

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, NOVEMBER 21, 2019**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on November 21, 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 11:15 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

ADOPTION OF AGENDA:

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

**RESOLUTION NO. 11-21-19-01 - APPROVAL OF OCTOBER 17, 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 October 17, 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 AND APPRECIATION:

The Board recognized Roger Colwell as the Employee of the Month. Mr. Colwell is a GIS Analyst Supervisor in the Engineering Department. He is always professional and personally accountable and he holds his staff to similar high standards, but always recognizes them for their individual and team contributions. Mr. Colwell understands all aspects of the FPA Mission and works well independently or as part of a team. He contributes to the Engineering Department on Permitting, Levee Inspection, Mapping, Document Control, ICC and EOC. He also contributes to the IT, Operations and Maintenance Departments in similar ways.

Mr. Colwell's title is GIS Analyst Supervisor, but his service to the FPA and the public goes way beyond GIS Management of geographical and spatial data, mapping and graphic display. He knows the FPA's entire system as well as anyone in the department and the FPA's the Emergency Operations Procedures. He has provided valuable input on the design and set up of the FPA's Emergency Operations Center.

Mr. Colwell also wears an IT hat as well and recently led the efforts for the FPA to completely automate its Levee Safety Permit Process making it the only completely on-line system in the entire State of Louisiana. To date this new process has recovered approximately \$58,000 on a total investment of \$119,000 in less than one year of implementation. In addition, the new automated on line system has reduced the number of permit reviewers and process personnel by two. On top of all his other contributions Mr. Colwell has championed the FPA's new Drone Program, was the FPA's first of now five licensed Drone Pilots and has co-authored the FPA's Unmanned Aerial System (UAS) Policies and Procedures Manual. He is currently developing procedures for performing periodic levee Inspections with Drones with the first assignment to be the 22 miles of the 40 Arpent Levee in the LBBLD. Not only will this save on outside consultant costs, but it also provides a significant improvement on baseline condition mapping that can be measured against future aerial surveys with much more detail and accuracy.

Mr. Colwell is truly the "Swiss army knife" of the Engineering / GIS department. When tasks arise that do not necessarily fall within an individual department or employee's jurisdiction or responsibility, he has continually been the go to person to manage or complete these tasks. Mr. Colwell's contribution is essential to the FPA's successful accomplishment of its mission and he is a tremendous asset to the organization.

Mr. Miller presented a Certificate of Commendation to Mr. Colwell and congratulated him for being selected the Employee of the Month.

The Board recognized Sgt. Lacey Gerhold as the Police Employee of the Month. On Tuesday, October 9, 2019, Sgt. Gerhold was summoned by a victim, who informed the sergeant that her vehicle was stolen and located on the 100 block of Royal Street. She approached the vehicle ordering the driver to exit the vehicle. Moments after exiting the vehicle, the driver fled running on foot in an attempt to elude the sergeant. Sgt. Gerhold pursued the suspect on foot for numerous blocks, giving a description and locations via

radio to responding police units. This enabled Louisiana State Police and New Orleans Police Department Officers to apprehend the suspect. The investigation revealed the vehicle was stolen from Mississippi and contained two firearms, 11.5 grams of crack cocaine, .8 grams of heroin and .1 gram of crystal methamphetamine. Additionally, the suspect was charged with a felon in possession of a firearm. Sgt. Gerhold was commended by Orleans Levee District Police leadership for her exemplary performance and dedication to duty in this investigation. Sgt. Gerhold is a great asset to the O.L.D. Police Department, the FPA and the citizens that we protect.

Mr. Miller presented a Certificate of Commendation to Sgt. Gerhold and congratulated her for being selected the Police Employee of the Month.

Mr. Miller explained that all the FPA's recognitions for Employees of the Month are special; however, this recognition is unique, as is it for the presentation of a Citizen's Award by the Orleans Levee District Police Department. The Board recognized Ella M. Hayes. On Wednesday, October 9, 2019, an Orleans Levee District Police Officer was working a paid detail at Ms. Hayes' employment. The officer was confronted by a hostile subject, who was accompanied with other counterparts. The subject aggressively attacked the officer and successfully disarmed the officer's Taser. Ms. Hayes acted heroically by warding off the counterparts and staying with the officer to ensure his safety. Ms. Hayes was commended for exemplary performance and dedication as a citizen in rendering aid to a Law Enforcement Officer in distress.

Mr. Miller presented the Orleans Levee District Police Department's Citizen Award to Ms. Hayes. The Board thanked Ms. Hayes for her heroic action.

OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:

Mr. Miller stated that although the Flood Protection Authority has maintained certain canals and drainage pumping stations in St. Bernard Parish, the Authority believes that it can unilaterally divest itself of these facilities. After several failed attempts to have the voters in St. Bernard Parish agree to funding these operations, the Authority notified St. Bernard Parish of its intent to divest itself of these operations and return them to Parish control. The Parish responded by filing several law suits to stop this action. The State of Louisiana through the Coastal Protection and Restoration Authority (CPRA) served as a mediator between the parties. After extended negotiations, the CPRA prepared an offer on June 28, 2019, that included terms acceptable to both parties. As part of the agreement, the FPA agreed to provide St. Bernard Parish with two years of current operating funds, plus an additional \$3 million to be paid in two annual installments of \$1.5 million each beginning on January 1, 2020. In addition, the CPRA agreed to provide up to \$4 million for capital improvements to the Parish's eight drainage pumping stations. The FPA agreed to these terms by adopting a resolution at its July 18th meeting. The St. Bernard Parish Council also agreed to these terms as well. For the past several months, representatives of the FPA and St. Bernard Parish have been working together to effect the turnover on January 1, 2020, as stipulated by both parties. Within the past few weeks, however, St. Bernard Parish withdrew from these discussions because it had hoped to spend the CPRA's funds to provide additional

operating revenue to enhance drainage operations of the Parish. Just as it did in its letter of June 28th of this year, the State made clear to the Parish that its funding was for capital improvements only. Now the Parish wants to delay the turnover until it holds a millage election on May 9, 2020, to provide for additional operating revenue that they hoped could have been provided by the CPRA's funding. The Parish had indicated that should the millage pass, they will honor their agreement and take over the operation of the pumping stations and interior drainage. However, their current position is that should they be unable to find additional funding, they will withdraw from the agreement. As part of the agreement reached by the parties, and as stated in the resolution adopted by the FPA, St. Bernard Parish was to dismiss four separate lawsuits dealing with the proposed action by the FPA to divest itself of the operation of the interior drainage facilities in the Parish. As of this date, St. Bernard Parish has not taken any action to do so.

