

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, JULY 18, 2019**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on July 18, 2019, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. 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  
Quentin D. Dastugue, Treasurer  
Clay A. Cosse, Secretary  
Andrew J. Englande, Jr.  
Lambert J. Hassinger, Jr.  
Jason P. Latiolais  
Herbert T. Weysham, III

**ABSENT:**

K. Randall Noel

**STAFF:**

Derek Boese, Chief Administrative Officer (CAO)  
Michelle White, Executive Counsel  
Chris Humphreys, Director of Engineering  
Kelli Chandler, Finance Director  
Glenda Boudreaux, Board Secretary  
Wilma Heaton, Director of Governmental Affairs

**ADOPTION OF AGENDA:**

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

**RESOLUTION NO. 07-18-19-01 –  
APPROVAL OF JUNE 20, 2019 BOARD MEETING MINUTES**

On the motion of Mr. Hassinger,  
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 June 20, 2019.

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 and Mr. Weysham

NAYS: None

ABSENT: Mr. Noel

**EMPLOYEE RECOGNITION:**

The Board recognized Police Officer Ryan Frazier as the Police Employee of the Month. Officer Frazier was selected as the Police Employee of the Month due to his professionalism as a law enforcement officer and dedication to the FPA's mission and public service. Officer Frazier is a Police Officer 2-A and has been with the Orleans Levee District Police Department (OLDPD) for three years. Officer Frazier likes to perform proactive work and enjoys taking on challenges and working with his co-workers. Officer Frazier has been commended by the OLDPD leadership for his outstanding performance and exemplary work. Recently, the eastern section of New Orleans was plagued with numerous automobile thefts and burglaries. On June 5, 2019, while on patrol Officer Frazier responded to a stolen automobile being tracked by the New Orleans Police Department near Bullard Road. Working in tandem with the Louisiana State Police, Officer Frazier successfully located the stolen vehicle. His unrelenting dedication in this investigation resulted in the arrest of three suspects occupying the vehicle. This is a shining example of the type of service the public deserves. Officer Frazier exemplifies the FPA's values in the performance of his duties each day and is a tremendous asset to the FPA, the OLDPD and the public.

Mr. Miller presented Officer Frazier with a Certificate of Commendation and thanked him for his outstanding service.

The Board deferred the recognition of Jacinta Gisclair, who was selected as the FPA's Employee of the Month, until later in the meeting.

**OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:**

Mr. Miller advised that he was certain that there would be times as President when he would find it difficult to come up with opening comments and therefore may not make any comments. However, today's comments were quite easy to prepare.

Mr. Miller stated that he wanted to tell the entire staff at the FPA how proud he was of the way that they performed during Topical Storm and later Hurricane Barry. While he was happy that the water levels in the Mississippi River did not reach their earlier projected peaks, the FPA staff did their jobs admirably. Some may say that they were just doing their jobs; however, there is a difference between just doing your job and doing your job well. The FPA staff did their jobs well and with great attitudes.

Mr. Miller explained that the storm event resulted in several firsts. It was the first time in the history of the Flood Protection Authority that it had to close all 83 floodgates on the Mississippi River, seven complex structures, and 147 hurricane floodgates as part of the flood protection system. It was the first time that the FPA operated the Permanent Canal Closures and Pumps (PCCP) stations at the 17<sup>th</sup> Street Canal and London and Orleans Avenue Canals, closing the floodgates for those stations at the lake and coordinating flows with the Sewerage and Water Board of New Orleans' (SWBNO) pump stations discharging into the canals. It is believed that this is the first time that an interview was conducted during a storm with the British Broadcasting Corporation (BBC).

Mr. Miller stated that one always faces a danger of leaving someone out when praising specific people for their actions, so he apologized to anyone that he may have inadvertently omitted. He thanked the FPA's CAO Derek Boese. In addition to leading the team and making sure that everything ran smoothly, he was frequently on the air with radio and television news organizations, including the BBC. Dealing with reporters is sometimes not an easy task; however, he did it remarkably well. Mr. Miller stated that Mr. Boese also had to put up with his frequent emails, phone calls and text messages and handled them remarkably well. Chris Humphreys received his baptism by fire, having recently joined the staff and found himself in charge of the engineering aspects of the FPA's emergency management. Mr. Humphreys was helped by Stevan Spencer and Darren Austin, who have been through it before and served as good teachers. Rusty Kennedy was also in this mix in addition to handling things at the Emergency Operations Center (EOC) while Mr. Boese was in the field. He stated that he could not say enough about Gerry Gillen and Earl Kugelmann for getting the field crews and operational personnel organized and functioning. Roman Dody kept the Information Technology (IT) systems going and Antwan Harris did a masterful job keeping the FPA's messages to the public focused and allowing the FPA to speak with one voice. Wilma Heaton took care of the Non-Flood Protection aspects, getting the marinas and Lakefront Airport secured. Mr. Miller offered a huge thanks to Police Superintendent Kerry Najolia and all of the levee district police department staff both at the Orleans Levee District and East Jefferson Levee District. The police staff provided the FPA's field crews with safety as they were closing the floodgates and flood control structures, as well as patrolling the areas, closing off streets when needed, and aiding our citizens. Kelli Chandler and her staff were tracking expenses in case they become eligible for FEMA reimbursement. Mr. Miller stated that he would be remiss if he did not thank the cooks who kept the FPA's personnel well fed at the EOC.

