

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, MARCH 19, 2020**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on March 19, 2020. Due legal notice of the meeting was sent to each Board member and the news media and posted.

In accordance with Section 4 of the Governor’s Proclamation Number 30 JBE 2020: Additional Measures for COVID-19 Public Health Emergency, the Southeast Louisiana Flood Protection Authority–East held its March 19, 2020 Board Meeting virtually via video conference. The video conference was accessible for observation by the public and was livestreamed for observation by the public, accessible from the following links: FPA East website - <https://www.floodauthority.org/board-meeting-videos/> and FPA East YouTube - [https://www.youtube.com/channel/UCVIHpvnl\\_fEChjrKLBK5hQ](https://www.youtube.com/channel/UCVIHpvnl_fEChjrKLBK5hQ).

Public comments were submitted in real time during the meeting via email to [comments@floodauthority.org](mailto:comments@floodauthority.org) from 30 minutes prior to commencement of the meeting and until action on an agenda item upon which a vote was to be taken, in accordance with La. R.S. 42:14(D). The public comments received were read into the record during the meeting.

Mr. Miller 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:**

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

**ABSENT:**

Quentin D. Dastugue, Treasurer

**ADOPTION OF AGENDA:**

Mr. Miller pointed out that the numbering of the items under New Business – Administration was incorrect and that the second item shown as Item A.4 should be A.5 and that Item A.5 should be A.6. A motion was offered by Mr. Hassinger, seconded by Mr. Morgan and unanimously approved by the Board, to adopt the corrected agenda.

**RESOLUTION NO. 03-19-20-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON FEBRUARY 20, 2020**

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On the motion of Mr. Latiolais,  
Seconded by Mr. Morgan, 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 February 20, 2020.

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

YEAS: Mr. Cosse, Mr. Englande, Mr. Hassinger, Mr. Latiolais, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Dastugue

**EMPLOYEE RECOGNITION:**

Mr. Miller announced that Chris Lucas, Procurement Manager 1 in the Finance Department, was selected as the FPA's Employee of the Month and Patrick Conaghan, Investigator in the Orleans Levee District Police Department, was selected as the Police Employee of the month. Due to the COVID-19 Public Health Emergency, the Employee of the Month presentations will be made at a future Board meeting.

**OPENING REMARKS BY PRESIDENT AND COMMISSIONERS:**

Mr. Miller thanked staff, particularly Roman Dody and the IT staff, for setting up the on-line meeting in a very short time. He thanked Michelle White, Executive Counsel, for ensuring that the public notices for the on-line meeting were in accordance with the Governor's memorandum, and Derek Boese and the Executive staff for the work they have done over the past several weeks as the COVID-19 crisis unfolded. Staff put forth extra effort to identify employees who have special needs related to school closures or potential health issues and have worked with supervisors and employees to modify work schedules, if possible, for those employees. The Human Resources Director, Sandy West, has been instrumental in making sure that the FPA followed all State guidelines regarding personnel matters. He stated that he spent substantially more time with the staff this week than normal and that he continues to be impressed with the professionalism and outer calmness demonstrated. Additionally, he stated that he has had multiple conversations and correspondence with Commissioners over the past week as the FPA works its way thru this crisis, and that he fully appreciated the candor and cooperation that they provided.

Mr. Miller assured the public that the FPA has adequate staff to maintain the flood defense system and is fully prepared to shoulder its responsibility as the FPA prepares for hurricane season, which is just a few months away. He added for everyone to be safe and stay well.

**Public comments:**

Mr. Miller explained that public comments for today’s meeting are being handled differently than they are normally handled at Board meetings as a courtesy to the public under the current circumstances. The public will be given the opportunity to comment today on the agenda items as each item is taken up. Public comments submitted via email would be read into the record by the FPA’s Public Information Director after each motion is offered and seconded and prior to the motion’s discussion by Board members. Each motion would then be discussed by Board members and the vote called. In lieu of the two-minute time limit, Mr. Miller requested that public comments be limited to about 300 words since the comments must be read into the record.

Antwan Harris, Public Information Director, advised that at that point in the meeting there were no public comments.

**PRESENTATIONS:**

None

**COMMITTEE REPORTS:**

**Finance Committee:** Due to Mr. Dastugue’s absence, Mr. Morgan chaired the Finance Committee meeting and reported that the Committee met prior to the Board meeting and reviewed the budgets for the FPA and levee districts. He advised that he would report the results of the Committee’s discussion when Agenda Item A5 is taken up for discussion.