Mr. Miller stated that this past Monday, he and Mr. Cosse, who represents St. Bernard Parish on the FPA, met with Parish President Guy McInnis and his Chief of Staff to discuss this matter. The Parish President made clear the Parish's intent to call a millage election to provide funding for the drainage operations, and that should it pass, they will honor the agreement. However, should it fail, they will not honor the agreement. Further, the Parish will not take over responsibility for the interior drainage operations on January 1, 2020, despite this being in accordance with the terms of the agreement. The Parish has thus requested that the FPA agree to an amendment of the agreement to extend the takeover date until after the May 9, 2020 election. At the meeting last Monday, the parties agreed to resume discussions regarding the divestiture of drainage operations. These discussions to date have proved productive with all issues settled except for final disposition of some of the movable equipment to be transferred to the Parish. Should the FPA agree to the time extension to give time for the Parish to pass a funding bill, once the equipment transfers have been agreed to, the Parish will enter into an Intergovernmental Agreement with the FPA before the end of this calendar year. The agreement will state that all of the issues have been resolved and that the Parish will honor the agreement pending approval of the proposed millage by the citizens of St. Bernard Parish. The FPA maintains its position that the agreement is enforceable as currently written independent of how the Parish chooses to fund the operations after the takeover. In order to discuss the current state of the still outstanding lawsuits and develop a response to the Parish's latest demands, the Board will go into executive session later today.

Mr. Hassinger stated that he served as President of the FPA for four years; however, it was two years before that, when Mr. Estopinal was President, that he began working on trying to resolve the Lake Borgne Basin Levee District (LBBLD) problem. Therefore, it has been at least six years that the FPA has been dealing with this issue. In 2018, the Board set a January, 2019, deadline for the transfer of the pumps and drainage. After six years and many attempts to resolve the problem, the Board said no more, and that it would be transferring the pumps and drainage. The Board extended the deadline for three months until April, and said, no more. The Board then extended the deadline to June, and said, no more. The Board then came to an agreement in Baton Rouge with the CPRA's leadership to transfer the pumps on January 1st. Initially, the FPA was

going to give the Parish \$1 million. At the end of the negotiations, the \$1 million became \$3 million, in addition to \$4 million from the State. Part of the consideration for this was the removal of any contingency about the passage of a millage or anything else. The agreement was not contingent on anything, because everyone realized that the solution was best for the citizens of St. Bernard Parish. St. Bernard Parish, the FPA and CPRA all agreed. Now, today, the FPA finds itself in a position of again extending because the Parish is renegeing on the agreement that it made.

Mr. Hassinger stated that he felt bad for the FPA's employees, who are living with total uncertainty about what is going to happen, and for the citizens of St. Bernard Parish since the risk of flooding continues for them because the Parish will not honor its agreement. Meanwhile, while all of this is happening, there are politics in the background and legislators are supporting candidates for governor who didn't win instead of focusing attention on the problem at hand. The problem is continuing and nothing is being resolved. The agreement for the transfer effective January 1, 2020, came about by the FPA asking the Parish what did it want to take the pumps on January 1st with no conditions. The Parish's demand was reflected in the agreement and the FPA approved the agreement.

Mr. Hassinger expressed concern that the deadline would be continued another six months, the millage election would take place, and the Parish may confront the Board in June with some other condition or problem that must be dealt with, and the pumps and people would still be in limbo. He stated that he did not know what the solution is; however, the Board can discuss it in executive session. He thanked Mr. Miller and Mr. Cosse for their efforts over the past several months to try to bring the agreement to fruition.

Mr. Miller recognized Derek Boese, Chief Administrative Officer, who has been working with St. Bernard Parish Government staff, the Legal Department, which has been working extensively to ensure that the property transfers are properly done, and the Finance Department, which has been working to establish capital equipment for transfer. FPA staff, as well as St. Bernard Government staff, have been working diligently on the transfer.

PUBLIC COMMENTS:

R. E. Romero stated that a wolf is coming; i.e., a millage will be coming up in May. If the officials cannot pay their bills or at least keep their word, they should be voted out of office. The people of St. Bernard Parish will suffer and others will have to pay the bill. East Jefferson and Orleans Parish should not have to support that part of another parish.

Craig Berthold commented that the makeup of the current Board is what the people intended when they voted after Hurricane Katrina and stated that the current Board is doing a great job. He said that he noticed that St. Bernard Parish requested that the turnover of the pumping and drainage system be pushed back not only until after the millage election has taken place, but also to near the end of the Legislative session. He

stated that he went to school with and knew State Representative Ray Garofalo and former FPA President Tim Doody and that they are going to keep bringing up issues every year. He suggested that the only solution to the taxpayers of other parishes not having to fund, or be under the threat of funding, St. Bernard Parish is to go back to three separate levee boards.

Roy Arrigo requested that his statement be appended to the minutes and be made a part of the official record of the meeting.

