

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, JUNE 17, 2021**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on June 17, 2021, 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. The roll was called and a quorum was present:

**PRESENT:**

Herbert I. Miller, President  
Mark L. Morgan, Vice President  
K. Randall Noel, Treasurer  
Clay A. Cosse, Secretary  
Roy M. Arrigo  
Lambert J. Hassinger, Jr.  
Eugene J. Joanen, IV  
Herbert T. Weysham, III

**ABSENT:**

Jason P. Latiolais

**ADOPTION OF AGENDA:**

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

**RESOLUTION NO. 06-17-21-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON MAY 20, 2021**

---

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Board Meeting held on May 20, 2021.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

## **EMPLOYEE RECOGNITION AND APPRECIATION:**

Mr. Miller announced that the Employee of the Month for June was Susan Jenkins. Ms. Jenkins was nominated by her colleagues and selected as the FPA Employee of the Month because of her dedication and commitment to the FPA's mission and the way that she exemplifies the FPA's values. Ms. Jenkins is a Training and Development Specialist 2 in the HR Department and serves as the FPA's Training Coordinator.

Ms. Jenkins has done an extraordinary job creating an entire training program for the FPA from scratch. She is extremely organized, detailed, and takes the initiative to learn the details of what each department needs in their individual programs. She has mastered the art of follow through and sets reminders to keep projects on track in a timely and efficient way. Ms. Jenkins is a great team player, has great communication skills, is not afraid to address the elephant in the room, and is a tremendous asset to the FPA team.

Ms. Jenkins was presented a Commendation for being the Employee of the Month.

Mr. Miller announced that the Police Employee of the Month for June was Officer Robert Tewis. Officer Tewis was nominated by his colleagues and selected as the Police Employee of the Month because of his professionalism as a law enforcement officer and his commitment and dedication to the FPA's mission, its values and to public service. Officer Tewis is a Police Officer 2 in the East Jefferson Levee District Police Department (EJLDPD).

On February 22, 2021, Officer Tewis was on route to his residence after completing an authorized off duty assignment when a vehicle passed him on I-10 Eastbound at a high rate of speed. Officer Tewis activated his lights and siren and attempted to pull the vehicle over. The vehicle refused to stop and Officer Tewis notified other officers via the police radio. The vehicle, which was occupied by four subjects, was successfully stopped on Causeway Blvd. at Galleria with the assistance of officers from the Jefferson Parish Sheriff's Office (JPSO) and EJLDPD. Investigation revealed four firearms and a quantity of narcotics. The officers seized the narcotics, firearms and additional firearm accessories as evidence. One occupant had an outstanding warrant in Jefferson Parish. All four subjects were booked with possession of narcotics and possession of firearms with narcotics and the vehicle was impounded.

On February 24<sup>th</sup>, Officer Tewis and Sgt. Pinkston, who had been contacted by Officer Tewis for investigative assistance, were notified by the Jefferson Parish Crime Lab that one of the weapons seized had the ability to be fired fully automatic. At this point, an investigative hold was placed on the vehicle in impound and a search warrant was obtained to examine the vehicle for additional evidence involving narcotics and/or firearms. Officer Tewis participated in the service of the search warrant, along with other EJLDPD Officers, JPSO deputies, agents of the Bureau of Alcohol, Tobacco, and Firearms (ATF), and members of the FBI Violent Crime Task Force.

With the revelation that one of the seized firearms was a fully automatic weapon (a machine gun in layman's terms), arrest warrants were secured for two of the subjects for possession of a machine gun. One of the subjects was immediately rebooked on that charge and the second subject was at large. ATF tested the machine gun at their forensics lab and confirmed the weapon's status. Through further investigation, it was discovered that the weapon in question was stolen in 2018 from a residence in Houston, Texas. This is an ongoing investigation involving the EJLD, JPSO, ATF and FBI. Arrest warrants for additional charges may be obtained as the investigation progresses.

Officer Tewis was presented with a Commendation for being the Police Employee of the Month.

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

Mr. Miller congratulated Clay Cosse, Roy Arrigo and Richard Duplantier for being approved by the Senate for full terms on the FPA Board of Commissioners. He stated that there were two issues that he wanted to address, both of which are known to most, if not all, Board members. First, the Board received an unsigned letter purporting to be from members of the levee district police department regarding an issue of concern to them. This letter was shared with Commissioners and every Commissioner that commented on it had the same reaction – we cannot respond to unsigned letters. He said that the Board had no way of knowing if the letter was really from multiple police employees, a single employee or just someone trying to be disruptive. He said that he shared the letter with Chief Najolia, who having heard about the letter, told him that he had not previously seen it. Mr. Miller said that he should note that the issue raised in the letter was already being addressed and was currently under review by police department employees. In general, however, while the Board is willing to deal with any issues that employees bring to its attention, if the person who sends the Board a letter desires a response, they will have to identify themselves by signing the letter.

Mr. Miller advised that the second issue involved action and comments from the Louisiana State Legislature. At the request of Senators Harris and Bouie, the Senate passed a resolution regarding the sale of property by the Flood Protection Authority. After passage of the Senate resolution, Mr. Miller stated that he spoke to Senator Harris and was informed that the intent of the Senate resolution concerns only the sale of real property, such as land and immovable buildings, and does not impact the sale of items such as surplus equipment. As to the reasons for the resolution, the primary cause was a rumor that Senator Harris heard that the FPA was contemplating the sale of the Lakefront Airport, which is owned by the Orleans Levee District. Mr. Miller said that he informed Senator Harris that this matter had never been brought to the Board or to his knowledge even discussed. He stated that he had not been able to find anyone who states that there is any truth to this, nor had he or staff members been able to find the source of the rumor. To the contrary, the Board passed a resolution at its January meeting this year to commit funding for flood protection at the Airport. Mr. Miller stated that should anyone have any knowledge of where this rumor regarding the sale of the Airport got started, he would appreciate hearing from them. He said that the only

property sale brought before the Board in recent memory was a potential sale of the old Civil Defense Shelter. This item was on the Board's agenda for its May meeting and was deferred. This action was taken before passage of the Senate resolution.