**Operations Committee:** The Operations Committee did not meet during the month of March.

**CHIEF ADMINISTRATIVE OFFICER’S REPORT:**

Due to current circumstances related to the COVID-19 Public Health Emergency, the Chief Administrative Officer’s (CAO) Report was distributed to Board members and posted on the FPA website prior to the meeting. Mr. Miller asked for questions concerning the CAO’s report.

Mr. Morgan inquired about the status of the I-Storm Annual Conference. Mr. Boese advised that the Annual Conference was cancelled by I-Storm.

Mr. Englande noted that there had been an increase in the number of preventable incidents and asked was there a reason for the increase. Rusty Kennedy, Assistant CAO, explained that the preventable incidents are basically due to a lack of overall awareness that employees should be practicing at all times. The message regarding the need for awareness is being pushed through the use of electronic message boards

located in the FPA's various facilities, the employees' newsletter and safety meetings. Employees are being advised to ask for assistance should they feel unsecure or unsure about any situation. The message is being stressed that employees should always be aware of their surroundings in order to eliminate risks. Crews typically meet each morning and discuss the location of the day's work and any issues or concerns. The work is tracked and can be reviewed for trends.

Mr. Latiolais suggested that a Job Safety Analysis be completed each day so that the documents can be reviewed should an incident occur.

**NEW BUSINESS:**

**RESOLUTION NO. 03-19-20-02– AUTHORIZATION TO NEGOTIATE COOPERATIVE ENDEAVOR AGREEMENTS FOR MUTUAL AID BY AND BETWEEN THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST (AND/OR ANY OR EACH OF ITS THREE CONSTITUENT LEVEE DISTRICTS) AND OTHER LEVEE DISTRICTS AND GOVERNMENTAL ENTITIES IN ORLEANS PARISH, JEFFERSON PARISH, AND ST. BERNARD PARISH**

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Mr. Miller requested that the public comments submitted on this motion be read. Mr. Harris advised that no public comments had been submitted on the motion.

Mr. Miller clarified that there has been excellent cooperation between the FPA and Orleans, Jefferson and St. Bernard Parishes, as well as the Sewerage and Board of New Orleans and the West Jefferson Levee District. The FPA embeds staff during emergencies in the various emergency operations centers. The resolution before the Board would allow documents to be put in place to meet the needs of the FPA and its partners, especially with the challenges presented by the COVID-19 Public Health Emergency. In addition, the documents are needed should cost reimbursement be forthcoming from FEMA.

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

**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**, Louisiana Revised Statutes 18:12 provides that the term "political subdivision" means, in relevant part, "...a levee board and a levee district"; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority - East, Orleans Levee District, East Jefferson Levee District, and Lake Borgne Basin Levee District are legislatively created local subdivisions of the State of Louisiana with the

constitutional and statutory authority to contract, including entering into cooperative endeavor agreements; and

**WHEREAS**, Louisiana Revised Statutes 38:325(A)(5) provides that levee districts may engage in cooperative endeavors with other public bodies for public purposes; and

**WHEREAS**, in the event of an emergency, Cooperative Endeavor Agreements (CEA) with governmental agencies, entities and political subdivisions in Orleans Parish, Jefferson Parish, and St. Bernard Parish, including the Southeast Louisiana Flood Protection Authority – West, will be mutually beneficial to the parties in furtherance of their respective statutory purposes and duties, and each party expects to receive benefits for themselves and the public at least equal to the costs of the responsibilities undertaken pursuant thereto; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority - East and its constituent levee districts and governmental agencies, entities and political subdivisions in Orleans Parish, Jefferson Parish, and St. Bernard Parish, including the Southeast Louisiana Flood Protection Authority – West, that may be potentially party to a CEA under this authorization each have resources that may assist each other in the event of an emergency, including but not limited to personnel, equipment, supplies, and materials.

**BE IT HEREBY RESOLVED**, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East authorizes the Chief Administrative Officer to liaise with local governmental leadership in Orleans, Jefferson, and St. Bernard Parish to negotiate with each the terms of a Cooperative Endeavor Agreement providing for mutual aid, as described above, in the event of an emergency, and present proposed agreements to the Board of Commissioners for approval to execute on the terms negotiated.