Mr. Miller clarified St. Bernard Parish's position and explained that St. Bernard Parish originally hoped that the \$4 million from the State of Louisiana could be utilized not only for capital projects, but for operational expenses as well. Their thought was to take the money that was coming from both the FPA and the State and utilize those funds to improve or provide additional funding over and above what the FPA is providing for internal drainage. This would buy St. Bernard Parish perhaps three to four years of operations before they went back to the citizens to show them what they were doing with the situation. The State has made very clear to St. Bernard Parish, as it did in its letter of June 28th, that the money could only be used for capital expenditures. The funding provided by the FPA could be used as St. Bernard Parish wished. St. Bernard Parish advised the FPA that it would have to proceed with the millage election at this time in order to provide the additional funding that it wanted to put forward.

Mr. Miller advised that his understanding is that St. Bernard Parish is proposing a 10 mill tax dedicated solely to drainage. The St. Bernard Parish hospital millage that will be expiring at the end of the year and the LBBLD millage that will be expiring total 12 mills. He thanked everyone for their comments. He thanked Mr. Cosse for setting up the meeting with President McInnis and Mr. Boese for his efforts during this process.

PRESENTATIONS: None.

COMMITTEE REPORTS:

Finance Committee: Mr. Dastugue reported that the Finance Committee met prior to the Board meeting and advised that recommendations would be provided as the items are taken on the Board Agenda. The Committee deferred discussion of the Fiscal Year 2019 Financial Audit Report to its next meeting to provide sufficient time for its review.

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

- Selection of a Consultant for the New Orleans Lakefront Airport Flood Protection Feasibility Study/Assessment – Ten proposals were received. The Committee recommended that the Board approve the selection of Arcadis for the study.
- East Jefferson Foreshore Protection Pilot Projects for Reaches 1 and 2 and Reaches 3 and 4 – The design phase of the projects has been completed and bids will be requested. The engineering consultant for the projects is Jacobs. The

committee recommended that the Board approve the execution of the contracts subject to the contracts being below the approved not-to-exceed amount.

- Appropriation of an additional area for a Temporary Road Servitude for the Lake Borgne Seepage Control Project – The committee recommended that the Board approve the appropriation of a small additional area needed by the U.S. Army Corps of Engineers (USACE) for the temporary roadway for access to the project.

CHIEF ADMINISTRATIVE OFFICER'S REPORT: Mr. Boese reviewed the highlights of his report:

- Emergency Preparedness – Hurricane season ends on November 31st and staff remains vigilant. The Mississippi River reached flood stage earlier in the week for two very short periods of time.
- Asset Management Initiative – At this time the FPA has several separate software systems that do not provide a long term, sustainable solution for asset management. Efforts have been made by staff, especially with the consolidation, to implement and improve systems in order to expeditiously meet current needs. The Asset Management Initiative includes facilities, vehicles and the flood protection system, as well as how these assets are managed, maintained and operated. Staff is considering ISO 55000, an international standard and guide, for providing a coordinated holistic approach for optimizing costs, risks, service, performance, maintenance and sustainability. Discussions have been initiated with I-STORM on shared ideas.
- Engineering – All Engineering projects have been entered into Primavera/P6, facilities will be entered into the system by the end of December and IT has started its process. A draft Reserve Plan for the Orleans Levee District (O.L.D.) based on long term operations and maintenance (O&M) costs supplied by the FPA's consultant was provided at the Finance Committee meeting. The FPA is negotiating with the consultant to supply long term O&M costs for the East Jefferson Levee District (EJLD) and LBBLD. The Semi-Annual Report and Second Quarter Reports were completed and no issues of immediate concern were found. Third Quarter Inspections will be completed by Thanksgiving. The permitting software has increased efficiency with 250 applications being submitted in seven months (approximately \$50,000 in fees) and reviewers being reduced from six to four.
- Facilities and Risk – FEMA approved the paperwork on the Port Security Grant. Upcoming work at the Franklin Complex include yard modifications (drainage, wash rack, parking and security), backflow preventer/fire suppression system, safe house HVAC and warehouse office renovations. The annual Safety luncheon/meeting will be held on December 19th. Staff is implementing new facilities safety inspection checklists. Fire drills/active shooter drills planning is underway.
- HR/Employee Services (ES) – Open enrollment on benefits is being conducted. Employees have been briefed on the new Employee Assistance Program. Adjustments are being made where necessary in the Maintenance Regional Reorganization. A full week of Maintenance equipment operator training will take

place in mid-December. The IT Director is spearheading a Cybersecurity program with HR/ES.

- Public Outreach – Briefings and/or tours were provided for U.S. Coast Guard Rear Admiral Nadeau, UNO's Engineering Department and the Japanese Delegation/USACE. A successful meeting was held with Jefferson Parish Public School leadership regarding implementation of the FPA's Middle School Curriculum. The goal is to implement the curriculum in all Jefferson Parish Public Middle Schools by the Fall of 2021. The FPA will continue working to implement the curriculum in individual schools by the fall of 2020. The FPA is transitioning to the Everbridge Alert System. The link is live on the FPA website for signup.

Mr. Englande stressed the importance of a benefits program in retaining employees and of public outreach, especially in schools and universities. He inquired about any impacts to the FPA by the recent cybersecurity attack on the State. Mr. Boese responded that the FPA had not been impacted by the recent cybersecurity attack.

Mr. Morgan inquired about Board approval for a new software system in response to the Asset Management Initiative. Mr. Boese responded that staff may not be prepared to make a recommendation until about February.

NEW BUSINESS:

RESOLUTION NO. 11-21-19-02 - COOPERATIVE ENDEAVOR AGREEMENT BETWEEN NEW ORLEANS AVIATION BOARD AND SLFPA-E

Mr. Boese advised that the resolution before the Board is for the annual renewal of the Cooperative Endeavor Agreement (CEA) for EJLD Police details at the Louis Armstrong International Airport. No significant changes were made to the CEA.

