

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, JANUARY 20, 2022**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on January 20, 2022, in the Joseph Yenni Building, Second Floor Council Chambers, 1221 Elmwood Park Blvd., Jefferson, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Morgan called the meeting to order at 11:05 a.m. and led in the pledge of allegiance. Mr. Cosse called the roll and a quorum was present:

**PRESENT:**

Mark L. Morgan, President  
Roy M. Arrigo, Vice President  
Clay A. Cosse, Secretary  
K. Randall Noel, Treasurer  
Richard G. Duplantier, Jr.  
Eugene J. Joanen, IV  
Jason P. Latiolais  
Herbert I. Miller  
Herbert T. Weysham, III

**ABSENT:** None

**ADOPTION OF AGENDA:**

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

**RESOLUTION NO. 01-20-22-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON DECEMBER 16, 2021**

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On the motion of Mr. Miller,  
Seconded by Mr. Noel, 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 December 16, 2021.

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

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

NAYS: None

ABSENT: None

## **EMPLOYEE RECOGNITION AND APPRECIATION:**

The Board recognized Susan Jenkins as the FPA Employee of the Year for 2021. Ms. Jenkins was previously nominated by her colleagues and selected as the FPA Employee of the Month in June 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 Human Resource (HR) Department and serves as the FPA's Training Coordinator. She has done an extraordinary job creating an entire training program for the FPA from scratch. Ms. Jenkins 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. She is a team player with great communication skills, and she is not afraid to address the elephant in the room. Ms. Jenkins is a tremendous asset to the FPA team.

The Board recognized Sgt. Aurthur Agee as the Police Officer of the Year. Sgt. Agee was previously nominated by his colleagues and selected as the Police Officer of the Month in October due to his professionalism as a law enforcement officer and service to the public. He is a Sergeant with the East Jefferson Levee District Police Department (EJLDPD). On July 24, 2021, Sgt. Agee conducted a traffic stop on Clearview Parkway of a vehicle displaying a license plate registered to a different vehicle. Upon conducting record checks of the subjects in the vehicle, it was revealed that each subject had multiple outstanding felony and misdemeanor attachments. Upon making apprehension of the subjects, the passenger of the vehicle was questioned in reference to having narcotics and weapons, at which time the passenger admitted to being in possession of methamphetamine. Upon conclusion of the investigation, both subjects were arrested for their outstanding attachments and the passenger was charged for the possession of the methamphetamine.

Capt. Terry Durnin, EJLDPD, commented on the qualities of leadership and explained that Mark Fos exemplified leadership and served the EJLDPD for 20 years prior to his retirement in 2018. He stated that Mr. Fos was a dedicated, professional public servant who meant a lot to him both professionally and personally, and that his commitment to the EJLDPD was the reason for the award. He added that he and Mr. Fos speak almost daily. The officers who receive the Mark J. Fos Leadership Award are the future of the EJLDPD and represent honesty, integrity and loyalty.

The Board recognized Sgt. Aurthur Agee as the recipient of the Mark J. Fos Leadership Award for 2022 and Office Matthew White as the recipient of the Award for 2021.

## **SAFETY MINUTE:**

Mr. Morgan explained that the Safety Minute was implemented about a year ago and resulted in a decreased number of injuries and Workers' Comp incidents.

Joe Parsi-Graciani, Mechanic Supervisor B and the supervisor for the mechanic shops at the Orleans Levee District (O.L.D.) and East Jefferson Levee District (EJLD) and equipment maintenance for the Lake Borgne Basin Levee District (LBBLD), provided the Safety Minute. He explained that the mechanical maintenance shops are responsible for the maintenance of approximately 600 pieces of equipment ranging from weed eaters to police vehicles, trucks, tractors, front end loaders, etc., across the three levee districts. The mechanic shops also help maintain the emergency generators for the complex structures. Safety is front and center of everything that the mechanics do every day. Wearing the proper PPE (personal protective equipment) for each job is not only important, but required. Eye, hearing and hand protection, tool safety, back safety, fault protection, safe lifting techniques and battery safety are just a few of the elements mechanics must have knowledge of before performing a job. For example, eye protection and hand protection must be worn when working around energized high pressure systems because hydraulic fluid under pressure can easily penetrate the skin or eye causing serious injury. High pressure hydraulic systems can be found on tractors, dump trucks, and heavy earth moving equipment.

