

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, JANUARY 17, 2019**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on January 17, 2019, 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 11:30 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
Mark L. Morgan, Treasurer
Clay A. Cosse, Secretary
Quentin D. Dastugue
Herbert I. Miller
Herbert T. Weysham, III

ABSENT:

Andrew J. Englande, Jr.
Jason P. Latiolais

ADOPTION OF AGENDA:

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

**RESOLUTION NO. 01-17-19-01 - APPROVAL OF NOVEMBER 29, 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 November 29, 2018.

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

YEAS: Mr. Cosse, Mr. Dastugue, Mr. Luettich, Mr. Miller, Mr. Morgan and
Mr. Weysham

NAYS: None

ABSENT: Mr. Englande and Mr. Latiolais

EMPLOYEE RECOGNITION AND APPRECIATION:

Mr. Hassinger explained that each month the Board takes the opportunity to recognize an employee who is nominated by his colleagues for such recognition. The Board understands that its mission can be only carried out with people like Demond Johnson working for the FPA. The Board recognized Mr. Johnson for his contribution to the Authority and thanked him for his outstanding performance.

Demond Johnson is a Mobile Equipment Operator Light who is detailed to the position of Mobile Equipment Operator 2 in the East Jefferson Levee District Maintenance Department. Mr. Johnson is always the first employee to start his work assignments in the morning. He is duty ready at all times and is always equipped with his protective gear. He takes initiative and helps his co-workers finish assignments when needed. He looks for ways to improve his work abilities and is seeking to achieve his CDL-B license.

On a daily basis, Mr. Johnson is the first to start and last to stop working. He communicates clearly with co-workers and supervisors. He displays a positive attitude and never complains about his work load. Mr. Johnson is viewed by his supervisor as his best worker and can be trusted to keep himself and the crew working with no supervision.

Mr. Johnson is mission focused and exhibits the FPA's values in his day to day activities. He is a valuable asset to the FPA and an important critical contributor to the success of the organization.

Mr. Hassinger reiterated that the Authority could not accomplish its mission without people like Mr. Johnson and that it is the way he accomplishes his job on a daily basis that makes the Authority a success. He presented Mr. Johnson with a Certificate of Commendation for his outstanding service.

The Board recognized Orleans Levee District Police Lt. Bruno Mason and Police Officer Terrol-Lynn Gray for outstanding service to the public. Mr. Hassinger explained that the example provided by Lt. Mason and Officer Gray is a perfect illustration of what the FPA has been trying to instill in the culture of the organization. The encounter between the two officers and a citizen is something that does not normally happen. In the scheme of things, the encounter may have seemed to be a small thing; however, it had a great impact on a citizen in an extremely positive way. Lt. Mason and Officer Gray set an excellent example for all team members Authority-wide.

Mr. Hassinger read the letter addressed to the FPA from a citizen commending Lt. Mason and Officer Gray as a result of his incredibility positive encounter with the officers.

To Whom it may concern:

I had both a positive and negative experience with Orleans Parish. On Monday the 14th of January I went to the Seabrook Bridge boat ramp to run my boat that I just gotten out of the repair shop. My intentions were to leave it on the trailer and run

the engine and return it to the warehouse where it is stored. When I backed down the ramp my trailer dropped and fell into a hole or some type of underwater condition. The hole was under water so I was unable to see or avoid it.

In the process of trying to get up and off the ramp I only could go further in the water and get a running start. After several attempts I was able to get out, but in the process I damaged both my truck and boat.

I tried to use the 311 City information desk and was transferred four times and finally spoke to 911. They assured me that I would receive an email and a phone call and I have received neither.

On the 15th after many more phone calls I finally spoke to Lieutenant Mason. He assured me that he would look into the matter. Later I received a phone call from Officer Gray who said she was at my front door. She drove me to where my boat and truck were stored. I showed her the boat and truck and she drove me back to my house. Here is where the true difference was experienced. When we first met she listened with great empathy and ask questions that help me to explain my ordeal. During the ride she continued to try to understand my horrible experience and was able to relieve my frustration with the process. When we reached my house she spent more time to insure me that I would be OK and that she was going to write up the incident and continue to be available if needed. My words cannot express the peace of mind I had when she drove off.

