

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
OPERATIONS COMMITTEE MEETING
HELD ON AUGUST 19, 2021**

PRESENT: Jason P. Latiolais, Chair
Herbert I. Miller, Committee Member
Herbert T. Weysham, III, Committee Member

The Operations Committee of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) met on August 19, 2021, at the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, Louisiana. Mr. Latiolais called the meeting to order at 10:00 a.m.

Opening Comments: None.

Adoption of Agenda: The Committee approved the agenda as presented.

Approval of Minutes: The Committee approved the minutes of the Operations Committee meeting held on July 15, 2021.

Public Comments:

Ray Landeche, representing the Lakeshore Property Owners Association, stated that before the contractor doing the Lakeshore Drive restriping project left the job, he wanted to bring to the FPA's attention that the new turning lane did not appear to be properly striped and that the arrows appear to have vehicles turning into a one-way parking lot. He also asked would U-turns be allowed at this location and about signage regarding U-turns.

Ryan Foster, FPA Engineer Manager, advised that the issue regarding the location of the arrows being at a point where there is not an actual turn-in was brought up during a Lakefront Management Authority meeting. He explained that the arrows must be placed at a certain interval and many times ahead of the turn-in in order to make drivers aware that it is a turn-in lane for an upcoming turn; however, he would verify the location of the arrows with the contractor. There is insufficient room at this location for a U-turn, especially now that there is a dedicated bike lane. There are no "No U-Turn" signs; however, the intention is that drivers not make U-turns. U-turns were prohibited at this location prior to the restriping program by a solid double line down the roadway. He advised that he would be available after the meeting should Mr. Landeche have any additional concerns. He stated that the project as a whole is a great improvement that will result in a safer environment for pedestrians and motorists. The project is not yet completed. The contractor will be installing beacon lights, blue light poles, delineators and traffic barriers along the dedicated pedestrian and bike lane.

Mr. Latiolais advised, as a road contractor, that Mr. Foster was correct and that arrows are evenly spaced out; therefore, the arrows will not fall exactly at the turn-in. He asked that Mr. Foster meet with Mr. Landeche after the meeting.

New Business:

A. Discussion and recommendation on proposed amendment of Task Order No. 20-02-07 with Burk-Kleinpeter, Inc. to increase the not to exceed amount to \$123,772.25 (an increase of \$25,600.00) for Construction Administration and Resident Inspection Services for the Floodgate Painting Project (GIWW, MRGO, Lakefront and Outfall Canals).

Chris Humphreys, Director of Engineering, explained that the August 23rd completion date for the Floodgate Painting Project was extended to September 24th. The proposed task order would cover inspection for the additional 30-day period. He anticipated that liquidated damages would be assessed on at least 10 days, which would recover some of the cost of the amendment to the task order.

The Committee will recommend that the Board approve the proposed amendment to Task Order No. 20-02-07.

B. Discussion and recommendation on proposed resolution to authorize the Regional Director or her designee to take the necessary steps to develop and implement a policy requiring that employees of the FPA and each of the levee districts within its jurisdiction be immunized against COVID-19, consistent with the law and with the guidance provided by the State Civil Service, subject to any exceptions that such law and guidance may require.

Kelli Chandler, Regional Director, explained that this issue was also considered by the Finance Committee. The proposed resolution is to determine whether the Board is in favor of moving forward with the development of a policy. The situation is very fluid and changes each day as far as legal guidance. The FPA must also consult with Louisiana State Civil Service to ensure compliance with its guidance. She stated that she hoped that there would be final approval of at least one of the vaccines by the time that the policy is developed. The FPA will continue to monitor, update and adapt as things develop.

Mr. Latiolais asked whether this would be a mandate requiring all employees to be vaccinated. Ms. Chandler responded that it would not be a mandate as far as a condition of employment because State Civil Service would not allow it. The FPA would need to have exceptions for medical and religious exceptions and have testing requirements for those individuals who are not vaccinated. If the Board is in favor of moving forward, staff would develop protocols.

Mr. Morgan advised that the protocols would also be for contractors and contracted individuals retained by the FPA.

Ms. Chandler explained that about 70 percent of the FPA work force is vaccinated. However, the individuals who are not vaccinated tend to be in pockets or a team. If an entire team is not vaccinated and one individual becomes sick, there is a higher risk that the entire team may not be able to respond to a storm.

Mr. Latiolais pointed out that litigation had been filed against the City of New Orleans due to its current policy and noted that staff should give consideration to this issue when developing a policy because the FPA could potentially be faced with a number of change orders to contracts.

Ms. Chandler advised that she, Michelle White, Executive Counsel, and Sandy West, HR Director, are monitoring case law as things develop.

The Committee will recommend that the Board adopt the proposed resolution.

C. Discussion and recommendation on the proposed issuance of a Change Order in the amount of \$118,732.71 to the Contract with Boh Bros Construction Co., LLC. (increases total contract amount to \$530,352.71), due to unknown railroad delays and changes required in construction methods for the Floodgate W-33 And E-07 Repair Project.

Mr. Latiolais abstained from the discussion and action on the Change Order to the Contract with Boh Bros Construction Co., LLC.

Mr. Humphreys explained that the proposed Change Order is for a significant amount; however, the reason for the change order is well documented. The railroads and train traffic at these floodgates caused numerous delays from the outset of the contract. The contractor got very little work done on some days. The work was budgeted for predicted delays; however, not only was work stopped for train traffic, but work was stopped when trains were in the vicinity of the gates. In addition to the unanticipated delays, the contractor was not allowed to use large equipment that would take time to move. Therefore, in lieu of working with pneumatic rams on an excavator, the contractor had to do much of the demolition work with hand tools. The contractor planned to use two crews instead of one and work on both gates located on both sides of the Industrial Canal, but was not allowed to do so. The delays and inefficiencies were well documented by Boh Bros, substantiated by the FPA's Inspector, Linfield Hunter and Junius, and reviewed by staff. The Change Order is considered warranted and staff recommended its approval.

Mr. Humphreys also advised that it is very likely that the railroads would reimburse the FPA for the cost of Change Order. Two breakdowns of the costs were provided (one for the FPA and one for the railroads), since there are two railroads involved (one for W-33 and one for E-07). Therefore, the railroads can determine the amount of the extra cost attributable to each floodgate. The entire cost of the repair work is to be reimbursed by the railroads. Ms. White will be copied on correspondence relative to this item.

There was no further business; therefore, the meeting was adjourned at 10:15 a.m.