Mr. Parsi-Graciani further explained that safety does not stop with PPE and that for everyone to be safe the mechanics must be proficient in their trade. There are many technical skills that mechanics must have in order to ensure a vehicle or piece of equipment is repaired correctly and for it to perform as designed without incident. It is very important for mechanics to know the operation of mechanical systems, such as vehicle suspension systems, hydraulic systems and breaks, and electrical systems including batteries, vehicle charging systems and wiring. Mechanics must know how to trouble shoot, disassemble and reassemble mechanical components correctly. They must know what kind of hardware to use and how to secure it properly so that it doesn't come loose. Mechanics must also employ proper lubrication, adjustment, calibration and testing for these systems to ensure the equipment or vehicle repaired is safe to use.

Mr. Parsi-Graciani stated that the safety of the employees is in the hands of the mechanics, which is the reason safety is part of their profession.

The Board thanked Mr. Parsi-Graciani for his presentation. Mr. Morgan noted that the FPA's new Safety Manager would start work on Monday.

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

Mr. Cosse recognized and congratulated Mr. Latiolais on his recent promotion to President and CEO of Barriere Construction Co.

Mr. Miller commended Mr. Joanen for the outstanding job that he has done bringing information to the FPA on coastal matters and for the presentations provided at the Coastal Committee meeting. Mr. Joanen thanked Mark Schexnayder, Lauren Averill and Craig Gothreaux for their presentations and for their work each day on projects such as living shorelines. He advised that he would be stepping down from the Board in July; however, until then he would be engaged in a full-court press and try to set a

template for the Coastal Committee, and hopefully a technical committee, with a focus on coastal matters and keeping the Board informed. He noted that the thing that was missing from the presentation was the educational component at the university, and grade and high school levels, and that much of the public is unaware of the dynamics and what is taking place on the other side of the levee. He thanked Mr. Miller for his comments.

**PUBLIC COMMENTS:** None.

**PRESENTATIONS:**

**Evolution of CWPPRA Living Shorelines Projects and Other Federal Funding Opportunities**

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Mr. Joanen advised that due to technical difficulties Craig Gothreaux, Fish Biologist, Habitat Conservation Division, NOAA (National Oceanic and Atmospheric Administration), was unable to provide his presentation at the Coastal Committee meeting and would instead provide the presentation remotely by telephone to the Board.

Mark Schexnayder, Biologist with Batture, LLC, explained that Craig Gothreaux, is a team member, along with Lauren Averill, Council Aide, Jefferson Parish, District 5, working on living shorelines for foreshore protection and as an environmental and ecological component to flood protection.

Mr. Gothreaux advised that Jefferson Parish submitted the project to provide additional living shoreline/foreshore protection, similar to the Bucktown project, along the South Shore of Lake Pontchartrain for the Louisiana Coastal Master Plan. He explained that he had been involved in the review of the recently finalized Lake Pontchartrain and Vicinity Report. While reviewing the report, the requirement for foreshore dredging to bring the protection system to the level needed for the future caught his attention and brought up the thought of beneficially utilizing the access dredge material to begin creating foreshore protection and increasing the habitat complexity for a variety of different organisms.