Mr. Miller explained that the FPA was called upon by the Coastal Protection and Restoration Authority (CPRA) to help our neighbors by delivering over 11,000 sandbags to Lafitte. In addition, on Monday the CPRA called again asking for the FPA's assistance and the FPA responded by providing 186 of its 3,000 lb. sandbags to the St. Mary Levee District.

Mr. Miller advised that while most of the FPA's staff was busy preparing for Barry, the regular work of the Flood Protection Authority had to proceed. He stated that the Board's greatest asset Glenda Boudreaux was there to make sure that the agenda went out on time and to keep the President straight on protocol for the meeting. In the middle of all this, Michelle White was working with Joe Hassinger to get the resolutions regarding the St. Bernard issue prepared, having to work with what Mr. Miller sent them as well as correspondence from St. Bernard Parish President Guy McGinnis and CPRA. Mr. Miller stated that Mr. Hassinger may be the Board's immediate past President; however, he has not slowed down. Mr. Miller advised that Mr. Hassinger was at the EOC every time that he was there and perhaps a few times when he was not there. Mr. Hassinger also set up a meeting at the 17<sup>th</sup> Street Canal PCCP pump station with Jefferson Parish Councilwoman Jennifer Van Vrancken, New Orleans Councilman Joseph Giarrusso, III, and State Representative Stephanie Hilferty. Mr. Miller thanked Mr. Hassinger for his continued involvement and stated that he expects to call upon Mr. Hassinger consistently throughout his term of office.

Mr. Miller explained that although he mentioned the FPA's key personnel, it was really the FPA's employees who did the hard work of closing the gates, operating the pumping stations, and making sure that the FPA was prepared as best as possible to protect our citizens and their property. He gave a huge thank you to all of the FPA's employees for a job well done.

### **PRESENTATIONS:**

1. Farewell video to Robert A. Turner, Jr. from I-STORM.

Mr. Turner was unable to attend today's meeting; therefore, the presentation was postponed to a future meeting.

### **COMMITTEE REPORTS:**

**Finance Committee:** The Finance Committee did not meet during the month of July; therefore, there was no report.

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

- Selection of Geotechnical and Surveying firms for Indefinite Delivery-Indefinite Quantity (ID-IQ) contracts - The existing ID-IQ contracts expire on August 31<sup>st</sup>. The Committee reviewed the recommendations provided by the selection groups.
- Amendment of a task order issued to CH2M Hill relative to the Outfall Canal Stability Analyses – CH2M Hill has been working on this project for nearly three years. The project has been delayed by the U.S. Army Corps of Engineers (USACE). CH2M Hill is close to completing the project; therefore, the Committee recommended that the Board approve an extension of CH2M Hill's contract and the amendment of the task order.

## **PUBLIC COMMENTS:**

Roy Arrigo stated that he supported the transfer of the pumping and drainage system in St. Bernard Parish to the St. Bernard Parish Government. He noted that a news article about the arrangements spelled out the details. He reminded the Board that the transfer is not a done deal until the St. Bernard Parish Council votes to approve or accept the agreement. He explained that he recently attended a number of the St. Bernard Parish Council's meetings and that the Council had not yet approved or accepted the agreement.

Mr. Arrigo commented that several weeks ago the USACE decided not to open the Morganza Spillway and that had Hurricane Barry taken a different turn, the region could have experienced problems. He suggested that the Board request that the USACE reevaluate its decision making process relative to the Morganza Spillway. Opening the Morganza Spillway or opening additional bays in the Bonnet Carre Spillway would have allowed additional leeway during Hurricane Barry.

Mr. Miller explained that opening the Morganza Spillway would have been very hazardous to the people who received the brunt of Hurricane Barry and would have raised the water level in those areas and potentially could have caused more significant flooding than had occurred. Therefore, he understood the USACE's decision not to open the Morganza Spillway. With regards to the Bonnet Carre Spillway, the USACE has specific requirements mandated by Congress as to when and what they can do. Mr. Miller stated that he agreed that the FPA needs to take a look at this issue. He explained that there is an item on the Board's agenda for establishing a Governmental Relations Committee. Part of the Committee's role will be to deal with this type of issue. He stated that he did not blame the USACE for taking the action or inaction that it took as it was under mandates and he reiterated that there are certain things that they can and cannot do. The FPA can request that the mandates be reviewed. Mr. Miller added that Hurricane Barry came up very quickly and that it takes some time for equipment to be moved to the Bonnet Carre Spillway and to open the bays. Therefore, the USACE may have had time to open some, but not all, of the bays. Mr. Miller thanked Mr. Arrigo for his comments and reiterated that the Morganza Spillway could not have been opened due to the threat to part of Southwest Louisiana.

