriff's Office, which is the lead agency.

Mr. Miller explained that he had no financial interest in this effort; however, he is a volunteer at the Louis Armstrong New Orleans International Airport serving as a Customer Service Representative. Therefore, he abstained from the vote on the resolution.

On the motion of Mr. Luettich,

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

WHEREAS, the Cooperative Endeavor Agreement between the City of New Orleans by and through the New Orleans Aviation Board and the Jefferson Parish Sheriff's Office, St. Charles Parish Sheriff's Office and the Southeast Louisiana Flood Protection Authority-East (FPA) for security services for the Louis Armstrong New Orleans International Airport has been updated; and

WHEREAS, security services will be provided in the form of police details and will be in accordance with the East Jefferson Levee District's (EJLD) policy for such details.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the aforementioned updated Cooperative Endeavor Agreement (CEA) between the City of New Orleans by and through the New Orleans Aviation Board and the Jefferson Parish Sheriff's Office, St. Charles Parish Sheriff's Office and the Southeast Louisiana Flood Protection Authority-East.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute the aforementioned CEA.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
and Mr. Weysham

NAYS: None

ABSTAINED: Mr. Miller

ABSENT: Mr. Morgan

RESOLUTION NO. 11-29-18-05 - FPA-E FY 2018 BUDGET REVISIONS

Ms. Chandler explained that the resolution before the Board is required in order to provide the final adjustment to the FPA's FY 2018 Budget. The adjustment is due to the shifting of payroll costs from the levee districts to the Authority level. The initial FY 2018 Budget had been prepared under the old organizational structure. The Finance Committee reviewed and recommended approval of the budget adjustment. Adjustments were not required for the levee districts since the districts were under budget.

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

WHEREAS, by Resolution No. 03-16-17-02, the Board approved the budget for the Southeast Louisiana Flood Protection Authority-East (FPA) for Fiscal Year (FY) 2018 to provide for required expenditures for personnel services, contractual and professional services, operating supplies, equipment, annual debt service, and capital projects; and

WHEREAS, it is the responsibility of management to appraise the Board whenever actual expenditures plus other uses of funds are expected to be greater than budgeted or if revenue is expected to fall below budget; and

WHEREAS, actual expenditures plus other uses of funds are projected to be 34% greater than the amended budgeted due to the consolidation of payroll.

WHEREAS, the following summarized adjustments are determined to reflect the currently projected financial results of the FPA on the latest revenue and expenditure information:

**SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
AMENDED BUDGET –GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2018**

<u>REVENUES:</u>	CURRENT BUDGET JUNE 30, 2018	PROPOSED AMENDED ITEMS	PROPOSED FY 2018 BUDGET
Revenue	\$3,414,102	\$1,180,000	\$4,594,102
Total Revenues	\$3,414,102	\$1,180,000	\$4,594,102

EXPENDITURES

Personnel services	\$2,551,500	\$1,180,000	\$4,594,102
Travel	52,200	0	52,200
Contractual services	195,100	0	195,100
Materials and supplies	33,000	0	33,000
Professional services	455,291	0	455,291
Cost sharing allocations to affiliates	128,968	0	128,968
Machinery and equipment	30,000	0	30,000
Other Charges	6,700	0	6,700
Total Expenditures	\$3,452,759	\$1,180,000	\$3,452,759
Excess of Revenues Over Expenditures	(\$38,657)	0	(\$38,657)
NET CHANGES IN FUND BALANCES	(\$38,657)	0	(\$38,657)
FUND BAL BEG OF YEAR	\$6,166,724	\$0	\$6,166,724
FUND BALANCE AT END OF YEAR	\$6,128,067		\$6,128,067

BE IT HEREBY RESOLVED, That the revisions to the Fiscal Year 2018 Southeast Louisiana Flood Protection General Fund Budget is approved.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSENT: Mr. Morgan

RESOLUTION NO. 11-29-18-06 - RENEWAL OF INSURANCE COVERAGES

Mr. Boese explained that the Finance Committee discussed and recommended approval of the insurance coverages with the exception of Auto Physical Damage Insurance under the FPA's combined coverages. The carrier and cost were not included for Auto Physical Damage Insurance on the draft resolution presented to the Board. As per instructions from the Finance Committee, staff reviewed the number of vehicles to be insured and determined that the FPA is most likely over insured. The FPA is able to self-insure some of the risk and save a significant amount of money on this insurance coverage. Quotes are being obtained for coverage with a higher deductible (between \$20,000 and \$25,000). The current quote of \$73,000 includes a \$5,000 deductible. A savings, possibly up to \$50,000, could be experienced by going to the higher deductible. He requested that the Board approve a not to exceed cost of \$73,000 for Auto Physical Damage Insurance. The Finance Committee can be briefed once the quotes are received.

Mr. Luettich pointed out that the Finance Committee discussed the huge increase from last year to this year in the total value of the vehicles. Mr. Boese added that this

increase prompted staff to review the entire package. The increase of approximately one million dollars in the total value was due to several factors; i.e., new equipment purchases and some equipment that was added which had not previously been insured (e.g., a \$100,000+ dump truck). The binding of the coverage must be done by December 31st.

Mr. Miller offered a motion to amend the resolution to state, "Auto Physical Damage Insurance at a not to exceed cost of \$73,000". The motion was seconded by Mr. Luettich and unanimously adopted.