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

YEAS: Mr. Cosse, Mr. Englande, Mr. Hassinger, Mr. Latiolais, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Dastugue

**General discussion regarding emergency preparations relative to Coronavirus.**

Mr. Boese advised that Board members were sent an update on specific actions being taken by the FPA relative to the COVID-19 Public Health Emergency and that he would discuss at this meeting most of the actions being taken; however, some actions could not be discussed openly for security purposes. The FPA is fully functional in terms of its primary mission relative to high river and maintaining the flood protection system. The Mississippi River dropped below 15-feet earlier in the week; therefore, less inspections are required. The guidance given staff is that the FPA is mission first and people always. The primary mission includes high river, maintaining the flood protection system and protecting the people that we serve, as well as taking care of and working with FPA staff during this very challenging time.

Mr. Boese advised that the FPA is in frequent contact with multiple agencies, parish emergency operation centers and law enforcement agencies. Orleans Levee District Police were requested and have been tasked to support the New Orleans Police Department with traffic control at the UNO Lakefront Arena where drive-thru Coronavirus testing will commence on March 20<sup>th</sup>.

Mr. Boese explained that the FPA is following State guidelines relative to employee leave so that no employee goes unpaid regardless of his/her status or exhaustion of sick and/or annual leave. He pointed out that Civil Service will probably adjust some of its guidance based on a Congressional bill passed on March 18<sup>th</sup>. All personnel will be briefed by the end of the day on the new leave policies and how employees who are in a high risk category will be handled. The decision was made yesterday that staff who are able to work from home do so starting today and that non-essential staff not report to work. The decision to allow employees to work from home and regarding non-essential employees only applies to about 10 percent of the organization. The vast majority of the FPA staff (approximately 200 employees across the various facilities) are deemed essential personnel and include maintenance, operations and police employees. Hurricane season starts on June 1<sup>st</sup> and the FPA cannot allow the flood protection system to deteriorate.

Mr. Boese advised that there are some FPA employees who are in quarantine; however, there are no confirmed cases of FPA employees with Coronavirus. The FPA is working with employees in order to be as flexible as possible relative to childcare. Five employees have childcare issues; however, some of these employees are working alternative schedules that are being accommodated. Sanitation and safety are a big topic and the FPA is continuing to look for ways to improve working conditions. In addition to the regular janitorial services, the FPA contracted additional weekly deep cleaning at all staffed facilities. Fogging for sanitary purposes is being discussed. Internal staff are instructed to wipe down common areas and equipment twice per day and to wipe down the interior of vehicles after each use. Each vehicle will be occupied by only one person. Safety briefings are being increased. Doors are propped open to avoid contact with handles and social distancing is being practiced by employees. The FPA is considering additional measures, such as an on-site nurse doing temperature checks and contracting on-site cleaning staff in order to free up FPA employees who are doing the twice per day cleaning.

Mr. Boese advised that, like most agencies and the general public, the FPA's supplies are limited. The FPA has bulk cleaning supplies and is diluting bleach with water for wipe downs and using on-site washing machines to clean wipe-down rags. The FPA's supply of Personal Protection Equipment (PPE), such as gloves and masks, is extremely limited. The FPA was able to obtain masks for active duty levee district police officers, but not all employees. The FPA is actively seeking needed supplies.

Mr. Boese anticipated that the challenges would potentially increase as the crisis goes on and that staff could diminish due to quarantine, illness or childcare issues. There are

two areas of major concern. Currently, during high tide situations staff is stationed at the Bayou Bienvenue and Bayou Dupre Gate Structures to monitor the tides in order to close the gates to prevent internal flooding. Should the crisis continue, the gates could potentially be minimally staffed and only managed as absolutely necessary. In addition, should the crisis continue for an extended length of time, augmentation from the National Guard may be required to assist with gates closures under the FPA's skilled and technical supervisors during the hurricane season. Hurricane Barry proved that the FPA is able to close virtually all of the floodgates within the system in approximately 48 hours. However, should the FPA become short-staffed and be required to use inexperienced staff from outside entities, the closure time would take longer potentially resulting in impacts (e.g., commerce).

Mr. Hassinger commented that once again the FPA staff has shown under difficult circumstances that it can rise to the occasion and do great work. He encouraged the CAO and other FPA leaders to ensure that this recognition flows downward so that the message is relayed to all employees. He encouraged that recognition be given publically and loudly so that everyone throughout the organization understands what a great job everyone is doing.

### **RESOLUTION NO. 03-19-20-03 - EMERGENCY POWERS**

Mr. Miller advised that the proposed resolution before the Board would automatically grant emergency powers to the FPA President when a state of emergency has been declared by the Governor of Louisiana or President of the United States that impacts the operations of the FPA.