Mr. Morgan concurred with Mr. Miller and advised that the USACE's decision making process for opening the Bonnet Carre Spillway bays is strictly related to flows in the Mississippi River. Historically, the region has not had a hurricane or tropical storm when the river was high; therefore, the USACE may need to amend its process to consider such events.

Carol Byram referred to the proposed agreement with St. Bernard Parish Government and stated that issues regarding the pumping and drainage system may still come up in the future. She explained that she spoke at the St. Bernard Parish Council's meeting on Tuesday and that it was clear that the councilmembers were angry and believed

strongly that they had been taken advantage of. She stated that Representative Garofalo said in the Legislature that St. Bernard Parish has been shouldering most of the costs, which is not true. She asked that a list be compiled of what Orleans Parish taxpayers are paying for in the additional percentage that is paid every year. She stated that one-third of Orleans Parish residents pay property taxes for flood protection for Orleans Parish and for 60 percent or more of the administration and other expenses for all three parishes. She stated that the FPA is collecting more each year than necessary from Orleans Parish and that instead of rolling back millage rates or saving for a rainy day, much of the surplus is going to St. Bernard Parish. She stated that Orleans Parish taxpayers should not have to pay such a high percentage just because Orleans Parish residents voted to raise its millage and St. Bernard Parish residents did not vote to raise its millage. She asked that the Board review the necessity of keeping Orleans' percentage at 60 percent.

Mr. Miller thanked Ms. Byram for her comments and for attending today's meeting.

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

Mr. Boese explained that Hurricane Barry has dominated the work of the FPA's staff during the past one and a half weeks. Planning for Barry was difficult and challenging as it originated over land and was very disorganized as it moved over water. Closing the various roller gates, swing gates, drop gates, etc., requires a lot of people and equipment, and different levels of skill and coordination, along with police escorts.

Mr. Boese advised that concerns were expressed during discussions with the CPRA and the Governor's Office on Wednesday night relative to a low area about 1,000 feet in length along the Mississippi River Levee in St. Bernard Parish in the vicinity of the Chalmette Refinery. In an abundance of caution the FPA provided and directed the placement of 6,000 40-lb. sandbags. The National Guard picked up and placed the sandbags along the 1,000-ft. length of levee. In reviewing the situation, with the 4-foot surge prediction at that point, the FPA found that without the sandbags the freeboard on the river was a minimum of 5.3-ft up to 7-1/2-ft. After the sandbags were placed, every point along the river in St. Bernard Parish had a freeboard of 6 feet or higher.

Mr. Boese explained that typically rising water is the trigger for closing the structure gates; however, winds must be taken into consideration because the crews cannot safely close the gates if the winds are too strong. Therefore, some of the structure gates were closed earlier than anticipated.

Mr. Boese discussed the gage issues at the London Avenue PCCP. Due to the redundancies built into the facility, the gage issues did not cause any hiccups. Staff had the data from the test conducted earlier in the year to fall back on. In addition, a staff gage is located outside the pump station that can be manually read, as well as gages in some of the pump bays that can be read and used to calibrate operations. Therefore, there was no break in the operation of the pump station.

Mr. Boese reviewed the timeline for storm preparations for Hurricane Barry:

### **Monday, 8 July**

- Began coordination and notification with partner agencies of possible gate closures due to storm (Port of NOLA, Port of St. Bernard, Public Belt RR, City of NOLA, St. Bernard Parish)
- Closed Surge Barrier Barge Gate

### **Tuesday, 9 July**

- River prediction 19' at Carrollton Gage
- Began closing non-essential floodgates in St. Bernard HSDRRS and MRL
- Removed guard rails on floodgates on major roadways (Hwy. 46, Hwy. 39, Hwy. 11, Hwy. 90 and Lakeshore Drive)
- Drainage Canal inspection in St. Bernard
- Emergency Management/Coordination teleconferences

### **Wednesday, 10 July**

- Projection: River 20' at Carrollton Gage; Tropical Storm force winds sometime Friday; Heavy rain; Surge up to 4' in St. Bernard
- AM – Closed 3 stoplog pedestrian gates on MRL in French Quarter/CBD
- 3 pm – Activated EOC
- PM
  - Began closing all MRL gates
  - Began closing Industrial Canal gates up to elevation 7.0'