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

WHEREAS, a number of insurance coverages for the Southeast Louisiana Flood Protection Authority-East (FPA), East Jefferson Levee District (EJLD), Lake Borgne Basin Levee District and Orleans Levee District will expire on December 31, 2018; and

WHEREAS, the Board's insurance agent of record, Arthur J. Gallagher shopped the market, received quotes and provided recommendations to the Finance Committee for the renewal or procurement of said coverages commencing January 1, 2019; and

WHEREAS, the Finance Committee met on November 26, 2018, and recommended that the insurance coverages be renewed or procured from the following carriers at the costs indicated:

FPA combined coverages:

Workers' Compensation Insurance from LWCC at a cost of \$274,903

Auto Physical Damage Insurance at a not to exceed cost of \$73,000

Pollution Insurance from Allied World Assurance Company at a cost of \$53,289

Public Officials Liability Insurance from Illinois Union Insurance Company (Chubb) at a cost of \$67,613

Orleans Levee District coverages:

Workers Compensation Insurance for Police from LWCC at a cost of \$53,289

Accidental Death and Dismemberment Insurance for Reserve Officers from Chubb at a cost of \$1,580

Lake Borgne Basin Levee District coverage:

Workers Compensation Insurance from LWCC at a cost of \$4,045

East Jefferson Levee District coverages:

Workers Compensation Insurance for Police from LWCC at a cost of \$72,045

Accidental Death and Dismemberment Insurance for Reserve officers from Chubb at a cost of \$1,896

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the renewal or procurement of the aforementioned insurance coverages as listed above for a one year period, commencing January 1, 2019 and ending January 1, 2020, and authorizes the FPA Chief Administrative Officer to execute any and all documents to carry out the above.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSENT: Mr. Morgan

**RESOLUTION NO. 11-29-18-07 - TRANSFER OF BERWICK PROPERTY
FROM EJLD TO JEFFERSON PARISH**

Mr. Boese advised that the Finance Committee discussed and recommended approval of the transfer of the Berwick Property. The property is located between Airline Highway and Jefferson Highway just east of Causeway Boulevard and is not located anywhere near the flood protection system nor in an area in which EJLD must issue permits. The EJLD became the owner of the property as a result of a Sheriff's sale/seizure and transfer of the property. The transfer of the vacant lot to Jefferson Parish, which has a redevelopment plan for the area, will save the EJLD time and money since the levee district must send crews out of their way to maintain it.

On the motion of Mr. Luettich,

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

WHEREAS, when the East Jefferson Levee District was created, certain land/assets, including this property, were transferred from the Pontchartrain Levee District to the East Jefferson Levee District; and

WHEREAS, East Jefferson Levee District's ownership of this property and the ongoing expense of maintenance and upkeep do not aid or advance the mission of the levee district; and

WHEREAS, Jefferson Parish desires to take ownership of this property for use in the development of housing for low to moderate income citizens; and

WHEREAS, in addition to the savings in manpower, resources, and real dollars resulting from discontinued maintenance and upkeep of this property, Jefferson Parish will also provide additional consideration for the transfer, which may include maintenance and/or upkeep of portions of the All Weather Access Road and Bridges in Jefferson Parish.

BE IT HEREBY RESOLVED, that the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East (FPA) approves the transfer of Lots 5, 6, 7 and 8, Square 141, Berwick Street, Jefferson Parish and authorizes the FPA Chief Administrative Officer to execute any paperwork necessary to effectuate the transfer.

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

**RESOLUTION NO. 11-29-18-08 - RETENTION OF LEGAL SERVICES OF
BURGLASS & TANKERSLEY, LLC**

Michelle White, Assistant Attorney General, explained that the litigation involves owners of land abutting the London Avenue Canal, who are alleging in a class action petition that the statute that provides for the six-foot setoff along the outfall canals amounts to a taking for which they were not compensated. There are other State agencies that are parties both currently in the litigation and being added to the litigation as the petition is amended. Therefore, from a strategic standpoint because the Attorney General (AG) is statutory counsel to the other parties, it would be advisable to bring Burglass & Tankersley on board so that the FPA has more control over the direction of the litigation.

Mr. Hassinger pointed out that similar litigation took place relative to property owners with lands along the 17th Street Canal and that the litigation was settled several years ago. The current litigation is a copycat suit that came out of the blue after the 17th Street Canal litigation was resolved.

Mr. Dastugue asked the reason for retaining outside counsel versus allowing the Assistant AG to handle the litigation. Ms. White explained that she is statutory counsel through the AG's Office. The AG also represents the other defendants, which is not a conflict, but would hamstring the FPA since as a co-defendant it would not take a position inconsistent with the position of another defendant. All of the parties that are represented by the AG's Office would work in concert; however, for example, if the Office of State Lands, which is one of the parties in the litigation, had outside counsel, it could take a position that is adverse to the FPA. The FPA would not have the breath of decision making ability that it would have with outside counsel. The FPA is at a position in the litigation (pre-class certification) where outside counsel could move the litigation in the direction of perhaps a summary type proceeding; however, the AG would probably not take such a direction because of the other parties that are involved.

Mr. Dastugue inquired about the cost. Mr. Hassinger responded that the firm would have to formulate a budget. Mr. Luettich commented that with or without in-house counsel it has not been uncommon for the FPA to hire outside counsel for specific significant litigation. Therefore, whether the FPA has in-house counsel or relies on the Assistant AG, a determination must be made as to whether the litigation is anticipated to require a significant time effort. Ms. White advised that because of the current stage of the proceeding and the fact that a class has not yet been certified, this is the optimal time to bring outside counsel on board. If class certification is defeated, the FPA is more likely to have a summary dismissal or other disposition. Therefore, if outside counsel is able to bring the litigation to a conclusion quickly, the engagement would be limited. The FPA can revisit the decision to continue the retention of outside counsel

versus going back to the AG should a class be certified. Mr. Luettich noted that there is a focused need at this time to try to address the issue of class certification.

