

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, MAY 16, 2019**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on May 16, 2019, in the St. Bernard Council Chambers, St. Bernard Parish Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Luettich called the meeting to order at 10:30 a.m. and led in the pledge of allegiance. Mr. Cosse called the roll and a quorum was present:

**PRESENT:**

Richard A. Luettich, Jr., Vice President  
Mark L. Morgan, Treasurer  
Clay A. Cosse, Secretary  
Quentin D. Dastugue  
Jason P. Latiolais  
Herbert I. Miller  
Herbert T. Weysham, III

**ABSENT:**

Lambert J. Hassinger, Jr., President  
Andrew J. Englande, Jr.

**ADOPTION OF AGENDA:**

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

**RESOLUTION NO. 05-16-19-01 –  
APPROVAL OF APRIL 18, 2019 BOARD MEETING MINUTES**

On the motion of Mr. Weysham,  
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 April 18, 2019.

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

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

NAYS: None

ABSENT: Mr. Englande and Mr. Hassinger

## **EMPLOYEE RECOGNITION AND APPRECIATION:**

Mr. Luettich stated that without the people who work for the Authority there would be no flood protection. He expressed the Board's gratitude for the work performed by the FPA employees who maintain the flood defense system, keep the finances straight, plan projects, and work throughout the community through the levee district police departments. The Board recognized Joshua Martin who was selected as the Police Employee of the Month.

Joshua Martin is a Police Officer 2A with the Orleans Levee District (O.L.D.) Police Department. Officer Martin was nominated by his colleagues and selected as the Police Employee of the Month because of his enthusiasm and dedication to law enforcement and the mission of the FPA. He exhibits all of the FPA's values in the performance of his duties each day and is an exemplary law enforcement professional.

Officer Martin is a team player and is always willing to help out a fellow officer. He volunteers for any training as soon as it is put out so that he stays informed and is ready to meet any challenge. He recently completed Motorcycle Training and is now a member of the Department's Motorcycle Division.

On Saturday, April 20, 2019, Officer Martin was on his way home after completing his shift when he was flagged down in the 6900 block of Mayo Boulevard. Officer Martin received information that two young subjects had burglarized vehicles in the area and were running through the neighborhood. Officer Martin notified the NOPD 7<sup>th</sup> District and provided the information and then spotted the two subjects. Officer Martin was able to apprehend one of the subjects and then assisted NOPD Units with setting up a perimeter to search for the other subject. Due to his detailed description the NOPD was able to apprehend the second subject.

This is a shining example of the type of service the public deserves. This Officer could have just called in a description and continued home, but instead decided to make a difference and proved his outstanding dedication to duty. Officer Martin is a tremendous asset to the FPA, the law enforcement community and the public.

Mr. Luettich presented a Certificate of Commendation to Officer Martin and thanked him for his service to the FPA and the community.

## **OPENING COMMENTS BY PRESIDENT OR COMMISSIONERS:**

Mr. Luettich advised that Mr. Hassinger was out of town and unable to attend today's meeting; therefore, he was acting as Chair.

Mr. Miller commented about recent national reports in the media concerning levee subsidence in the Greater New Orleans area and the U.S. Army Corps of Engineers' (USACE) study to establish the need and cost effectiveness of levee lifts. He explained that it is a known fact that levees in the Greater New Orleans area will subside. The levees are built with better materials than can be found on a home site; however, they still subside. The levees were raised after Hurricane Katrina and will need to be raised

again in the future. The USACE must justify every dollar it spends through studies, which are submitted to Congress. He expressed confidence that the USACE's study will show that the levees must be raised and that it is cost effective to do so. He advised that he met with LA Congressman Garret Graves several weeks ago and that while discussing this issue Congressman Graves stated, "You don't want Congress playing engineer. Let the USACE do that." Mr. Miller reiterated confidence that the USACE's study will find that the levees will need to be raised, and added that he hoped in the future that the levees would not only be raised to meet the 100-year level of flood protection, but to meet the 500-year level of flood protection.

Mr. Luetlich explained that he has been involved in studies of the Hurricane and Storm Damage Risk Reduction System (HSDRRS) for years. He stated that studies of the HSDRRS, including the USACE's current study, are very beneficial. He encouraged studies of the system and stated that the HSDRRS should constantly be reevaluated as new storms come through the area, and as subsidence, sea level rise and climate change take place to ensure that the system provides the level of protection that is intended as well as the level that the FPA aspires to achieve. The HSDRRS must be recertified for FEMA reaccreditation in 2023 and must be studied for that purpose. He reiterated that studies are healthy and are needed.

#### **PUBLIC COMMENTS:**

Carol Byram, a resident of Orleans Parish, commented that after twelve years she is still coming before the Authority because of one individual, former President Tim Doody, who in 2007 attempted to take property illegally using false information and is now taking tax monies using false information. She stated that Mr. Doody is responsible for the situation in which St. Bernard finds itself and that in the early years he neglected to educate his own parish about the dire need for a millage increase. He insisted that the residents of Orleans Parish raised their millage rate and secretly used much of that money for St. Bernard. After this plan was discovered and challenged, he came up with a new plan to use the Legislature to force Orleans Parish taxpayers to continue paying for his parish. She stated that St. Bernard claims in House Bill (HB) 581 that it protects all of New Orleans and that based on property values Orleans and East Jefferson Parishes should pay 90 percent or more of the expense. She explained that the 23-mile long 30-ft. high T-wall surrounding St. Bernard's wetlands protects all of St. Bernard Parish and all of the Ninth Ward. While the T-wall potentially protects one end of New Orleans East, it actually hurts the other end by directing more water onto its shores. She pointed out that water from Lake Pontchartrain sent onto the south shore during a Category 4 or 5 hurricane would go into St. Bernard Parish if New Orleans East was not there. St. Bernard's wall protects all of St. Bernard Parish and all of the Lower Ninth Ward, which is a fraction of the size of St. Bernard Parish, and during some storms a portion of New Orleans East. In other storms, New Orleans East may protect St. Bernard Parish.

Ms. Byram stated that if the method of using property values is utilized, then expenses should be shared equally. She stated that this is a simplified version because the IHNC, Industrial Canal, Surge Barrier and higher levees are situated between the two parishes. She stated that she suggested in an October, 2017, letter to the Board that

hydrologists or other experts should be consulted to determine a fair assessment regarding flood protection between the parishes. She commented on actions taking place during the 2019 Legislative Session and urged that the dispute be put into the hands of unbiased professionals.

Mr. Byram further advised that two-thirds of the land in New Orleans is tax free because of universities, parks, etc. Only one-third of the land is owed by taxpayers who must pay for flood protection for the City of New Orleans. She commented on the problems with the antiquated drainage system in New Orleans and that property taxes in New Orleans are already out of control. She added that the taxpayers of New Orleans cannot afford to also pay for St. Bernard's flood protection and that it is imperative that HB 581 be defeated.

Roy Arrigo explained that about a month ago he made a last minute request on behalf of a civic association (Levees.org) for a tour of the 17<sup>th</sup> Street Permanent Canal Closures and Pumps (PCCP) pump station. Gerry Gillen, Operations Director, came to the pump station on the Saturday before Easter and conducted an excellent tour for the group. He added that the Authority has a very good image in the eye of the public because of the services provided by its employees. He thanked Mr. Gillen for providing the tour and the FPA for its service to the public.

### **PRESENTATIONS:**

None.

### **COMMITTEE REPORTS:**

#### **Finance Committee:**

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

- Certification of millage rates for the Lake Borgne Basin Levee District (LBBLD) - The Committee recommended with a vote of three yeas and one nay that the Board recertify last year's millage rates for the 2019 tax roll.
- Proposed leasing of Information Technology Infrastructure – The item was deferred until next month's meeting. The final proposal was received a day or two prior to the Board meeting; therefore, there was not sufficient time to fully review the proposal.
- Third quarter budget to actuals for Fiscal Year (FY) 2020 - A full review of the third quarter budget to actual numbers took place and it appeared that the budgets are being well tracked.
- Proposed revisions to O.L.D. FY 2019 Budget – The Committee recommended that the Board approve the revisions to the FY 2019 O.L.D. Budget.

## **Operations Committee:**

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

- Proposed advertisement for bids for construction of Phase IV of the Lake Pontchartrain Seawall Erosion Control Project – The Committee received comments from the public regarding the project and by a unanimous vote recommended that the Board proceed with the advertisement for bids.
- Updated Emergency Operations Procedures (EOP) Manual – The Committee discussed the proposed updates, which included additional information regarding the PCCP and other modifications.
- Cost increase for the levee lift portion of the USACE’s armoring/levee lift project for LPV 111.01 (ARM 09) – The Committee discussed the cost increase and recommended Board approval.
- Proposed appropriation of a temporary servitude for the USACE’s seepage control project in St. Bernard Parish – The Committee was advised that the Board can legally proceed with the appropriation.
- Proposed award of a contract for the PCCP amplifier system installation – The Committee was advised that an amplifier system is required for safety purposes.
- Intergovernmental Agreement (IA) between the East Jefferson Levee District (EJLD) and Jefferson Parish for the recreational use of the all-weather access road – The Committee voted unanimously to recommend that the Board approve the IA. The Jefferson Parish Council will consider approval of the IA at its next meeting.