### **Thursday, 11 July**

- Continued closing MRL gates
- Began closing additional IHNC gates
- Concern about low area on St. Bernard MRL of 1000' vicinity Chalmette Refinery
  - Engineering verified freeboard ranging from 5.3' – 7.5'
  - Provided 6000 40-lb. sandbags, LA National Guard transported, Engineering directed placement
- 3 pm Closed Bayou Dupre sector gate (early due to wind)
- 6 pm Closed Surge Barrier
- 7 pm Closed Seabrook

### **Friday, 12 July**

- AM - Continuing to close MRL, IHNC and some perimeter gates

- 10 am – Closed Caernarvon and Bayou Bienvenue sector gates
- 10 am – Hit trigger to operate London PCCP of 3' (Forebay and lakeside gages initially went out, adapted)
- Late morning – Decision to operate Orleans and 17<sup>th</sup> Street PCCP (elevation in lake ~3.5')
- Early afternoon – After consultation with Governor's Office and CPRA, decision to close all HSDRRS gates
- 7 pm - All gates closed, first time ever
- 8 pm – Request from CPRA for 10,000 40-lb sandbags to Lafitte – 11,300 sandbags were delivered with work continuing over the night and wrapping up at about 6 am
- Delivered by 6 am Saturday morning, combination DOTD and FPA trucks

#### **Saturday, 13 July**

- 8 pm – Began reopening gates in 3 phases
  - Priority: Evacuation Routes, Fire/Police/EMS access, Port, RR

#### **Sunday, 14 July**

- Engineering staff began inspecting system
- 2:30 pm
  - Completed gate reopening phases I, II
  - Closed EOC, most staff sent home
- 6 pm – Stopped operating Orleans and 17<sup>th</sup> Street PCCP stations
- 8 pm – Received call from CPRA requesting large sandbags for St. Mary's Parish

#### **Monday, 15 July**

- Engineering staff completed inspection of system (except EJ foreshore, lake still too high)
- Loaded 186 3,000-lb (3x3x3) sandbags on DOTD, LA NG and USACE trucks for St. Mary Parish
- 6 am – Stopped operating London PCCP station
- 4:30 pm – Completed Phase III gate reopening, all gates open except St. Bernard HSDRRS remote access gates (too wet)

Mr. Boese advised that the FPA's initial After Action Review was conducted on the Emergency Operations Procedures on Monday, July 15<sup>th</sup>. An additional After Action Review will be conducted next week on field operations. He commented on the superb work performed by the FPA employees during the storm event. All of the work,



including the historic closing of all floodgates, was accomplished with very little sleep and without a single safety incident.

Mr. Englande commended Mr. Boese and the FPA staff for their efforts during the storm event.

**NEW BUSINESS:**

**RESOLUTION NO. 07-18-19-02 - ESTABLISHMENT OF GOVERNMENTAL RELATIONS COMMITTEE**

Mr. Miller explained that he requested that the resolution before the Board be placed on the agenda. The FPA must deal with multiple governmental agencies, as well as the Jefferson and St. Bernard Parish governments, City of New Orleans government, and various State agencies, such as CPRA and the Governor's Office of Homeland Security (GOHSEP). All of these entities have meetings with State legislative groups prior to each legislative session in which their list of items that they would like included in the session are reviewed. The FPA is typically invited to those meetings and has an opportunity to comment. If the FPA has issues that it would like brought up in the session, legislators can be requested to introduce legislation. FPA representatives must periodically appear during a legislative session in order to testify with regards to particular bills. In addition, the FPA has regular communications with these agencies, particularly, in a situation such as recent Hurricane Barry. Mr. Miller advised that he was personally in contact with the two parish presidents and that staff was involved in communications with the City of New Orleans.

Mr. Miller further explained that in the past all of these efforts have fallen on the Board's President. The FPA has sufficient staff with the appropriate experience who can share this load and assist the President and Board members in generating more effective relationships. Therefore, he requested that the Board establish a Governmental Relations Committee. Mr. Hassinger has agreed to Chair the Committee. The Committee members would be Mr. Morgan, Mr. Dastugue and Mr. Noel.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) Board adopted revised Bylaws at a Regular Board Meeting held on December 17, 2009, which provide in part for the establishment of Special Committees; and

**WHEREAS**, Article V, Section 6. c. provides that the Board may establish a Standing or Special Committee by resolution of the Board; and

**WHEREAS**, it is the Board's desire to establish a Governmental Relations Committee.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East hereby establishes a Governmental Relations Committee.

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

**RESOLUTION NO. 07-18-19-03 - RETAINING THE LEGAL SERVICES OF  
BURGLASS & TANKERSLEY, LLC**

Mr. Miller advised that Burglass and Tankersley is currently handling all of the other litigation filed by St. Bernard Parish Government. The resolution before the Board retains the firm to represent the FPA relative to the newest litigation filed.