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

WHEREAS, the Cooperative Endeavor Agreement between the City of New Orleans by and through the New Orleans Aviation Board and the Jefferson Parish Sheriff's Office, St. Charles Parish Sheriff's Office and the Southeast Louisiana Flood Protection Authority-East (FPA) for security services for the Louis Armstrong New Orleans International Airport has been updated; and

WHEREAS, security services will be provided in the form of police details and will be in accordance with the East Jefferson Levee District's (EJLD) policy for such details.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the aforementioned updated Cooperative Endeavor Agreement (CEA) between the City of New Orleans by and through the New Orleans Aviation Board and the Jefferson Parish Sheriff's Office, St. Charles Parish Sheriff's Office and the Southeast Louisiana Flood Protection Authority-East.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is hereby authorized to execute the aforementioned CEA.

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. 11-21-19-03 - DESIGNATION OF OFFICIAL DOMICILE

Mr. Hassinger explained that in a prior meeting he brought up the idea of designating the EJLD facility as the FPA's official domicile so that in the event the Authority is sued, the proper venue for the suit would be Jefferson Parish. The statute allows the Board to declare its domicile in any parish where it operates. He offered a motion to amend the resolution to designate the East Jefferson Levee District Complex at 1100 Rev. Richard Wilson Drive, Kenner, Louisiana 70062 as the FPA's official domicile. The motion to amend the resolution was seconded by Mr. Morgan and the amendment was unanimously adopted.

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

WHEREAS, the Board's Bylaws provide under Article 2 for an Official Domicile of the Southeast Louisiana Flood Protection Authority – East at such place in the territorial jurisdiction of the Authority as the Board may designate by Resolution from time to time.

BE IT HEREBY RESOLVED that the Southeast Louisiana Flood Protection Authority – East designates the location of its official domicile at the East Jefferson Levee District Complex at 1100 Rev. Richard Wilson Drive, Kenner, Louisiana 70062, effective November 21, 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

RESOLUTION NO. 11-21-19-04 - MEMORANDUM OF UNDERSTANDING BETWEEN EJLD POLICE DEPARTMENT AND FORENSIC LOGIC, LLC

Kerry Najolia, Superintendent of Police, explained that the Jefferson Parish Sheriff's Office (JPSO) is upgrading its criminal database and requested that the company (Forensic Logic, LLC) doing the upgrade provide a testing period. Forensic Logic requires that all database users sign the Memorandum of Understanding for its use. The use of the database will be at no cost for the next several months.

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

WHEREAS, the East Jefferson Levee District Police Department currently shares law enforcement data with multiple agencies by accessing the Jefferson Parish Sherriff's Office's (JPSO) criminal database; and

WHEREAS, JPSO is seeking to upgrade its criminal database and intends to employ Forensic Logic, LLC's newest, most comprehensive tool for sharing data, initially on a trial basis for a period ending in April, 2020; and

WHEREAS, a Memorandum of Understanding must be executed between the Southeast Louisiana Flood Protection Authority-East (FPA), on behalf of the EJLD Police Department, and Forensic Logic, LLC in order to participate in the aforementioned trial and to access the information network; and

WHEREAS, Art. VII, Sec. 14(C) of the Louisiana Constitution of 1974 provides that for a public purpose, the State and its political subdivisions or political corporations may engage in cooperative endeavors with each other or with any other private association, corporation or individuals; and

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the FPA Chief Administrative Officer to execute the Memorandum of Understanding with Forensic Logic, LLC, for the East Jefferson Levee District Police Department's Participation in the Forensic Logic Information Network.

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

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

NAYS: None

ABSENT: Mr. Latiolais and Mr. Noel

RESOLUTION NO. 11-21-19-05 - EXECUTION OF GRANT DOCUMENTS ON BEHALF OF THE FPA AND LEVEE DISTRICTS UNDER ITS JURISDICTION

Mr. Morgan explained that the designation of a signatory for the execution of grant documents was discussed by the Finance Committee. The need for the adoption of a resolution came up recently during discussions with FEMA.

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

WHEREAS, by Act 1 of the First Extraordinary Session of 2006 of the Louisiana Legislature (La. R.S. 38:330.1-13), the Southeast Louisiana Flood Protection Authority-East (FPA) was established and charged with governance over the East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District; and

WHEREAS, the FPA and levee districts within its jurisdiction seek financial assistance for essential services, projects and programs from Federal, State and local governmental entities and other resources through grants; and

WHEREAS, the authorization of a signatory for the execution of all documents pertaining to grants, including, but not limited to applications, cooperative endeavor agreements, intergovernmental agreements and financial documents and instruments, is required for the FPA and aforementioned levee districts.

BE IT HEREBY RESOLVED, that the Chief Administrative Officer for the Southeast Louisiana Flood Protection Authority-East is hereby designated as the authorized signatory for all documents pertaining to Federal, State, local and other grants for the FPA, East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District.

BE IT FURTHER RESOLVED, that any and all prior resolutions providing signatory authorization for the aforementioned documents are null and void.

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

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

NAYS: None

ABSENT: Mr. Latiolais and Mr. Noel

Motion to adopt the Fiscal Year 2019 Financial Audit Report as submitted.

Mr. Morgan advised that the motion was deferred by the Finance Committee to the next meeting.

RESOLUTION NO. 11-21-19-06 - RENEWAL OR PROCUREMENT OF INSURANCE COVERAGES

Mr. Morgan noted that the premiums for the listed coverages total approximately \$1.8 million. The Finance Committee considered each policy and its cost. A large portion of the cost is for Workers Compensation coverage and the FPA is working on improving its safety record.