Mr. Miller requested that the public comments submitted on this motion be read. Mr. Harris advised that no public comments had been submitted on the motion.

Mr. Miller explained that the Board adopted two emergency power resolutions in 2008. The first resolution grants emergency powers to the President when a hurricane is within 1,000 miles of New Orleans and lists Items No. 1 thru 4 included in the proposed resolution. The second emergency powers resolution authorizes the President, if he is unable to obtain a quorum for a meeting, to take certain actions that would normally be taken by the Board. He pointed out that with the current technology the situation covered by the second resolution would probably never happen. Neither resolution covers a situation such as the COVID-19 Public Health Emergency during which actions may need to occur very quickly. The proposed resolution additionally lists Item No. 5 relative to protecting the health and safety of FPA employees. The proposed resolution requires the President to notify all Board members of any action taken under the resolution via text, email or other such means of communication within 24 hours. The notification required under the proposed resolution is not included in the two previously adopted resolutions.

There was no discussion on the motion by the Board.

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

**“A resolution to automatically grant emergency powers to the President of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) when a State of Emergency has been declared by the Governor of Louisiana or the President of the United States that impacts the operations of the SLFPA-E”**

**WHEREAS**, the Board of Commissioners of the SLFPA-E, as the governing body of the East Jefferson, Lake Borgne Basin and Orleans Levee Districts, desires to automatically grant to the President of its Board certain emergency powers when a State of Emergency has been declared by the Governor of Louisiana or the President of the United States that impacts the operations of the Southeast Louisiana Flood Protection Authority-East: and

**WHEREAS**, those emergency powers shall include the power to authorize the expenditure or utilization of any levee district assets without prior authorization of the Board; the power to declare a state of emergency for the levee districts and rescind that declaration when it is no longer needed; the authority to delegate to the Chief Administrative Officer of the SLFPA-E the power to authorize the expenditure or utilization of the levee districts' assets without prior authorization by the Board; and the authority to take steps necessary to protect the health and safety of the SLFPA-E employees.

**BE IT HEREBY RESOLVED**, That the Southeast Louisiana Flood Protection Authority-East hereby grants emergency powers to the President of its Board when a State of Emergency has been declared by the Governor of Louisiana or the President of the United States that impacts the operations of the SLFPA-E.

**BE IT FURTHER RESOLVED**, That the granting of these powers occurs automatically, and without the need of further instrument or action, upon the occurrence when a State of Emergency has been declared by the Governor of Louisiana or the President of the United States that impacts the operations of the SLFPA-E.

**BE IT FURTHER RESOLVED**, That said emergency powers granted to the President shall include:

- 1) The power to authorize the expenditure or utilization of any SLFPA-E assets without prior authorization of the Board;
- 2) The power to declare a state of emergency for the SLFPA-E, as required to implement actions under the emergency operations plans and manuals previously adopted by the levee districts and approved by the Board;
- 3) The power to rescind that declaration when it is no longer needed;
- 4) The authority to delegate the power to authorize the expenditure or utilization of the levee districts' assets without prior authorization by the Board, to the Chief Administrative Officer of the SLFPA-E, when the President determines conditions are such that an impending threat exists and immediate action is required.



5) The power to take steps necessary to protect the health and safety of the SLFPA-E employees.

**BE IT FURTHER RESOLVED**, That the President's delegation of authority to the Chief Administrative Officer of the SLFPA-E is effective when the President, upon determining that conditions are such that an impending threat exists and immediate action must be taken, communicates the delegation of authority to the Chief Administrative Assistant by whatever means.

**BE IT FUTHER RESOLVED**, That the President notify the other members of the Board of Commissioners of his actions by email, text message, or other written means delivered within 24 hours of taking such action.

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

YEAS: Mr. Cosse, Mr. Englande, Mr. Hassinger, Mr. Latiolais, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Dastugue

**RESOLUTION NO. 03-19-20-04 - LEAVE POLICY DURING CORONAVIRUS  
(COVID-19) EMERGENCY**

Mr. Miller explained that the President has the authority to implement the actions under the proposed resolution. The proposed resolution is in compliance with the Public Health Emergency Declaration by the Governor, as well as Civil Service Commission regulations. The actions authorized in the proposed resolution may be modified based on any additional rules or regulations from the Federal government or dictated by the State of Louisiana. The resolution basically states that the FPA will take care of its employees and ensure that employees are paid to the maximum extent possible under the circumstances and as provided in the resolution.

Mr. Miller requested that the public comments submitted on this motion be read. Mr. Harris advised that no public comments had been submitted on the motion.

