

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, MAY 21, 2020**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on May 21, 2020. Due legal notice of the meeting was sent to each Board member and the news media and posted.

In accordance with Section 2 of the Governor’s Proclamation Number 59 JBE 2020: Renewal of State of Emergency for COVID-19 Extension of Emergency Provisions, the Southeast Louisiana Flood Protection Authority – East held its May board meeting, scheduled for Thursday, May 21, 2020, virtually via video conference. The video conference was livestreamed for observation by the public, accessible from the following link: <https://stream.lifeseizecloud.com/extension/2000076559/d7307d29-07a1-4d48-8d55-9318165661e6>

Consistent with La. R.S. 42:14(D), public comments could be submitted via email to [comments@floodauthority.org](mailto:comments@floodauthority.org) beginning 30 minutes prior to commencement of the meeting and continuing until the Public Comment item on the published agenda was reached, at which point comments received would be read into the record. Public comment submittals were to include the commenter’s name and who they represent.

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  
Quentin D. Dastugue, Treasurer  
Andrew J. Englande, Jr.  
Lambert J. Hassinger, Jr.  
Jason P. Latiolais  
K. Randall Noel  
Herbert T. Weysham, III

**ABSENT:**

None.

**ADOPTION OF AGENDA:**

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

**RESOLUTION NO. 05-21-20-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON MARCH 19, 2020**

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On the motion of Mr. Morgan,  
Seconded by Mr. Hassinger, 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 March 19, 2020.

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

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

NAYS: None

ABSENT: None

**EMPLOYEE RECOGNITION AND APPRECIATION:**

Mr. Miller announced that Francisco Varela, Trades Apprentice, Operations & Maintenance-Facilities, was selected as the FPA Employee of the Month, and Officer Terrol-Lynn Gray, Police Officer 2A, Orleans Levee District Police Department, was selected as the FPA Police Employee of the Month. The formal presentation of the Employee of the Month commendations will be made at the next Board meeting in which members meet in person.

**OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:**

Mr. Miller stated that until yesterday he was preparing to provide comments on how well the FPA staff has performed developing and implementing the COVID-19 plan. However, yesterday he had the privilege of reading the message written by Mr. Hassinger for the FPA employees' newsletter (In the Levee Loop) and requested that he read the message into the record, to-wit:

"We have all been dealing with some unexpected and challenging circumstances over the past couple months. I hope that you and your families are safe and healthy. Covid-19 has significantly disrupted most people's lives; our routines are altered, perhaps our health is changed, some have lost loved ones. We pray for those who have died, and for their families.

"Something struck me over this past weekend. While there is virtually nobody on the road, and things seem eerily quiet, who do I see out on a Saturday? FPA crews taking care of the levees along the Orleans Canal. On another day, while most are inside their homes, I see other crews working around the closure structure on Bayou St. John. I read emails among our staff, commissioners and board president, thinking about and planning for important operational and budget issues. I hear OLD Police on their loudspeakers, doing their jobs. I see the Lakefront Management Authority folks energized and in gear. I go to Receiving for a mask and end up having a great conversation with Julia (her daughter was just admitted to Boston University, a great

story...perhaps we can talk about it another day). I read another reminder from Glenda for me to get this article written. And I know that these snapshots are not limited to OLD; I just happen to be in Orleans Parish for these particular examples. I would have the exact same experiences in Jefferson and St. Bernard. Why? Because this organization is united and has one culture.

“It is said that adversity does not build character, it reveals it. And while virtually everything has been interrupted and disordered, I am privileged to see, hear from, and interact with people who don’t buckle under pressure, but excel.

“Thank you for being steady. Thank you for being professional. And, well, thank you for just being there, doing what you do.”

Mr. Miller added that he resides near the East Jefferson levee and sees the same Maintenance and Police operations taking place and that he was sure that the same operations are taking place in the Lake Borgne Basin Levee District.