Mr. Gothreaux described the project concept for PPL 32, which he would be presenting for the CWPPRA (Coastal Wetlands Planning, Protection and Restoration Act) program. He pointed out that CWPPRA is just one potential source of funding for the project. The proposed location is along the Orleans Parish shoreline where spotty seagrass beds were historically located. The concept is to beneficially use the access dredge material for marsh terraces or protected islands and to provide some type of lakeside reef structure with hardened material to shallow the area to enhance SAVs (submerged aquatic vegetation). Ideally, there would be a three-fold layer of added protection (lakeside living shoreline reef, marsh terrace/island and SAV enhancement) to the flood protection system itself. Coordination is needed with the U.S. Army Corps of Engineers (USACE) so that the access corridor is maintained since there would be the need for

additional levee lifts in the future. The goal is to design projects that are beneficial ecologically from a protective standpoint, but do not interfere with future levee lifts.

Mr. Gothreaux provided a listing of Federal funding programs for green infrastructure and nature-based solutions. He pointed out that the funds are geared towards different aspects of the project development process. Many of the funds are available for planning and design and many are available for construction. There are select funds available for operations and maintenance, as well as monitoring. He noted that the list only contained the programs that were covered on a webinar for navigating for funding for green infrastructure and nature-based solutions; therefore, this is not an all-inclusive list. He stressed that there are many funding opportunities to support these types of projects and explained that his goal is to serve as a conduit to foster a pipeline of projects that are basically shovel ready to compete for various funding streams.

Mr. Gothreaux noted that in a recent Coastal Protection and Restoration Authority (CPRA) press release, Governor Edwards announced that Louisiana would receive \$2.6 billion of USACE funding from the Infrastructure Investment and Jobs Act (IIJA) and the Extending Government Funding and Delivering Emergency Assistance Act (Supplemental Disaster Relief). The Supplemental Disaster Relief bill includes funding for the New Orleans to Venice Hurricane Protection Project (\$783 million) and West Shore Lake Pontchartrain Project (\$453 million). He pointed out that there are two other funding sources for Lake Pontchartrain and Vicinity Hurricane Projection (Jefferson Parish - \$4,750,000 and \$250,000).

Mr. Gothreaux advised that the IIJA has multiple funding sources or streams that could be leveraged, particularly the following three which are not specifically slated for Louisiana, but are competitive grant opportunities:

- \$492 million to NOAA's National Coastal Resilience Fund, in partnership with NFWF (National Fish and Wildlife Foundation)
- \$491 million to NOAA's Community Based Restoration Program
- \$207 million to NOAA for the Coastal Zone Management Program

Mr. Gothreaux encouraged the FPA to consider and support these types of projects and to take advantage of the current funding opportunities. NOAA has put forth a lot of time and treasure to support living shorelines. He reiterated that his goal is to serve as a conduit and assist entities with the design and funding for living shoreline and other green infrastructure projects. He commented on the "string of pearls" concept, which identifies sites along the Lake Pontchartrain rim, as well as Lake Borgne, the Rigolets and Pearl River, which either have some type of living shoreline or shoreline protection feature or is in the process of developing such a feature. Ideally, all of the gaps will be filled in to protect the integrity of the Lake Pontchartrain shoreline and the greater New Orleans area. He thanked the Board for its time and the CPRA for its support.

The Board thanked Mr. Gothreaux for his presentation.

Mr. Joanen commented that the presentation illustrated how flood protection and shoreline protection are connected. Jefferson Parish is setting the template for Orleans and St. Bernard Parishes. He stressed the need for doing a full-court press over the next couple of months and having everyone’s support in order to obtain any funding that is available.

**REPORT BY REGIONAL DIRECTOR:**

Kelli Chandler, Regional Director, provided the Regional Director’s report:

- Covid-19 update: The FPA had 26 employees test positive since December 28<sup>th</sup>. No employees are currently in quarantine. There are employees who are out due to Covid-19; however, thus far there have been no serious cases. There has been no disruption in FPA operations. Multiple safety measures are being taken to reduce exposure and the transmission of the virus (e.g., mask mandates, alternating shifts, working from home when possible, virtual meetings, limiting number of people in vehicles, and wiping down equipment).
- Diesel spill: The FPA was notified on December 27<sup>th</sup> of the rupture of a pipeline in St. Bernard Parish near a floodwall. The material went down the levee grade and collected in two ponds. The pipeline, which had been scheduled to be replaced at the end of January, was repaired. The permanent repair will be done at the end of January. The FPA is closely monitoring the situation. About 7,200 barrels of diesel has been collected due to the spill. Ms. Chandler thanked the Levee District Police Officers for providing details, security and escorts for the personnel doing the repairs.
- Insurance update: Final premiums were close to the estimates provided in the Board’s December meeting. The final premium for Property Insurance, which was renewed for a one-year period, was a little higher than estimated; however, money was saved on Workers’ Comp coverage. Many of the coverages were extended to April, at which time they will be reviewed.

<b><u>Coverage</u></b>	<b><u>Estimated Premium</u></b>	<b><u>Final Premium</u></b>
Public Officials	\$16,690	\$16,690
Excess Public Officials	\$4,324	\$4,324
Equipment	\$15,582	\$15,582
Auto Physical	\$22,951	\$24,064
Pollution	\$14,675	\$15,386
Commercial Liability	\$150,000	\$157,275
Workers Comp – OLDPD	\$37,207	\$37,207
Workers Comp – EJLDPD	\$37,743	\$37,743
Workers Comp – Other	\$132,905	\$105,887
Cyber	\$68,228	\$68,228
<b>Property</b>	<b>\$975,813</b>	<b>\$983,367</b>
Hull	\$22,727	\$22,727
Vessel	\$1,621	\$1,621

- **Legislative Auditor’s Office Audit:** Auditors from the Legislative Auditor’s Office visited the FPA. Their focus is on the wire transfer that happened in December, 2017, and police details. The areas of concern were the administrative fees and vehicle usage. The administrative fees charged by the FPA must be sufficient to cover the actual cost, otherwise it would be considered an illegal donation of public funds. Administrative fees are not charged on details that do not go through the Finance Department, which are a majority of the details. Officers are required to pay for the use of vehicles. The FPA charges a take-home fee for income tax purposes for all employees that have take-home vehicles so that this fringe benefit does not become income for the employee. The auditors will review how the amount charged was calculated and whether it is sufficient to cover the cost of the vehicles used for details. In addition, Levee District Reserve Police who work details are currently not being charged for take-home vehicles since they are not employees. The Legislative Auditor’s Office will develop a report after its investigation. Ms. Chandler advised that she will have further information once the audit is concluded.

Mr. Morgan inquired about the status of the Hurricane Ida Disaster Debris Management Monitoring contract since the Board voted not to increase the not-to-exceed dollar amount of the contract at last month’s meeting. Ms. Chandler advised that the final amount was a lot less than anticipated, and after speaking with the Board’s President, staff was able to conclude the project.

## **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Noel reported that the Finance Committee met prior to the Board Meeting and reviewed the FY 2021 Financial Audit Report, the status of the insurance coverages and the budget process. In addition, the FPA’s Investment Advisor from Edward Jones provided a briefing to the Committee.

**Operations Committee:** In the absence of Mr. Latiolais, Mr. Miller chaired the Operations Committee meeting, which was held prior to the Board meeting, and provided the report. Mr. Miller advised that the Committee reviewed the single item on the agenda (award of a contract for the SLFPA- East Warehouse Office Renovations Project), and recommended that the Board approve the award of the contract to the lowest responsive, responsible bidder (CM Combs Construction, LLC).

**Coastal Committee:** Mr. Joanen reported that the Coastal Committee met prior to the Board meeting and received several presentations on coastal projects.

**Legal Committee:** Mr. Duplantier reported that the Legal Committee met prior to the Board meeting and received an update from Executive Counsel on pending litigation. The Committee was informed about one new case, the Campbell litigation, which involves a claim for flooding on Bellaire Drive from the November 2020 event. An item was placed on the Board’s agenda to approve the retention of counsel for the new litigation within the guidelines established by the Louisiana Attorney General.