I would just like to say one more time that I easily could have lost my truck and boat on the ramp. I felt after trying to reach someone from 311 I would never get this resolved. Due to the professional effort of Lieutenant Mason and Officer Gray, I now feel that someone truly cares about serving the people of our city. You always hear the negatives about Officers who serve the people, but seldom do you hear the positives. I am now an advocate of the FPA and its professional personnel.

Mr. Hassinger commented that this type of situation happens every day in the Police Department without feedback. The fact that a citizen took the time to write the letter demonstrates the positive impact of this encounter. Mr. Hassinger presented letters of commendation to Lt. Mason and Officer Gray and thanked them for their leadership and service.

OPENING COMMENTS BY PRESENT AND COMMISSIONERS:

Mr. Hassinger thanked staff for their efforts on the employees' newsletter and the quarterly newsletter for the public and for setting up the streaming of the Board and Committee meetings.

Mr. Hassinger welcomed Michelle White, the FPA's new Executive Counsel, to the Authority. Ms. White was formerly the Assistant Attorney General assigned to the FPA and is a strong addition to the FPA team.

Mr. Hassinger stated that the Authority was advised yesterday that Robert Turner, Director of Engineering, is retiring from the FPA and will be taking the position of General Superintendent of Operations at the Sewerage and Water Board of New Orleans (S&WB). The Board will formerly recognize Mr. Turner's service to the FPA at next month's meeting.

Mr. Turner stated that he appreciated the opportunity to work for the FPA. He commented that many very positive things have been accomplished since Hurricane Katrina and that the FPA and S&WB would continue to work together on common interests, such as the coordination of the Permanent Canal Closures and Pumps (PCCP), in years to come.

Mr. Hassinger stated that Mr. Turner was incredibly dedicated for many years to the Authority and its mission and helped bring about the strong organization that it is today. The admiration that staff has always held for Mr. Turner is remarkable. He added that the S&WB is stronger today because Mr. Turner is on its team and offered the FPA's assistance to Mr. Turner in his new position.

PUBLIC COMMENTS: None.

PRESENTATIONS: None.

COMMITTEE MEETINGS:

Finance Committee:

Mr. Morgan reported that the Finance Committee met prior to the Board meeting and considered the following items:

- The authorization of the sale of surplus equipment by auction was deferred.
- An update was provided on the preparation of the Fiscal Year 2020 budgets. A presentation on the draft budgets will be provided in February and the final budgets will be presented to the Board in March for approval.
- A significant discussion took place on the allocation of costs (e.g., tracking cost of the perimeter system). The Committee provided direction on this issue and instructed the Regional Finance Director to return to the Committee with staff's recommendations.

Operations Committee:

Mr. Miller reported that the Operations Committee met prior to the Board meeting and considered the following items:

- A presentation was provided on the progress made on the items identified by the I-STORM team during its peer review of the IHNC Surge Barrier Sector and Barge Gates, Seabrook Complex and Bayou Bienvenue Lift Gate. At this time approximately 40 percent of the items have been completed. The FPA expects to be over 50 percent complete by the end of the first year. The FPA's goal is to

address all of the items within the first two years. Several items were identified that are not of a critical nature and that may not need to be addressed. A report will be provided for a final determination by the Board on whether the items should be addressed.

- The Committee discussed and recommended approval of the one-year extension of the Intergovernmental Agreement (IGA) between the FPA and Coastal Protection and Restoration Authority (CPRA) for inspection services by Atkins North America, Inc. for the Hurricane Storm Damage Risk Reduction System (HSDRRS) features currently under construction. Construction is anticipated to continue on the HSDRRS features for at least nine months. The consultant (Atkins) is paid for inspection services on an hourly rate basis and will be paid only for work performed.