Mr. Miller reported that the research performed by Michelle White, Executive Counsel, revealed that three Cooperative Endeavor Agreements (CEAs) are in place for providing mutual aid during emergencies. The FPA-East and FPA-West participate in a CEA with the Association of Levee Boards of Louisiana that is fairly comprehensive and includes a number of levee districts, and CEAs are in place between St. Bernard Parish and the Lake Borgne Basin Levee District and between Jefferson Parish and the East Jefferson Levee District. The FPA will work on updating and amending the CEAs and will work with St. Bernard and Jefferson Parishes regarding putting the updated agreements in place. The City of New Orleans will be contacted about the development and implementation of a CEA between the FPA and the City. Although the amended CEAs with the Parishes and proposed CEA with the City of New Orleans may not be in place at the start of hurricane season, Mr. Miller was confident that, in view of the relationships that have developed, in the event of an emergency the entities would provide mutual aid. The CEAs formalize the assistance to be provided and memorializes payments, FEMA reimbursements and other issues.

Mr. Miller advised that typically on June 1<sup>st</sup> the FPA participates in meetings with the Governor, Mayor of New Orleans, Parish Presidents and local officials in order to present a united effort relative to hurricane season preparations. Due to the COVID-19 public health emergency, no official notification of such meetings have been received. The FPA will be issuing press releases covering this theme as hurricane season commences.

Mr. Englande thanked Mr. Hassinger for his message in the employees’ newsletter, which, he stated, speaks to who we are and the people that the Board represents, and thanked Glenda Boudreaux and Wilma Heaton for continuing the publication of the Levee Loop newsletter, which keeps the Board and FPA employees connected and informed.

## **PUBLIC COMMENTS:**

Mr. Miller asked for public comments. No public comments were submitted.

## **PRESENTATIONS:**

None.

## **COMMITTEE REPORTS:**

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

- Long-Term Operations and Maintenance Cost and Required Reserves – Kelli Chandler, Regional Finance Director provided the initial draft projections for consideration by the Committee and for future action.
- Review of third quarter budget to actuals and future financial impact of COVID-19 – The Committee discussed the budgets of various departments.
- Procurement of property insurance coverage for the Permanent Canal Closures and Pumps (PCCP) – The Committee recommended that the Board ratify the procurement of coverage for the next policy period.

Ms. Chandler pointed out that one of the Lake Borgne Basin Levee District's millages expires this year and that the FPA should consider options regarding a revenue source should the FPA continue operating the pump stations in St. Bernard Parish. Mr. Miller advised that St. Bernard Parish Government is planning to hold the election that was originally scheduled for May 9<sup>th</sup>, but was postponed until later in the summer.

Therefore, it would be premature at this time for the Board to take action on this issue.

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

- Proposed issuance of a Task Order to Tetra Tech, Inc. relative to GIWW Bypass Gate alternate closures as identified in the Complex Structures Risk Reduction Measures – Tetra Tech performed a risk analysis of the FPA's flood defense system and developed a number of recommendations. The Committee recommended that the Board approve moving forward with the recommendations for the GIWW Bypass Gate.
- 2020 Comprehensive Emergency Management Plan (CEMP) – The Committee recommended that the Board approve the CEMP.

## **REPORT BY CHIEF ADMINISTRATIVE OFFICER:**

No oral report was given.

**NEW BUSINESS:**

**RESOLUTION NO. 05-21-20-02 - PROCUREMENT OF PROPERTY INSURANCE COVERAGE FOR THE PERMANENT CANAL CLOSURES AND PUMPS**

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

**WHEREAS**, a Cooperative Endeavor Agreement (CEA) was entered into effective February 1, 2018 between the Coastal Protection and Restoration Authority, the Southeast Louisiana Flood Protection Authority-East (FPA) and the Sewerage and Water Board of New Orleans, which provides that the FPA would assume responsibility for the operation and maintenance (O&M) of the Permanent Canal Closures and Pumps (PCCP) located at the Orleans, London and 17<sup>th</sup> Street Canals; and

**WHEREAS**, the aforementioned CEA further sets forth the cost share obligations of the S&WB and FPA for the O&M of the PCCP; and

**WHEREAS**, the FPA by Resolution No. 04-18-19-02 authorized procurement of Property Insurance coverage for the PCCP for a one-year period ending on May 4, 2020; and