Ms. Chandler informed the Board that the FPA will hold a ribbon cutting ceremony on February 15<sup>th</sup> for the Seawall Erosion Control Project. The last reach of the project has been concluded. Additional information will be provided concerning the event.

### **NEW BUSINESS:**

#### **Discussion and approval of the amendment to the Employees' Handbook Section 3: Leave to include Section K: Terminal Leave.**

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Kenyetta Sewell, HR Director, explained that the addendum to the Employees' Handbook to include a policy for terminal leave was in accordance with Louisiana Civil Service rules. The Division of Administration and Louisiana Civil Service were used as resources to develop the policy. Generally, minor tweaks to the Handbook or guidance to employees on how to apply existing procedures are approved by the Regional Director and are not brought to the Board. Policies that impact employees' rights or benefits are major changes that would be brought to the Board. She explained the process that was used. Ms. Chandler directed the HR Department to develop a terminal leave policy. Once the policy was drafted, it was submitted to the Legal Department for review. After review by the Legal Department, it was submitted to the Directors for review and comment, and the comments were added to the policy. The policy was directed back to Ms. Chandler for final approval and then distributed to the employees. The policy allows employees at the point of their retirement the option of using up to 20 days of their accumulated annual leave immediately prior to their retirement date.

Mr. Miller asked how the new policy differed from the previous policy. Ms. Sewell responded that the concept was being utilized within the FPA; however, there was no written policy for consistent use. The policy was put in place so that all employees would know what is available to them and so that it would be applied consistently. She pointed out that this is one instance where guidance was provided on how to apply an existing concept.

Mr. Morgan noted that the policy was brought to the Board's attention by Mr. Cosse, who had received information on the policy, which had been distributed by the Public Relations Department to all employees. He stated that he appreciated Ms. Sewell's explanation regarding changes to the Employees' Handbook. He stated that the Board should be kept apprised of any major changes to policy.

Mr. Cosse asked did the policy equally reward employees who consistently use leave and employees who do not consistently use leave. Ms. Sewell responded that the policy is a tool to retain high performing or valued employees and rewards employees who does not utilize a lot of their annual leave either out of choice or due to work demands. Louisiana Civil Service allows the FPA to pay an employee for up to 300 hours of annual leave when he/she retires. All other leave is moved over to their retirement benefit at an actuarially reduced rate, which is calculated by LASERS (Louisiana State Employees' Retirement System) using a formula that takes into account various factors. In addition to being paid for 300 hours of annual leave, the



terminal leave tool allows employees to take up to 20 days of annual leave immediately prior to their retirement date. The unit “day” was used instead of “hour” because employees’ work schedules vary (i.e., 8, 10 or 12 hour days). The tool rewards employees who have not exhausted their leave balance because they can receive the full benefit of 20 days of their annual leave before they retire. The written policy was developed so that it would be applied equitably across the FPA and levee districts. In addition, it provides guidance for HR staff to respond to questions regarding terminal leave and ensure it is consistently applied.

Ms. Chandler further advised that the FPA had an employee who was not able to return to work after Hurricane Ida because of their housing situation and wanted to serve two weeks’ notice using leave for their notice. Staff discussed the need to have the ability to allow employees to take leave in addition to the 300 hours of annual leave that is paid by the FPA.

Mr. Joanen asked whether the 20-day maximum could be adjusted. Ms. Chandler replied that 20 days was set as the maximum; however, there is a provision in the policy for exceptions based on circumstances. Mr. Joanen asked were there any employees who were being cheated in any way due to the policy. Ms. Chandler responded, no.; employees were being given the opportunity of taking annual leave rather than having the leave go at a reduced rate towards their retirement.

Mr. Arrigo asked had the FPA allowed employees to use a longer period of time as terminal leave prior to the written policy. Ms. Chandler replied, no.