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

Derek Boese, Chief Administrative Officer (CAO), reviewed the highlights of his report:

- The FPA’s All Hands Safety Awareness and Employee Appreciation meeting will be held today at 11:30 a.m. at the Franklin Avenue Facility.
- High River – The Bonne Carre Spillway was reopened on May 10<sup>th</sup> by the USACE. Currently, 128 bays of the spillway are open. This is the first time that the spillway has been opened twice within a year. The river has been in flood stage (11<sup>+</sup>-ft. at the Carrollton gage) for over six months. The river stage spiked at 17.2-ft. before the USACE opened the spillway. Today, the river stage is 16.5-ft. at the Carrollton gage. The river is predicted to remain above flood stage through May and is anticipated to drop to 15.1-ft. by mid-June. FPA staff has been inspecting the Mississippi River Levee (MRL) for over six months; therefore, the Engineering staff has taken initiatives to provide a fresh set of eyes in the inspections to ensure no issues are inadvertently overlooked.

- EOP manual – The EOP manual was developed as a living document. The USACE is in the process of developing manuals for the MRL system. The Engineering staff has taken the initiative and is working with the USACE to address potential issues and limit damages. The first scenario under the initiative deals with hypothetical bank erosion in the vicinity of the Moon Walk (French Quarter). The initiative will be expanded until all three levee districts are included and the results will be incorporated into the EOP manual.
- Requests for Qualifications (RFQs) – The RFQs for Civil Engineering, Surveying and Geotechnical Services have been advertised. Responses to the RFQs will be received in mid-June and action is anticipated by the Board in July.
- Seepage issue at Bellaire Drive – The USACE is expected to complete the berm by June 1<sup>st</sup>. The FPA is providing support to the USACE in the permitting process with the City of New Orleans for tying the drain lines into the Sewerage and Water Board of New Orleans' (SWBNO) drainage system. The work is targeted for completion on June 30<sup>th</sup>.
- Slide repair LPV 108 (ARM 04) – The repairs are underway by the USACE. The FPA has not received the root cause analysis for the slide.
- Franklin Complex Renovations – Staff moved into the newly constructed offices located in the warehouse. Demolition started in the Administration Building.
- Annual levee survey plan – Staff developed an annual levee survey plan that can be accomplished in a reasonable cost effective manner and will allow staff to monitor to detect spots that may be settling faster than anticipated. The plan is anticipated to be presented to the Operations Committee next month.
- PCCP – The three station simultaneous open gate test is anticipated to take place at the end of May. The test will include staff from other departments designated to augment PCCP staff. Coordination is not necessary with the SWBNO since the gates will remain open and the water recirculated. The test is one step in the plan to ensure proficiency. The FPA is awaiting feedback from Jefferson Parish on the cost-share Cooperative Endeavor Agreement (CEA) for the 17<sup>th</sup> Street Canal PCCP. The on-going removal of the Interim Control Structures (ICS) by the USACE is anticipated to be completed by mid-summer. The removal of the ICS will allow better water flow to the PCCP pump stations during a storm. The PCCP warranty expired on May 1<sup>st</sup>; however, repairs under the warranty continue. An additional Engineer 5 is being hired to assist the PCCP team and provide additional expertise.
- Metrics – Metrics are being developed for various FPA departments. The metrics for the Human Resources Department were reviewed.
- Emergency Operations – The USACE/Coastal Protection and Restoration Authority (CPRA) hurricane exercise is scheduled for May 30<sup>th</sup>. The FPA is finalizing an internal hurricane exercise anticipated to take place on June 25<sup>th</sup> or

26<sup>th</sup>. The Information Director is working with local governmental entities relative to hurricane season media day activities. The selection panels are reviewing the responses to the RFQ's for the emergency debris removal and construction contracts. Action on the proposed contracts is anticipated in June. The FPA's public service announcements for the hurricane season started on May 6<sup>th</sup>.

- Public information – Tours of the PCCP and Surge Barriers are on-going.

Mr. Morgan pointed out that the PCCP pump stations were designed to pump fresh water. If the gates are left open during a test, the pumps will be pumping salt water. He requested that staff evaluate any potential issues.

Mr. Morgan requested information on the status of the LBBLD pump stations. Mr. Boese responded that the independent consultant retained by the FPA and St. Bernard Parish completed its report. Mr. Hassinger and Mr. Boese met with representatives of the CPRA and St. Bernard Parish Government (SBPG) about two weeks ago to review the report. Both parties had comments regarding the report. CPRA's representatives had questions relative to the cost and wanted to conduct a site visit, which is expected to take place next week. Mr. Boese stated that both parties seems comfortable with CPRA as an arbitrator to arrive at the cost associated with bringing the pump stations to a reasonable point for turnover. He stated that there seemed to be positive movement coming from the meeting. The CPRA's assessment and the determination of a cost will move the issue towards a conclusion and towards fulfilling the Board's intent to turn over the pumping and drainage system to SBPG.

Mr. Morgan noted that the cost determined by Evans Graves is \$1.4 million for the pump stations. Mr. Boese stated that the FPA was comfortable with the cost for the pump stations; however, SBPG was not comfortable with the cost. The opposite was true for the canals. The FPA did not feel that the cost for the canals was reasonable; however, SBPG was comfortable with the cost. Therefore, the CPRA stepped in to make its own assessment, which will include everything that has been done thus far.

**NEW BUSINESS:**

**RESOLUTION NO. 05-16-19-02 – ADOPTION OF LBBLD MILLAGE RATES AND ASSESSMENTS**

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Mr. Luettich read aloud the resolution in its entirety and asked for public comment.

Robert Romeo advised that he was speaking as an Orleans Parish taxpayer. He explained that taxpayers in Orleans Parish pay their taxes in the month of January for the oncoming year and taxpayers of all other parishes pay their taxes in January for the past year. He stated that he has already paid his share of St. Bernard Parish's flood protection and drainage. He pointed out that millage renewals are not guaranteed. After Hurricane Katrina St. Bernard Parish did not do what the other parishes did by adjusting what they needed to take in for the new flood protection system and drainage. He stated that FEMA cannot always be counted on after a major event. SBPG states that their parish is like a buffer and prevents St. Tammany, Orleans and other parishes from flooding. However, citizens of the other parishes do not see it that way and it does

not unilaterally protect the other parishes. He stated that it was time for St. Bernard Parish to protect itself and that by St. Bernard Parish funding its own protection it contributes towards the protection of the whole area. He pointed out that Orleans Parish taxpayers pay more on a per taxpayer basis and on a parish-wide basis for St. Bernard Parish's protection than St. Bernard Parish pays on the same criteria for its protection. He urged that this situation be studied and that taxes be levied appropriately to ensure that the people of St. Bernard Parish do not lose their homes and do not have to count on FEMA.

There were no further comments from the public. The floor was opened for comments from the Commissioners.

Mr. Morgan advised that the Finance Committee discussed the adoption of the LBBLD millage rates. Major issues mentioned at the Committee meeting included the 4.36 mills voter approved ad valorem tax that expires in 2020. He stated that the FPA/LBBLD and SBPG need to start getting the public up to speed on the importance of renewing the tax. The concern is that between the negotiations for turnover of the pumping and drainage system and the current law suits that the tax could expire before anyone does anything about its renewal. He recommended that negotiations be expedited and that the parties ensure that everyone is on the same page.

Mr. Luettich clarified that the Board agenda includes three items related to financing throughout the Authority and that deal particularly with the LBBLD. He stated that his assessment is that the passage of the resolution before the Board is critical at this point. One of the tax millages is clearly expiring in 2020. He mentioned the two LBBLD tax referendums that failed several years ago. He stated that the Board recognizes that this is a complicated issue and that a consultant was retained to help determine costs. He urged the Board to adopt the resolution and to continue working on the larger issues in order to move towards a workable solution for the FPA's entire jurisdiction.

Mr. Dastugue asked, how many mills could the Board impose under the LA Constitution without a vote of the people?

Mr. Luettich responded that the resolution before the Board authorizes a Constitutional millage of 3.91 mills. Mr. Boese explained that the initial millage rate allowed by the Constitution was 5 mills, which had been rolled back by former LBBLD Boards after reassessments resulting in the current rate of 3.91 mills. The millage rate can only be rolled forward after a property value reassessment, which will take place again next year. Mr. Luettich pointed out that the LBBLD's Constitutional and voter approved millages total 11.33 mills.

Mr. Dastugue commented that if the Board does not authorize the collection of the millage, the FPA would be forced to cut back on flood protection for St. Bernard Parish and SBPG would probably have to sit down and talk to the FPA. Mr. Boese responded that there would have to be cuts of some sort. The current situation, due to the LBBLD's limited funds, is to prioritize the hurricane and riverine flood protection system and then the FPA does the best that it can on the interior drainage pump stations.