Mr. Miller stated that one of the issues that Senator Harris brought to his attention was the closing of Lakeshore Drive on Mothers' Day. A meeting was held regarding this issue on May 11<sup>th</sup> with Senators Harris and Bouie in attendance, along with representatives of the Governor's staff and four of the FPA's executive staff members. Suffice it to say that communications could have been handled better and the FPA has taken steps to improve this situation in the future. Also, during that meeting Senator Harris eluded to some other issues that he has since made public. Mr. Miller stated that he and Senator Harris have agreed to meet and discuss various other issues that some FPA employees have shared with the Senator regarding personnel matters within the FPA. In their conversation Senator Harris stated that he was told that during last year's hurricane season some employees received overtime pay, while others that were due overtime pay did not receive it. Since this conversation, the FPA Regional Director provided complete payroll records for all the various storms and Mr. Miller said that he could confirm that this allegation is incorrect. Everyone who worked overtime during any storm received overtime pay at 1.5 times their hourly rate. The only exception was employees who are normally exempt from overtime; however, even they received additional straight time pay for excess hours worked for the storms. Mr. Miller stated that he will share these complete records with Senator Harris when they meet.

Mr. Miller advised that another issue that Senator Harris raised in their conversation concerned the possibility that some supervisors were being paid less than some of the employees that they supervise. The Finance Department shared the salaries of all employees and supervisors. There are, in fact, four supervisors who do make less than one person that they supervise. Two of these supervisors are in the Police Department and two are in the Maintenance Department. In all four cases, these discrepancies are the result of issues with the rules of the State Civil Service Commission, not the FPA. He said that he was not being critical of employees within the State Civil Service Commission. The FPA has worked diligently over the past several years and developed a good relationship with them; however, they are unable to correct their problems due to their current rules. He said that he suspected that there are other instances around the State where these rules have caused similar problems, and that he would ask Senator Harris to work with the FPA at the State level to get these matters resolved.

Mr. Miller stated that in their conversation Senator Harris mentioned other issues that some FPA employees have shared with him regarding personnel matters within the FPA, some of which he eluded to in the May 11<sup>th</sup> meeting. Senator Harris also mentioned these issues at the confirmation hearing for the three appointees to the FPA Board earlier this month. Mr. Miller stated that he knows from personal conversations and correspondence that many Board members, including himself, would have preferred that these issues be discussed directly with Commissioners, rather than having been aired at the confirmation hearing. However, regardless of how the issues were brought to the Board's attention, Senator Harris is sincere in what he says and

wants, and he deserves answers to the issues brought to his attention. Mr. Miller stated that he wanted to ensure Senator Harris that these issues, and any others issues that he has, will be investigated and that all findings will be fully shared with him.

Mr. Miller stated that he wanted to caution staff and Commissioners not to over react to these allegations. At this point, regarding the personnel matters, all the Board had been provided was generalizations. Generalizations cannot be scrutinized. Specific claims can. He stated that it was his hope and belief that Senator Harris could and would provide specific instances regarding his concerns that would allow the Board to address them directly. Mr. Miller advised that, in the meantime, he requested the FPA's Human Resources Director to provide him with information generally related to the matter that Senator Harris brought to his attention during their conversation. He stated that he would bring this information with him when he and Senator Harris meet.

Mr. Miller stated that he also wanted FPA employees to know that the Board members are immensely pleased with what the FPA as an organization has achieved in the last few years with respect to reorganization, hiring of highly qualified executive staff, getting common pay scales and personnel procedures in place throughout the three levee districts that the FPA oversees, the staff's responses to the FPA's mission of maintaining the flood control structures and implementing the FPA's emergency operation plans during storm events, and the general attitude of the FPA's employees. He said that the Board is proud of the employees and that he knows that the Commissioners remain dedicated to making every effort to ensure that the FPA-East is a safe, fair and enjoyable place to work.

Mr. Joanen stated that he watched the video of the confirmation hearing last week, and that prior to watching the video he had other concerns, which he had discussed with Mr. Miller. He said that he received answers; however, he was still not settled that he was hearing everything. He stated that he agreed with Mr. Miller regarding generalities; however, that did not change the Board's charge. He said that he was obviously concerned about the issues addressed last week at the Legislative session and thought that the Commissioners handled themselves very well. He commented that there are two sides to every story and in this instance maybe three. He stated that the Board members have a wealth of experience and that the election of officers today is probably more vital than it had been in the recent past, particularly given the concerns of the Governor and the Senators, and the concerns that came through the session last week.

Mr. Joanen stated that he supported the Board being proactive and putting people in place on the Board in the officers' positions that are going to effect change, address these concerns and double down on them – whether unfounded or not – this is what the Board is here to do. With regards to the election of the Board's officers, he said he would like to stay the course in terms of the positions; however, at the top he supported Mr. Morgan, Mr. Arrigo or Mr. Cosse. He stated that he wanted to see the net result in action, and, therefore, would like to see a Human Resources (HR) Committee created based on these issues in order to address all the concerns, including sexual harassment, and put them behind the Board so that it can go on to the business that it is

here to do. He explained that in regards to the properties and some of the issues brought up concerning labor, things are easily explained, such the rate of pay due to longevity. However, the Board should respond with a written edict with regards to the Lakefront Airport, in particular, and put that issue to rest. The Board should communicate in writing to the State (i.e., the Legislature and the Governor) that this asset is in place, along with providing its current status and what the Board intends to do moving forward. Even if it is a repetitive action, it would be looked upon as the Board doing its due diligence in providing this clarification. Mr. Joanen stated that by the next meeting and the following meeting the Board should have reports and should not let these issues go until the entire Board determines that they are settled.

Mr. Miller said that he agreed with Mr. Joanen and that he received a report on the issues that were brought to the HR Department over the last three years and how they were resolved. Disciplinary action, including dismissal, occurred in some of those cases. Other cases, the FPA hired independent private investigators to investigate. However, the Board must find out from Senator Harris what are the specific issues and complaints, and then these issues and complaints will be addressed.

Mr. Joanen stated that he understood what Mr. Miller was saying; however, he wanted to see more than just one person from the Board involved with this inquiry, which is the reason he suggested that a committee with a diverse group of members from the Board be involved with this process.

Mr. Hassinger stated that he agreed with much of what was said; however, he did not want anyone to have the impression that this organization is anything but well run, well led, well operated and full of professionals who do what they need to do every day. They believe in the mission and are committed to the work. He said that this voice raising and sort of drama makes it look like the Authority is not operating effectively or needs some change. The only change that the Board is making is that it continuously gets better, as it has done over the last three years and the prior four years. It's not like there needs to be some overhaul of anything.

Mr. Joanen stated that he was not suggesting that; he just wanted to address these issues and get them behind the Board.