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

WHEREAS, a number of insurance coverages for the Southeast Louisiana Flood Protection Authority-East, East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District will expire on January 1, 2020; and

WHEREAS, the Board's insurance agent of record, Arthur J. Gallagher shopped the market, received quotes and provided recommendations to the Finance Committee for the renewal or procurement of said coverages for a one-year period commencing January 1, 2020; and

WHEREAS, the Finance Committee met on November 21, 2019, and recommended that the insurance coverages be renewed or procured from the following carriers at the costs indicated, plus applicable surplus lines taxes and fees:

Lake Borgne Basin	Carrier	Premium
Workers Compensation	LWCC	\$4,051
Hull / P&I	Great American Insurance Group	\$14,700
Vessel Pollution	Great American Insurance Group	\$1,200
East Jefferson Levee District		
Police Accident & Health	Federal Insurance Company	\$3,800
Workers Compensation	LWCC	\$98,340
Orleans Levee District		
Police Accident & Health	Federal Insurance Company	\$3,860
Workers Compensation	LWCC	\$93,444
Flood Protection Authority		
Public Officials	Illinois Union Insurance Company	\$70,848
Property	AmRisc	\$415,206.02
Liability Package	ACE American Insurance Company	\$688,700
Workers Compensation	LWCC	\$302,952
Equipment	AGCS Marine Insurance Company	\$44,624
Crime	Travelers	\$6,925
Pollution	Allied World Assurance Company	\$56,395
Auto PD	Lexington Insurance Company	\$61,150
Cyber	Chubb Custom Insurance	\$8,399

WHEREAS, funding for the aforesaid coverages is available in Budget Line Account 45400 and 42900.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the renewal or procurement of the aforementioned insurance coverages as listed above for a one-year period, commencing January 1, 2020 and ending on January 1, 2021, and authorizes the FPA Chief Administrative Officer to Execute 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. Morgan
and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais and Mr. Noel

**RESOLUTION NO. 11-21-19-07 - SELECTION OF CONSULTANT FOR A
FEASIBILITY STUDY OF FLOOD PROTECTION FOR THE NEW ORLEANS
LAKEFRONT AIRPORT**

Mr. Morgan advised that the Operations Committee reviewed the selection of the consultant for the Feasibility Study of Flood Protection for the New Orleans Lakefront Airport. Chris Humphreys, Director of Engineering, explained that in June the Board authorized the advertisement and issuance of a Request for Qualifications for the study. Ten statements of qualifications were received. The selection team narrowed the short list to four, conducted interviews, and recommended the selection of Arcadis US, Inc. Mr. Miller pointed out that Arcadis has done similar work at LaGuardia Airport as well as other airports.

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

WHEREAS, the Orleans Levee District is the owner of the New Orleans Lakefront Airport, a key facility in the Greater New Orleans region for staging pre-storm evacuations and post-storm first responder and disaster relief activities; and

WHEREAS, by Resolution No. 06-20-19-14, the Southeast Louisiana Flood Protection Authority-East (FPA) authorized the advertisement and issuance of a Request for Qualifications (RFQ) for an engineering study for flood protection at the New Orleans Lakefront Airport; and

WHEREAS, the Statements of Qualifications submitted in response to the RFQ for the New Orleans Lakefront Airport Flood Protection Feasibility Study / Assessment were reviewed and competitively rated by a selection team, and the selection team recommended ARCADIS for the study/assessment; and

WHEREAS, funding for said study/assessment is included in Orleans Levee District Budget Line BPROJ028.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the recommendation of the selection team and selects ARCADIS for the New Orleans Lakefront Airport Flood Protection Feasibility Study / Assessment.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer is authorized to negotiate a contract with ARCADIS, and execute the contract for said study/assessment, along with 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. Morgan and Mr. Weysham

NAYS: None

ABSENT: Mr. Hassinger, Mr. Latiolais and Mr. Noel

RESOLUTION NO. 11-21-19-08 –

AWARD OF CONTRACT FOR THE EAST JEFFERSON FORESHORE PROTECTION REPAIR PILOT PROJECT – REACHES 1 AND 2

Mr. Morgan requested that the Board discuss and vote on Agenda Items XII.B2 and B3 at the same time due to their similarities. There was no objection to the request.

Mr. Humphreys explained that two pilot projects will be accomplished—the first in Reaches 1 and 2 and the second in Reaches 3 and 4. The project in Reaches 1 and 2 will include three methodologies to remedy the erosion problem: 1) backfill and a saltwater marsh covering, 2) backfill with riprap, and 3) articulated concrete block and Bermuda grass. The Project in Reaches 3 and 4 is similar and includes the articulated concrete block and saltwater marsh, but excludes the backfill with riprap due to the cost. Bids are being requested on the two separate projects.

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

WHEREAS, foreshore protection, which included a rock dike, was constructed by the U.S. Army Corps of Engineers (LPV-01.2 Foreshore Protection A Phase 2) along approximately 3.0 miles of East Jefferson Lakefront Levee (Reaches 1 and 2); and

WHEREAS, significant settlement of the rock dike has taken place along the 3.0 miles of foreshore protection with erosion occurring behind the dike due to wave action from tropical events and northeasters; and

WHEREAS, since considerable funding would be required to repair the foreshore protection as initially designed, along with the erosion that has taken place, the Southeast Louisiana Flood Protection Authority-East (FPA) intends to construct pilot projects in certain areas along the foreshore protection in order to determine the best, most cost effective method or methods for the repairs and for providing foreshore protection for the levee; and

WHEREAS, bids were requested for the construction of the Pilot Project located along Reaches 1 and 2 of the East Jefferson Lakefront Levee; and

WHEREAS, it is the FPA's intent to construct the aforementioned pilot project in sufficient time to monitor its effectiveness during the upcoming winter; and

WHEREAS, funding for the project is included in Budget Line BROF001.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract to the lowest responsive and responsible bidder and execution of said contract in an amount not to exceed \$150,000 for the East Jefferson Foreshore Protection Repair Pilot Project – Reaches 1 and 2.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer, or in his absence the Director of Engineering, is hereby authorized to execute said contract, and to sign any and all other documents necessary to accomplish the above.