REPORT BY CHIEF ADMINISTRATIVE OFFICER (CAO):

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

- Social Media: An internal assessment was done and a strategic plan has been developed for the next six months. Posts to Facebook will take place on a more daily basis (e.g., news releases, highlights of different departments, links to partners and applicable news). Twitter will be used for on the spot information. Job Announcements will be posted on LinkedIn.
- Fiber/Internet: Dedicated fiber lines will be installed in order to provide dedicated high speed internet service at each PCCP. A major upgrade will take place at the Franklin facility to support multiple locations, cameras and gages.
- High River: The Mississippi River is at elevation 15.0-ft. at the Carrollton gage. The river has been above 11.0-ft. since late October necessitating bi-weekly inspections. Daily inspections began on January 16 when the river level reached 15.0-ft. Staff is enforcing the shutdown of permitted operations due to the high river level. The National Weather Service (NWS) forecasts that the river will crest in late January at 15.5-ft. and then will slowly fall.
- U.S. Army Corps of Engineers (USACE) Annual Inspections: The annual inspection was held in the East Jefferson Levee District (EJLD) on January 15th. The annual inspection is scheduled to be held in the Lake Borgne Basin Levee District (LBBLD) on January 30-31 and over multiple dates for the Orleans Levee District (O.L.D.). The EJLD inspection was good with only two items noted: 1) foreshore erosion along the lakefront levee (a distress report was submitted to the USACE several years ago and discussions continue regarding responsibility and the best solution), and 2) 17th Street Canal interior bank erosion (the FPA's consultant has been interacting with the USACE regarding the development of a satisfactory technical solution).
- LPV 108 Levee slides (New Orleans East Lakefront Levee): The USACE has had control of LPV 108 for a couple of years in connection with its armoring program. Two slides were discovered by the USACE on January 8th in an area east of Little Woods. The USACE notified the FPA and CPRA immediately about the slides. The first slide was about 75-ft. wide with a drop of about 8-ft. The

second slide was about 50-ft. wide with a drop of about 4-ft. Both are surface slides and not deep seated. The USACE's geotechnical and engineering staffs visited the site. The levee had been extremely saturated due to heavy rains over the past six months. The USACE advised that it would perform the repairs; therefore, the FPA is awaiting the USACE's assessment and repair plan. FPA staff expressed concern about the reason for the slides and whether there are other areas that need to be examined.

Mr. Luetlich commented that two slides are enough reason to think that there is likely to be additional areas that could potentially slide. He stated that a substantial geotechnical assessment of the area is needed rather than just fixing the two slides and waiting for another to occur. Mr. Boese responded that staff agreed. He explained that the USACE has two teams addressing the immediate repair and the cause of the slides. The reach was armored with ACB (Articulated Concrete Block) along the top of the levee. The USACE indicated that the slides may be due to the ACB, which is open celled and permeable, or the potential seepage of water where the armoring was trenched in on the floodside. He stated that the FPA would pursue the cause of the slides with the USACE.

Mr. Luetlich stated that he agreed with Mr. Boese' comments; however, he stressed that there is more to this situation and that there is an urgency to find the cause and determine whether there is an impending lack of stability in other parts of the reach. He stated that he realized to some extent that staff would like to determine the cause of the slides and then systematically address it; however, with two slides occurring in close proximity he was extremely concerned that another would occur. Mr. Boese noted that the two slides were about 500-ft. apart. Mr. Luetlich commented that someone should be taking cores or some other action because of the potential need for remedial work, in addition to repairing the two slides, prior to the start of hurricane season.

Mr. Boese explained that LPV 108 did not receive much damage during Hurricane Katrina and had not received much work in terms of a levee lift since Katrina. Therefore, the cause is thought to be related to the installation of the armoring over the past two years. He advised that he and the Regional Chief Engineer would meet with the USACE and relay the Board's concerns. If staff is not satisfied with the USACE's response, Mr. Boese stated that the FPA would do whatever needs to be done to obtain its own geotechnical investigation. Stevan Spencer, Regional Chief Engineer, added that the levee has been stable for the 26 years that he has been with the levee district. After Katrina the levee was leveled and about six-inches of fill was placed on the levee. The slides occurred after the armoring was installed. Mr. Luetlich commented that the cause of the slides may be due to the installation of armoring; however, his concern is the potential for additional failures.

- Damage to Floodgate W-33: Floodgate W-33 is a roller gate on the west side of the Industrial Canal directly under the I-10 high rise bridge. Notice was received Sunday evening (January 13th) that the floodgate was damaged by a train derailment [CSX and New Orleans Public Belt Railroad (NOPBRR)]. The FPA's structural engineer and emergency contractor was on the site by 8:30 a.m. Monday. The derailed train struck one of the columns resulting in the column

and overhead beam having to be removed before train traffic could resume due to the concern that the beam and column could fall. The removal of the column and beam were coordinated with the railroad. The contractor brought in a massive 500-ton crane from Mississippi, which was escorted by levee district police, in order to remove the approximately 30-ton beam as soon as possible. The beam was removed by the FPA's contractor on Tuesday (January 15th) at about 1:30 a.m. Train traffic, which had backed up from George to Texas because of the accident, resumed about 5:30 a.m. on Tuesday.