**WHEREAS**, a quote was provided by Starr Tech through the FPA's Agent of Record, Arthur J. Gallagher, for the procurement of the aforementioned coverage for a one-year period, effective May 4, 2020 and ending on May 4, 2021 at an annual cost of \$302,040 with a Limit of Liability of \$129,620,000; and

**WHEREAS**, given the need to timely bind coverage for the next policy period, the FPA President authorized the procurement of said coverage from Starr Tech as herein stated; and

**WHEREAS**, funding for the aforementioned insurance coverage is available in Budget Line Item Account 45400.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East ratifies the procurement of Property Insurance for the PCCP for a one-year period, commencing on May 4, 2020 and ending on May 4, 2021, from Starr Tech with a Limit of Insurance of \$129,620,000 at an annual cost of \$302,040.

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

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

ABSTAINED: Mr. Hassinger

NAYS: None

ABSENT: None

**RESOLUTION NO. 05-21-20-03 - GRANTING A TEMPORARY MORATORIUM AND A THIRTY (30) DAY RESUMPTION PERIOD FOR ORLEANS LEVEE DISTRICT MINERAL LESSEES DUE TO COVID-19**

Ms. White explained that the proposed resolution is at the request of leaseholders of oil, gas and mineral leases located in the Bohemia Spillway and is comparable to a moratorium that was approved by the State Mineral Board. It keeps leaseholders who are unable to move forward with exploration, production or other responsibilities from being penalized under the existing leases when they cannot properly staff those operations due to COVID-19. Lease activities would resume on the timeline indicated and the leaseholders would reassume all obligations under the lease. The proposed resolution would not affect FPA revenues as the leases are in the exploration phase and the moratorium would not affect any rents that are due. The leaseholders are obliged to take all actions required by the State Mineral Board with respect to safe operations on the site.

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

**WHEREAS**, Governor John Bel Edwards proclaimed a Public Health Emergency on March 11, 2020 (25 JBE 2020), for the State of Louisiana as a result of the outbreak of COVID-19 and such proclamation has been supplemented on March 13, 2020 (27 JBE 2020), March 14, 2020 (29 JBE 2020), March 16, 2020 (30 JBE 2020), March 19, 2020 (32 JBE 2020), March 22, 2020 (33 JBE 2020 and 34 JBE 2020), March 26, 2020 (37 JBE 2020), March 31, 2020 (38 JBE 2020), April 2, 2020 (41 JBE 2020), and April 7, 2020 (43 JBE 2020); and

**WHEREAS**, Governor Edwards issued a "stay-at-home" order (33 JBE 2020) closing all state office buildings to the public, requiring the cancellation of all meetings of 10 people or more, and directing all members of the public to remain home unless performing an essential activity; and

**WHEREAS**, a significant outbreak of COVID-19 has been observed across the entire United States and its territories, companies with which Orleans Levee District has existing oil, gas & mineral leases and the various service companies necessary to support continued and safe operations in oil, gas & mineral exploration and production, employ personnel residing in Louisiana and/or other states or territories affected by COVID-19, are under "stay-at-home" orders, and are confronting staffing issues attributable to COVID-19; and

**WHEREAS**, COVID-19 may cause disruption in the supply chains and the labor force, thereby impacting the ability of many of the Orleans Levee District mineral lessees to make lease hold payments, conduct lease maintenance operations, maintain production in paying quantities, comply with their obligation to reasonably develop the entire lease premises for minerals, and/or respond to demands made by the Orleans Levee District to timely develop and maintain their Orleans Levee District ~~state~~ mineral leases; and

**WHEREAS**, due to the historically low prices and lack of excess storage capacity, as well as a drop-in demand for oil as a result of COVID-19, Orleans Levee District operators and lessees may find it difficult to economically produce minerals from Orleans Levee District Mineral Leases and/or to market their oil, forcing them to

either decrease production substantially or to shut-in otherwise productive wells;  
and

**WHEREAS**, the Orleans Levee District recognizes that the challenges to lease maintenance caused by COVID-19, related governmental directives, the historically low oil prices, and the limitations on oil storage capacity were unforeseeable and not susceptible to mitigation by most Orleans Levee District mineral lessees; and

**WHEREAS**, requiring formal amendments to each Orleans Levee District mineral lease, would be a substantial drain on time and resources for both industry and the Orleans Levee District under present circumstances when workforce is limited by COVID-19.