The foregoing was submitted to a vote; the vote thereon was as follows:
YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Hassinger, Mr. Morgan
and Mr. Weysham
NAYS: None
ABSENT: Mr. Latiolais and Mr. Noel

**RESOLUTION NO. 11-21-19-09 –
AWARD OF CONTRACT FOR THE EAST JEFFERSON FORESHORE PROTECTION
REPAIR PILOT PROJECT – REACHES 3 AND 4**

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

WHEREAS, foreshore protection, which included a rock dike, was constructed by the U.S. Army Corps of Engineers (LPV-20.2 Foreshore Protection B Phase 2) along approximately 2.45 miles of East Jefferson Lakefront Levee (Reaches 3 and 4); and

WHEREAS, significant settlement of the rock dike has taken place along the 2.45 miles of foreshore protection with erosion occurring behind the dike due to wave action from tropical events and northeasters; and

WHEREAS, since considerable funding would be required to repair the foreshore protection as initially designed, along with the erosion that has taken place, the Southeast Louisiana Flood Protection Authority-East (FPA) intends to construct pilot projects in certain areas along the foreshore protection in order to determine the best, most cost effective method or methods for the repairs and for providing foreshore protection for the levee; and

WHEREAS, bids were requested for the construction of the Pilot Project located along Reaches 3 and 4 of the East Jefferson Lakefront Levee; and

WHEREAS, it is the FPA's intent to construct the aforementioned pilot project in sufficient time to monitor its effectiveness during the upcoming winter; and

WHEREAS, funding for the project is included in Budget Line BROF001.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract to the lowest responsive and responsible bidder and execution of said contract in an amount not to exceed \$150,000 for the East Jefferson Foreshore Protection Repair Pilot Project – Reaches 3 and 4.

BE IT FURTHER RESOLVED, that the FPA Chief Administrative Officer, or in his absence the Director of Engineering, is hereby authorized to execute said contract, and to sign any and all other documents necessary to accomplish the above.

The foregoing was submitted to a vote; the vote thereon was as follows:
YEAS: Mr. Cosse, Mr. Dastugue, Mr. Englande, Mr. Hassinger, Mr. Morgan
and Mr. Weysham
NAYS: None

ABSENT: Mr. Latiolais and Mr. Noel

RESOLUTION NO. 11-21-19-10 - SUPPLEMENTAL APPROPRIATION OF TEMPORARY ROAD SERVITUDE FROM VIOLET S. MELERINE, ET AL. 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

Michelle White, Executive Counsel, explained that the Board originally appropriated the temporary road servitude in March, 2019; however, the area requested by the USACE for the ongoing work did not provide a sufficient turn radius for the equipment being used. Therefore, the temporary road servitude had to be widened in this area and the original appropriation is being supplemented. The temporary road servitude is for a two-year period and provides access for the project. The property is owned in division by five family members, four of whom are deceased with unopened successions; therefore, appropriation is the only way to accomplish the right-of-entry.

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

“A resolution providing for the appropriation under the Constitution and Laws of the State of Louisiana of a temporary road servitude over property located at 6130 E. St. Bernard Highway in Violet, Louisiana from Violet S. Melerine, et al. 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 construction of the Project; and

WHEREAS, by letter dated January 10, 2019, the Corps issued a Right of Entry Request (“ROE Request”) to Southeast Louisiana Flood Protection Authority-East

for the Project, identifying the alignment for the Project approved by the Corps and providing a map thereof; and

WHEREAS, the property rights required by the Corps for the Project included a temporary road servitude over the property identified on the Corps map as a portion of “Temporary Access Road – C.” This property is assessed to “Violet S. Melerine, et al.” and owned by Violet S. Melerine and four others (the “Melerines,” collectively); and

WHEREAS, Violet S. Melerine is only one of the five owners of the property, others of whom are deceased with unopened successions and therefore unable to grant Right of Entry for Construction or good title. LBBLD was therefore unable to acquire Right of Entry for Construction or good title to the necessary servitude over “Temporary Access Road – C” in a timely manner and in accordance with the schedule required by the Corps; 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; and

WHEREAS, pursuant to Resolution No. 03-21-19-11, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East appropriated the required servitude over “Temporary Access Road – C” for a period of two years beginning on May 1, 2019; and

WHEREAS, on October 11, 2019, the Corps issued a supplemental ROE Request to Southeast Louisiana Flood Protection Authority-East for the Project, modifying the alignment of “Temporary Access Road – C” to widen a curve of the access road to make it more usable for the Project, identifying additional alignment for the Project approved by the Corps for this purpose, and providing the map thereof, attached hereto as Exhibit “A”; and

WHEREAS, the additional alignment required for the Project is also shown on the plat of survey attached hereto as Exhibit “B” as Parcel No. 12. Parcel No. 12 is part of the same property as the original alignment of “Temporary Access Road – C,” and therefore likewise bears municipal address 6130 E. St. Bernard Highway, Violet, Louisiana, and is likewise assessed to “Violet S. Melerine, et al.” and owned by the Melerines; and

WHEREAS, LBBLD is acquiring the property rights required by the Corps in the supplemental ROE Request that are outside of LBBLD’s existing right of way, which includes the servitude over Parcel No. 12; and

WHEREAS, for the same reasons necessitating the previous appropriation of the servitude over the original alignment of “Temporary Access Road – C,” the additional servitude over Parcel No. 12 must also be appropriated.