Ms. Sewell commented that she has enjoyed her time with the FPA and that she has a wonderful staff. The management team is competent, engaged and supportive. She stated that she could see the FPA doing a lot of good work going forward.

**Discussion of Governmental affairs: Washington political consultants, budget and scope; and Flood Protection Authority process to monitor.**

Mr. Morgan explained that he placed this item on the agenda because he found out a couple of months ago that the FPA had governmental consultants under contract doing work in Washington, DC, and that he had been unaware of a budget for these services. He stated that he spoke to Mr. Miller, the previous President, and that he didn’t know much about the contracts. He placed this item on the agenda in order to have public discussion on the contracts and to provide the Regional Director authorization to review consultants and present a recommendation and budget to the Board within the general guidelines that are established. He suggested that a budget be established in the range of \$20,000 to \$25,000 per month and that the contracts be extended to November 1<sup>st</sup> since elections will take place in early November and the FPA’s Federal governmental consultant needs may change or require revision. He suggested that the Board could give the Regional Director the right to terminate the contracts if the consultants are found not to be working in the best interest of the FPA.

Mr. Miller explained that the original contracts were awarded by the former Chief Administrative Officer, Derek Boese, and did not come before the Board. He added that he was not aware of the contracts. The CAO/Regional Director has authority to award contracts up to a certain amount. He suggested that the policy be amended to provide that when the Regional Director proposes to execute or executes such a contract that it come before the Board so that the Commissioners are notified. He stated that in certain emergency situations the Regional Director must take action, which was the reason for the provision; however, the Board should be notified. In a case like this where there is an on-going situation, the Board needs the opportunity to accept or reject the contract. He stated that emergency situations are different; however, this was not an emergency situation. He added that the policy should be reviewed relative to the Regional Director's authority to take this type of action and ensure that the Board is informed when these actions occur. He stated that he agreed with Mr. Morgan regarding the FPA's need for representation in Washington, DC. After speaking to the FPA's current consultants, once he found out about the contracts, he was of the opinion that the consultants who have represented the FPA have done an excellent job. He pointed out that the FPA is not allowed to lobby the State; however, the FPA can have lobbyists for the Federal government. Representation is needed by the FPA relative to the WRDA bill and the proposed changes to the USACE's rules that would allow additional funding for levees, as well as the numerous opportunities presented by the recent infrastructure bill for Federal funding for flood protection.

Mr. Cosse stated that a contract such as this should come before the Board. Mr. Morgan responded that this was what he was suggesting. Staff would conduct interviews and receive proposals from governmental consultants and present perhaps more than one so that the Board could make the final selection. Mr. Cosse asked how long would the contract stay in place. Mr. Morgan responded that he asked the Regional Director to extend the current governmental consultants' contracts through February in order to provide time for the Board to decide whether to retain the current consultants and/or hire other consultants. He reiterated that his recommendation was that the Board select the consultant(s).

Mr. Joanen stated that he concurred with Mr. Cosse and that he would like the Board to have input and an opportunity to evaluate potential consultants. He contemplated that about \$25,000 may be sufficient for one or two sets of consultants and noted that in his career, which included working with infrastructure improvements and coastal projects like those that are a part of the FPA's mission, he had never seen opportunities such as the current ones at the Federal level. Therefore, he encouraged a full-court press and offered to assist in developing a framework to make it easier for the Regional Director to present the information and for the Engineering staff to determine the types of projects for which the FPA should express interest. He pointed out that another aspect was the FPA's protection partners in each parish at the State level. As seen earlier in the meeting, projects are being cobbled together from a number of different sources. The FPA's partners would benefit from its efforts since they do not have the ability to have consultants go to Washington, DC, to represent them.

Mr. Arrigo stated that in looking into the current contracts he came to see that this was a very prudent and necessary expense and that the FPA received a good return on its investment. He recommended that the contracts be continued and added that this would be a bad time to terminate the contracts in light of the opportunities coming up in the next year. He commented that he heard that the FPA may currently be out of step with the politics in Washington, DC; however, he found that the firms that the FPA is aligned with are very bipartisan, which would cover any potential changes.