Mr. Dastugue inquired about the placement of a cap on the legal fees for this suit. Ms. White responded that a cap could be included in the resolution. She anticipated that the retention would be limited since it relates specifically to the divestiture and the suit filed for an injunction in response to the Board's action last month. Services will be billed on an hourly basis. The Attorney General has a cap on the annual cost of legal fees. She explained that relative to another legal agreement the Board acted to establish a cap of \$50,000 at which time the agreement was to be brought back to the Board for further discussion.

A motion was offered by Mr. Dastugue to amend the resolution to include a cap of \$50,000 and to provide that should costs exceed \$50,000 that the matter be brought back to the Board for approval. The motion was seconded by Mr. Cosse and unanimously adopted.

There was no further discussion on the motion as amended.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) has been named as defendant in the litigation entitled, "*St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al*", 34<sup>th</sup> Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 19-0937; and

**WHEREAS**, a real necessity exists for the employment of Burglass and Tankersley for legal representation in the litigation entitled, "*St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al*", 34<sup>th</sup> Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 19-0937; and

**WHEREAS**, Burglass and Tankersley will be compensated pursuant to the Louisiana Attorney General's maximum Hourly Fee Schedule of February 8, 2016, which allows:

<u>Rate</u>	<u>Description</u>
\$225 per hour	For attorneys having experience of 10 or more in the practice of law
\$175 per hour	For attorneys having experience of 5-10 years in the practice of law
\$150 per hour	For attorneys having experience of 3-5 years in the practice of law
\$125 per hour	For attorneys having experience of less than 3 years in the practice of law
\$60 per hour	For Paralegal Services
\$40 per hour	For Law Clerk Services

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East pursuant to La. R.S. 42:262 does hereby authorize the retention and employment of Burglass & Tankersley, LLC as special counsel, effective June 27, 2019, for representation in the litigation entitled, “*St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al*”, 34<sup>th</sup> Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 19-0937.

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

**BE IT FURTHER RESOLVED**, that the FPA Chief Administrative Officer is authorized to execute an agreement with Burglass & Tankersley, LLC for the aforementioned legal representation.

**BE IT FURTHER RESOLVED**, that this Resolution and proposed contract described herein shall be submitted to the Attorney General for the State of Louisiana for approval.

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

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

NAYS: None

ABSENT: Mr. Noel

**RESOLUTION NO. 07-18-19-04 - ID-IQ CONTRACTS FOR GEOTECHNICAL ENGINEERING AND TESTING SERVICES**

Mr. Morgan advised that the Operations Committee discussed the selection of firms to provide Geotechnical Engineering and Testing Services on an ID-IQ basis. The Committee recommended that the selection team’s recommendation to select Eustis Engineering, LLC, Ardaman & Associates, Inc., and Fugro Consultants, Inc., be

approved by the Board. The current ID-IQ contracts will expire at the end of August. The selection team was chaired by Gerry Gillen, Operations Director.

Mr. Gillen explained that eight proposals were received and reviewed by the selection team, which included Mr. Weysham and Jacinta Gisclair, FPA Engineer. The selection criteria was made part of the Request for Qualifications. The proposals were independently reviewed and scored. The team recommended the selection of the firms with the top three scores.

Mr. Morgan added that the proposed contracts will have a not to exceed limit of \$500,000, which is in line with geotechnical engineering costs over the past three years.

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

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

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

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

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

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

Eustis Engineering, LLC

Ardaman & Associates, Inc.

Fugro Consultants, Inc.

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

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

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

NAYS: None  
ABSTAINED: Mr. Hassinger  
ABSENT: Mr. Noel

**RESOLUTION NO. 07-18-19-05 - ID-IQ CONTRACTS FOR SURVEYING SERVICES**

Mr. Morgan advised that the Operations Committee discussed the selection of firms to provide Surveying Services on an ID-IQ basis.

Steven Spencer, Chief Engineer, explained that the selection team reviewed the 16 responses to the RFQ for Surveying Services. The selection team included Mr. Cosse and Ryan Hathaway, FPA Engineer. The team recommended the firms with the top four scores (Linfield, Hunter & Junius, Inc., T. Baker Smith, LLC, Bryant Hammett & Associates and Fenstermaker).

Mr. Morgan advised that staff was comfortable with the selection of four firms to provide Surveying Services. The not to exceed maximum for each of the proposed contracts is \$500,000. The FPA previously adopted CPRA's rate schedule for consultant services, which will be used for the contracts.

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

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

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

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

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

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

Linfield, Hunter & Junius, Inc.  
T. Baker Smith, LLC

Bryant Hammett & Associates  
Fenstermaker

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

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

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

NAYS: None

ABSTAINED: Mr. Hassinger

ABSENT: Mr. Noel

### **RESOLUTION NO. 07-18-19-06 - CH2M HILL STABILITY ANALYSIS- OUTFALL CANALS**

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Mr. Morgan advised that the Operations Committee discussed the Stability Analyses for the Outfall Canals. CH2M Hill has been working on the stability analyses over a long period of time. The consultant has had to wait for comments from the U.S. Army Corps of Engineers (USACE) on each of its submittals. The ID-IQ Contract with CH2M Hill expires on August 31<sup>st</sup>.