Mr. Dastugue asked, did the Board have to reauthorize the collection of the millages every year? Mr. Boese responded, yes. Mr. Dastugue stated that the reauthorization is not automatic and should generate some debate by the Commissioners and public regarding whether it is necessary and whether it should be renewed. Mr. Luettich explained that the Board is placed in an awkward situation because if there is a belief amongst the Commissioners that more money is needed, it is limited in terms of any action that it can take. Mr. Dastugue commented that he was trying to give the people of St. Bernard what they've asked for as they refused to vote to raise the millage rate; therefore, the Board can take away all of the millage. Michelle White, Executive Counsel, explained that the resolution is a ministerial or procedural way to get the millages put on the tax rolls each year.

Mr. Cosse conducted a roll call vote in which Mr. Cosse, Mr. Latiolais, Mr. Miller, Mr. Morgan and Mr. Weysham voted yea and Mr. Dastugue voted nay.

**RESOLUTION NO. 05-16-19-02**

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

**LBBLD TAX RESOLUTION - 2019**

**A RESOLUTION LEVYING AND IMPOSING MILLAGE RATES AND ASSESSMENTS FOR TAX YEAR 2019 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE LAKE BORGNE BASIN LEVEE DISTRICT**

**WHEREAS**, it is necessary for the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, acting as the governing authority of the Lake Borgne Basin Levee District, Louisiana (the "District"), to levy taxes and assessments for the year 2019;

**BE IT RESOLVED** by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, acting as the governing authority of said District, that:

**SECTION 1. Operation and Maintenance Taxes.** Under the authority of the Constitution and Laws of the State of Louisiana, the following millages for special taxes are hereby levied, assessed and imposed on all the property in the Lake Borgne Basin Levee District, Louisiana (the "District"), for the year 2019, for the respective purposes described below:

<b>2019 Millage Rate</b>	<b>Election Date</b>	<b>Type of Tax</b>	<b>Years Authorized</b>	<b>Purpose</b>
3.91	N/A	Ad Valorem	N/A	Constitutional Tax (LA Constitution Article VI, Section 39)

4.36	Oct. 17, 2009	Ad Valorem	2011-2020	Constructing and maintaining necessary levees, levee drainage, flood protection, hurricane flood protection and all other purposes incidental thereto
3.06	Oct. 22, 2011	Ad Valorem	2015-2044	Constructing and maintaining necessary levees, levee drainage, flood protection, hurricane flood protection and all other purposes incidental thereto which tax may be used as security for bonds or other evidences of indebtedness to be used to pay costs of such projects

**SECTION 2. Local or Forced Contribution.** Under the authority of Part II and Sub-Part B of Part VI, Chapter 4, Title 38 of the Louisiana Revised Statutes of 1950, as amended, and specifically pursuant to LSA-R.S. 38:421 (F) and other constitutional and statutory authority supplemental thereto, a local or forced contribution of Sixty and 00/100 Dollars (\$60.00) per mile of railroad lines within the District is hereby levied and assessed for the year 2019, for the purpose of constructing and maintaining levees, levee drainage, and for all other purposes incidental thereto.

**SECTION 3. Collection of Taxes.** The proper administrative officials of the Parish of St. Bernard, State of Louisiana, are hereby empowered, authorized and directed to spread said taxes and assessment, as set forth above, upon the assessment roll of said Parish for the year 2019, and to make the collection of the taxes and assessment imposed for and on behalf of the District according to law, and the taxes and assessment herein levied shall become a permanent lien and privilege on all the property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

Specifically, the Assessor of the Parish of St. Bernard shall extend said taxes and assessment on said assessment roll as required by law, and the Sheriff and ex officio tax collector of the Parish of St. Bernard shall collect said taxes and assessment in the same manner as state taxes are collected and shall settle therefore with the State Treasurer, as provided by Section 404 of Title 38 of the Louisiana Revised Statutes of 1950, as amended; provided, however the proceeds of any tax levied specifically for payment of general obligation bonds shall be remitted to the District pursuant to the authority of Section 551.9 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

Certified copies of this resolution shall be forwarded to the St. Bernard Parish Assessor and to the St. Bernard Parish Sheriff and ex officio tax collector as complete authority to levy and collect the taxes and assessment herein provided.

**SECTION 4. Publication.** This resolution shall be published one time in the official journal of the District in the manner provided by law.

**SECTION 5. Effective Date.** This resolution shall become effective immediately.

The foregoing resolution was read in full; the roll was called on the adoption thereof, and the vote thereupon was as follows:

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

**NAYS:** Mr. Dastugue

**ABSENT:** Mr. Englande and Mr. Hassinger

**ABSTENTIONS:** None

**RESOLUTION NO. 05-16-19-03 - AMENDMENT OF RESOLUTION NO. 09-20-18-11 TO EXTEND THE STAY OF THE DIVESTURE AND TRANSFER OF ST. BERNARD PARISH INTERNAL PUMPING AND DRAINAGE FUNCTIONS TO ST. BERNARD PARISH**

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Mr. Luettich commented that the resolution before the Board follows nicely along with the information provided by Mr. Boese concerning the status of the discussions between the FPA, SBPG and CPRA and the assistance provided by Evan-Graves relative to costs. The resolution stems from the Board's action in June of 2018 relative of the divestiture of the pumping and drainage system to SBPG. Several lawsuits were filed by SBPG subsequent to the adoption of the resolution regarding the divestiture. To stay the lawsuits, the FPA put everything on hold and agreed to negotiate. He stated that he commented several months ago that he was willing to be patient; however, at some point patience runs out. At the last meeting he stated that it was the last time he was going to vote for a 30-day extension; however, it appears that meetings have been on-going and that action has truly been taken as opposed to nothing happening.

Mr. Boese assured the Board that negotiations are not being stalled. It took two to three months for Evans-Graves to do its assessment, especially for the 56 miles of canals. During that time FPA staff and SBPG were very active in reviewing the reports and providing comments. He reiterated that he came away from the meeting with SBPG and CPRA two weeks ago feeling that although the parties did not agree there was still a step forward towards a resolution. Therefore, he came away from the meeting more positive than for some time because CPRA stepped in determined to arrive at reasonable costs. A meeting was held on May 15<sup>th</sup> in Baton Rouge regarding this issue and CPRA's site visit is expected to take place next week. He stated that SBPG representatives have told him that they want to operate the pumping system; however, it is a matter of the dollars. He felt that the negotiations were going in the right direction with CPRA's involvement. He recommended that the Board approve an additional 30-day extension of the stay allowing the FPA to be in a more knowledgeable position.

Mr. Luettich inquired about the result of the Board not approving the additional 30-day extension. Ms. White explained that how the turnover of the pumping and drainage system would procedurally happen was not fleshed out at the time that the Board adopted the resolution relative to the divestiture. The statute provides that the FPA may

divest, but it does not provide procedures for doing so. The previous divestiture or acquisition of the pumping and drainage system was accomplished through Legislative action. There is nothing in the current Legislative session to accomplish the divestiture. It would not be a conventional property transfer. The next step would be to determine procedurally how the divestiture would be accomplished, which is another reason the negotiations are so important. An entirely different agreement would be confected should SBPG willingly take the internal pumps and drainage. She added that there is an additional mutual benefit in continuing the stay because the litigation (four suits) filed by SBPG could move forward when there is no longer an obligation to stay the litigation, which results in additional costs in defending the suits. The FPA has not been accumulating any legal fees associated with the suits since the stay commenced.

Mr. Luettich asked did the four law suits block the FPA from transferring the pumping and drainage system to the SBPG. Ms. White responded that blocking the transfer was the intention of the suits and that the FPA does not know the potential for success relative to the suits since the cases have not been litigated. If the parties are proceeding in good faith trying to accomplish the divestiture, there is mutual benefit to extending the stay.

Mr. Dastugue asked, how long has this issue been going on? Mr. Luettich explained that a resolution was adopted in June, 2018, stating that, if the FPA was unable to negotiate a transfer, it would transfer the pumping and drainage system to the SBPG at the end of December. The following month SBPG filed its law suits. Discussions relative to the transfer had taken place approximately six months to a year prior to the June, 2018, resolution. The Board adopted the June, 2018, resolution because progress was not being made in the discussions. Mr. Boese added that discussions began in the summer of 2017 and that the discussions over the next year led to the Board's action in June, 2018. Negotiations proceeded on and off over the past year.

Roy Arrigo commented that for 12 years Orleans Parish has been bankrolling the flood protection and drainage in St. Bernard Parish. He added that the Board voted a year ago to turn the faucet off at the end of the year; however, no resolution of the issues has taken place. He stated that it was time to turn the faucet off. Turning the faucet off and extending the stay each have different effects. The Board knows the result of extending the stay; therefore, he asked that the Board vote down the additional extension.

Mr. Miller stated that he shared the concern about the length of time over which the discussions and negotiations have extended; however, based on discussions his understanding is that the CPRA has become actively involved, therefore, negotiations may be moving more rapidly towards a solution. He stated that he would hesitantly vote in favor of the extension hoping that the situation will be resolved, rather than vote down the extension reactivating the litigation and possibly getting into a more adverse situation. The negotiations have progressed more significantly over the past month than over the past year; therefore, the FPA should provide an opportunity one last time to resolve the issue.