Mr. Hassinger pointed out that the FPA's resolution must be submitted to the AG for approval with prescribed rates tracking the rates set by the AG's office. The AG does not approve a budget. Ms. White explained that she would remain engaged with outside counsel and would review and approve the invoices submitted to the FPA; therefore, she could keep the Board apprised of the direction of the litigation. The FPA has control in terms of the scope of the engagement.

Mr. Dastugue commented that it was disconcerting that the Board limits the maximum costs of engineering services and construction, but not on legal services. Mr. Hassinger explained that he has learned from experience that it is difficult to estimate services relative to class action litigation. He suggested that a maximum dollar amount could be included in the resolution and that the matter could be returned to the Board. Ms. White advised that a maximum amount per year (\$225,000) is established for each retention contract approved by the AG.

Mr. Hassinger pointed out that there is no doubt that the filing of this class action litigation negatively impacts the FPA. Ms. White advised that the FPA and Orleans Levee District were named defendants in the litigation. She explained that the Louisiana Legislature was originally named the defendant without challenging the constitutionality of the statute; however, the litigation was dismissed because a determination was made that it did challenge the constitutionality, therefore, the claim prescribed.

Mr. Dastugue offered a motion to amend the resolution to include a cap of \$50,000 and to provide that the matter be returned to the Board for approval should the cap be exceeded. The motion was seconded by Mr. Luettich and unanimously adopted.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) has been named as defendant in the litigation entitled, "Joseph Robert v State of Louisiana, Orleans Parish, No. 2016-9374".

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 November 19, 2018, for representation in the litigation entitled, "Joseph Robert v State of Louisiana, Orleans Parish, No. 2016-9374".

BE IT FURTHER RESOLVED, that the services provided under the agreement with Burglass & Tankersley, LLC for the aforementioned litigation shall not exceed \$50,000 without further Board approval.

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. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSENT: Mr. Morgan

RESOLUTION NO. 11-29-18-09 - CEA WITH THE CITY OF NEW ORLEANS AND THE LOUISIANA STATE POLICE FOR THE ORLEANS LEVEE DISTRICT POLICE DEPARTMENT'S PARTICIPATION IN THE LOCAL AGENCY COMPENSATED ENFORCEMENT (LACE) DETAIL

Mr. Boese advised that the Finance Committee discussed and recommended approval of the proposed CEA. The Louisiana State Police (LSP) approached the Orleans Levee District Police Department relative to augmenting the LSP's current agreement with the City of New Orleans in order to provide additional law enforcement support primarily along the Interstate and Districts 3 and 7 (New Orleans East and Lakefront). Payments would be reimbursed by the City of New Orleans.

On the motion of Mr. Luettich,

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

WHEREAS, the Louisiana State Police (LSP) Region Commander has invited the Orleans Levee District Police Department (OLDPD) to become a participating agency in its Local Agency Compensated Enforcement (LACE) Detail with the City of New Orleans; and

WHEREAS, OLDPD is prepared to begin this compensated detail assignment, with said compensation to be paid by the City of New Orleans, with detail to include traffic enforcement on the Interstate and surface streets in the 3rd and 7th Districts; and

WHEREAS, a Cooperative Endeavor Agreement (CEA) is required between the Southeast Louisiana Flood Protection Authority-East (FPA), on behalf of the OLDPD, the Louisiana State Police in order to set forth the terms and conditions for the OLDPD's participating in the LACE Detail; and

WHEREAS, Article VII, Section 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, with the United States, or its agencies, or with any public or private association, corporation, or individual"; and

WHEREAS, the CEA shall be for an initial term of one year, commencing on December 15, 2018 and expiring on December 15, 2019, with the option to renew the CEA on an annual basis thereafter.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the FPA Chief Administrative Officer to execute a Cooperative Endeavor Agreement between the FPA, on behalf of the OLDPD, and the Louisiana State Police, based on the aforementioned terms and conditions.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSENT: Mr. Morgan

Motion to authorize the sale of surplus items by the East Jefferson, Orleans and Lake Borgne Basin Levee Districts by an auction.

Mr. Hassinger advised that the detailed itemization of surplus items had not been completed; therefore, the motion was deferred to the next meeting.

RESOLUTION NO. 11-29-18-10 - WEB-BASED PERMITTING SOFTWARE MANAGEMENT SYSTEM - PHASES II, III AND IV

Stevan Spencer, Regional Chief Engineer, explained that the FPA received a Disaster Recovery Community Block Grant in the amount of \$225,000 for the development of an on-line permit application process. The Web-based Permitting Software Management System was completed and went live in early July, 2018. Staff found after using the permitting system that certain items needed to be added or refined. The initial proposal, which was requested from Vinformatix, was presented in October to the Operations

Committee and Board. Commissioners Miller and Morgan had questions regarding some of the items and costs included in the proposal; therefore, the Operations Committee deferred the item. A meeting was subsequently held with Mr. Morgan during which Vinformatix provided a presentation and the proposal items were individually reviewed. Mr. Morgan suggested changes to reduce the proposal and an item relative to permit extensions with an estimated cost of \$16,000 was removed from Phase I. A decision was made for applicants to reapply for permits in lieu of extending permits. The total not to exceed amount of the revised proposal, which is broken into three phases, is \$120,847.50.