**NOW, THEREFORE, BE IT RESOLVED** that due to the unprecedented effects of COVID-19, historically low oil prices, the unavailability of storage and the other findings herein, the Orleans Levee District hereby approves a temporary moratorium on the enforcement of any and all lease maintenance obligations and conditions for all Orleans Levee District mineral leases for the period beginning on March 11, 2020, and ending July 13, 2020 ("Temporary Moratorium"). At the conclusion of this period, the Orleans Levee District will allow for another thirty (30) days ("Resumption Period") for Lessees to resume or begin operations, production or lease maintenance payments sufficient to maintain the Orleans Levee District mineral leases in effect. If any lease maintenance obligation comes due during the Temporary Moratorium or the Resumption Period and is not met by the end of the Resumption Period, the Orleans Levee District shall at that time have the right to enforce such obligation. Any and all lease maintenance obligations that are complied with prior to or during the Resumption Period will be deemed to have occurred retroactively prior to the actual due date required by the terms of the Orleans Levee District mineral lease. Similarly, if any Orleans Levee District mineral lease would expire in whole or in part during the Temporary Moratorium or Resumption Period but for a rental, shut-in or other payment to the Orleans Levee District, the performance of certain operations and/or the commencement or resumption of production and such payment is made, such operations are commenced and/or such production is commenced or resumed before the end of the Resumption Period, then for purposes of lease maintenance such payment shall be deemed to have been made, such operations shall be deemed to have commenced and such production shall be deemed to have commenced or resumed immediately before the time such Orleans Levee District Mineral Lease would have otherwise expired without such payment, production or operations. All Orleans Levee District mineral leases are hereby amended, without further action, to include the terms and provisions of this Resolution.

**BE IT FURTHER RESOLVED** that the Orleans Levee District wishes to emphasize that the Temporary Moratorium and Resumption Period enacted by this Resolution do not allow an operator or lessee to fail to pay royalties if they continue to obtain production during these times. If an operator or lessee continues to obtain production from Orleans Levee District mineral leases, royalties and Orleans Levee District production interests must be timely paid in accordance with the terms of the Orleans Levee District mineral lease and applicable laws.

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

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

NAYS: None

ABSENT: None

#### **RESOLUTION NO. 05-21-20-04 - COMPLEX STRUCTURES REMAINING RISK REDUCTION MEASURES PRELIMINARY DESIGN**

Mr. Morgan explained that the FPA retained Tetra Tech, Inc., several years ago to perform a risk analysis of the FPA's flood defense system and to provide recommendations to reduce the risks. The proposed implementation of GIWW Bypass Gate alternate closures will reduce the FPA's flood risk. He noted that Tetra Tech's proposal includes airfare for an electrical engineer to travel from Seattle to oversee the electrical design portion of the work. The Operations Committee recommended that Tetra Tech's airline travel be limited. The Committee did not make changes to the budget; however, Gerry Gillen, Operations Director, committed to managing and minimizing the travel necessary to implement the project.

Mr. Englande pointed out that the cost of Item 2 – Finalization of Plates and Presentation (\$86,689) is almost the same as Item 1 – Initial Development of RRM Plates (\$86,394), which seems strange. In addition, the itemization for Task 2 includes 120 hours for the final meeting with the FPA (includes travel time) at a cost of almost \$25,000. He stated that this seems excessive, unless there is a reason for the expense.

Mr. Gillen advised that the final meeting will probably take place by Zoom conference and that he would review this cost. He explained that the project manager and several other Tetra Tech employees who worked on the report may want to travel to New Orleans. Initially, Tetra Tech employees may need to travel to New Orleans to perform measurements, look at the barge relative to plating and possibly meet with the U.S. Army Corps of Engineers, which he may allow, and possibly for the final meeting; however, the cost should be lower than estimated cost that Tetra Tech provided. Mr. Englande reiterated that this cost seemed very high. Mr. Gillen concurred.

Mr. Miller asked would deferring approval of the task order to the next meeting due to the concerns about the electrical engineer and the proposed cost of the final meeting have any impact.