A repair plan is underway in coordination with the USACE, CPRA and CSX/NOPBRR. Floodgate W-33 had been damaged twice before due to train derailments with the last time being just prior to Hurricane Katrina. The railroad may have an interest in replacing the roller gate at its expense with a swing gate, which would eliminate the overhead beam that caused the shutdown of rail traffic. Safety and storm season would have an impact on such an option. The gate has a fairly low sill (6.72-ft. elevation), which requires the closure of the gate as a result of riding tides; therefore, the railroad may also be interested in raising the sill. It was pointed out that Floodgate W-33 is located along the Industrial Canal and is not a part of the outer perimeter system.

- Engineering: A meeting is scheduled to be held with the USACE during the last week of January regarding the USACE's response to the FPA consultant's comments and a path forward on the Bellaire Drive seepage issue. Approval was received in December on the final consolidated Records Retention Plan. Primavera training is underway. Drone training has been completed. Twenty-three staff members have been trained and participated in a practice test. The FAA test cannot be taken at this time due to the Federal government shutdown. Drones are anticipated to be used to view parts of the flood protection system and after storm events for a quick overhead assessment of the system. The FPA is considering partnering with UNO relative to the potential use of drones for thermal imaging in order to detect seepage.
- LPV 111 Armoring/Levee Lift: A Memorandum of Understanding was executed between the USACE and FPA in order to include the levee lift work in the USACE's contract for armoring LPV 111. The FPA paid \$4 million to the USACE for the levee lift portion of the contract. The USACE performed new surveys and informed the FPA that significantly more settlement had occurred than originally thought; therefore, 140,000 cubic yards of additional fill would be required for the levee lift.

Mr. Leuttich asked the equivalent number of inches or feet to the top of the levee did the 140,000 cubic yards represent. Mr. Spencer explained that the FPA requested a copy of the survey from the USACE; however, it has not been received. The USACE only provided additional dollar and cubic yard estimates. Mr. Luettich asked about the FPA's survey of the levee. Mr. Spencer responded that the FPA did the original survey two years ago and provided it to the USACE. The USACE and the contractor had surveys performed, which were very close, and determined that significantly more subsidence had occurred from Pump Station 15 to the CSX railroad.

Mr. Luettich asked was the FPA doing routine annual surveys of the crown heights of the levee system. He pointed out that the FPA had LSU C4G demonstrate its new survey methodology for potential use for such surveys. Mr. Luettich expressed amazement that the FPA had no knowledge of and was surprised about a major settlement of a levee. Mr. Boese advised that LPV 111 has been under the USACE's control for two years and that the USACE was supposed to survey the levee as part of its job.

Mr. Luettich recommended that the FPA develop an annual survey program. He stated that the program should be one of the FPA's top priorities as a part of its mission. Mr. Spencer explained that the State requires that surveys be done every three or four years. Mr. Luettich stressed that the FPA should require itself to do annual surveys as part of its mission. He pointed out that the FPA has been attempting to find technologies that would allow such surveys to be done efficiently, such as the LSU C4G technology, and are sufficient enough for routine surveys at a modest cost so that the FPA is not caught by surprise in situations such as the settlement of LPV 111.

Mr. Hassinger inquired about the status of the FPA's partnership with LSU C4G. Mr. Spencer advised that the technology was discussed with the USACE and that the USACE was not agreeable to using the LSU technology; therefore, it was not pursued.

Mr. Hassinger instructed staff to develop a plan for annual levee surveys and to bring the plan to the Board as soon as possible. Mr. Boese advised that the staff would develop a plan that includes recommendations for the February meeting. Mr. Luettich pointed out that there are multiple technologies that could be utilized; e.g., satellite, Lidar and RTK GPS.