Mr. Miller added that the original contract was funded through a grant; however, the proposal before the Board is for work over and above the scope of the original contract and would be funded by the FPA. Last month the Operations Committee requested that action on the proposed contract be deferred so that the meeting to receive additional information could take place. He noted that Mr. Morgan had advised that after attending the informational meeting and providing comment, he was satisfied with the revised proposal. The Operations Committee at its November 26th meeting discussed and recommended approval of the contract based on the revised proposal.

Mr. Dastugue noted that each item in the proposal had a not to exceed amount.

Mr. Boese explained that as a result of the aforementioned meetings, the Operations Committee requested that staff reevaluate permit fees. The FPA processes between 200 and 300 permits each year. Data is being obtained from similar agencies and a recommendation for the proposed fee structure will be presented to the Operations Committee. Mr. Miller pointed out that the current permit fees do not cover the costs of processing a permit; therefore, the FPA must arrive at rates that are fair to applicants as well as the FPA. Ms. Chandler advised that three separate accounts were set up on an on-line system similar to Pay Pal for the receipt of permit fees. She recommended that the cost and time for the tracking of permit fees by Finance staff, as well as on-line banking system fees incurred, be considered in the reevaluation. Currently, a notice regarding payment is received, but the money appears in the account seven days later without reference to a permit; therefore, Finance staff must identify the correct permit. One of the software upgrades in Phase 2 addresses matching fees with the correct permits.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No. 06-15-17-13 approved the selection of Vinformatix to develop a Web-based Permitting Software Management System and authorized the execution of a contract with said firm; and

WHEREAS, the aforementioned development of the Web-based Permitting Software Management System was funded by a Disaster Recovery Community Block Grant; and

WHEREAS, the FPA wishes to implement the development of additional features for the Web-based Permitting Software Management System as well as modify the software as needed; and

WHEREAS, Vinformatix developed a proposal for Phases II, III and IV of the project with a total not to exceed amount of \$120,847.50, with the breakdown of said amount as follows:

Phase II - \$76,657.50
Phase III - \$22,815.00
Phase IV - \$21,375.00

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the FPA Chief Administrative Officer to execute a contract with Vinformatix for Phases II, III and IV of the Web-based Permitting Software Management System with a total not to exceed amount of \$120,847.00.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute a task order under said contract to Vinformatix for Phase II of the contract with a total not to exceed amount of \$76,657.50.

BE IT FURTHER RESOLVED, that upon review and approval of Phase II, the FPA Chief Administrative Officer is hereby authorized to issue a task order under said contract to Vinformatix for Phases III and IV of the contract with a not to exceed amount of \$22,185.00 for Phase III and \$21,375.00 for Phase IV.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSENT: Mr. Morgan

RESOLUTION NO. 11-29-18-11 - AUTHORIZING ADVERTISEMENT FOR DISASTER DEBRIS MANAGEMENT AND DISPOSAL SERVICES IN ACCORDANCE WITH FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") GUIDELINES, MONITORING OF DISASTER DEBRIS DISPOSAL SERVICES IN ACCORDANCE WITH "FEMA" GUIDELINES, AND PRE AND POST EVENT COMPLEX STRUCTURE OPERATION AND/OR MAINTENANCE REPAIRS

Mr. Miller advised that the Operations Committee considered and recommended that the Board approve the advertisement of the proposed Requests for Qualifications (RFQ). FEMA requires that an entity have these types of services in place prior to a disaster so that contractors can begin work immediately after the event. A contract is executed; however, no expenses are incurred unless there is a disaster. Mr. Boese pointed out that with the Board's approval of the advertisement of the RFQs today, the process can be completed and the contracts put in place prior to the next hurricane season.

On the motion of Mr. Luettich,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority–East (FPA) wishes to pre-qualify contractors for future competitive bidding after a storm or other qualifying event that requires subsequent debris management and disposal services, subsequent monitoring of debris management and disposal services and subsequent operation and/or maintenance repairs of flood control structures owned and operated by FPA.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East authorizes the issuance and advertisement of Requests for Qualifications for debris management and disposal services, monitoring of debris management and disposal services, and operation and/or maintenance repairs of flood control structures owned and operated by the FPA in order to pre-qualify contractors for future competitive bidding to provide said services after a storm or other qualifying event in accordance with FEMA Guidelines.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute 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. Dastugue, Mr. Englande, Mr. Latilais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSENT: Mr. Morgan

**RESOLUTION NO. 11-29-18-12 - ID-IQ CONTRACTS FOR CONSTRUCTION
ADMINISTRATION, RESIDENT INSPECTION AND OTHER INSPECTION SERVICES**

Mr. Hassinger abstained from the discussion of this item and vote on proposed resolution.

Mr. Miller explained that the Operations Committee discussed the selection of the firms for the proposed ID-IQ contracts and recommended that the Board approve the consultants listed in the draft resolution. The technical evaluation group, consisting of Mr. Miller, Mr. Boese and Ryan Foster, reviewed the 20 statements of qualifications (SOQ) received, met and developed the list of the top rated firms. Two of the firms have never, or not in the recent past, performed work for the FPA; therefore, the FPA will have an opportunity to evaluate their performance. A cap of \$500,000 will be placed on each of the contracts. Services will be tasked on an as needed basis.