Mr. Hassinger stated that the organization works and works well. It has for several years and it continuously gets better. It has gotten a lot better over the last three years because his successor was better at it than he was, and if Mr. Morgan follows Mr. Miller in the presidency, it would allow steady control. The FPA needs steady, incremental improvement. He added that the HR Committee sounded like a good idea.

Mr. Joanen stated that, given the fact that Senator Harris shook his finger at the three FPA Board members and told them that they have a year, it tells him that they may not be satisfied in a year, and then what would that mean to the Board. He said that he was concerned about the big picture. He said that he believes in the Board and that the FPA

is a well-oiled machine. He commented that Mr. Arrigo did a good job in his retort, and reiterated that he wanted to double down and get these issues behind the Board.

Mr. Arrigo clarified that Mr. Joanen was asking for an ad hoc committee that would serve a particular purpose and then end. He stated that regardless of who leads the Board in the future, it is very important that Senator Harris knows that he was heard and that all of these issues were addressed. He recommended that the Board stay in contact with Senator Harris throughout the process. He stated that the Board needs to do everything it can to ensure that Senator Harris is satisfied with the issues he raised when the Legislative session begins next spring.

Mr. Miller stated that he agreed with Mr. Arrigo and said that his conversation with Senator Harris was extremely cordial and that both he and Senator Harris listened and agreed to meet. He said that he would give Senator Harris the information that he had on the issues that he raised and would ask him for specifics about the other issues. He promised that everything that Senator Harris brings to the Board's attention will be fully investigated and the results will be made public to Senator Harris. He stated that the FPA made a mistake in not contacting Senator Harris about Lakeshore Drive and that the closure was required due to security issues. Senator Harris had asked to be notified regarding the closure of Lakeshore Drive and the FPA failed to notify him; therefore, he was correct about this issue. Senator Harris was also correct about the fact that employees are being paid less than the people they supervise. This issue was reviewed and the FPA had tried to correct this issue in the past. He stated that whatever issues are raised by Senator Harris or anyone else would be addressed, and he reiterated his promise and commitment to provide answers to Senator Harris.

Mr. Noel cautioned the Board relative to HR issues and stated that training is received every year; therefore, the potential complaints that need to flow through HR do not need to be made public. In particular, the FPA should protect those who may be harmed by making the complaints public. He asked whether the FPA had any sort of diversity and equality policy statement, and, if not, the FPA should craft one since one of the things that Senator Harris eluded to was diversity and equality. The adopting of such a policy is being done across the country and could assist the Board with this issue.

Mr. Miller stated that, obviously, the HR Department handles any complaints of any type, including sexual harassment and racism. The HR Department received a total of six complaints from 2019 through today that range from a hostile work environment, sexual harassment, etc. In one case, a FPA employee was dismissed. In another case, the employee was disciplined. The FPA hired independent investigators for several cases and in some cases there were no findings substantiating the complaints. The proper procedure is for complaints to go to the HR Department. He added that he did not ask for the names of the employees and that this information (the person making the complaint and the person that the complaint is about) is kept confidential until action is taken against an individual. The FPA will continue to follow this process. All FPA employees completed the instructional two-hour training course on Sexual Harassment Prevention in 2019 and supervisors completed an additional two-hour course on

Preventing Sexual Harassment for Supervisors. In 2020 employees took another one-hour course on Preventing Sexual Harassment and supervisors took an addition one-hour course on this subject. Each complaint of employee misconduct is taken seriously. The FPA has over 250 employees and in three years the FPA has had six complaints. Some of the complaints proved to be valid and action was taken. If Senator Harris has complaints that were not filed with the HR Department, the Board will need to have those complaints filed with the HR Department and the procedures will be followed and the complaints addressed.

Mr. Joanen stated that some of these issues are sensitive and should not be made public; however, he speculated that some employees did not feel that they could go directly to HR and follow the process laid out by the FPA. Some employees felt compelled, if the complaints are true, to go around the process and seek help outside of the organization. This is the part that concerned him the most.

Mr. Miller stated that he was not running for reelection for President and hoped that the individual elected President would consider placing Mr. Joanen, and other commissioners who wished to be involved, on some type of committee that would help oversee these issues. He said that during his tenure as President, he has tried to keep all of the Commissioners informed and sought their advice on numerous occasions before placing an issue before the Board.

Mr. Joanen explained that he comes from the private sector where there is zero tolerance for these types of issues; therefore, he was not sure what he could bring to the table. He noted that governmental agencies must follow the law above and beyond what is done by the small business sector. He reiterated that he would like to see more participation from the rest of the Board members on these matters. The Board does not need to know all of the details, but, as stewards of the organization, must answer to the Governor and the Louisiana Senate. He stated that he liked what Mr. Arrigo and Mr. Noel had to say and reiterated that he wanted the Board to respond swiftly to as much as it possibly can and get these matters behind it.

Mr. Miller commented that all of the Board members want to get these matters behind them as quickly as possible with proper and accurate responses.

**PUBLIC COMMENTS:** None.

## **NOMINATION AND ELECTION OF OFFICERS OF THE BOARD FOR A ONE-YEAR TERM EFFECTIVE JULY 1, 2021**

Nominations for the office of President were opened. Mr. Miller nominated Mr. Morgan, and the nomination was seconded by Mr. Hassinger. Mr. Cosse nominated by Mr. Arrigo, and the nomination was seconded by Mr. Joanen. Mr. Morgan and Mr. Arrigo accepted the nomination for President. A roll call vote was conducted, as follows, with Mr. Morgan being elected President:



YEAS (Mr. Morgan): Mr. Hassinger, Mr. Miller, Mr. Morgan, Mr. Noel and Mr. Weysham

YEAS (Mr. Arrigo): Mr. Arrigo, Mr. Cosse, Mr. Joanen

Mr. Arrigo offered his assistance Mr. Morgan, the newly elected President.

Nominations were opened for the office of Vice President. Mr. Hassinger nominated Mr. Miller, and the nomination was seconded by Mr. Noel. Mr. Joanen nominated Mr. Arrigo, and the nomination was seconded by Mr. Cosse. Mr. Miller and Mr. Arrigo accepted the nomination for Vice President.

Mr. Hassinger explained that he nominated Mr. Miller for Vice President because when he was Vice President, Stevan Estopinal was President and at some point he decided to step down to Vice President for a year, and then Mr. Hassinger became President. This helped maintain an extremely helpful continuity as he grew in the role of President.