There was no discussion on the motion by the Board.

On the motion of Mr. Morgan,

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

**WHEREAS**, Louisiana Governor John Bel Edwards issued Proclamation Number 25 JBE 2020 regarding Public Health Emergency-COVID-19 effective from March 11, 2020 to April 9, 2020; and

**WHEREAS**, The President of the United States Donald J. Trump declared a National Emergency on March 13, 2020 related to COVID-19; and

**WHEREAS**, new federal legislation providing guidance or mandates regarding employee leave relative to the COVID-19 crisis is anticipated to be forthcoming; and

**WHEREAS**, state legislation providing guidance or mandates regarding employee leave relative to the COVID-19 crisis may also be forthcoming; and

**WHEREAS**, the Louisiana Department of State Civil Service has now issued General Circular Number 2020-010 providing Updated Workforce Guidance Regarding COVID-19, specifically addressing employee leave situations relating to COVID-19 and may issue further guidance or mandates regarding employee leave related to the COVID-19 crisis; and

**WHEREAS**, pursuant to a Delegation of Authority by Authentic Act, the President of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East (FPA) has delegated to the Chief Administrative Officer the appointing authority over classified employees of the Southeast Louisiana Flood Protection Authority-East, with the expectation that said authority will be exercised in compliance with aforementioned proclamations, legislation, and State Civil Service guidance or mandates.

**BE IT HEREBY RESOLVED** that, consistent with General Circular Number 2020-010 from the Louisiana Department of State Civil Service, the Southeast Louisiana Flood Protection Authority-East (FPA) offers its support of the Appointing Authority taking the following steps:

- 1) Employee Presumptively or Positively Diagnosed with COVID-19: Employees diagnosed with COVID-19 will first use any sick leave they have, followed by using their annual leave. Once all sick and annual leave is exhausted, the employee will be placed on Special Leave at full pay in accordance with the provisions of Civil Service Rule (C.S.R.) 11.23.(d) through midnight on April 12, 2020 or any extension past that date authorized by the State of Louisiana.
- 2) Employee is Visibly Sick and/or Exhibits Symptoms of COVID-19: Employee shall either leave work voluntarily or shall be forced to leave work. In either case, the employee shall use compensatory leave (if any) followed by annual leave if they have a balance greater than 240 hours. After those are exhausted, the employee will be placed on suspension with full pay until cleared to return by a medical doctor in accordance with C.S.R. 21.6(b) Enforced Compensatory Leave, and/or C.S.R. 11.9 Enforced Annual Leave, and/or C.S.R. 12.10.
- 3) Employee Possibly Exposed to COVID-19 and Has No Symptoms of Illness, or Employee is Recommended for Quarantine by a Health Care Professional: Employee will be quarantined at home and can work remotely during the quarantine period if his/her job allows this. Otherwise, the employee will receive full pay without loss of any leave under C.S.R. 11.23(d). The FPA will accept a statement from a doctor or health care provider that recommends or orders quarantine. If the employee later tests positive for COVID-19, their status will change to Employee Presumptively or Positively Diagnosed with COVID-19.
- 4) Dependent Care Issues Arising from Emergency Declaration by the Governor: The FPA will allow the employee to work remotely. If their job does not allow them to work remotely, the employee can use annual or compensatory leave. Once this leave is exhausted, they can use sick leave. Once all leave is

exhausted, the FPA will place them on Special Leave with full pay under C.S.R. 11.23(d) through midnight on April 12, 2020 or any extension past that date authorized by the State of Louisiana.

- 5) Employees Who Have Compromised Immune Systems: Upon receipt of a notification from a medical professional that the employee has a compromised immune system that puts an employee at special risk if they are infected with COVID-19, the FPA shall permit the person to work remotely if their job allows this. If their job does not allow this, the FPA will allow them to use compensatory and annual leave, followed by sick leave. Once all that leave is exhausted, the FPA will authorize the use of Special Leave at full pay under C.S.R. 11.23(d) through midnight on April 12, 2020 or any extension past that date authorized by the State of Louisiana; and

**BE IT FURTHER RESOLVED** that the FPA and the Chief Administrative Officer as its delegated Appointing Authority, remains committed to complying with all provisions of the United States Family and Medical Leave Act determined to be applicable to this situation; and

**BE IF FURTHER RESOLVED** that the FPA will modify its leave policy and procedures as may be necessary to remain in compliance with any applicable legislation passed by the United States Government and/or the State of Louisiana and/or any further guidance provided by the Louisiana Department of State Civil Service, and that any changes to this guidance will be distributed to all employees and the members of the Board of Commissioners.