Mr. Gillen responded that he would review the proposal and that he was sure that the travel time/costs probably include associated hotel expenses; however, he would limit these costs and the costs would be tamped down. Mr. Miller asked Mr. Gillen would he take care of this issue contractually if the Board approves the task order. Mr. Gillen responded, absolutely; the proposal has a not-to-exceed fee. He assured the Board that he would control the travel issue.



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

**WHEREAS**, Tetra Tech, Inc. was granted a contract to provide a Probabilistic Performance Analysis for the Complex Structures under a Community Development Block Grant; and

**WHEREAS**, the final risk of failure or breakdown report was presented and accepted by the Board; and

**WHEREAS**, the analysis report recommended a number of Risk Reduction Measures to reduce the likelihood of non-closure and were grouped based on the level of importance and difficulty; and

**WHEREAS**, all of the risk reduction measures identified have been addressed except for the remaining measures regarding the bypass gate, and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority–East (FPA) by Resolution No. 08-15-19-04 authorized the execution of an Indefinite Delivery – Indefinite Quantity Contract with Tetra Tech, Inc. for Civil Engineering Services; and

**WHEREAS**, funding for the aforementioned Task Order is available in the FY 2021 Capital Outlay budget line item BPROJ041.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the issuance of a Task Order to Tetra Tech, Inc. in the not to exceed amount of \$173,083 under the aforesaid ID-IQ Contract to provide preliminary design drawings and U.S. Army Corps of Engineers submittal for review of GIWW Bypass Gate alternate closures as identified in the Risk Reduction Measures.

**BE IT FURTHER RESOLVED**, that the FPA Chief Administrator Officer, or in his absence the Director of Engineering, be hereby authorized to execute the aforementioned Task Order with Tetra Tech, Inc., 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. Dastugue, Mr. Englande, Mr. Hassinger, Mr. Latiolais,  
Mr. Morgan, Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: None

#### **RESOLUTION NO. 05-21-20-05 - APPROVAL OF 2020 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN**

Chris Humphreys, Director of Engineering, explained that prior to 2020 each levee district had an Emergency Operations Plan that was updated each year prior to the commencement of hurricane season. This year the three plans were consolidated and made part of the 2020 Comprehensive Emergency Management Plan (CEMP). The

contact lists have been updated and the CEMP was reformatted for easier reading and future updates. He explained that Mr. Morgan provided several suggestions at the Operations Committee meeting that will be incorporated into the CEMP. The emergency contact number will be shown on the plan's cover. If the satellite assignment listing and phone numbers and the radio channels are not received in time for inclusion in the printed document, they will be included by amendment. COVID-19 protocols for EOC operations are being developed as a separate document.

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

**WHEREAS**, LA R.S. 38:319, mandates that the Board of Commissioners of each Levee District prepare a written procedures manual to be used during periods of emergency to facilitate the immediate and orderly actions of each board during an emergency; and

**WHEREAS**, in compliance with the aforementioned statute, the Southeast Louisiana Flood Protection Authority-East (FPA) staff prepared the 2020 Comprehensive Emergency Management Plan (CEMP).

**BE IT HEREBY RESOLVED**, that the FPA adopts the 2020 Comprehensive Emergency Management Plan, and authorizes all actions under said Plan.

**BE IT FURTHER RESOLVED**, that the Board adopts the 2020 CEMP as a document that will be utilized to provide guidance for responding to emergencies and operating the Hurricane Storm Surge Risk Reduction System and Mississippi River Levee System at their optimum capacity as and when necessary.

**BE IT FURTHER RESOLVED**, that the Board recognizes that as with any document of this magnitude, changes may be necessary to improve its functionality and these changes will be incorporated as necessary.

**BE IT FURTHER RESOLVED**, that the Chief Administrative Officer (CAO), or Director of Engineering in the absence of the CAO, is hereby authorized to sign 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. Hassinger, Mr. Latiolais,  
Mr. Morgan, Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: None

The next regular monthly meeting of the Board will be held on June 18, 2020.

There was no further business; therefore, the meeting was adjourned at 11:30 a.m.