Mr. Arrigo stated that he was on record saying that the FPA is a well-oiled machine. He pointed out that he attended the FPA meetings while all of the changes were taking place and said that he liked the changes. He noted that he had a lot of experience with human resources and training and came from a workplace that had a happy, healthy work environment. He stated that if he is elected Vice President, his decision making would be transparent and that the Board would not feel left out of the process.

Mr. Miller stated that he served as President for two years and, prior to President, as Chair of the Operations Committee for three years and a member of the Finance Committee for one year. He pointed out that he is starting his sixth year on the Board. He noted that his background included 19 years in Jefferson Parish Government, which included running the Public Works Department with 1,200 employees and an operating budget of \$105 million and a capital budget each year of over \$200 million. He added that he would like to serve as Vice President under Mr. Morgan as President.

Mr. Morgan stated that he served as Vice President for six years (three years with the FPA-West and three years with the FPA-East). One of the reasons he did not want to serve as President in prior years was because he felt it was important that a senior officer be located within a few minutes' driving distance of the FPA offices. Since he lived in Baton Rouge, he hoped that the Vice President would be able to provide immediate assistance when needed.

A roll call vote was conducted, which resulted in a tied-vote, as follows:

YEAS (Mr. Arrigo): Mr. Arrigo, Mr. Cosse, Mr. Joanen and Mr. Weysham

YEAS (Mr. Miller): Mr. Hassinger, Mr. Miller, Mr. Morgan and Mr. Noel

The election for the office of Vice President was deferred.

Nominations were opened for the office of Secretary. Mr. Joanen nominated Mr. Cosse, and the nomination was seconded by Mr. Morgan. Mr. Cosse accepted the nomination.

There were no other nominations; therefore, Mr. Cosse was elected Secretary by acclamation of the Board.

Nominations were opened for the office of Treasurer. Mr. Hassinger nominated Mr. Noel, and the nomination was seconded by Mr. Morgan. There were no other nominations; therefore, Mr. Noel was elected Treasurer by acclamation of the Board.

**PRESENTATIONS:** None.

**COMMITTEE REPORTS:**

**Finance Committee:** Mr. Noel reported that the Finance Committee met prior to the Board meeting and recommended approval of the following:

- Representations made in the Compliance Questionnaires for fiscal year (FY) 2021.
- Selection of the New Orleans Advocate as the official journal for the FPA, East Jefferson Levee District (EJLD) and Orleans Levee District (O.L.D.), and the St. Bernard Voice as the office journal for the Lake Borgne Basin Levee District (LBBLB) for the upcoming fiscal year.
- The proposed Cooperative Endeavor Agreement with the Sewerage and Water Board of New Orleans (SWBNO) for providing mutual aid.

**Operations Committee:** Mr. Morgan reported that the Operations Committee met prior to the Board meeting. Remington Kreitzer, Mechanic Supervisor A, provided an outstanding Safety Minute presentation to the Committee regarding safety procedures in place in the EJLD Mechanic Shop. He noted that a number of employees provided contributions on safety in the June 15<sup>th</sup> edition of The Levee Loop (FPA employees' newsletter) and that the safety culture at the FPA is improving. The Committee reviewed and recommended approval of the proposed advertisement of Requests for Qualifications (RFQs) for Support Services (Architectural / Mechanical / Electrical / and Other Facility Services) and Construction Materials Testing and Inspection Services. The submissions in response to the RFQs will be reviewed by a selection committee. The Committee also recommended awarding contracts to the low bidder for the placement of sod as needed on EJLD and O.L.D. levee crowns, which is required due to pedestrian traffic on the levee. The FPA will attempt to minimize this type of wear on the levees in the future.

**Coastal Committee:** Mr. Joanen reported that the Coastal Committee met prior to the Board meeting. Mr. Arrigo provide a report to the Committee regarding meetings that he had attended and his perspective on projects within the vicinity of the FPA. John Troutman, Regional Operations Manager for the Coastal Protection and Restoration Authority's (CPRA) New Orleans Regional Office, provided a presentation on CPRA projects that would directly influence the region in upcoming years. Mr. Joanen advised that he and Mr. Troutman would keep each other informed on future opportunities and projects that may benefit the FPA, as well as projects for which the FPA can provide nonfinancial support.

## **REPORT BY REGIONAL DIRECTOR:**

Kelli Chandler, Regional Director, stated that she is a person who is an open book and welcomed any and all inquiries. She said that she had absolutely nothing to hide and welcomed questions from the Board. She advised that the FPA Directors participated in the Authority's first off-site team building activity. She thanked the departments who, since taking on her new role as Regional Director, provided help so that she could get to know the flood protection system. She noted that she is now a certified levee inspector.

Ms. Chandler provided highlights of the Regional Director's report, as follows:

- The FPA was monitoring Invest 92L, which was located in the Gulf. The IHNC Surge Barrier Barge Gate was closed on June 15<sup>th</sup> or 16<sup>th</sup>. Staff reviewed the prediction for storm surge and anticipated that the tropical system would primarily be a rainfall event. FPA and SWBNO staff would coordinate regarding pumping and the operation, if needed, of the Permanent Canal Closures and Pumps (PCCP). FPA staff was prepared in the event Invest 92L developed into a tropical storm or hurricane.
- The Mississippi River was below flood stage and at that time was anticipated to remain below flood stage through the hurricane season.
- Ms. Chandler advised that Senate Bill (SB) 88 passed in the Legislature, which would allow the FPA to share revenues, and stressed the potential impact of the legislation. A meeting was held to kick-off the implementation of the Asset Management Project that included discussions relative to defining the term "assets" and structuring the system. If SB 88 receives final approval, the FPA would no longer need four separate checking accounts, four separate credit cards, etc. Mr. Noel questioned whether the breakdown would continue in the reporting. Ms. Chandler responded that she needed to review the legislation and obtain input to determine exactly what the FPA would be allowed to collapse as far as budgeting, reporting, financial statements, etc. Mr. Noel pointed out that there is also a political component to this matter. Ms. Chandler advised that the legislation would not go into effect for the current fiscal year; therefore, there would be time to obtain guidance and ensure that all of the bases are covered. Mr. Cosse asked how would the FPA determine the correct millage rates for each parish. Ms. Chandler responded that the millages would be separate; however, all of the cash would be transferred into one account. Mr. Cosse pointed out that the FPA would still have to justify whether millage rates for each parish should be increased. Ms. Chandler explained that the millage rates are based on property values and that the FPA would continue receiving the property values for the three parishes. The FPA would continue collecting the revenues as it has done in the past. The legislation would affect what the FPA does with the cash and how it accounts for it.