Mr. Morgan asked Mr. Cosse for his comments. Mr. Cosse stated that he agreed with Mr. Miller. In light of Mr. Boese' comments and his discussions with the St. Bernard

Parish President, he felt the parties were coming close to a solution. The parties owe it to the CPRA to hear its findings. He recommended that the Board approve the 30-day extension and move forward.

Mr. Luettich requested that Ms. White sketch out a divestiture plan, which at this point he assumed would be unilateral, in order to be prepared next month should the Board be required to take a difficult action.

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

**WHEREAS**, on September 20, 2018, the Southeast Louisiana Flood Protection Authority-East (FPA) adopted Resolution No. 09-20-18-11 approving a stay of the divestiture and transfer of St. Bernard Parish internal pumping and drainage functions to St. Bernard Parish, as called for by Resolution No. 06-14-18-04, for a period of ninety days, or until April 1, 2019; and

**WHEREAS**, the FPA by Resolution No. 03-21-19-09 authorized the amendment of Resolution No. 09-20-18-11 to increase the period of the stay to a total of 120 days, or until May 1, 2019; and

**WHEREAS**, the FPA by Resolution No. 04-18-19-05 authorized the amendment of Resolution No. 09-20-18-11 to increase the period of the stay to a total of 150 days, or until June 1, 2019; and

**WHEREAS**, there is a need to extend the aforementioned stay for an additional period of thirty days, or until July 1, 2019.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East hereby amends Resolution No. 09-20-18-11 to provide an additional thirty day extension of the stay of the divestiture and transfer of St. Bernard internal pumping and drainage functions to St. Bernard Parish as called for by Resolution No. 06-14-18-04, increasing said period of the stay to a total of 180 days, or until July 1, 2019.

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. Hassinger  
ABSTAINED: Mr. Latiolais

## **RESOLUTION NO. 05-16-19-12 - MANAGEMENT AND OPERATION OF THE FLOOD PROTECTION SYSTEM AS AN INTEGRATED SYSTEM**

Mr. Luettich explained that two years ago concurrent with the then-pending legislation in the Louisiana Legislature the Board adopted a resolution that proposed that if the FPA had the authority to spend money across all districts, it would use an even percentage of the revenues collected from the levee districts for hurricane protection and the perimeter system. The percentage was to be determined. If this methodology is implemented, the FPA would be faced with the challenge of bisecting its activities,

which can be done financially, however, functionally it becomes less efficient over time. Particularly, as the FPA moves in the direction of divesting the LBBLD of the interior drainage, all of the revenues collected from the LBBLD should be spent on hurricane protection. Therefore, the idea of equal ratios of revenues from the levee districts does not make sense. Prompted by HB 581, which is under consideration in the current legislative session, it seemed appropriate for the Board to reconsider and clarify for the public's benefit the FPA's intentions in terms of how it plans to spend the levee districts' revenues.

Mr. Luetlich reviewed the highlights of the draft resolution presented to the Board. The resolution states the FPA's intention to divest the pump stations and interior drainage in St. Bernard Parish, and to turn over one of the three millages (i.e., 4.36 mills expiring in 2020) collected by the LBBLD to the SBPG to pay for the pumping and drainage function. The millage to be turned over to the SBPG generates about \$1.3 million each year, which the FPA determined to be a reasonable amount to operate the system. The draft resolution further states that the rest of the revenues collected by the LBBLD, O.L.D. and EJLD would be used to provide flood protection throughout the Authority.

Mr. Cosse suggested that in light of the pending meeting with the CPRA that the resolution before the Board be deferred to the next Board meeting. He explained that something could come out of the meeting with the CPRA that may conflict with the draft resolution. Mr. Luetlich responded that the even with the negotiations and a negotiated divestiture of the LBBLD pumping and drainage system that the draft resolution accurately provides the guidance that the Authority would continue to use. Therefore, he was in favor of taking action at today's meeting on the draft resolution. Mr. Cosse commented that if the draft resolution is deferred to the Board's next meeting, he would not ask again for its deferral.

Mr. Miller requested clarification stating that currently budgets are approved for each of the levee districts with levee district funding being primarily spent within the district, as well as a general budget for administrative services across the districts. He noted that an exception may occur in the event of an emergency.

Ms. White explained that Mr. Miller's assessment was correct and that the scenario addressed by the draft resolution covers projects that affect multiple districts as well as emergencies. Mr. Luetlich added that the legislation that created the East and West Authorities includes language that constrains expenditures within the districts in which the revenues were collected.

Mr. Boese explained that HB 581 currently being considered in the Legislature provides two options: 1) to direct costs sharing based on assessed property values, and 2) for levee districts to enter into an agreement to determine how they share costs for a shared purpose. He stated that he testified before the Legislative Committee for informational purposes and stated that the first option would bankrupt the EJLD. The first option based on assessed property values transfers the current financial issues from the LBBLD to the EJLD. An assessment of one mill produces the following revenues: EJLD - \$2.5 million, O.L.D. - \$3 million and LBBLD approximately \$330,000. Using assessed property values takes the LBBLD's burden and share off of the LBBLD

and places it on the O.L.D. and EJLD. The O.L.D. can absorb the burden because of the revenues it collects; however, the EJLD cannot absorb the burden and will end up in a few years in the same situation in which the LBBLD finds itself. He stated that using the millage ratios provided in the Board's guidance approximately a year ago, whether or not the Special Levee Improvement (SLIP) fund is included, is one of only two scenarios that he had seen that actually works. He reiterated that using assessed values bankrupts the EJLD down the road, and added that using a variety of potential ideas that have come up (e.g., miles of levee and floodwall, acres maintained and number of floodgates) actually bankrupts the LBBLD at an even faster rate. He stated that his personal opinion is that using assessed property values is not a good solution and that the shared millage ratio that has been used per the Board's guidance is the best solution for what the FPA is dealing with at the current time.

Wilma Heaton, Director of Governmental Affairs, advised that the way in which HB 581 is written, as well as the version coming out of the Legislative Committee, which will be on the House floor on May 20<sup>th</sup> is not a voluntary requirement. If HB 581 is passed by the Legislature and signed by the Governor as it is currently written, the FPA will have no choice but to use property values, since the only exception is when a mutually approved agreement is confected. If all parties do not approve the agreement, then the law mandates usage of assessed property values.

Mr. Dastugue inquired about the Constitutional and statutory requirements relative to the expenditure of revenues collected from millages voted upon by the citizens within a specific levee district in another levee district. Ms. White explained that the statutory act that created the FPA specifically and legally defines the Authority as a whole as a levee district for that purpose. Mr. Dastugue asked was the definition of a levee district changed in the Constitution when the FPA was created. Ms. Heaton responded that an amendment to the Constitution was passed concerning the definition of the FPA.

Mr. Miller asked was the resolution before the Board in compliance with the Constitution. Ms. White replied, yes. Mr. Luettich agreed with Ms. White and explained that the purpose of the resolution is to state the intent of how the Board operates. The FPA is approaching ten years of experience operating the system roughly in its current state. Therefore, the FPA has a sense of how much it costs to fund the system and the amounts collected in the levee districts is not far off—it's ballpark. It's probably a little short in the LBBLD and there may be some excess in the O.L.D.; however, this is difficult to determine as the FPA has not experienced a major event that, for example, required a \$50 million repair. The resolution essentially states that the intention is to get rid of the interior drainage and that the FPA is trying to give the SBPG a fair amount to cover the cost, although the millage is going to expire and it will be up to the SBPG to get the millage renewed. The resolution goes on to state that it is the FPA's policy, although constrained by State law, that the FPA will spend revenues in the most effective way possible to maintain the system. He commented that the FPA must have its own plan or it could be subject to the legislation passed by the LA Legislature.

Mr. Dastugue asked was the FPA created prior to January 1, 2006. Mr. Boese responded that the FPA came into existence on January 1, 2007. Ms. Heaton explained that two separate legislative instruments were passed for the creation of the

Flood Protection Authorities. The first instrument was a Revised Statute with enabling legislation and the second instrument was for a Constitutional amendment to create the multi-jurisdictional authority of the Board. The Constitutional amendment was passed by an affirmative vote of over 80 percent of the voters statewide. Mr. Dastugue requested that Executive Counsel locate the language of the amendment to the Constitution. He stated that his reading of the Constitution allows a levee district created prior to January 1, 2006 to collect five mills and requires that any additional millage must be spent within the levee district in which it is imposed by a vote of the people. Ms. Heaton commented that this is the reason the FPA does not impose a Constitutional millage. Mr. Luettich pointed out that this is the law under which the FPA currently operates. The FPA budgets and funds expenditures individually within each of the three levee districts. HB 581 would change the way in which the Board operates.

Mr. Dastugue commented that just because the Legislature passes a bill, it does not mean that the bill is Constitutional. Ms. Heaton agreed with Mr. Dastugue, but explained that the Attorney General's Office has a legal requirement to defend in court whatever the LA Legislature passes. The FPA would have to spend money in order to have the legislation declared unconstitutional.

Mr. Luettich explained that the FPA has a slight problem and an opportunity. The slight problem is that two years ago the Board passed a resolution stating that the Board's policy is to take the same fraction of money from each levee district and apply it to the perimeter system, which is very unworkable and should be cleaned up. Since the FPA is operating under the current law, it would only shift to this method with legal authority to do so. However, this is an opportunity for the FPA to state its intent and for transparency the FPA would be stating how it will manage levee district revenues.