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

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

NAYS: None

ABSENT: Mr. Dastugue

#### **RESOLUTION NO. 03-19-20-05 - APPROVAL OF FY 2021 BUDGET FOR THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST AND ITS UNDERLYING DISTRICTS**

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Mr. Miller requested that the public comments submitted on this motion be read. Mr. Harris advised that no public comments had been submitted on the motion.

Mr. Morgan advised that the Finance Committee reviewed the FY 2021 Budgets and that most of the discussion related to the Lake Borgne Basin Levee District (LBBLD) Budget. The LBBLD Budget indicated a negative Fund Balance by the end of the fiscal year; therefore, the Committee decided that \$3.6 million of BP settlement funds are to be included in the LBBLD Fund Balance, effective July 1<sup>st</sup>, allowing the LBBLD to have a positive cash flow position when the pumping and drainage operations are transferred to St. Bernard Parish Government. He pointed out that most of the impacts from the BP oil spill were in St. Bernard Parish; therefore, moving \$3.6 million into the LBBLD Fund Balance is reasonable. The FPA would then have the money on hand to pay St.

Bernard Parish Government the \$3 million payment upon transfer of the pumping and drainage functions.

Mr. Miller explained that the FPA had agreed to provide \$3 million of funding as part of the agreement with St. Bernard Parish Government and that the funding would be taken from the BP settlement monies so that the funding would not come from revenues received by the East Jefferson Levee District or Orleans Levee District. The resolution adopted by the Board also provides that should a situation occur under which the FPA must spend money from the fund for costs, such as operations and maintenance, that the money would be deducted from the \$3 million payment.

Mr. Morgan advised that a number of major projects were postponed causing Capital Projects to be under budget for FY 2020 with the results reflected in the FY 2020 and FY 2021 Fund Balances. The levee district financial accounts will be reviewed next month in order to determine funding for placement in reserve accounts for the long term periodic maintenance of the flood protection system.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East has reviewed financial projections for Fiscal Year Ending June 30, 2021, including estimated operating revenues and expenditures; and

**WHEREAS**, funding in the following amounts is required as detailed by the line item budget for Fiscal Year Ending June 30, 2021:

**TWELVE MONTHS ENDING JUNE 30, 2021 BUDGETS**

	<b>GENERAL FUND</b>	<b>SPECIAL LEVEE IMPROVEMENT FUND/CAPITAL PROJECTS</b>	<b>COMBINED</b>
<b>REVENUES</b>			
Ad Valorem Taxes	\$34,036,000	\$20,400,000	\$54,436,000
Intergovernmental Revenue	1,710,900	0	1,710,900
Revenue from Lake Borgne	475,100	0	475,100
Revenue from Lakefront Mgt Auth	45,000	0	45,000
Mineral Revenue	1,036,100	0	1,036,100
Interest Income	2,014,000	972,800	2,986,800
Misc Revenue	2,725,550	1,000,000	3,725,550
<b>Total Revenue</b>	<b>\$42,042,650</b>	<b>\$22,372,800</b>	<b>\$64,415,450</b>
<b>EXPENSES</b>			

Personnel Services	\$24,962,200	\$0	\$24,962,200
Training and Travel	321,400	0	321,400
Professional Services	915,000	0	915,000
Contractual Services	6,552,450	0	6,552,450
Materials and Supplies	2,756,700	0	2,756,700
Cost Allocations	0	0	0
Other Charges	1,432,600	0	1,432,600
Equipment Purchase	3,106,250	0	3,106,250
MMCI Services	0	40,504,000	40,504,000
<b>Total Expenses</b>	<b>\$40,046,600</b>	<b>\$40,504,000</b>	<b>\$80,550,600</b>
<b>Income Before Other Sources (Uses)</b>	<b>\$1,996,050</b>	<b>(\$18,131,700)</b>	<b>(\$16,135,650)</b>
Litigation & Ins	0	0	0
Net Transfers	0	(1,796,800)	(1,796,800)
<b>CHANGES IN FUND BALANCES</b>	<b>\$1,996,050</b>	<b>(\$19,928,500)</b>	<b>(\$17,932,450)</b>
<b>FUND BALANCES, BEGINNING OF YEAR</b>	<b>\$90,288,065</b>	<b>\$27,150,098</b>	<b>\$117,438,163</b>
<b>ESCROW OPEB</b>	<b>(2,000,000)</b>	<b>\$0</b>	<b>(2,000,000)</b>
<b>ESCROW MAINTENANCE</b>	<b>0</b>	<b>(3,360,000)</b>	<b>(3,360,000)</b>
<b>ESCROW PCCP</b>	<b>(500,000)</b>	<b>0</b>	<b>(500,000)</b>
<b>FUND BALANCES AT END OF YEAR</b>	<b>\$89,784,15</b>	<b>\$3,861,598</b>	<b>\$93,645,713</b>