## **NEW BUSINESS:**

**RESOLUTION NO. 06-17-21-02 – RECOGNITION OF LAMBERT J. HASSINGER, JR.**

Mr. Arrigo stated that it was a pleasure having Mr. Hassinger on the Board and explained that Board meetings did not look like this a long time ago. Mr. Hassinger has done more for the Board and the FPA than any other Commissioner who has served on the Board. He solved two big issues that bogged down the Board for years; i.e., the 17<sup>th</sup> Street Canal issue and the oil and gas litigation. He personally thanked Mr. Hassinger for his efforts.

Mr. Miller read an email received from former Commissioner Rick Luettich, who served as Vice President during Mr. Hassinger's Presidency: "Joe, congratulations and thank you for all you have done to ensure the FPA is able to keep New Orleans safe from future flood disasters. You invested a huge amount of time and effort to reshape the Authority into an organization that is well positioned to meet the needs across the entire jurisdiction. Few would have had the resolution and commitment to do that, but the citizens across the City can be thankful for your dedication and vision. Best wishes, Rick."

Mr. Hassinger thanked Mr. Arrigo for his comments and the Board for its support. He stated that in the beginning it was rough, but the last eight years have been incredible. He commented that when he hears about the Employees of the Month and looks through the employees' newsletters, which are full of information about the FPA's amazing people and tremendous accomplishments, he realizes that the FPA is a great organization that is full of people committed to the mission, full of talent and full of opportunity. Mr. Hassinger stated that the FPA is fortunate to have a talented woman leading as Regional Director and that his successor is skilled, committed and a leader. He thanked the FPA for the experience, which has been great, and Glenda Boudreaux for her service to the Board and help with the reorganization.

Mr. Miller stated that during his tenure as President he called Mr. Hassinger multiple times for advice and it was always well received. He thanked Mr. Hassinger for making his tenure as President easier and for being a mentor and a friend.

Mr. Hassinger stated that from time to time he has heard the question asked, "Why do the EJLD and O.L.D. have police officers?" He explained that the EJLD and O.L.D. have police officers for two reasons: (1) the people in New Orleans and East Jefferson pay for those officers and elected to tax themselves for the additional police protection through the levee district tax millages; and (2) it is because these districts operate in the context where they operate. For example, when an EJLD Police Officer is riding home and ends up stopping someone with a machine gun in his vehicle. Police officers may not be needed in other levee districts, but they are needed in these levee districts and the public very much supports the EJLD and O.L.D. Police Departments.

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

**“Recognizing the commitment and contributions of Lambert J. Hassinger, Jr., to the Flood Protection Authority and to the citizens of Southeast Louisiana.”**

**WHEREAS**, after the devastation resulting from Hurricane Katrina, the Southeast Louisiana Flood Protection Authority-East (Flood Protection Authority-East) was created by the Louisiana State Legislature to provide regional flood protection for the Lake Pontchartrain Basin area; and

**WHEREAS**, due to his outstanding qualifications, expertise and experience, on October 16, 2013, Governor Bobby Jindal appointed Lambert J. Hassinger, Jr., to serve, as a member of the Flood Protection Authority-East Board, and on September 28, 2016, Mr. Hassinger was reappointed by Governor John Bel Edwards to serve a second term on the Board; and

**WHEREAS**, Mr. Hassinger received his Bachelor’s degree in Philosophy in 1988 and Master’s degree in Religious Studies in 1992 from Loyola University New Orleans and Juris Doctor in 1992 from Loyola University School of Law; and

**WHEREAS**, Mr. Hassinger is a director of the Galloway, Johnson, Tompkins, Burr & Smith law firm, which is based in New Orleans, with ten other offices across seven states, and has practiced law throughout Louisiana for over 25 years; and

**WHEREAS**, among his numerous professional achievements, Mr. Hassinger has been recognized as a Top Lawyer for 2014, 2013 and 2010 by New Orleans Magazine, selected as a 2017 and 2010 Leader in Law by New Orleans City Business, and selected by his peers for inclusion in Best Lawyers in America in 2016 and 2017; and

**WHEREAS**, Mr. Hassinger’s leadership, hard work and devoted service as a member of the Board from October 16, 2013 to July 1, 2021; as President of the Board from July 1, 2015 to June 30, 2019; as a member of the Legal Committee from November 27, 2013 to June 30, 2014; as Chair of the Legal Committee from July 1, 2014 to June 26, 2018; and as a member of the Finance Committee from July 14, 2019 to June 30, 2021, resulted in many positive achievements; and

**WHEREAS**, under his Presidency, Mr. Hassinger provided the leadership needed to regionalize the management, operation and maintenance of the Hurricane and Storm Damage Risk Reduction System and Mississippi River Levee System under the jurisdiction of the Flood Protection Authority-East, and to bring about cultural changes to the organization; and

**WHEREAS**, Mr. Hassinger has continuously strived to achieve the best flood protection possible and has worked tirelessly in the service of the citizens of Southeast Louisiana.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East hereby expresses its deepest gratitude and appreciation to Lambert J. Hassinger, Jr., for his dedication and contributions during his tenure as a member of its Board of Commissioners and for his devoted service to the citizens of Southeast Louisiana.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Joanen, Mr. Miller, Mr. Morgan, Mr. Noel and  
Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

### **RESOLUTION NO. 06-17-21-03 - LOUISIANA COMPLIANCE QUESTIONNAIRES**

Mr. Noel advised that the Finance Committee recommended that the Board approve the Representations made in Compliance Questionnaires for the FY ending June 30, 2021.

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

**WHEREAS**, Section 327.08 of the Louisiana Governmental Audit Guide (the Guide) specifies that the Louisiana Compliance Questionnaire is a required part of any audit of Louisiana; and

**WHEREAS**, the Guide further specifies that the responses contained in the questionnaire should be reviewed by the governing body and approved in an open meeting.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the representations made by management in the Louisiana Compliance Questionnaires for the Southeast Louisiana Flood Protection Authority-East (FPA), the Orleans Levee District, the East Jefferson Levee District and the Lake Borgne Basin Levee District for the fiscal year ending June 30, 2021.