Mr. Humphreys explained that CH2M Hill began work on the analyses in 2012 starting with the 17<sup>th</sup> Street Canal. The consultant addressed the USACE's comments for the work on the 17<sup>th</sup> Street Canal, as well as two reaches on the Orleans Avenue Canal in 2017. Final approval was received from the USACE on the path forward for the stability issues that were identified. The London Avenue Canal is the last canal to be analyzed.

Mr. Morgan offered a motion to amend the resolution to provide, in addition to the amendment to the previous task order to increase the not to exceed amount for the London Avenue Canal analysis, that the ID-IQ contract with CH2M Hill be extended for a four month period from August 31, 2019 to December 31, 2019. The motion to amend the resolution was seconded by Mr. Hassinger.

Mr. Humphreys clarified that the increase in the not to exceed amount covers additional services for the London Avenue Canal that are being added to the initial scope of work.

The motion to amend the resolution was adopted by unanimous vote. There was no further discussion on the motion as amended.

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

**WHEREAS**, Task Order No. 09-02-04 in the amount of \$49,219 was issued to CH2M Hill under an Indefinite Delivery-Indefinite Quantity (ID-IQ) contract dated

December 12, 2012, to perform a stability analyses at worst-case locations along the 17<sup>th</sup> Street Canal; and

**WHEREAS**, Task Order No. 13-01-01 in the not to exceed amount of \$49,730 was issued to CH2M Hill for the stability analysis for one additional reach on the 17<sup>th</sup> Street Canal and two additional reaches for the Orleans Avenue Canal under the ID-IQ contract dated January 13, 2017; and

**WHEREAS**, Task Order No. 13-01-01 was subsequently amended (Amendment No. 1) to increase the not to exceed amount for the analyses to \$83,295 (an addition of \$33,565) to address comments from the U.S. Army Corps of Engineers; and

**WHEREAS**, in order for CH2M Hill to complete the Stability Analyses for the London Avenue Canal, Amendment No. 2 to Task Order No. 13-01-01 (Project No. 2024336) is required in the not to exceed amount of \$44,920; and

**WHEREAS**, the FPA by Resolution No. 07-19-18-04 extended the ID-IQ Contract with CH2M Hill for Coastal Engineering Services for a one year period ending on August 31, 2019; and

**WHEREAS**, the total not to exceed cost of the Stability Analyses – Outfall Canals Project is \$177,434 [\$49,219 for Task Order No. 09-02-04, \$83,295 for Task Order No. 13-01-01 as amended by Amendment No. 1 and \$44,920 for Amendment No. 2 to Task Order No. 13-01-01 (Project No. 2024336)]; and

**WHEREAS**, funds for the aforementioned project are available from the approved FY 2020 Special Levee Improvement Fund Budget.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East (FPA) approves the issuance of Amendment No. 2 to Task Order No. 13-01-01 (Project No. 2024336) in the not to exceed amount of \$44,920 for CH2M Hill to complete the Stability Analysis for the London Avenue Canal, increasing the total project cost for the Stability Analyses-Outfall Canals Project to \$177,434.

**BE IT FURTHER RESOLVED**, that the FPA hereby approves a four month extension of the ID-IQ Contract with CH2M Hill dated January 13, 2017, with said contract expiring on December 31, 2019, in order to complete the aforementioned work.

**BE IT FURTHER RESOLVED**, that the FPA Chief Administrative Officer, and in his absence the Director of Engineering, is hereby authorized to execute the Amendment 2 to Task Order No. 13-01-01 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 and Mr. Weysham  
NAYS: None  
ABSENT: Mr. Noel

**EXECUTIVE SESSION:**

1. *“St. Bernard Parish Government v. Lake Borgne Basin Levee District, et al”*, 34<sup>th</sup> Judicial District Court, Division E, Parish of St. Bernard, Civil Action No. 18-0865
2. *“St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al”*, 34<sup>th</sup> Judicial District Court, Parish of St. Bernard, Division C, Civil Action No. 18-1065
3. *“St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al”*, 34<sup>th</sup> Judicial District Court, Parish of St Bernard, Division D, Civil Action No. 18-1018
4. *“St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al”*, 34<sup>th</sup> Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 18-1066
5. *“St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al”*, 34<sup>th</sup> Judicial District Court, Parish of St. Bernard, Division C, Civil Action No. 15-1163
6. *“St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al”*, 34<sup>th</sup> Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 19-0937

Mr. Miller read into the record the items listed on the Agenda under Executive Session.