BE IT HEREBY RESOLVED, that the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East approves an action to appropriate a Temporary Road Servitude over the property identified as Parcel No. 12, as shown on the plat of survey attached hereto as Exhibit “B,” 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 Road Servitude, which is a temporary and assignable servitude, easement, and right of way in, on, over, and across Parcel No. 12, for 17 months beginning on December 1, 2019, for use by Lake Borgne Basin Levee District and its representatives, agents, contractors, and assignees for access for the location and 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") and for the location, construction, operation, maintenance, alteration, and replacement of a road and appurtenances thereto, together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and other vegetation, structures, or obstacles; 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 parcel.

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

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

NAYS: None

ABSENT: Mr. Latiolais and Mr. Noel

EXECUTIVE SESSION:

1. *"St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al"*, 34th Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 19-0937

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

The Board reconvened in Regular Session and Mr. Miller called the meeting back to order.

Mr. Miller advised that a Special Board Meeting would be held at 2:30 p.m. today relative to the adoption of millage rates for the Orleans Levee District. The Board at its October meeting adopted a resolution certifying millage rates based on the information provided by the Assessor's Office. The dollar value of the assessments provided was incorrect, and based on the millage rates that were adopted, the Orleans Levee District would be short several million dollars in 2020. The Board has the opportunity at the Special Board Meeting to correct the millage rates so that the Orleans Levee District would collect the same amount of money in 2020 as it did in 2019. A Special Board Meeting was required in order to provide 24-hour public notice.

RESOLUTION NO. 11-21-19-11 - AGREEMENT TO EXTEND EFFECTIVE DATE OF PERMANENT TRANSFER OF INTERIOR DRAINAGE AND PUMPING FUNCTIONS FROM LAKE BORGNE BASIN LEVEE DISTRICT TO ST BERNARD PARISH GOVERNMENT

The motion to amend Resolution No. 07-18-19-07 – Agreement to Terms of Permanent Transfer of All Interior Drainage and Pumping Function from Lake Borgne Basin Levee District to St. Bernard Parish to extend effective date of the transfer to June 1, 2020, was offered by Mr. Cosse and seconded by Mr. Miller.

Mr. Hassinger offered a motion to amend the resolution to delete in their entirety every **BE IT RESOLVED** paragraph and to add that the Board authorizes the filing of a lawsuit against the Parish of St. Bernard for the purpose of enforcing the agreement entered into between the Flood Protection Authority and St. Bernard Parish relative to the transfer of pumping and drainage functions to St. Bernard Parish. The motion to amend the resolution was seconded by Mr. Weysham.

Mr. Morgan pointed out that the agreement provided that any costs incurred after January 1st would be borne by St. Bernard Parish; therefore, all of the FPA's operational costs beyond that date would be deducted from the agreed upon payment.

Mr. Hassinger explained that the FPA will sustain substantial legal fees by filing the suit. The current agreement between the FPA and the Parish calls for the FPA to pay the Parish \$3 million cash when the functions are transferred. The amount that the FPA spends on attorneys' fees prosecuting the suit in order to compel the Parish to stand by its agreement will be deducted from the \$3 million. Therefore, if the FPA has to spend \$100,000 to make the Parish do what it agreed to do, then the FPA would pay the Parish \$2.9 million and not \$3 million. Mr. Miller asked if this is part of the resolution, and Mr. Hassinger responded, yes.

Ms. White clarified that the proposed amendment would remove all of the **RESOLVED** and **FURTHER RESOLVED** paragraphs and replace those paragraphs with language to **RESOLVE** that the Board authorizes the filing of a lawsuit to enforce the agreement between the Flood Protection Authority and St. Bernard Parish Government relative to the transfer of pumping and drainage functions, and to **FURTHER RESOLVE** that after January 1, 2020, all operating costs and expenses including attorney's fees incurred in the prosecution of the lawsuit will be deducted from the cash payment that the FPA agreed to make to St. Bernard Parish in the agreement to transfer the pumping and drainage functions.

Kelli Chandler, Finance Director, asked did the amendment apply to just legal fees or did it include all operating costs as well as legal fees. Mr. Morgan clarified that the amendment would include operating costs, as well. The FPA was going to give St. Bernard Parish \$3 million to cover its operational costs; however, the FPA is going to be burdened with those costs. Mr. Hassinger commented that it may be a while before St. Bernard Parish takes over the pumping and drainage. Ms. Chandler added that the FPA had discussed the removal of Property Insurance on the Pump Stations as of January 1st. Therefore, the cost of insurance should also be included.

Ms. White clarified the proposed amendment would include the deletion of all of the current **RESOLVED** paragraphs and that those paragraphs would be replaced with language to **RESOLVE** that the Board authorizes the filing of a lawsuit to enforce the agreement between the Flood Protection Authority and St. Bernard Parish Government relative to the transfer of pumps and drainage, and **FURTHER RESOLVE**, that all operating costs and expenses, including attorneys' fees, will be deducted from the \$3 million payment once the transfer is effectuated. Mr. Miller further clarified that the cost of insurance would be included as an expense.

There was no further discussion. Mr. Miller called for a roll call vote on the motion to amend the resolution. Mr. Cosse called the roll and Mr. Englande, Mr. Weysham, Mr. Hassinger, Mr. Miller and Mr. Morgan voted yea and Mr. Cosse voted nay.