On the motion of Mr. Luettich,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority–East (FPA) and the levee districts under its jurisdiction have a need for Construction Administration, Resident Inspection and other Inspection Services on an indefinite delivery-indefinite quantity (ID-IQ) basis; and

WHEREAS, the Board by Resolution No. 07-19-18-04 approved the advertisement of Requests for Qualifications (RFQs) for the aforementioned services for the purpose of selecting Consultants and entering into ID-IQ Contracts with said Consultants; and

WHEREAS, the Statements of Qualifications submitted in response to the RFQs were reviewed and competitively rated by a selection team, and the selection team provided its recommendation of Consultants for the purpose of entering into ID-IQ Contracts with said Consultants; and

WHEREAS, the aforementioned ID-IQ Contracts shall have a total not-to-exceed value of \$500,000 and shall be for an initial term of one year with two one-year options to renew said Contracts.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the recommendation of the selection team and selects the following firms for the purpose of entering into ID-IQ Contracts with said Consultants for Construction Administration, Resident Inspection and other Inspection Services:

AIMS Group
Burk Kleinpeter, Inc.
Design Engineering, Inc.
ECM Consultants
Meyer Engineers, LTD
NY & Associates

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is authorized to negotiate the ID-IQ Contracts with the approved Consultants and to execute the final ID-IQ Contracts with said Consultants.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSTAINED: Mr. Hassinger

ABSENT: Mr. Morgan

RESOLUTION NO. 11-29-18-13 - ID-IQ CONTRACTS FOR FACILITIES MANAGEMENT SERVICES

Mr. Hassinger abstained from the discussion on this item and vote on proposed resolution.

Mr. Miller advised that the Operations Committee discussed and recommended that the Board approve the consultants selected for the ID-IQ contracts as listed in the draft resolution. The technical review group consisted of Mr. Latiolais, Mr. Boese and Felton Suthon.

Mr. Latiolais explained that the group reviewed and graded the 14 SOQs received, met and selected the firms that would be used. Mr. Boese added that firms could apply for one or more category of service. The proposed contracts are an effort to move away from using Civil Engineering ID-IQ contracts for facility and HVAC services. Firms were selected for each category of service. Contracts will be executed for each firm for each category of service. Each support contract will have a cap of \$1 million and each contract for the other categories will have a \$500,000 cap. The support contract will have a higher capacity level in order to include security consulting services required to

continue the FPA's security efforts at its administrative facilities. Basic security assessments have been completed; however, the full design is needed. Mr. Miller pointed out that the proposed contracts would allow the FPA to receive the particular expertise needed.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) and the levee districts under its jurisdiction have a need for Facilities Management Services on an indefinite delivery-indefinite quantity (ID-IQ) basis; and

WHEREAS, the Board by Resolution No. 07-19-18-04 approved the advertisement of Requests for Qualifications (RFQs) for the aforementioned services for the purpose of selecting Consultants and entering into ID-IQ Contracts with said Consultants; and

WHEREAS, the Statements of Qualifications submitted in response to the RFQs were reviewed and competitively rated by a selection team, and the selection team provided its recommendation of Consultants for the purpose of entering into ID-IQ Contracts with said Consultants; and

WHEREAS, the aforementioned ID-IQ Contracts shall have a total not-to-exceed value as listed below and shall be for an initial term of one year with two one-year options to renew said Contracts.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the recommendation of the selection team and selects the following firms for the purpose of entering into ID-IQ Contracts with said Consultants for Facilities Management Services:

Support Services (Total Not-to-Exceed \$1,000,000) – ECM Consultants, Inc., Linfield, Hunter & Junius, Inc., Meyer Engineers, LLC and Sizeler-Thompson-Brown Architects

Environmental Services (Total Not-to-Exceed \$500,000) – ECM Consultants, Inc., Evans-Graves Engineers, and Linfield, Hunter & Junius, Inc.

Drainage Design Services (Total Not-to-Exceed \$500,000) – Evans-Graves Engineers, LLC, Linfield, Hunter & Junius, Inc. and Richard C. Lambert Consultants, LLC

HVAC Maintenance Services (Total Not-to-Exceed \$500,000) – Linfield, Hunter & Junius, Inc. and Pivotal Engineering, LLC

Water Maintenance Services (Total Not-to-Exceed \$500,000) – Digital Engineering, Linfield, Hunter & Junius, Inc. and Meyer Engineers, LLC

Electrical Support Services (Total Not-to-Exceed \$500,000) – Linfield, Hunter & Junius, Inc. and Pivotal Engineering, LLC

Testing Services (Total Not-to-Exceed \$500,000) – Linfield, Hunter & Junius, Inc. and Professional Service Industries

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is authorized to negotiate the ID-IQ Contracts with the approved Consultants and to execute the final ID-IQ Contracts with said Consultants.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSTAINED: Mr. Hassinger

ABSENT: Mr. Morgan

RESOLUTION NO. 11-29-18-14 - LAKE BORGNE BASIN LEVEE DISTRICT CEA WITH ST. BERNARD PARISH FOR ST. BERNARD PARISH'S DEVELOPMENT OF A BIKE PATH ALONG THE 40 ARPENT LEVEE IN ST. BERNARD PARISH

Mr. Miller advised that the Operations Committee reviewed and recommended that the Board approve the proposed CEA with St. Bernard Parish Government.