Mr. Joanen pointed out that the FPA needs the ability to pivot with potential changes; however, the current situation is bipartisan. He stressed the importance of establishing efforts over the next couple of months that could produce funding for important projects, including their maintenance, for many years to come.

Mr. Noel agreed with Mr. Joanen and pointed out that after hearing the presentation provided earlier in the meeting, he concurred that there is a long list of opportunities. He recommended that Mr. Joanen reach out to the FPA's current consultants so that they could investigate these opportunities, particularly the ones that affect the FPA's jurisdiction.

Mr. Joanen commented that he would like to go to Washington, DC, on his own accord and at his own expense. He explained that he had been in an investigative mode with the Coastal Committee over the past year and was overwhelmed with the number of projects that the FPA could support. However, at this time the opportunities are also for infrastructure improvements. Therefore, this is the time for the Authority to go above and beyond what the USACE set out for the FPA and look at all of the different aspects, including the educational, environmental justice and other components. The FPA could very well fit these components and meet the criteria to qualify for funding.

Mr. Morgan stated that the discussion at today's meeting was to set general parameters so that the Board could take action by resolution at its February meeting to either extend the existing contracts and/or hire other consultants. Mr. Duplantier noted that metrics are needed for monitoring the process. Mr. Joanen pointed out that the consultants could provide written monthly reports. He also noted that should the Board select additional consultants, their efforts should focus on their specific areas of expertise and should dovetail with the current consultants' efforts.

Ms. Chandler stated that she would like the option to continue the current contracts until she is able to obtain the necessary information for the Board to take further action. She added that she would provide a draft resolution for the Board's February meeting that would outline the actions required in order to move forward.

Mr. Morgan explained that the FPA has an employee on staff, Wilma Heaton, Director of Governmental Affairs, who has been handling State legislative matters. He asked the Board members give their opinions concerning staffing and how State legislative matters should be managed internally.

Mr. Noel explained that Mr. Miller, under his Presidency, created a Governmental Affairs Committee that included himself, and former Commissioners Quentin Dastugue and Joe Hassinger. He stated that Ms. Heaton's reports were very comprehensive and that she was spot on with every piece of legislation that affected the FPA—even the legislation that affected the FPA in the smallest way. He stated that she is doing a great job with legislative matters. Mr. Joanen concurred with Mr. Noel.

**Discussion of FPA Organization: a) Number of direct reports to the Board/ President; b) Governmental affairs; c) Board Administrative Assistant; d) Legal; and e) other.**

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Mr. Morgan explained that under the FPA's current organizational chart, the Regional Director (Kelli Chandler), Executive Counsel (Michelle White) and Director of Governmental Affairs (Wilma Heaton) report to the President. The Administrative Program Director (Glenda Boudreaux) reports to the Director of Governmental Affairs. Ms. Heaton and Ms. Boudreaux currently have offices at the New Orleans Lakefront Airport. The intent is to move the offices for the Director of Governmental Affairs and Administrative Program Director to the Franklin Facility by July 1<sup>st</sup>. After July 1<sup>st</sup>, consideration could be given to placing those positions, as well as the Public Information Office, under the Executive Counsel so that public interface and communication can be through one outlet. Mr. Joanen asked that the Board members be provided the organizational chart that is in effect until that time.

**RESOLUTION NO. 01-20-22-02 - A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST AUTHORIZING THE RETENTION OF BURGCLASS AND TANKERSLEY, LLC TO PROVIDE LEGAL COUNSEL AND REPRESENTATION**

Mr. Duplantier advised that the FPA had a new lawsuit, *Jeannie Campbell and Stephen Campbell vs. Cycle Construction Company, LLC*, which involves damages to a property on Bellaire Drive as a result of a flooding event. Cycle Construction Company, LLC, was performing work for the FPA and the claimant alleges that their property was damaged due to the activity. He requested that the firm of Burglass and Tankersley be retained to represent the FPA in this suit. The firm has represented the FPA in the past. The rates would be set in accordance with those approved by the Attorney General (AG).