**BE IT FURTHER RESOLVED**, that the FPA President, FPA Secretary and FPA Treasurer are authorized to sign the aforementioned Louisiana Compliance Questionnaires.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

### **RESOLUTION NO. 06-17-21-04 - SELECTION OF OFFICIAL JOURNAL FOR FPA, EJLD, O.L.D. AND LBBLD**

Mr. Noel advised that the Finance Committee recommended that the Board approve the selection of the New Orleans Advocate as the official journal for the FPA, EJLD and O.L.D. and the St. Bernard Voice as the official journal for the LBBLD as provided in the resolution.

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

**WHEREAS**, R.S. 43:171 provides that levee districts and other political subdivisions shall have the proceedings of their board and such financial statements required by the legislative auditor published in a newspaper, which shall be selected at the first meeting in June of each year for a term of one year; and

**WHEREAS**, R.S. 43:171 further provides that the newspaper shall meet certain criteria relative to location and publication; and

**WHEREAS**, The New Orleans Advocate meets the aforementioned criteria for the Southeast Louisiana Flood Protection Authority-East (FPA), East Jefferson Levee District and Orleans Levee District; and

**WHEREAS**, the St. Bernard Voice meets the aforementioned criteria for the Lake Borgne Basin Levee District.

**BE IT HEREBY RESOLVED**, that The New Orleans Advocate is hereby selected as the Official Journal for publications as required under R.S. 43:171 for the Southeast Louisiana Flood Protection Authority-East, East Jefferson Levee District and Orleans Levee District for a one-year term commencing on July 1, 2021.

**BE IT FURTHER RESOLVED**, that the St. Bernard Voice is hereby selected as the Official Journal for publications as required under R.S. 43:171 for the Lake Borgne Basin Levee District for a one-year term commencing on July 1, 2021.

**BE IT FURTHER RESOLVED**, that the FPA Regional Director, or in her absence the Director of Engineering, is hereby authorized to sign any and all documents necessary to accomplish the above.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

#### **RESOLUTION NO. 06-17-21-05 - APPROVAL OF A COOPERATIVE ENDEAVOR AGREEMENT BETWEEN THE FPA AND SWBNO FOR MUTUAL AID**

Mr. Miller advised that he worked with the SWBNO with regards to the Cooperative Endeavor Agreement (CEA). The CEA with the SWBNO is similar to the CEA that the FPA has in place with Jefferson Parish and allows the sharing of resources during emergency events and for reimbursements.

On the motion of Mr. Noel,

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

**WHEREAS**, Article VII, Section 14(C) of the Louisiana Constitution of 1974 provides that, "For a public purpose, the State and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States, or its agencies, or with any public or private association, corporation, or individual"; and

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) is a regional flood protection authority established as a political subdivision and levee district pursuant to Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and Act No. 1 of 2006, 1st Extraordinary Session of the Louisiana Legislature; and

**WHEREAS**, the Sewerage and Water Board of New Orleans (SWBNO) is a political subdivision established by state law under the provisions of Article XIV, Section 3(c) of the Louisiana Constitution of 1921, Article VI, Part I of the Louisiana Constitution of 1974, La. R.S. 38:1580, *et seq.*; and its Home Rule Charter, originally effective May 1, 1954, as amended; and

**WHEREAS**, each party to this agreement has resources that could provide assistance to the other in the event of an emergency; and

**WHEREAS**, the facilities and resources of each party are proximally located such as to enable each party to render mutual assistance to the other; and

**WHEREAS**, in the event of a major flood, storm, disaster, or other emergency, either party may require the assistance of the other party to provide services, support, or resources to supplement its response; and

**WHEREAS**, each of the parties to this agreement has determined that it is in the best interest of each party to set forth guidelines for providing mutual assistance to each other in the event of a major flood, storm, disaster, or other emergency; and

**WHEREAS**, the Cooperative Endeavor Agreement (CEA) will be mutually beneficial to the parties in the furtherance of their respective statutory purposes and duties, and each party expects to receive benefits for themselves and the public at least equal to the costs of the responsibilities undertaken pursuant hereto.

**BE IT HEREBY RESOLVED**, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East authorizes the Board President, or in his absence, the FPA Regional Director, to execute the aforementioned Cooperative Endeavor Agreement for Mutual Aid between the Southeast Louisiana Flood Protection Authority – East and the Sewerage and Water Board of New Orleans.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais



**RESOLUTION NO. 06-17-21-06 - APPROVAL TO ADVERTISE AND ISSUE RFQs FOR ID-IQ CONTRACTS FOR SUPPORT SERVICES (ARCHITECTURAL / MECHANICAL / ELECTRICAL / AND OTHER FACILITY SERVICES)**

---

Mr. Morgan advised that the Operations Committee reviewed the proposed advertisement and issuance of RFQs for Support Services. The current contracts for said services are nearing expiration. Advertising for said services at this time allows time to select qualified consultants in order to put new contracts in place.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) and levee districts under its jurisdiction are in need of Indefinite Delivery-Indefinite Quantity (ID-IQ) contracts for professional Architectural, Mechanical, Electrical and Other Facility Support Services on an as needed basis; and

**WHEREAS**, the ID-IQ contracts will be utilized on an as needed basis with no guarantee of work to the consultants; and

**WHEREAS**, the selection process for the ID-IQ contracts will be governed by the FPA's Purchasing Policy adopted on October 15, 2020.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the advertisement and issuance of Requests for Qualifications for professional Support Services (Architectural / Mechanical / Electrical / and Other Facility Services) for the purpose of entering into ID-IQ contracts for services on an as needed basis.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

**RESOLUTION NO. 06-17-21-07 - APPROVAL TO ADVERTISE AND ISSUE RFQs FOR ID-IQ CONTRACTS FOR CONSTRUCTION MATERIALS TESTING AND INSPECTION SERVICES**

---

Mr. Morgan advised that the Operations Committee recommended that the Board approve the advertisement and issuance of RFQs for Construction Materials Testing and Inspection Services.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) and levee districts under its jurisdiction are in need of Indefinite Delivery-Indefinite

Quantity (ID-IQ) contracts for professional Construction Materials Testing and Inspection Services on an as needed basis; and

**WHEREAS**, the ID-IQ contracts will be utilized on an as needed basis with no guarantee of work to the consultants; and

**WHEREAS**, the selection process for the ID-IQ contracts will be governed by the FPA's Purchasing Policy adopted on October 15, 2020.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the advertisement and issuance of Requests for Qualifications for professional Construction Materials Testing and Inspection Services for the purpose of entering into ID-IQ contracts for services on an as needed basis.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Morgan,  
Mr. Noel and Mr. Weysam

NAYS: None

ABSENT: Mr. Latiolais

**RESOLUTION NO. 06-17-21-08 - PLACEMENT OF SOD ON LEVEE CROWNS IN THE EAST JEFFERSON LEVEE DISTRICT**

Mr. Morgan advised that the Operations Committee recommended that the Board approve the award of a contract to J. C. Cheek Contractors for the Placement of Sod on Levee Crowns in the EJLD. The Committee's discussion on this item primarily concerned the public traffic that created this issue and ways to minimize the traffic (e.g., signage and police support).