A motion was offered by Mr. Englande, seconded by Mr. Morgan and unanimously adopted by roll call vote, for the Board to convene in Executive Session to discuss the items listed on the Agenda. The Board convened in Executive Session at 11:50 a.m.

The Board reconvened in Regular Session at 12:30 p.m. and the meeting was called back to order.

**RESOLUTION NO. 07-18-19-07 - AGREEMENT TO TERMS OF PERMANENT TRANSFER OF ALL INTERIOR DRAINAGE AND PUMPING FUNCTIONS FROM LAKE BORGNE BASIN LEVEE DISTRICT TO ST BERNARD PARISH GOVERNMENT**

Mr. Miller read the proposed resolution into the record.

A motion was offered by Mr. Morgan and seconded by Mr. Hassinger to amend the **“BE IT HEREBY RESOLVED”** paragraph in the resolution to read as follows:

**“BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the transfer of drainage and pumping responsibilities in St. Bernard Parish to St. Bernard Parish Government on the terms that CPRA proposed



and the St. Bernard Parish Government has agreed to in principle, with transfer on these terms conditioned upon the St. Bernard Parish Council so approving at its next regularly scheduled meeting; and”

Mr. Morgan commented that this process has been going on for years. Should the St. Bernard Parish Council not accept the agreement at its next meeting, then the resolution would become void.

The motion to amend the resolution was unanimously adopted.

Mr. Hassinger stated that this issue has been on-going for several years. The Flood Protection Authority has worked hard investigating several potential options or resolutions to this issue. A recent article described it as a long time spat, as though it was about children fighting over something insignificant. This has been a complex and difficult issue in which serious men and women have invested a lot of time and effort trying to resolve—all in the effort to maximize flood protection for everyone in the FPA’s jurisdiction. He thanked President McInnis who has been a strong advocate for his constituents. He stated that he appreciated President McInnis’ passion and his finally agreeing to the compromise.

Mr. Miller advised that Mr. Hassinger was the FPA’s primary negotiator and very actively involved in the process, and that Mr. Cosse had been working with the FPA and St. Bernard Parish Council on the negotiations. He stated that he and President McInnis have had some very good discussions about this issue and that President McInnis would like to take over the interior pumping and drainage as soon as possible.

Mr. Morgan pointed out that the FPA analyzed the cash flow position of the Lake Borgne Basin Levee District, and at this point there is no need to move money from the other parishes to the LBBLD to cover the cost of this resolution.

Mr. Miller noted that an earlier version of the resolution that was before the Board listed two additional law suits, one of which was totally unrelated to the divestiture and the second may have had some aspect related to the divestiture. Both suits were removed from the final resolution since there were issues other than the divestiture involved in the suits. Therefore, the final resolution was limited to the four law suits.

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

**WHEREAS**, pursuant to La. R.S. 38:330.1, the Southeast Louisiana Flood Protection Authority-East (“the Flood Protection Authority”) through its Board of Commissioners, exercises authority over and has management, oversight, and control of the Lake Borgne Basin Levee District; and

**WHEREAS**, the Flood Protection Authority is authorized under La. R.S. 38:281 et seq., La. R.S. 38:301, La. R.S. 38:327, and La. Constitution Art. VI, Part III to provide for the construction and maintenance of levees, levee drainage, flood protection, and

hurricane flood protection within the territorial jurisdiction of the Flood Protection Authority and each of its constituent levee districts; and

**WHEREAS**, in addition to these prescribed statutory responsibilities, the Flood Protection Authority and Lake Borgne Basin Levee District at present also operate interior drainage pumps and maintains drainage canals in St. Bernard Parish; and

**WHEREAS**, the property tax millage currently collected by the Flood Protection Authority in St. Bernard Parish result in annual collections not sufficient to properly fund both operation and maintenance of the perimeter flood defense system and the operations of the interior drainage and pumping function in the parish; and

**WHEREAS**, pursuant to La. R.S. 38:330.2, the Flood Protection Authority is permitted to divest responsibility for internal drainage or pumping responsibilities that would otherwise fall the parish governing authority, and in accordance therewith, by resolution dated June 14, 2018, and numbered 06-14-18-04, the Flood Protection Authority Board of Commissioners resolved to divest internal drainage or pumping; and

**WHEREAS**, the Flood Protection Authority and St. Bernard Parish Government have engaged in lengthy negotiations regarding the terms of the transfer of interior drainage and pumping responsibilities to the parish, most recently aided in these negotiations by the Coastal Protection and Restoration Authority (“CPRA”); and

**WHEREAS**, CPRA presented the Flood Protection Authority and St. Bernard Parish Government with several proposals setting out terms for transfer of drainage and pumping responsibilities to St. Bernard Parish, with the last such proposal resulting in St. Bernard Parish Government’s agreement with the proposed terms; and