**WHEREAS**, the Southeast Louisiana Flood Protection Authority - East is mandated to submit an approved budget by April 1, 2020, to the Joint Legislative Committee on the Budget and other various oversight authorities; and

**WHEREAS**, the Finance Committee at its meeting held on March 19, 2020, reviewed the Southeast Louisiana Flood Protection Authority East Combined General Fund Budgets for the Fiscal Year Ending June 30, 2021, and the Special Levee Improvement Fund (SLIP Fund) budget for the same fiscal year.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the Combined Budgets for the Fiscal Year Ending June 30, 2021

The foregoing was submitted to a vote, the vote thereon was as follows:  
YEAS: Mr. Cosse, Mr. Englande, Mr. Hassinger, Mr. Latiolais, Mr. Morgan,

Mr. Noel and Mr. Weysham  
NAYS: None  
ABSENT: Mr. Dastugue

**RESOLUTION NO. 03-19-20-06 - LEGAL SERVICES OF BURGLASS & TANKESLEY, LLC – JOSEPH ROBERT V. STATE OF LA**

Michelle White, Executive Counsel, explained that the litigation, which involves property owners along the London Avenue Canal, is not being discussed in Executive Session today since nothing procedurally has happened since the last discussion in Executive Session relative to the movement of the litigation to the Fourth Circuit Court in order to argue some of the denials from the lower court on appeal, and continuing to try to forestall certification of a class in this matter. The previously approved not-to-exceed amount for legal services has been expended and the requested increase follows the natural progress of the litigation. Information from the Fourth Circuit Court will be delayed due to the suspension of deadlines and hearing dates caused by the COVID-19 Public Health Emergency. However, once things are moving again, the Board can meet in Executive Session and additional information can be provided.

Mr. Miller requested that the public comments submitted on this motion be read. Mr. Harris advised that no public comments had been submitted on the motion.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) adopted Resolution No. 11-29-18-08 on November 29, 2018, which was restated and amended by Resolution No. 01-17-19-02, adopted on January 19, 2019, 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”, with the stipulation that the services provided would not exceed \$50,000 without the approval of the Board; and

**WHEREAS**, by Resolution No. 02-21-19-03, the Board approved an increase of \$50,000 to the not to exceed amount for the aforementioned litigation, increasing the not-to-exceed amount to \$100,000, and by Resolution No. 09-19-19-08, an increase of \$50,000 to the not-to-exceed amount increasing said amount to \$150,000; and

**WHEREAS**, there exists a need to increase the authorized not-to-exceed amount by an additional \$50,000 for said legal representation; and

**WHEREAS**, funding is included in Budget Line Item 43110.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves an increase of \$50,000 to the authorized not-to-exceed amount, thereby increasing the previous not-to-exceed amount from \$150,000 to \$200,000, for the legal services of Burglass and Tankersley, LLC 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 \$200,000 without further Board approval.

**BE IT FURTHER RESOLVED**, that the FPA Chief Administrative Officer is hereby authorized to execute any and all documents necessary to accomplish the above.

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

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

ABSTAINED: Mr. Hassinger

NAYS: None

ABSENT: Mr. Dastugue

**RESOLUTION NO. 03-19-20-07 - AWARD OF CONTRACT FOR LAKESHORE DRIVE IMPROVEMENTS SEAWALL AREA EROSION CONTROL PAVING PROJECT REACH 3A**

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Mr. Miller requested that the public comments submitted on this motion be read. Mr. Harris advised that no public comments had been submitted on the motion.

Mr. Miller explained that the proposed resolution was placed on the agenda for a previous Board meeting; however, the resolution had to be deferred due to litigation filed by an unsuccessful bidder. Ms. White advised that the plaintiff (the objecting company) in the litigation withdrew and agreed to a dismissal of the suit; therefore, there are no outstanding issues.