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East received four bids for the Placement of Sod at locations as needed along the levee crowns in the East Jefferson Levee District (Project No. E2780146), as follows:

<b>Bidding Contractors</b>	<b>Total Bid Price</b>
J.C. Cheek Contractors	\$166,566.20
Circle, LLC	\$195,997.05
Twin Shores Landscape and Construction Services, Inc.	\$227,326.00
Cycle Construction Company, LLC	\$275,737.80

**WHEREAS**, the lowest responsive and responsible bid was submitted by J.C. Cheek Contractors in the amount of \$166,566.20 and

**WHEREAS**, funding for the project is included in Budget Line Item E2780096.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$166,566.20 to J.C. Cheek Contractors for the Placement of Sod as Needed on Levee Crowns in the East Jefferson Levee District.

**BE IT FURTHER RESOLVED**, that the FPA Regional Director, or in her absence the Director of Engineering, is hereby authorized to execute the above mentioned contract with J.C. Cheek Contractors, and any and all other documents necessary to accomplish the above.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

**RESOLUTION NO. 06-17-21-09 - PLACEMENT OF SOD ON LEVEE CROWNS IN THE ORLEANS LEVEE DISTRICT**

Mr. Morgan noted that J.C. Cheek Contractors acted as a subcontractor on a number of large projects and proved to be very capable. The Operations Committee recommended that the Board approve the award of a contract to J.C. Cheek Contractors for the Placement of Sod on Levee Crowns in the O.L.D.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East received four bids for the Placement of Sod at locations as needed along the levee crowns in the Orleans Levee District (Project No. O2780716), as follows:

<b>Bidding Contractors</b>	<b>Total Bid Price</b>
J.C. Cheek Contractors	\$134,857.58
Circle, LLC	\$173,593.50
Twin Shores Landscape and Construction Services, Inc.	\$181,370.00
Cycle Construction Company, LLC	\$240,021.00

**WHEREAS**, the lowest responsive and responsible bid was submitted by J.C. Cheek Contractors in the amount of \$134,857.58 and

**WHEREAS**, funding for the project is included in Budget Line Item BPROJ030.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$134,857.58 to J.C. Cheek Contractors for the Placement of Sod as Needed on Levee Crowns in the Orleans Levee District.

**BE IT FURTHER RESOLVED**, that the FPA Regional Director, or in her absence the Director of Engineering, is hereby authorized to execute the above mentioned contract with J.C. Cheek Contractors, and any and all other documents necessary to accomplish the above.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

**EXECUTIVE SESSION:**

1. *Southeast Louisiana Flood Protection Authority – East v. St. Bernard Parish Government et al*, Division D, Sec. 12, Civil District Court for the Parish of Orleans, Case No. 2020-02645
2. *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, Case Nos. 18-0865, 18-1065, 18-1066 and 19-0937

A motion was offered by Mr. Hassinger, seconded by Cosse 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 12:15 p.m.

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

**NEW BUSINESS:** (continued)

**RESOLUTION NO. 06-17-21-10 - AGREEMENT TO REVISED TERMS OF PERMANENT TRANSFER OF INTERIOR DRAINAGE AND PUMPING FUNCTIONS FROM LAKE BORGNE BASIN LEVEE DISTRICT TO ST BERNARD PARISH GOVERNMENT**

---

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 operates interior drainage pumps and maintains drainage canals in St. Bernard 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 to 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 and pumping; and after multiple delays of unilateral divestiture, negotiations between the Flood Protection Authority and St. Bernard Parish Government, facilitated by the Coastal Protection and Restoration Authority (CPRA), ultimately resulted in an agreement to terms of transfer on or about July 2, 2019; 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 approved the terms of permanent, voluntary transfer of all interior drainage and pumping functions from Lake Borgne Basin Levee District to St. Bernard Parish Government, to be effective January 1, 2020; and

**WHEREAS**, thereafter, on or about November 18, 2019, St. Bernard Parish Government informed the Flood Protection Authority that the parish government would not effectuate the transfer on January 1, 2020, and demanded an extension of the effective date of transfer to June 1, 2020, with transfer on that date further premised on St. Bernard Parish's passage of a tax millage to renew or replace the expiring 2020 millage on the May 2020 ballot, and thereafter, on January 16, 2020, the Board authorized litigation to enforce the agreement to transfer drainage and pumping responsibilities in St. Bernard Parish to St. Bernard Parish Government on the terms agreed upon; and

**WHEREAS**, on April 24, 2021, a tax millage to replace the expiring millage was passed in St. Bernard Parish, providing the necessary source of funding for assumption of the pumps and drainage functions operated by Lake Borgne Basin Levee District, and the Flood Protection Authority and St. Bernard Parish Government subsequently renewed negotiation of terms for the transfer of pumps and drainage functions; and

**WHEREAS**, negotiation has resulted in 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, subject to the approval of the Board and the St. Bernard Parish Council:

- i. The Flood Protection Authority will pay \$3.5 million to St. Bernard Parish Government upon the signing of the Intergovernmental 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 also provide the amount remaining of the expiring 2020 millage collections of \$1.75 million, minus expenses from January 1, 2021 to June 30, 2021;

iii. The Flood Protection Authority, having previously secured a commitment from CPRA for funding up to \$4 million for pump station repairs and rehabilitation, memorialized in an August 1, 2020 IGA with CPRA, will agree to act as a pass through entity for St. Bernard Parish government to obtain reimbursement for in progress or proposed pump station repair and rehabilitation projects approved by CPRA, with SBPG bearing all liability and holding the Flood Protection Authority harmless for any and all liability pertaining to bidding, design, and construction phases for project work that they undertake for which reimbursement from CPRA will be sought

**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 detailed herein; and

**BE IT FURTHER RESOLVED**, that upon the signing of the agreement to transfer all drainage and pumping operations to St. Bernard Parish Government, St. Bernard Parish Government and the Flood Protection Authority, will each promptly move to dismiss, with prejudice, all litigation now pending in the 34th Judicial District Court and Orleans Parish Civil District Court in which they are the party plaintiff in cases relating to the operation, maintenance, or divestiture of pumps and drainage in St. Bernard Parish. 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
5. *“Southeast Louisiana Flood Protection Authority – East v. St. Bernard Parish Government et al”*, Division D, Sec. 12, Civil District Court for the Parish of Orleans, Docket No. 2020-02645

**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 before July 1, 2021.

**BE IT FINALLY RESOLVED**, that the Regional Director 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 and the agreements attendant thereto relating to personnel, property, and equipment.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Morgan,  
Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

### **NOMINATION AND ELECTION OF OFFICERS OF THE BOARD FOR A ONE-YEAR TERM EFFECTIVE JULY 1, 2021 (continued)**

Mr. Miller advised that Mr. Cosse requested that the Board return to the election for the office of Vice President of the Board.