Ms. Heaton explained the challenge faced by the FPA. The FPA was created on January 1, 2007, as a regional board and at that time was given \$500,000 per year to operate. The \$500,000 was taken away several years later. Therefore, the FPA is charged with a regional mission, but operates under a law that provides that a levee district's money cannot be spent in another district. The FPA has regionalized and quantified the best that it can to operate within the law. The proposed resolution before the Board allows legislators to know the FPA's intent.

Mr. Dastugue reiterated his request to Executive Counsel regarding the Constitution. Mr. Boese recommended that the motion be deferred to later in the meeting in order to allow time for Executive Counsel to obtain the requested information. The Board had no objection to deferring the item until later in the meeting.

**Motion to approve the execution of an agreement for deploying and leasing information technology infrastructure equipment to upgrade and migrate the FPA's current servers to a replicated private cloud infrastructure.**

The item was deferred to next month's Board meeting.

**RESOLUTION NO. 03-15-18-04 - APPROVAL OF OLD FY 2019 BUDGET**

Kelli Chandler, Regional Finance Director, explained that the proposed resolution includes four adjustments: 1) \$730,000 in Contractual Services for the extension of the warranty for the PCCP Caterpillar generators approved by the Board at its March meeting, 2) \$200,000 for the PCCP communication improvements submitted for approval at today’s meeting, 3) an adjustment to Revenues relative to the SWBNO’s 50 percent share of the two PCCP expenditures, and 4) a \$5.6 million adjustment related to the Non-Flood Protection Asset Management Authority (NFA) intercompany payable as provided for in the Memorandum of Understanding (MOU) between the FPA and NFA.

Mr. Morgan advised that the Finance Committee reviewed the budget adjustments and recommended that the Board approved the proposed resolution.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) has reviewed the operating results to date for the Orleans Levee District Operating Budget for Fiscal Year ending June 30, 2019 and as necessary to comply with applicable state law, which requires that budgets be changed to reflect new expectations; and

**WHEREAS**, funding in the following amounts is required as detailed by the line item budget for Fiscal Year Ending June 30, 2019:

**ORLEANS LEVEE DISTRICT  
TWELVE MONTHS ENDING JUNE 30, 2019 BUDGETS**

	<b>ADOPTED BUDGET GENERAL FUND</b>	<b>PROPOSED AMENDED ITEMS</b>	<b>PROPOSED AMENDED BUDGET</b>
<b>REVENUES</b>			
Ad Valorem Taxes	\$20,836,000	\$0	\$20,836,000
Intergovernmental Revenue	1,093,900	0	1,093,900
Mineral Revenue	681,000	0	681,000
Interest Income	360,500	0	360,500
Misc. Revenue	2,149,300	366,295	2,515,595
<b>Total Revenue</b>	<b>\$25,120,700</b>	<b>\$366,295</b>	<b>\$25,486,995</b>
<b>EXPENSES</b>			
Personnel Services	\$10,065,200	\$0	\$10,065,200
Travel and Training	83,600	0	83,600
Professional Services	711,000	0	711,000

Contractual Services	1,895,950	732,590	2,628,540
Materials and Supplies	1,946,350	0	1,946,350
Cost Allocations	4,682,900	5,657,984	10,034,884
Other Charges	901,100	0	901,100
Equipment Purchase	2,203,800	0	2,203,800
<b>Total Expenses</b>	<b>\$22,489,900</b>	<b>\$6,390,574</b>	<b>\$28,880,474</b>
<b>Income Before Other Sources (Uses)</b>	<b>\$2,630,800</b>	<b>(\$6,024,279)</b>	<b>(\$3,393,479)</b>
Litigation & Ins	47,500	0	47,500
Net Transfers	923,500	0	923,500
<b>CHANGES IN FUND BALANCES</b>	<b>\$3,601,800</b>	<b>(\$366,295)</b>	<b>(4,364,479)</b>
<b>FUND BALANCES, BEGINNING OF YEAR</b>	<b>\$52,470,411</b>		<b>\$52,470,411</b>
<b>ESCROW OPEB</b>	<b>(\$2,000,000)</b>		<b>(\$2,000,000)</b>
<b>ESCROW MAINTENANCE</b>			
<b>ESCROW PCCP</b>	<b>(\$932,000)</b>		<b>(\$932,000)</b>
<b>FUND BALANCES AT END OF YEAR</b>	<b>\$53,139,711</b>		<b>\$45,173,932</b>

**BE IT HEREBY RESOLVED**, that the revisions to the Orleans Levee District Operating Budget for the Fiscal Year Ending June 30, 2019 are approved.

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

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

NAYS: None

ABSENT: Mr. Englande and Mr. Hassinger

**DISCUSSION OF FLOOD PROTECTION - LAKEFRONT AIRPORT.**

Mr. Boese explained that the revised MOU, approved by the Board on September 20, 2018, and executed on October 1, 2018, between the FPA and NFA updates and establishes the responsibilities of the two entities relative to the Non-Flood Protection Assets owned by the O.L.D., including the New Orleans Lakefront Airport and two marinas as well as other properties. The MOU requires that the NFA remit excess revenues that are collected to the FPA; however, no excess revenues are anticipated anytime in the near future or possibly ever under the current circumstances.

Mr. Boese further explained that the NFA has made significant progress and is receiving a significant amount of grant monies, including approximately \$10 million from the FAA

for work at Lakefront Airport; however, at this time revenues from the two marinas are being used to subsidize Lakefront Airport's operations. Potential developers and other parties who express a financial interest in Lakefront Airport have advised that further investments will not be made until flood protection is provided.

Mr. Boese informed the Board that the estimated value of the assets at the Lakefront Airport from a viewpoint of rebuilding those assets should they be destroyed by a flood is about \$55 million. The estimate to rebuild the airport's tarmac is \$100+ million. The estimated values do not include the historical value associated with the terminal building or economic values either directly related to the airport or for the City of New Orleans. Therefore, the Lakefront Airport is a very high dollar piece of property owned by the O.L.D. that is supposed to be producing revenue; however, this is not happening.

Mr. Boese explained that the FPA and NFA staffs are trying to find ways to maintain and increase the value of the O.L.D. owned asset located outside of the flood protection system and determine whether there is a way to provide flood protection. Staff will come back to the Board next month with a financial analysis and some ideas for protecting the Lakefront Airport, which is a \$150+ million asset without potential for future development due to the lack of flood protection. He pointed out that providing flood protection at an airport facility takes a significant effort.

Mr. Boese advised that the existing floodwall that is part of the HSRRS is located behind Lakefront Airport. NFA staff had numerous discussions with FEMA staff attempting to obtain flood protection for the airport; however, the NFA was unsuccessful in arbitration. The arbitration panel ruled against the NFA by one vote. Two potential floodwall alignments to provide protection for the airport are being considered. The potential cost of flood protection at the airport is \$40 million to \$80 million and will necessitate considerable study and consideration of the economic values.

Mr. Dastugue asked, how was the NFA established? Mr. Boese responded that the NFA was established by statute to manage the non-flood protection related assets and is governed by a sixteen member board. The MOU was executed between the FPA and NFA to delineate the responsibilities of each entity since the statute did not do so.

Mr. Luettich added that the MOU includes a section related to the Lakefront Airport. He commented that flood protection for the airport is a complicated issue and that today's discussion provides an opportunity for Board members to request information that they would like available for next month's discussion.

The Board inquired about the two floodwall alignments depicted on the map of the Lakefront Airport. Ms. Heaton advised that one of the alignments protects the northeast quadrant, which consists of 48 acres of raw land. One of the project's challenges is that the sections that cross a runway must be deployable. The project must also meet FAA requirements. Mr. Boese advised that the project would have to go through the full engineering process and, depending on costs, funding mechanisms would need to be researched.

Ms. Heaton explained that staff has looked at preliminary numbers for months and was, therefore, comfortable with opening up the discussion of flood protection. Staff can provide further information in June, such as information relative to debt service, the ball park estimate of the project and concerning the O.L.D. budget capacity to fund the debt service. She noted that the next step would be to provide preliminary information to the Commissioners and receive feedback, especially regarding the Board's level of comfort with the proposed undertaking. She pointed out that Mr. Boese' position is that everything regarding the proposed flood protection must be compatible and consistent with USACE standards. Meeting USACE requirements will increase the cost of the project. If the Board determines that the proposed flood protection does not have to meet USACE requirements, staff can rework the numbers. She further explained that the proposed flood protection project at Lakefront Airport must be approved and controlled by the FPA since it is clearly under the FPA's flood protection mandate.

Mr. Luettich thanked staff for the information presented to the Board.

**RESOLUTION NO. 05-16-19-05 - APPROVAL OF EMERGENCY OPERATIONS PROCEDURES MANUAL FOR 2019**

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Mr. Morgan advised that he reviewed the updated EOP manual and that a few minor changes have been included relating to the PCCP. He pointed out that the EOP manual is a living document that staff will continue updating as required.