On the motion of Mr. Cosse,

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

WHEREAS, St. Bernard Parish desires to extend the existing bike path network in St. Bernard Parish to include a bike path along the 40 Arpent Levee in St. Bernard Parish; and

WHEREAS, the Lake Borgne Basin Levee District (LBBLD) is agreeable St. Bernard Parish's development of bike path along the 40 Arpent Levee as a project benefitting the residents of St. Bernard Parish; and

WHEREAS, while St. Bernard Parish will design and build the proposed bike path, LBBLD requires that it be provided the opportunity to review and approve design and construction of the bike path; and

WHEREAS, a Cooperative Endeavor Agreement (CEA) is required between the Southeast Louisiana Flood Protection Authority-East (FPA), on behalf of the LBBLD, and St. Bernard Parish in order to set forth a formal agreement for the presentation of plans for design and build by St. Bernard Parish and for review and approval by LBBLD; and

WHEREAS, Article VII, Section 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, with the United States, or its agencies, or with any public or private association, corporation, or individual";

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the FPA Chief Administrative Officer to execute a Cooperative Endeavor Agreement between the FPA, on behalf of LBBLD, and St. Bernard Parish relating to the development of a bike path along the 40 Arpent Levee in St. Bernard Parish.

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

**RESOLUTION NO. 11-29-18-15 - WEST END BLUE LIGHT POLE REPLACEMENT -
OLD PROJECT NO. 24411**

Mr. Miller advised that the Operations Committee discussed and recommended that the Board approve the proposed award of a contract to the lowest responsive bidder, Diamond Electrical Company, LLC. Six bids were received with the top two bids being extremely competitive.

Mr. Boese stated that the light poles are located along Lakeshore Drive at West End and are a part of the safety and security lighting. Mr. Spencer explained that water from Lake Pontchartrain during storm events caused significant corrosion on the current poles. Mr. Boese pointed out that there are also structural issues on a number of the current poles, which are made of galvanized steel. The new poles and fittings will be stainless steel. Mr. Miller added that sixty-seven poles are being replaced. The project was included in the FPA's planned capital projects list and the estimate for construction is \$1.54 million.

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

WHEREAS, the West End blue light poles are deteriorating because of galvanized connection hardware; and

WHEREAS, the West End Blue Light Pole Replacement Project was advertised, and nine bids were opened and read aloud at the Orleans Levee District on Friday, November 9, 2018, as follows:

Bidding Contractors	Total Bid Price
Diamond Electrical Company, LLC	\$1,423,640.77
Jack B Harper Electrical, LLC	\$1,462,791.00
Frischhertz	\$1,497,000.00
Hi-Tech Electric, Inc.	\$1,522,185.52
TKTMJ, Inc.	\$1,906,085.00
Preferred Electric, Inc.	\$2,913,764.54

WHEREAS, funds for the project are available from the approved FY 2019 Budget.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East (FPA) approves the award of a contract in the amount of \$1,423,640.77 to Diamond Electrical Company, LLC for the West End Blue Light Pole Replacement Project, and authorizes the FPA Chief Administrative Officer to execute said contract, and any and all other documents necessary to accomplish the above.

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

RESOLUTION NO. 11-29-18-16 - WEST END TRAFFIC STUDY TASK ORDER 12-01-04 – OLD PROJECT NO. 24412

Mr. Hassinger abstained from the discussion of the proposed task order and the vote on the resolution.

Mr. Miller advised that the Operations Committee considered and recommended that the Board approve the proposed task order for the West End Traffic Study. Mr. Boese explained that development in the West End area has changed over the years in terms of location of businesses, the increase in business activities since Hurricane Katrina, and changes in parking lot arrangements. The area (approximately $\frac{3}{4}$ mile) is very high traffic in terms of vehicles and pedestrians. The FPA recognized the public safety issue and the proposed traffic study will determine the best way to make the area safer. The FPA touched up the current cross walks that had faded over time. The comprehensive study includes traffic counts and consideration of various needs (e.g., crosswalks, lighting needs and potential construction of medians or islands halfway across the roadway.) Recommendations will be provided upon the conclusion of the study. An ID-IQ contract is currently in place for AECOM's services. AECOM's proposal is based on the estimated number of hours required to complete the study.

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

WHEREAS, Lakeshore Drive near West End (From Floodgate L-05 to Shelter 1) is experiencing traffic safety issues for pedestrians and drivers; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) negotiated a proposal with AECOM under the Indefinite Delivery-Indefinite Quantity Contract with said firm for a West End Traffic Study; and

WHEREAS, funds for these services are available from the approved FY 2019 Special Levee Improvement Fund Budget.

BE IT HEREBY RESOLVED, that Southeast Louisiana Flood Protection Authority-East authorizes the issuance of a Task Order to AECOM in a not to exceed amount of \$106,498.50 for the West End Traffic Study, including alternatives to make the area safer for pedestrians and drivers.

BE IT HEREBY RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute the aforementioned Task Order with AECOM, and any and all other documents necessary to carry out the above.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,
Mr. Miller and Mr. Weysham

NAYS: None

ABSTAINED: Mr. Hassinger

ABSENT: Mr. Morgan

RESOLUTION NO. 11-29-18-17 - CHANGE ORDER NO. 1 TO NASA LEVEE REPAIR PROJECT

Mr. Miller advised that the Operations Committee discussed the proposed change order currently before the Board for the NASA Levee Repair contract. He explained that the Board decided not to approve the change order that was before it at the October 18th meeting and instead directed staff to terminate the original contract. It was pointed out at the October 18th Board meeting that most of the work had already been done and that there was only a little work left to do. The proposed change order currently before the Board would pay the contractor for work already completed. No additional work took place after the October 18th Board meeting. The remaining work must be advertised for bids.