Mr. Hassinger stated that he and Mr. Arrigo have done a lot of good work together with respect to the neighborhoods and flood protection. He advised that he supported the nomination of Mr. Arrigo to the FPA Board, and stated that Mr. Arrigo is talented and committed and long term would serve a great role with the Authority. He explained that he supported Mr. Miller for Vice President because it is important to have someone (either President or Vice President) located in the City in order to immediately respond to unforeseen situations. In addition, it is a matter of tenure. He explained that there is a difference between inside experience and observing an organization from the outside. Mr. Miller brings the perspective of inside experience. He asked that Mr. Arrigo put his time in, learn about the system from the inside and then seek a leadership position.

Mr. Miller stated that he has three years left on the Board and that he had been honored to serve as President during the last two years. He said that it was his intent that if he was elected Vice President, he would not run for any other office during his final two years on the Board. He stated that Mr. Arrigo has been on the Board for two months, he was reappointed to serve a full four-year term, and potentially could be reappointed for another four-year term. He said that he believed that in due time Mr. Arrigo would learn much more about the Board and would have an opportunity to be elected to an office on the Board; however, he would accept and support the Board's final decision.

Mr. Arrigo explained that he had been attending the Board's meetings since the FPA was created approximately 15 years ago, which demonstrates his commitment. He said that he understood the point about inside experience; however, along with the amount of outside experience he gained during this time, he also gained insight on many issues, including some of the items on today's Board agenda. He pointed out relative to the distance issue, the Board just elected a President who lives in Baton Rouge fairly close to where he lives, and distance was not an issue.

Mr. Cosse stated that as far as observing from the outside, he followed the Police Jury for four years before being elected to the new form of government (Parish Council), and that when he was elected unopposed as the District Councilman, he hit the ground running because he knew all of the issues. He stated that Mr. Arrigo probably has more time in than any other Commissioner on the Board as far as the involvements and that his energy would be a great asset. The Board has issues that it must address. He asked how did the FPA get to the point that a State Senator is threatening the Board with potential action unless it straightens out certain issues within a year. He stated that Mr. Arrigo would be an excellent choice for Vice President.

A roll call vote was conducted to fill the office of Vice President. Mr. Arrigo was elected to fill the office of Vice President with the vote, as follows:

YEAS (Mr. Arrigo): Mr. Arrigo, Mr. Cosse, Mr. Joanen, Mr. Morgan and  
Mr. Weysham

YEAS (Mr. Miller): Mr. Hassinger, Mr. Miller and Mr. Noel

### **RESOLUTION NO. 06-17-21-11 – ELECTION OF OFFICERS**

**“A resolution stating the results of the election of Officers of the Southeast Louisiana Flood Protection Authority-East for a term of one year commencing July 1, 2021.”**

**WHEREAS**, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East adopted revised Bylaws at a Regular Board Meeting held on December 17, 2009, which provide in part for the designation and election of Officers of the Board; and

**WHEREAS**, Article IV, Section 1 (Officers and Elections), designates the officers as President, Vice President, Secretary and Treasurer to be elected from among the members of the Board at the regularly scheduled meeting in June; and

**WHEREAS**, Article IV, Section 1 further provides that officers shall assume their duties on July 1<sup>st</sup>; and

**WHEREAS**, Article IV, Section 2, provides that officers shall be elected to serve one-year terms.

**WHEREAS**, the election of officers was conducted on June 17, 2021, with nominations for each office duly offered and seconded and a vote conducted thereafter to fill each office.

**BE IT THEREFORE RESOLVED**, that, in accordance with elections held this date, the Officers of the Southeast Louisiana Flood Protection Authority-East shall be as follows for the term commencing July 1, 2021:

**President – Mark L. Morgan**  
**Vice President – Roy M. Arrigo**  
**Treasurer – K. Randall Noel**  
**Secretary – Clay A. Cosse**



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

**Office of President**

Nomination of Mr. Morgan, on motion of Mr. Miller, seconded by Mr. Hassinger.

Nomination of Mr. Arrigo, on motion of Mr. Cosse, seconded by Mr. Joanen.

YEAS (Mr. Morgan): Mr. Hassinger, Mr. Miller, Mr. Morgan, Mr. Noel and  
Mr. Weysham

YEAS (Mr. Arrigo): Mr. Arrigo, Mr. Cosse, Mr. Joanen

ABSENT: Mr. Latiolais

**Officer of Vice President**

Nomination of Mr. Miller, on motion of Mr. Hassinger, seconded by Mr. Noel.

Nomination of Mr. Arrigo, on motion of Mr. Joanen, seconded by Mr. Cosse.

YEAS (Mr. Arrigo): Mr. Arrigo, Mr. Cosse, Mr. Joanen, Mr. Morgan and  
Mr. Weysham

YEAS (Mr. Miller): Mr. Hassinger, Mr. Miller and Mr. Noel

ABSENT: Mr. Latiolais

**Office of Secretary**

Nomination of Mr. Cosse, on motion of Mr. Joanen, seconded by Mr. Morgan.

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Miller, Mr. Morgan,  
Mr. Noel and Mr. Weysham

ABSENT: Mr. Latiolais

**Office of Treasurer**

Nomination of Mr. Noel, on motion of Mr. Hassinger, seconded by Mr. Morgan.

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Hassinger, Mr. Joanen, Mr. Miller, Mr. Morgan,  
Mr. Noel and Mr. Weysham

ABSENT: Mr. Latiolais

The next regular monthly meeting of the Board will be held on July 15, 2021, at the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, LA.

There was no further business; therefore, the meeting was adjourned at 1:00 p.m.