Mr. Miller noted that the EOP manual was discussed at the Operations Committee meeting and that the Committee recommended approval by the Board.

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

**WHEREAS**, LA R.S. 38:319, mandates that each Board of Commissioner of each Levee District prepare and regularly review its emergency procedures manual; and

**WHEREAS**, the Southeast LA Flood Protection Authority-East (FPA) staff reviewed and updated the FPA's Emergency Operations Procedures Manual; and

**WHEREAS**, the Board of Commissioners of the FPA adopts the Emergency Operations Procedures Manual as a document that will be utilized to provide guidance for responding to emergencies and operating the Hurricane Storm Surge Risk Reduction System at its optimum capacity as and when necessary; and

**WHEREAS**, 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 HEREBY RESOLVED**, that the FPA approves the revised Emergency Operations Procedures Manual for 2019, and authorizes all actions under said Manual and the Statutes.

**BE IT FURTHER RESOLVED**, that the Board adopts the Emergency Operations Procedures Manual as a document that will be utilized to provide guidance for

responding to emergencies and operating the Hurricane Storm Surge Risk Reduction System at its 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. Latiolais, Mr. Miller, Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Englande and Mr. Hassinger

**RESOLUTION NO. 05-16-19-06 - INCREASE IN COST FOR LEVEE LIFT PORTION OF ARM-09 (LPV 111.0).**

Mr. Miller advised that the cost increase for the levee lift portion of ARM-09 (LPV 111.01) was considered by the Operations Committee and that the Committee recommended that the Board approve the cost increase.

Stevan Spencer, Regional Chief Engineer, explained that the FPA initially requested the USACE to raise 4,000 ft. of levee along the north side of the GIWW from the Surge Barrier to the CSX tracks. The USACE performed pre-construction surveys and determined that the levee from Pump Station 15 to the GIWW (approximately 23,000 LF) had subsided below the elevation to which it had been constructed. In light of the upcoming 2023 recertification of the HSDRRS, the FPA wanted to raise the levee to the required grade. The cost for the additional levee lift work is \$8 million. The USACE received bids for the ARM-05 project and the bids were lower than anticipated. Therefore, \$3.5 million is available from ARM-05 to fund the cost increase for ARM-09. The O.L.D. would need to transfer \$4.5 million to fund the remainder of the additional cost for ARM-09. Should the FPA decide not to raise the levee in conjunction with the USACE's armoring project, the O.L.D. would be required to re-arm the levee at its expense when it is raised, potentially doubling the cost.

Mr. Luettich expressed frustration that FPA staff did not know that the levee had settled and commented that it is well within the FPA's mission to know the state of the flood defense system. He stated that he appreciated the fact that a comprehensive system-wide monitoring plan will be presented next month that will prevent surprises such as the settlement along LPV 111.01. Mr. Boese noted that staff had already taken action regarding the plan and that Commissioners will be briefed. Mr. Spencer added that a consultant was retained and should complete a RTK survey within the next week of all 63 miles of earthen levees in the system. The RTK survey will be within 1-1/2-inches of accuracy.

On the motion of Mr. Mr. Morgan,

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) adopted Resolution No. 09-15-16-08 at its meeting held on September 15, 2016, approving the execution of a Memorandum of Agreement (MOA), and any other documents as required, to authorize the U.S. Army Corps of Engineers (USACE) to construct the LPV 109.02a (ARM 05) and LPV 111.01 (ARM 09) levee lift projects in conjunction with the armoring of the levees; and

**WHEREAS**, the Orleans Levee District is responsible for the cost of the levee lift portion of the USACE armoring projects for LPV 109.02a and LPV 111.01; and

**WHEREAS**, in accordance with initial estimates provided by the USACE, the Board by Resolution No. 02-16-17-06 amended Resolution No. 09-15-16-08 to provide not to exceed costs of \$4 million for the construction of the levee lift portion of the LPV 109.02a and \$2 million for the construction of the levee lift portion of the LPV 111.01 armoring/levee lift projects, and authorized the Orleans Levee District (O.L.D.) to transfer said funding in accordance with the MOA; and

**WHEREAS**, in accordance with revised estimates provided by the USACE, the Board by Resolutions Nos. 11-16-17-05 and 05-17-18-07 authorized amendments to the MOA to increase the not to exceed cost for the levee lift portion of the LPV 109.02a armoring/levee lift project by an additional \$6 million (\$3 million at each increase), for a total not to exceed cost of \$10 million, and authorized the O.L.D. to transfer a total of \$6 million of additional funding for the project; and

**WHEREAS**, the USACE subsequently advised that \$3.5 million would not be required for the LPV 109.02a project and would, therefore, be available to be applied to the LPV 111.01 levee lift/armoring project; and

**WHEREAS**, the USACE was originally requested to lift 4,000 feet of LPV 111.01, resulting in the initially estimated cost of \$2 million; and

**WHEREAS**, after surveys were performed by the USACE's contractor it was determined that greater than anticipated subsidence had occurred resulting in the need to lift an additional 4+ miles (23,500 LF) of LPV 111.01 in order to bring the levee to the design grade; and

**WHEREAS**, the USACE provided a revised total estimate of \$10 million (an increase of \$8 million) for the levee lift portion of the LPV 111.01 levee lift/armoring project.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East amends Resolution No. 09-15-16-08 to decrease the not to exceed cost for the construction of the levee lift portion of the LPV 109.02a (ARM 05) armoring/levee lift project to \$6.5 million and to increase the not to exceed cost for the construction of the levee lift portion of the LPV.111.01 (ARM-09) armoring/levee lift project to \$10 million.

**BE IT FURTHER RESOLVED**, that funding in the amount of \$3.5 million transferred to the USACE for the LPV 109.02a (ARM 05) armoring/levee lift project shall be applied to the LVP 111.01 (ARM 09) armoring/levee lift project.

**BE IT FURTHER RESOLVED**, that the Orleans Levee District is hereby authorized to transfer an additional \$4.5 million for the construction of the levee lift portion of LPV 111.01 (ARM-09) armoring/levee lift project in accordance with the Memorandum of Agreement.

**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. Latiolais, Mr. Miller, Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Englande and Mr. Hassinger

**RESOLUTION NO. 05-16-19-07 - APPROPRIATION OF TEMPORARY ROAD SERVITUDE FROM CHAD PHILLIP BLANCHARD FOR MISSISSIPPI RIVER LEVEES AND TRIBUTARIES, MISSISSIPPI RIVER LEVEES, EAST BANK LEVEE, LAKE BORGNE SEEPAGE CONTROL, B/L STATION 437+00 TO B/L STATION 448+00 PROJECT**

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Mr. Miller advised that the Operations Committee discussed the proposed appropriation of the temporary servitude that is required in order to perform the levee maintenance work. The property owner was offered \$7,200 based on the appraised value and the property owner countered with a value \$18,900 without any evidence to support his higher evaluation. Therefore, pursuant to the LA Constitution, the Board would be authorizing the appropriation of the servitude at the appraised value.

On the motion of Mr. Miller,

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

“A resolution providing for the appropriation under the Constitution and Laws of the State of Louisiana of a temporary work area servitude over property located at the northeast corner of the intersection of E. St. Bernard Highway and Packerham Road in Violet, Louisiana from Chad Phillip Blanchard, for the benefit of the Lake Borgne Basin Levee District for the making and repairing of levees along the Mississippi River.”

**WHEREAS**, Lake Borgne Basin Levee District, acting by and through the Southeast Louisiana Flood Protection Authority – East (“LBBLD”), is the Non-Federal Sponsor for a portion of the Mississippi River and Tributaries Project, Mississippi River Levees (“MRL”) located in St. Bernard Parish, Louisiana pursuant to Assurance Agreements and Supplemental Assurance Agreements dated December 4, 1928, October 29, 1928, and May 15, 1973; and

**WHEREAS**, under these agreements, LBBLD is responsible for acquiring the necessary real property rights required by the U.S. Army Corps of Engineers (the “Corps”) for the construction, operation, and maintenance of work on MRL, including but not limited to the Mississippi River Levees and Tributaries, Mississippi River

Levees, East Bank Levee, Lake Borgne Seepage Control, B/L Station 437+00 to B/L Station 448+00 project (the "Project"), on the east bank of the Mississippi River in St. Bernard Parish, Louisiana; and

**WHEREAS**, the Project involves installing sheet piles for seepage control within the Mississippi River Levee (the "Levee"), which will require the temporary installation of an access road to access the Levee to construct the Project and to avoid cutting off access to the Belle Chase Marine Transportation, Inc. facility on the flood side of the Levee during the Work; and

**WHEREAS**, by letter dated January 10, 2019, the Corps issued a Right of Entry Requests ("ROE Request") to Southeast Louisiana Flood Protection Authority-East for the Project, identifying the alignment for the Project approved by the Corps and providing the map thereof attached hereto as Exhibit "A"; and

**WHEREAS**, LBBLD is acquiring the property rights required in the ROE Request that are outside of its existing right of way; and

**WHEREAS**, the property rights required by the Corps for the Project include a two-year temporary work area servitude for staging over the property identified on the survey plat attached hereto as Exhibit "A" and made a part hereof as Parcel 1 (the "Subject Property"). The Subject Property is located at the northeast corner of the intersection of E. St. Bernard Highway and Pakenham Road in Violet, Louisiana, and is assessed to "Chad Phillip Blanchard" and owned by Chad Phillip Blanchard; and

**WHEREAS**, LBBLD obtained an appraisal of the required servitude from Michael W. Truax, a competent and unbiased appraiser licensed in Louisiana and familiar with property values in the area of the Subject Property. Mr. Truax appraised the required servitude at \$7,200.00, and on April 29, 2019 LBBLD offered this amount to Mr. Blanchard for the servitude. Mr. Blanchard counteroffered \$18,900.00 without offering any evidence to support any valuation higher than the appraised amount. LBBLD therefore rejected the counteroffer and requested Mr. Blanchard to accept LBBLD's original offer. Mr. Blanchard has not accepted this offer and still has offered no evidence to support any valuation higher than the appraised amount; and

**WHEREAS**, pursuant to La. Const. art. VI, sec. 42, La. C.C. art. 665, and La. R.S. 38:301, the levee districts are authorized to appropriate servitudes necessary for the making and repairing of levees and other water control structures on the shores of navigable rivers and on alignments approved by the Corps.