On the motion of Mr. Cosse,
Seconded by Mr. Miller, 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 maintain drainage canals in St. Bernard Parish; and

WHEREAS, the property tax millage currently collected by the Flood Protection Authority in St. Bernard Parish results 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

WHEREAS, the Flood Protection Authority and St. Bernard Parish Government 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, in a letter dated June 28, 2019, resulting in the Flood Protection Authority and St. Bernard Parish Government’s agreement to proceed with the transfer on the terms proposed; and

WHEREAS, CPRA 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;

WHEREAS, according to letter dated July 8, 2019 and subsequent clarifying correspondence, St. Bernard Parish Government agreed to the following general terms for transfer of all interior drainage and pumping responsibilities from the 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; and

WHEREAS, the Flood Protection Authority, by Resolution No. 07-18-19-07 adopted on July 18, 2019, and the St. Bernard Parish Council, by Resolution SBPC #1966-08-19 adopted on August 6, 2019, each resolved to proceed with the permanent transfer of interior drainage and pumping functions from Lake Borgne Basin Levee District to St. Bernard Parish Government, on the agreed upon terms, effective January 1, 2020; and

WHEREAS, on or about November 18, 2019, St. Bernard Parish Government communicated to the Flood Protection Authority that, despite the agreement made and the lawful resolution of the St. Bernard Parish Council to same, the parish government, will not proceed with the transfer on January 1, 2020, and instead asked that the date of the transfer be extended to an effective date of June 1, 2020; and

WHEREAS, the extension proposed by St. Bernard Parish Government is represented by the St. Bernard Parish Government to be premised on agreement to the following general terms for transfer of all interior drainage and pumping responsibilities from the Lake Borgne Basin Levee District to St. Bernard Parish Government:

- i. The Flood Protection Authority and St. Bernard Parish Government will execute an intergovernmental agreement providing for the transfer of responsibility for interior drainage and pumps from Lake Borgne Basin Levee District to St. Bernard Parish Government, with the effective transfer date set as June 1, 2020;
- ii. Subsequent to the execution of an intergovernmental agreement to transfer responsibility for interior drainage and pumps from Lake Borgne Basin Levee District to St. Bernard Parish Government and prior to transfer of any funds from the Flood Protection Authority to St. Bernard Parish Government, litigation now pending in the 34th Judicial District Court must be dismissed. These cases include:
 1. *“St. Bernard Parish Government v. Lake Borgne Basin Levee District, et al”*, 34th 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”*, 34th 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”*, 34th 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”*, 34th Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 19-0937

- iii. Subsequent to the execution of an intergovernmental agreement to transfer responsibility for interior drainage and pumps from Lake Borgne Basin Levee District to St. Bernard Parish Government and the dismissal of aforementioned litigation, the Flood Protection Authority will provide \$3 million in funding to St. Bernard Parish Government *minus* amounts expended between January 1, 2020 and June 1, 2020, for the Flood Protection Authority and Lake Borgne Basin Levee District to operate and maintain the interior drainage and pumping in St. Bernard Parish;
- iv. Subsequent to the execution of an intergovernmental agreement to transfer responsibility for interior drainage and pumps from Lake Borgne Basin Levee District to St. Bernard Parish Government and the dismissal of aforementioned litigation, the Flood Protection Authority will provide funding representing the average annual millage collection for the expiring 2020 millage of \$1.4 million and an additional \$500,000;
- v. St. Bernard Parish Government will pursue passage of a tax millage on the May 2020 ballot to renew or replace the expiring 2020 millage, and if said millage passes, the permanent transfer of responsibility of interior drainage and pumps to St. Bernard Parish Government will proceed on June 1, 2020, but if the millage fails to pass in May 2020, St. Bernard Parish Government will not proceed with the transfer on the otherwise agreed upon terms; and

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the immediate initiation of litigation to enforce the agreement between the Flood Protection Authority and the St. Bernard Parish Government for the January 1, 2020 transfer of drainage and pumping responsibilities in St. Bernard Parish from Lake Borgne Basin Levee District to St. Bernard Parish Government on the terms previously agreed upon; and

BE IT FURTHER RESOLVED, that all operating costs and expenses relating to the Flood Protection Authority retaining drainage and pumping responsibilities beyond January 1, 2020, including attorney's fees and expenses to have the agreement judicially enforced, until such time as the transfer of responsibility for interior drainage and pumps from Lake Borgne Basin Levee District to St. Bernard Parish Government is effectuated, will be deducted from the funding that the Flood Protection Authority agreed to provide to St. Bernard Parish Government in the agreement memorialized in the July 2019 and August 2019 resolutions adopted by the Flood Protection Authority and the St. Bernard Parish Council.

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

YEAS: Mr. Englande, Mr. Hassinger, Mr. Miller, Mr. Morgan and Mr. Weysham

NAYS: Mr. Cosse

ABSENT: Mr. Dastugue, Mr. Latiolais and Mr. Noel

There was no further business; therefore, the meeting was adjourned at 1:30 p.m.

While attending St. Bernard Parish Council meetings earlier this year, as I reported to some of you, it was obvious that they were not operating in good faith with regards to the drainage agreement. Though they indicated to you that they did, their parish council never ratified the agreement & they never gave their parish president the authority to do either. Today it is clear that my advice was spot on! You may not see him here, but Tim Doody is definitely still alive and well in this room.

Less than 45 days before that transfer is to take place, St. Bernard parish is asking that the drainage transfer be delayed from Jan to the middle of flood & hurricane season! Not because they aren't ready, they are. They want the delay, so that they can get a millage passed. St. Bernard always knew the circumstances with the millage, they even spoke about it here at their parish council meetings. Nothing changed with respects to this millage, no new information has come out 45 days before the transfer. The *amount* of the millage should only affect **how much** is spent on the drainage, NOT on who runs it and when they run it. X amount of dollars to spend on drainage is X amount of dollars to spend on drainage, regardless of who runs it, it is NOT a reason to change the transfer date.

What happens on June 1, when, the millage increase fails for the third time...and it will fail. Why would St. Bernardians vote to pass an increase if passing means that they must begin to pay for their own drainage within the limits of what they voted to pay, and when voting it down means that Orleans & Jefferson will pay for their drainage without those limits on spending?

This situation has gone beyond the point of absurdity. It is long past due that this be stopped. ST. BERNARD IS NOT OPERATING IN GOOD FAITH. Drainage in St. Bernard should be the responsibility of St. Bernard. Don't allow St. Bernard government to say they only want the drainage if the voters agree to pay a certain amount, otherwise, we want you to keep it. Do not vote to approve this extension.

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