Mr. Dastugue asked why was the work done before a change order was issued. Mr. Miller explained that issues were experienced, such as the need to remove significantly more material from the levee than was initially anticipated, while the work was progressing. He commented that it would have been better if the Board had been informed about the issues prior to the contract value increasing to this point and that he spoke to the CAO about keeping the Board better informed about the issues. He reiterated that the point was made at the last meeting that most of the work had been done; however, the Board voted to close out the contract. It was also pointed out at the last meeting that the rainy season was approaching and that grass had not been established on the levee; therefore, some of the work may have to be repeated when the remaining work on the project is advertised for bids. The Operations Committee is attempting to obtain a better understanding in the future on changes made in the field.

Mr. Dastugue inquired about the Board's liability to pay for something that was not authorized. Ms. White responded that it depended on whether or not the work was authorized by staff. She stated that it was her understanding that the work was authorized by staff.

Mr. Luettich asked who designed the project. Mr. Miller responded that the design was done in house. He explained that the question was asked at the last meeting about whether the design was reviewed and that he subsequently spoke to the CAO about developing a policy for obtaining an independent QA-QC (quality assurance/quality control) review of future projects over a certain designated value that are designed in-house. An in-house QA-QC review will be performed on all designs under the designated value. He commented that had more soil inspection taken place, the issues may have been discovered and the project redesigned prior to obtaining bids for the NASA Levee Repair Project.

Mr. Latiolais asked was the contract for a lump sum amount or based on unit prices. Mr. Miller responded that the contract was based on unit prices. Mr. Latiolais clarified that the units/quantities overran. Mr. Spencer explained that surveys were done nine months prior to the issuance of the notice to proceed to the contractor. In addition, 45 days of rain had occurred during the construction period. Therefore, there were a number of unknowns since erosion, up to two feet in some places, had taken place along the levee. An overrun was anticipated when the contract commenced. However, on an earthen project, such as the East Jefferson lakefront levee lifts, the overrun in quantities becomes known toward the end of the project. Quantities were tracked and the unit costs included in the contract are used. Mr. Latiolais commented that this type of situation is not uncommon.

Mr. Luettich stated that his recollection from the last meeting was that the majority of the cost overrun is actually for dirt as opposed to work time. Mr. Spencer reiterated that the extra materials were needed due to the erosion that occurred after surveys were performed and prior to the start of the contract, soil compaction, and the 45 days of rain that took place during the construction period. Mr. Luettich inquired about the Board not receiving notice after it was first known that a significant overrun was taking place. Mr. Spencer explained that overruns are usually noted towards the end of a project when the contractor is building the levee to the cross section required in the plans and specifications. A change order is usually initiated towards the end of a contract, rather than half-way through a contract, in order to reduce the number of change orders. Mr. Luettich asked, at what point had the contractor notified staff about the overrun? Mr. Miller commented that his understanding was that staff knew about the overrun during the course of the contract work. The Board took steps several months ago to prevent this type of situation from occurring in the future. Limits were placed on amendments to engineering services contracts and change orders to construction contracts that can be approved by staff. This situation occurred prior to the Board's approval of the policy. Mr. Miller added that no one is happy about the situation; however, the work was authorized by staff and was done, therefore, the Board had no choice but to approve the change order.

Mr. Latiolais asked how did staff track this type of contract; e.g., by truck tickets or net sections. Mr. Spencer replied that it is tracked by truck tickets; however, a compliance survey is generally done towards the end of the contract prior to allowing the contractor to seed the levee. Mr. Latiolais recommended that a requirement be placed in future contracts for the contractor to perform net section surveys each month so that the staff can compare the net section to the truck measured yards to determine whether a differential exists. A major differential is an indication that something is not right.

Mr. Dastugue commented that Board members did have a choice in this matter and could vote against approval of the change order. He asked had approval been given to the contractor before or after the work was accomplished. Mr. Miller responded that the overrun had occurred over the course of construction and that staff was approving it. He reiterated that the Board took steps from prohibiting this type of situation from happening in the future. He stated that the contractor did the work and that the FPA had to pay for the documented amount of fill that was brought to the construction site. Felton Suthon, Engineer, advised that the work was approved along the way and that

each time the fill was increased he passed information along to the CAO about the fill and cost increase.

Mr. Boese advised that the Board's new policy sets a limit of \$100,000 for staff approval of future change orders and that this type of situation would not happen again. Internal breakdowns, design and construction issues had occurred during this contract. After action review lessons learned will ensure that this type of situation would not occur in the future. In addition, some contractual issues and process issues need to be changed.

Mr. Hassinger commented that if the FPA does not pay for what the staff authorized, it would be sued by the contractor. Mr. Dastugue asked Ms. White whether this statement was correct. Ms. White replied, yes, because the contractor proceeded with orders from someone at least with apparent authority. There would be no reason to doubt that the individual on staff that they were dealing with did not have authority to act on behalf of the Flood Protection Authority or the Board.