**BE IT HEREBY RESOLVED**, that the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East approves an action to appropriate a Two-Year Temporary Work Area Servitude over the property identified as Parcel 1 on the survey plat attached hereto as Exhibit "A" (the "Subject Property"), and the same is hereby appropriated in accordance with the provisions of the Constitution and Laws of the State of Louisiana for the making and repairing of levees and other water control structures on the shores of navigable rivers and on alignments approved by the Corps, for the benefit of the Lake Borgne Basin Levee District.

The servitude appropriated hereby is a Temporary Work Area Servitude, which is a temporary and assignable servitude, easement, and right of way in, on, over, and across Parcel 1 for two years beginning on June 1, 2019, for use by Grantee and its representatives, agents, contractors, and assignees as a work area, including the right to deposit fill, spoil, and waste material thereon, to move, store, and remove equipment and supplies, to erect and remove temporary structures on the land, and to perform any other work necessary and incident to the construction of the Mississippi River Levees and Tributaries, Mississippi River Levees, East Bank Levee, Lake Borgne Basin Levee District, Lake Borgne Seepage Control, B/L Station 437+00 to B/L Station 448+00, St. Bernard Parish, Louisiana project (the "Project"), together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right of way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines except as otherwise provided herein.

**BE IT FURTHER RESOLVED**, that (A) this resolution shall be published in the official journal of this Board of Commissioners and in the official journal of the parish where the land is located; (B) a certified copy of this resolution shall be sent to the assessment records owner by certified mail return receipt requested within five days of adoption of this resolution; and (C) a certified copy of this resolution shall be registered in the conveyance records of the parish where the land is located.

**BE IT FURTHER RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East hereby accepts Executive Counsel's recommendation in this matter.

**BE IT FURTHER RESOLVED**, that the Chief Administrative Officer of the Southeast Louisiana Flood Protection Authority-East is authorized to execute any and all documentation necessary to effectuate appropriation of the above-referenced parcels.

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

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

NAYS: None

ABSENT: Mr. Englande and Mr. Hassinger

#### **RESOLUTION NO. 05-16-19-08 - PCCP BI-DIRECTIONAL AMPLIFIER (BDA) SYSTEM**

Mr. Miller advised that the proposed award of the PCCP Bi-Directional Amplifier System was discussed at the Operations Committee meeting. The proposed acquisition is to mitigate a safety issue for PCCP personnel. A request for bids was advertised and only one bid was received for the amplifier system. The Operations Committee recommended that the Board approve the award of the contract.

Gerry Gillen, Operations Director, explained that the original proposed scope of work, which was estimated at \$150,000, was changed when the FPA advertised for bids. Motorola took the lead and some changes went out to formal bid. Mr. Boese added that the bid was estimated to be about 20 percent higher than anticipated after taking into account the addendums that were issued during the advertisement. He explained that not many firms do this type of work for radio systems and that the firm that was previously being used by the FPA ended up being a subcontractor to Motorola. FPA and SWBNO staffs, as well as police and emergency entities, now use the same radio system. There is no longer a problem with interoperability. The purpose of the amplifier system is to enhance the transmission of the signal within the PCCP facilities and to the SWBNO pump stations and other facilities due to the concrete and steel construction of the PCCP pump stations.

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

**WHEREAS**, the Permanent Canal Closures and Pumps (PCCP) pump stations have limited hand radio communication within the stations and transmitting out of the station due to the communication carrier signal strength location at the lake's edge and concrete constructed walls within the stations; and

**WHEREAS**, the communication deficiency renders an unsafe working condition for FPA employees performing maintenance and operation duties; and

**WHEREAS**, a bi-directional amplifier (BDA) system must be installed at each pump station in order to improve the communication signal within the stations and to the Sewerage and Water Board of New Orleans (S&WB) pump stations; and

**WHEREAS**, funding for the project is available in the FY19 PCCP Contractual Services Budget; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) advertised for bids for the BDA systems in accordance with Louisiana Procurement Laws with bids to be opened on May 15, 2019; and

**WHEREAS**, only bid was submitted by Motorola Systems at the total bid price of \$241,568.71.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes a purchase order to be issued to Motorola Systems in the amount of \$241,568.71 for furnishing and installing the BDA system.

**BE IT FURTHER RESOLVED**, that the FPA Chief Administration Officer, or in his absence the Director of Engineering, 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. Latiolais, Mr. Miller, Mr. Morgan and  
Mr. Weysham

NAYS: None

ABSENT: Mr. Englande and Mr. Hassinger

**RESOLUTION NO. 05-16-19-09 - INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE PARISH OF JEFFERSON AND THE EAST JEFFERSON LEVEE DISTRICT FOR IMPROVEMENTS, USE, AND MAINTENANCE ACTIVITIES ASSOCIATED WITH RECREATIONAL USE OF THE ALL WEATHER ACCESS ROAD ON THE LAKE PONTCHARTRAIN HURRICANE LEVEE IN JEFFERSON PARISH**

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Mr. Morgan explained that the proposed Intergovernmental Agreement between the FPA and Jefferson Parish was discussed by the Operations Committee. The negotiated agreement provides for Jefferson Parish to maintain the path and recreational area with the costs limited to \$20,000 per year. If maintenance costs exceed \$20,000 per year, the costs would be equally (50/50%) shared between the FPA and Jefferson Parish. The agreement also includes a hold harmless provision relative to maintenance. Mr. Miller added that the agreement will be considered for approval by the Jefferson Parish Council at its next meeting.

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

**WHEREAS**, Art. VII, Sec 14(C) of the Louisiana Constitution of 1974 provides that, for a public purpose, the State and its political subdivisions may engage in cooperative endeavors with each other or with any other private association, corporation or individuals, and La. R.S. 33:1324 and La. R.S. 38:330.2(B) additionally provide that parishes and political subdivisions of the State may agree to engage jointly in the construction, acquisition or improvement of any public project; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) is authorized by La. R.S. 38:325 to construct recreational facilities which are located on or immediately adjacent to levees; and

**WHEREAS**, the FPA has general jurisdiction over the Lake Pontchartrain Hurricane Protection Levee and its right of way on the East Bank of Jefferson Parish ("Levee"); and

**WHEREAS**, Jefferson Parish wishes to utilize the All Weather Access Road ("AWAR") in unincorporated Jefferson Parish on the Lake Pontchartrain Hurricane Protection Levee for recreational use, to include walking, cycling and jogging; and

**WHEREAS**, the FPA has certain conditions to be imposed upon Jefferson Parish regarding improvements, use and maintenance of the AWAR for recreational purposes that will be incorporated into an Intergovernmental Agreement;

**WHEREAS**, the development of the Lake Pontchartrain shoreline, in particular the AWAR, will enhance the recreational amenities for use by residents and visitors to Jefferson Parish, and Jefferson Parish and the FPA each have a reasonable expectation of receiving the benefit of a recreational path for the

citizens of Jefferson Parish that is at least equivalent to the mutual considerations described in this Agreement; and

**WHEREAS**, the transfer or expenditure of public funds or property for this purpose is not a gratuitous donation.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (FPA) authorizes the FPA Chief Administrative Officer to execute an Intergovernmental Agreement between the FPA, on behalf of the EJLD, and Jefferson Parish, based on the aforementioned terms and conditions.

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

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

NAYS: None

ABSENT: Mr. Englande and Mr. Hassinger

**RESOLUTION NO. 05-16-19-10 - APPROVAL TO ADVERTISE PHASE IV OF THE LAKE PONTCHARTRAIN SEAWALL EROSION CONTROL PROJECT FOR BIDS**

Robert Romero explained that he is a member of the NFA Board and a member of the NFA Recreation and Subdivision Committee. The Phase IV project will complete the Seawall Erosion Control Project, and, in part, will create a pocket park along the lakefront. The Recreation and Subdivision Committee voted unanimously to approve and support the Phase IV project and requests that the FPA Board support the project. Phase IV of the project extends from Bayou St. John to about the middle of UNO. A parking lot with 48 parking spaces and two handicap spaces is located at the beginning of the project. The roadway leads to a cul-de-sac that does not have parking spaces. The pocket park begins at the cul-de-sac and is located within the area of the former roadway which ends at Bayou St. John. He pointed out that there were safety concerns related to access and control. One of the safety concerns related to the ability of emergency vehicles to access the road without impedance in the event of an emergency. To resolve this safety concern, the engineering study recommended the placement of heavy duty gates so that O.L.D. Police and other emergency vehicles can immediately access the area in the event of an emergency. Since there was no longer an exit at the opposite end, the design team developed a modulating circular staircase for pedestrian access to the Bayou St. John Bridge. In addition, the property owners with homes in Lake Terrace that front the park unilaterally support the Phase IV project.