Mr. Morgan advised that several months ago the Operations Committee discussed the project and had its questions answered by representatives from Kort’s Construction. Half of the funding for the project was budgeted in FY 2020 with the other half anticipated to be budgeted in FY 2021. Due to the delay in awarding the contract, most of the project funding will be budgeted in FY 2021. The local community concurred with the various aspects of the Reach 3A Project, which is the last phase of the Seawall Erosion Control Project.

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

**WHEREAS**, the Lakeshore Drive Improvements Seawall Area Erosion Control Paving Project Reach 3A (O.L.D. Project No. 27862) was advertised and three bids were opened and read at the Orleans Levee District on November 18, 2019, as follows:

Bidding Contractors	Total Base Bid Price
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Baker Pile Driving and Site Work, LLC	\$9,881,437.52
Kort's Construction Services, Inc.	\$10,495,752.60
TKTMJ, Inc.	\$11,736,679.00

**WHEREAS**, the bid submitted by Baker Pile Driving and Site Work, LLC, was deemed nonresponsive because the bidder failed to use the required bid bond form for bid security; and

**WHEREAS**, the lowest responsive bid was submitted by Kort's Construction Services, Inc., in the amount of \$10,495,752.60; and

**WHEREAS**, funding for the project is included in budget line item BPRO J018.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$10,495,752.60 to Kort's Construction Services, Inc., for the Lakeshore Drive Improvements Seawall Area Erosion Control Paving Project Reach 3A (O.L.D. Project No. 27862).

**BE IT FURTHER RESOLVED**, that the FPA Chief Administrative Officer, or in his absence the Director of Engineering, is hereby authorized to execute the aforementioned contract with Kort's Construction Services, Inc., 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. Englande, Mr. Hassinger, Mr. Latiolais, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Dastugue

**RESOLUTION NO. 03-19-20-08 - ISSUANCE OF TASK ORDER TO DESIGN ENGINEERING, INC. FOR THE LAKESHORE DRIVE IMPROVEMENTS SEAWALL AREA EROSION CONTROL PAVING PROJECT REACH 3A**

Mr. Miller requested that the public comments submitted on this motion be read. Mr. Harris advised that no public comments had been submitted on the motion.

Chris Humphreys, Director of Engineering, advised that Design Engineering, Inc. (DEI) designed the Reach 3A Project, along with all of the previous phases of the project, which provided continuity in the phased project.

Mr. Noel requested that staff send him the project's design cost.

Mr. Miller explained that different government agencies handle the design, construction administration and inspection for a project in different ways. When possible, subject to the FPA's satisfaction with the design firm, the FPA has traditionally allowed the design firm to provide resident inspection and construction management services for the project. Therefore, the proposed task order with DEI is in line with the FPA's normal procedures.



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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) approved the award and execution of the construction contract for the Lakeshore Drive Improvements Seawall Area Erosion Control Paving Project Reach 3A; and

**WHEREAS**, the FPA entered into an Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract with Design Engineering, Inc. (DEI) to provide Construction Administration and Resident Inspection Services on an as needed basis; and

**WHEREAS**, DEI submitted a proposal to provide Construction Administration at a not-to-exceed amount of \$270,047.05 and Resident Inspection Services at a not-to-exceed amount of \$191,000.00 for the aforementioned project with a not to exceed amount of the task order to be \$461,047.05; and

**WHEREAS**, funding for the proposed Construction Administration and Resident Inspection services is included in budget line item BPROJ018.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the issuance of a task order to Design Engineering, Inc. with a not to exceed amount of \$461,047.05 to provide Construction Administration and Resident Inspection Services for the Lakeshore Drive Improvements Seawall Area Erosion Control Paving Project Reach 3A.

**BE IT FURTHER RESOLVED**, that the FPA Chief Administrative Officer, or in his absence the Director of Engineering, is hereby authorized to execute the aforementioned task order with DEI, 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. Englande, Mr. Latiolais, Mr. Morgan, Mr. Noel and  
Mr. Weysham

ABSTAINED: Mr. Hassinger

NAYS: None

ABSENT: Mr. Dastugue

#### **EXECUTIVE SESSION:**

1. Litigation instituted pursuant to Resolution No. 11-21-19-11 relative to the enforcement of the agreement between the FPA and St. Bernard Parish Government for the transfer of the drainage and pumping responsibilities in St. Bernard Parish.

Mr. Morgan offered a motion, which was seconded by Mr. Miller and unanimously adopted by a roll call vote, for the Board to convene in Executive Session to discuss the item listed on the agenda.

Ms. White advised that the Board will take no actions after the Executive Session.

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