Mr. Latiolais commented that technically the FPA was not doing a change order item. It was an overrun on one of the items in the contract.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No 04-19-18-04 authorized the execution of a contract with Southern Delta Construction, LLC in the amount of \$354,140.00 for the NASA Levee Repair Project; and

WHEREAS, a proposed Change Order to the contract to increase the total contract amount to \$669,745.00 for additional material in the hydromulch, additional stripping to ensure good bond between the backfill and the existing levee, additional required fill and a credit for the decrease in hydromulching was considered by the Board at its meeting on October 18, 2018, and was rejected; and

WHEREAS, by Resolution No. 10-18-18-04, the Board elected to rebid the work remaining on the NASA Levee Repair Project in lieu of approving the aforementioned change order to the contract with Southern Delta Construction, LLC for the additional work; and

WHEREAS, funding for the project is available from the approved FY 2019 Special Levee Improvement Fund Budget.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the issuance of a Change Order to the contract with Southern Delta Construction, LLC for the NASA Levee Repair Project to increase the contract amount from \$354,140.00 to \$600,577.83 to close out the Contract and pay for items installed by the Contractor in accordance with the Plans and Specifications.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute the Change Order to close out the Southern Delta

Construction, LLC contract and to increase the contract amount to \$600,577.83, 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. Luettich, Mr. Miller
and Mr. Weysham

NAYS: Mr. Dastugue

ABSENT: Mr. Morgan

**RESOLUTION NO. 11-29-18-18 - LAKEFRONT EROSION CONTROL PROTECTION
ENGINEERING SERVICES CONTRACT EXTENSION PHASES 3 AND 4**

Mr. Hassinger abstained from the discussion and vote on the resolution for the proposed amendment to the contract with Design Engineering, Inc. (DEI). He then directed the discussion of the item to Mr. Miller, Operations Committee Chair, since the proposed amendment was discussed by the Operations Committee. Mr. Miller requested that Ryan Foster, Engineer, explain the reasons for the proposed amendment.

Mr. Foster explained that the resolution addresses two different phases of the DEI contract: Phase III, which is under construction, and Phase IV, which is under design.

- Phase III: The original ending date for the Phase III construction contract was October 6th; however, the contract has not yet been completed. Due to the construction contract extending beyond the contract completion date, additional funding is needed for resident inspection services. In addition, the contractor worked a significant amount of overtime. The construction contract includes a provision that requires the contractor to reimburse the FPA for inspection overtime and a provision for liquidated damages, which are currently accruing. The total amount for the additional construction administration and additional resident inspection is approximately \$150,000. At this time the contractor must reimburse the FPA approximately \$72,000 for inspection overtime and 51 days of liquidated damages (\$1,000 per day) have accrued, which will offset the additional funding required for the DEI contract. The contractor is currently dealing with an embankment issue. The construction contract is anticipated to be completed in mid to late January. The original amount for Phase III engineering services (construction administration, testing services and resident inspection) is \$826,000. Therefore, the funding for Phase III would increase by about 18 percent; however, the funding will be reimbursed by the construction contractor. The amount due the FPA would be deducted from future payments to the contractor.
- Phase IV – Additional design was required for USACE and CPRA permit analyses. Additional design was also required for a retaining wall to save a large historic oak tree on Lakeshore Drive. Drainage improvements in a grassy park area, which were not included in the original scope of work, were added. The contract amount for Phase IV was approximately \$690,000. Funding for the additional design services total \$73,837.76 (10.5 percent increase).

Mr. Dastugue questioned what appeared to be large contract overruns. Mr. Foster explained that the FPA and the design engineer agreed upon the scope of work for the design and the design engineer submitted a proposal which included fees. If the FPA adds design aspects to the project, an amendment is needed. Once the initial field work was done, the additional items that needed to be included in the contract came to light.

Mr. Foster explained that the only portion of the additional services that have been done is the overtures relative to the Phase III construction contract. Additional inspection and administration services have been accumulating since the original contract ending date of October 5th; however, the additional funding will be offset through reimbursement by the contractor.

Mr. Miller advised that the Operations Committee recommended approval of the amendment to the contract with DEI.

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

WHEREAS, Design Engineering, Inc. was contracted in accordance with Resolution No. 8-21-14-05 to provide professional engineering services for the design, bidding, construction administration, testing, and resident inspection services for the Lakefront Erosion Control Protection project; and

WHEREAS, an amendment is needed to the aforementioned contract for additional services required under Resident Inspection and Construction Administration for Phase III and Additional Design Phase IV, as follows:

Phase III:

Resident Inspection Addition	\$108,115.67
Construction Administration	\$ 41,971.15

Phase IV:

Additional Design Scope	<u>\$ 73,837.76</u>
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Total Increase	\$223,924.58
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BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the execution of an amendment to the contract between the Orleans Levee District and Design Engineering, Inc. to increase the not to exceed fee limit for Phase 3 - Construction Administration and Resident Inspection Services by \$150,086.82, and to increase the not to exceed fee limit for Phase 4 - Design and Bidding Services by \$72,837.76, or a total increase of \$222,924.58 to the contract fee limit for said contract.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute the aforementioned amendment to the contract, 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. Dastugue, Mr. Englande, Mr. Latiolais, Mr. Luettich,

Mr. Miller and Mr. Weysham
NAYS: None
ABSTAINED: Mr. Hassinger
ABSENT: Mr. Morgan

Motion to approve the execution of a Change Order to the contract with Kostmayer Construction, LLC for the IHNC and Michoud Floodgate Painting Project to increase the contract amount in order to pay for additional work items and additional work to prepare for tropical events.

Mr. Boese advised that a final cost had not been provided by the contractor for the proposed change order; therefore, the motion was deferred.

EXECUTIVE SESSION:

Mr. Hassinger advised that the Board did not need to meet in Executive Session to discuss the items listed on the agenda. Therefore, no Executive Session was held.

The Board will not hold a regular monthly meeting in December; therefore, the next regular monthly meeting of the Board will be held on January 17, 2019.

There was no further business; therefore, the meeting was adjourned at 12:30 p.m.