Mr. Morgan advised that the proposed advertisement of the Phase IV project was considered by the Operations Committee at its April 18<sup>th</sup> meeting and that the Committee requested the item be deferred for thirty days to ensure that the local subdivision supported the project. The FPA's consulting engineer revisited the parking situation, which was questioned at the April 18<sup>th</sup> Operations Committee meeting. The questions have been satisfactorily answered and the residents of Lake Terrace Subdivision support the project.

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

**WHEREAS**, the areas behind the Lake Pontchartrain Seawall are experiencing erosion and said erosion is causing unsafe conditions for public access; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No. 8-21-14-05 authorized a contract with Design Engineering, Inc. to provide professional engineering services for the design, bidding, construction administration, testing, and resident inspection services for the Lake Pontchartrain Seawall Erosion Control Project; and

**WHEREAS**, due to the scale of the Lake Pontchartrain Seawall Erosion Control Project, the work was broken into several phases.

**WHEREAS**, the design of Phase IV of the aforementioned project has been completed and is ready to be advertised for bids; and

**WHEREAS**, funding for Phase IV of the Lake Pontchartrain Seawall Erosion Control Project has been budgeted in the FY 19 and FY 20 Special Levee Improvement Project Budget.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the advertisement of Phase IV of the Lake Pontchartrain Seawall Erosion Control Project for bids.

**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. Latiolais, Mr. Miller, Mr. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Englande and Mr. Hassinger

**EXECUTIVE SESSION:**

1. Gabriel Properties, LLC, et al. v. The Board of Commissioners of the East Jefferson Levee District, 24<sup>th</sup> Judicial District Court, No. 6260181.

A motion was offered by Mr. Morgan, seconded by Mr. Miller and unanimously adopted for the Board to convene in Executive Session to discuss the item listed on the Board agenda. The Board convened in Executive Session at 12:27 p.m.

The Board reconvened in Regular Session at 12:45 p.m. and the meeting was called back to order.

**NEW BUSINESS: (continued)**

**RESOLUTION NO. 05-16-19-11 - AUTHORIZING COUNSEL TO PROCEED WITH RECOMMENDATION OFFERED IN EXECUTIVE SESSION IN THE MATTER OF**

**GABRIEL PROPERTIES, LLC, ET AL. V. THE BOARD OF COMMISSIONERS OF THE EAST JEFFERSON LEVEE DISTRICT, 24<sup>TH</sup> JUDICIAL DISTRICT COURT, NO. 6260181**

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

**WHEREAS**, the East Jefferson Levee District is a named defendant in litigation captioned Gabriel Properties, LLC, et al. v. The Board of Commissioners of the East Jefferson Levee District, 24th Judicial District Court, No. 6260181, a suit filed in 2005 alleging that a 48 inch pipeline was built across plaintiffs' property without the acquisition of necessary rights; and

**WHEREAS**, after two failed mediations, in 2016, plaintiffs and the East Jefferson Levee District (EJLD) and its insurers reached tentative settlement terms in the litigation; and

**WHEREAS**, finalizing settlement depended, in part, upon approval of the pipeline relocation construction project by the U.S. Army Corps of Engineers (USACE); and

**WHEREAS**, the USACE approved the construction project in April 2019, with a deadline to commence work by August 1, 2019; and

**WHEREAS**, the Board of the Southeast Louisiana Flood Protection Authority – East (FPA) convened in Executive Session for the purpose of receiving legal advice regarding the potential resolution of the litigation; and

**WHEREAS**, the advice offered by legal counsel in Executive Session was given due consideration by the Board; and therefore,

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (FPA) agrees to proceed with finalizing settlement of the captioned litigation, completing the relocation of the 48 inch pipeline at a cost of \$577,282, of which EJLD will pay \$233,257.

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

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

NAYS: None

ABSENT: Mr. Englande and Mr. Hassinger

ABSTAINED: Mr. Dastugue

**RESOLUTION NO. 05-16-19-12 - MANAGEMENT AND OPERATION OF THE FLOOD PROTECTION SYSTEM AS AN INTEGRATED SYSTEM**

The Board returned to the discussion of the proposed resolution for the management and operation of the flood protection system as an integrated system.

Ms. White advised that she provided the statutory amendment to the LA Constitution approved by 81 percent of the voters statewide in September, 2006, and the implementing act creating the regional Flood Protection Authorities from the same legislative session.

Mr. Morgan offered a motion to amend the resolution to add a paragraph to state that FPA's plan to share resources across the districts is stated in the resolution and that the FPA is in opposition to HB 581 of the current legislative session as currently written.

Mr. Cosse asked the difference between HB 581 and the resolution before the Board. Mr. Morgan explained that HB 581 will force the districts to change their cost sharing methodology and forces the monetary burden to go from the LBBLD to the EJLD. Mr. Luettich added that HB 581 essentially imposes a uniform millage across the levee districts with everyone paying the same percentage of their protected value. The proposed resolution, as amended, explicitly states that the FPA opposes HB 581 and offers the plan as an alternative as to how the FPA is going to fund the Authority.

Mr. Dastugue asked, did the FPA Board have the authority to increase the LBBLD's Constitutional millage rate from the currently authorized rate of 3.91 mills to 5 mills? Mr. Boese explained that action can only be taken after a reassessment of property values, which takes place every four years. The Board will be required to take action relative to the reassessment process next year for the 2020 tax rolls. As a result of past reassessments, the LBBLD was rolled back to a point where the currently authorized Constitutional rate is 3.91 mills.

The Board instructed staff to distribute copies of the resolution to the members of the Orleans, Jefferson and St. Bernard Parish legislative delegations.

Mr. Boese noted that a representative from the City of New Orleans spoke in opposition to HB 581 at the House Committee meeting held last week.

The motion to amend the resolution was seconded by Mr. Miller and unanimously adopted. There was no further discussion on the resolution as amended.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) was established by legislative act as a levee district pursuant to Article VI, Sections 38 and 38.1 of the Louisiana Constitution of 1974; and

**WHEREAS**, pursuant to La. R.S. 38:330.1, the FPA, through its board of commissioners, exercises authority over and has management of the East Jefferson Levee District, Lake Borgne Basin Levee District, and Orleans Levee District; and

**WHEREAS**, the primary purpose of the FPA, as provided in La. R.S. 38:330.1, is operating and maintaining the flood protection system that protects St. Bernard Parish, the East Bank of Orleans Parish and the East Bank of Jefferson Parish; and

**WHEREAS**, both the legislation establishing the FPA and the FPA Board of Commissioners recognize that the most appropriate way to accomplish effective flood protection for our jurisdiction is to operate and manage all components of flood

protection as a true integrated system, rather than as unrelated individual components, and only by managing the system in this manner can we maximize the protection that the flood protection structures afford our citizenry; and

**WHEREAS**, over the past few years, the FPA has taken bold steps to accomplish this primary purpose, and the results are one of accomplishment and success. From a structural, management, planning and operational perspective, the FPA has implemented policies and procedures that enable enhanced oversight and management of the flood protection system that protects St. Bernard Parish, the East Bank of Orleans Parish and the East Bank of Jefferson Parish; and

**WHEREAS**, the FPA has been in negotiations with St. Bernard Parish for some time, regarding transfer of the Lake Borgne Basin Levee District pump and drainage operations to St. Bernard Parish, and with leadership from and partnership with the Coastal Protection and Restoration Authority, we anticipate transfer of those operations to St. Bernard Parish, along with the Lake Borgne Levee District millage that remains in effect until 2020; and therefore

**BE IT HEREBY RESOLVED**, upon transfer of pump and drainage operations to St. Bernard Parish, the FPA will manage and operate the flood protection system as an integrated system, using all funds from the two other Lake Borgne Levee District Millages (sometimes referred to as the constitutional millage and the 2044 millage), and all funds generated by millages collected by the East Jefferson Levee District and the Orleans Levee District.

**BE IT FURTHER RESOLVED**, that the Flood Protection Authority's plan for sharing resources across the East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District is stated herein and the Flood Protection Authority is opposed to House Bill (HB) 581 of the 2019 Regular Legislative Session as currently written.

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

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

NAYS: None

ABSENT: Mr. Englande and Mr. Hassinger

The next regular monthly Board meeting will be held on June 20, 2019, in Meeting Room 201, Franklin Avenue Administrative Complex, 6920 Franklin Avenue, New Orleans, LA.

There was no further business; therefore, the meeting was adjourned at 12:55 p.m.