Mr. Cosse inquired about the LBBLD pump station engine repairs that are currently in litigation. Ms. White explained that the litigation is still on-going. A hearing, in which the FPA was not specifically a party, was held last Friday that included the engineer and contractor on cross motions for an injunction to prevent the insurer from negotiating a settlement with the firm contracted to provide the engines. The Federal judge has required all parties to go to a settlement conference on January 28th. The judge is very motivated to get the litigation resolved and thinks that the parties are posturing to prevent settlement. The FPA was a third party in the litigation; therefore, the FPA is awaiting the judge's decision. Ms. White anticipated having the outcome of the settlement conference by the next Board meeting.

NEW BUSINESS:

**RESOLUTION NO. 01-17-19-02 –
AMENDMENT AND RESTATEMENT OF RESOLUTION NO. 11-29-18-08 RETAINING
THE LEGAL SERVICES OF BURGLASS & TANKERSLEY, LLC**

Ms. White explained that the statutory language stating that a real necessity exists for hiring outside legal counsel was inadvertently omitted when the resolution was prepared for the November Board meeting. The resolution before the Board includes the required statutory language.

On the motion of Mr. Luettich,
Seconded by Mr. Morgan, 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”; and

WHEREAS, the FPA wishes to amend and restate Resolution No. 11-29-18-08, adopted by the FPA at its regular monthly meeting held on November 29, 2018, to retain Burglass and Tankersley for legal representation for said litigation; and

WHEREAS, a real necessity exists for the employment of Burglass and Tankersley for legal representation in the litigation entitled, “Joseph Robert v State of Louisiana, Orleans Parish, No. 2016-9374”; and

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 amend and restate Resolution No. 11-29-18-08 authorizing the retention and employment of 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. Luettich, Mr. Miller, Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Englande and Mr. Latiolais

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

The motion was deferred.

RESOLUTION NO. 01-17-19-03 - EXTENTION OF INTERGOVERNMENTAL AGREEMENT WITH CPRA FOR HSDRRS INSPECTION SERVICES

Mr. Miller advised that the Operations Committee recommended approval of the extension of the IGA. The remaining HSDRRS features are scheduled for completion sometime in July; however, staff informed the Operations Committee that the completion of the construction is anticipated to go a little past July. The services are performed on an hourly rate basis; therefore, if the construction is completed prior to end of the one year period, the full not to exceed amount would not be earned by the consultant. The consultant would be paid only for services performed.

Mr. Boese clarified that the USACE's construction work was supposed to end in July of 2020. However, the July date may be extended due to the issue discussed regarding the LPV 111 levee lift. The inspection service contract is a joint effort between the FPA and CPRA for observation of the USACE construction projects. The contract cost will be included in the cost share credit for the HSDRRS.

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. 02-15-18-08 authorized the execution of an Intergovernmental

Agreement (IGA) with the Coastal Protection and Restoration Authority (CPRA) for inspection services for the Hurricane and Storm Damage Risk Reduction System (HSDRRS) features currently under construction by the U.S. Army Corps of Engineers for a one year period, commencing on March 1, 2018 and ending on February 28, 2019, at a total not to exceed cost of \$249,600 with the cost of services to be shared equally by the CPRA and FPA (\$124,800 for each entity); and

WHEREAS, construction inspection services under said IGA are provided by Atkins North America, Inc. under the CPRA's current Indefinite Delivery-Indefinite Quantity Contract with said firm; and

WHEREAS, construction of the remaining features of the HSDRRS has not been completed; therefore, the CPRA and FPA wish to extend the aforementioned IGA for a period of one year, commencing on March 1, 2019 through February 28, 2020, with a total not to exceed amount of \$249,600 for said period with the cost of services to be shared equally by the CPRA and FPA (\$124,800 for each entity).

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the extension of the Intergovernmental Agreement with the Coastal Protection and Restoration Authority for inspection services to be provided by Atkins North America, Inc., for a one year period commencing on March 1, 2019 and ending on February 28, 2020, with the FPA's share of said services not to exceed \$124,800.00, for the Hurricane and Storm Damage Risk Reduction System features currently under construction.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute an amendment to said IGA with the CPRA 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. Luettich, Mr. Miller, Mr. Morgan and Mr. Weysham

NAYS: Mr. Dastugue

ABSENT: Mr. Englande and Mr. Latiolais

The next regular monthly meeting of the Board will be held on February 21, 2019 at the Franklin Avenue Administrative Complex.

There was no further business; therefore, the meeting was adjourned.