**WHEREAS**, CPRA has agreed to provide \$4 million in funding to St. Bernard Parish Government upon the transfer of responsibility for interior drainage and pumps from Lake Borgne Basin Levee District to St. Bernard Parish Government; and

**WHEREAS**, according to a letter dated July 8, 2019 and subsequent clarifying correspondence, St. Bernard Parish Government has agreed to the following general terms for transfer of all interior drainage and pumping responsibilities from Lake Borgne Basin Levee District to St. Bernard Parish Government:

- I. The Flood Protection Authority will provide \$3 million in funding to St. Bernard Parish Government upon the signing of an agreement to transfer responsibility for interior drainage and pumps from Lake Borgne Basin Levee District to St. Bernard Parish Government;
- II. The Flood Protection Authority will provide \$1.9 million in funding to St. Bernard Parish Government by or before January 1, 2020, an amount representing the average \$1.4 million collected in the expiring 2020 millage plus an additional \$500,000;
- III. The Flood Protection Authority will provide \$1.9 million in funding to St. Bernard Parish Government by or before January 1, 2021, an amount representing the average \$1.4 million collected in the expiring 2020 millage plus an additional \$500,000;

- IV. St. Bernard Parish Government will be responsible for pursuing passage of a tax millage to renew or replace the expiring 2020 millage, and 100 percent of the revenue from this renewed millage, currently amounting to approximately \$1.4 million each year, will go to St. Bernard Parish Government to support the interior drainage and pumping operations.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the transfer of drainage and pumping responsibilities in St. Bernard Parish to St. Bernard Parish Government on the terms that CPRA proposed and the St. Bernard Parish Government has agreed to in principle, with transfer on these terms conditioned upon the St. Bernard Parish Council so approving at its next regularly scheduled meeting; and

**BE IT FURTHER RESOLVED**, that the signing of an agreement to transfer all drainage and pumping operations to St. Bernard Parish Government will not occur until litigation now pending in the 34th Judicial District Court relating to the divestiture is dismissed. These cases include:

1. *“St. Bernard Parish Government v. Lake Borgne Basin Levee District, et al”*, 34<sup>th</sup> Judicial District Court, Division E, Parish of St. Bernard, Civil Action No. 18-0865
2. *“St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al”*, 34<sup>th</sup> Judicial District Court, Parish of St. Bernard, Division C, Civil Action No. 18-1065
3. *“St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al”*, 34<sup>th</sup> Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 18-1066
4. *“St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al”*, 34<sup>th</sup> Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 19-0937

**BE IT FURTHER RESOLVED**, that the full and permanent transfer of all drainage and pumping operations in St. Bernard Parish, including the transfer of ownership and/or interest in all immovable property, property access rights, physical facilities, equipment, and any necessary arrangements for the disposition of personnel, will be completed on or before January 1, 2020.

**BE IT FINALLY 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 the transfer of all drainage and pumping operations in St. Bernard Parish.

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

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

NAYS: None

ABSENT: Mr. Noel

**EMPLOYEE RECOGNITION: (continued)**

The Board recognized Jacinta Gisclair as the FPA's Employee of the Month.

Jacinta Gisclair is an Engineer 4 – Levee Safety Engineer and has been with the Flood Protection Authority since January, 2019. In her short time since joining the FPA, Ms. Gisclair has solely taken on several key projects and has contributed to many others. She has tapped into her past experience to assist and solve ongoing Flood Protection Authority challenges. One example is drawing upon her past experience and time with the Louisiana Department of Health and Hospitals to explore the use of a fluoride detection test, since fluorine is a more dependable marker of municipal water than the standard chlorine test, to determine if a seepage area identified during high river inspections is from a municipal source or actual river water. Another example was utilizing her past experience on the private side to navigate a Freedom of Information Act request to obtain design records from the Corps of Engineers for the NASA Levee Repair Project.

Ms. Gisclair has taken on the task of organizing and scheduling inspections, and has been developing an inspection guideline that will assist the current inspection personnel as well as serve as a training tool for future inspectors. She is always looking for areas where staff can improve its efficiency, as well as increase safety, while performing their inspection duties. Ms. Gisclair's pleasant and positive disposition in the office is infectious, in a good way, and is evident in the amount of friends she has developed in multiple departments. Ms. Gisclair personifies the values of the FPA in her daily activities. The FPA is truly lucky to have someone of her caliber and her colleagues hope to have her here at the FPA for many years to come.

Mr. Miller commented that Ms. Gisclair is a joy to be around and that she lifts everyone's spirits. He presented a Certificate of Commendation to Ms. Gisclair and thanked her for her outstanding service.

The next regular monthly meeting of the Board will be held on August 15, 2019, at the Franklin Avenue Administrative Complex.

There was no further business; therefore, the meeting was adjourned at 12:45 p.m.