Mr. Cosse asked the reason for requesting permission from the AG to retain the firm. Michelle White, Executive Counsel, responded that permission from the AG is a statutory requirement for State agencies when hiring outside counsel or special counsel. The contract with the firm must be approved by the AG. The firm must agree to comply with the rate schedule set by the AG.

Mr. Cosse asked was the Burglass firm based in Lafayette. Ms. White replied that the firm's office is in Metairie. Mr. Duplantier stated that there are multiple Burglass firms; however, Burglass and Tankersley is local.

Mr. Cosse commented that he was not sure how the Board first hired Burglass and Tankersley; however, the FPA had not advertised for legal services at that time. He added that the Board may wish to consider advertising for legal services in the future.

Ms. White explained that Burglass and Tankersley was on board defending several property suits (some takings and some property damages) when she came on board with the FPA. She stated that, in her opinion, this makes them especially suited not only because of their experience in the practice area, but also because of their experience with the entity. Therefore, the firm does not need to come up to speed when they come on board in a new case. The firm already knows the FPA's properties and flood control structures and has agreed to work for the AG's rates, which are considerably lower than the rates that New Orleans attorneys typically charge.

Mr. Joanen asked did the legal service expenses for the FPA fluctuate over the past couple of years. Ms. White responded, yes; she explained that the FPA has no control over lawsuits filed against it. The expenses depend on whether a case is set for trial during a particular quarter or year and whether the suit is filed by more than one party for litigation that is not insured. She explained that she estimates the budget based on what is known of existing issues with regards to property owners near flood control structures, the kinds of litigation that are not covered by the FPA's insurance coverage, and the kinds of litigation where the FPA cannot request the AG to represent the FPA. In this case, she presented the petition to the AG; however, the AG would not represent the FPA since it is a claim for property damage and does not involve a Constitutional issue or an issue regarding an interpretation of State law.

Mr. Joanen asked did the Executive Counsel tracked estimates versus actual expenses. Ms. White advised that several months ago there was a disparity between her estimate and the actual cost for a particular quarter due to unexpected expenses associated with more motion practice than anticipated after a long Covid-19 shut-down of the Courts.

Mr. Arrigo commented that Burglass and Tankersley had done an outstanding job representing the FPA. Mr. Cosse asked Mr. Arrigo how did he know that they did an outstanding job. He explained that when he was in St. Bernard Parish Government for 16 years, executive sessions were held sometimes twice a month where council members sat down with the Parish's legal representation. As a FPA Commissioner, he had not sat down with anyone from Burglass and Tankersley in three or four years. Mr. Arrigo explained that the point he was going to make was that it had been some time since the FPA issued a Request for Qualifications (RFQ) for legal services. Mr. Cosse reiterated that the FPA did not issue an RFQ when retaining Burglass and Tankersley.

Mr. Arrigo noted that the FPA had a list of approved attorneys as a result of issuing an RFQ. Ms. White responded, if so, it preceded her time at the FPA. She explained that she had not brought on board any new law firms. Based on the representations of prior Commissioner Joe Hassinger, the former CAO, and the progress of the suits for which each of the firms were representing the FPA, she had not had a need to inquire about other firms. Mark Hanna with Mouldedoux, Bland, Legrand & Brackett, LLC, represents the FPA in Civil Rights action suits and Burglass and Tankersley represent the FPA in

the few property disputes. Mr. Duplantier clarified that most of the FPA's litigation is insured litigation with SIRs (Self-Insured Retention) from \$50,000 to \$100,000 per case. The bills are sent to the FPA's insurers, who review and monitor the bills, and advise Ms. White as to the amount that has been spent and what they are approving. Therefore, there is a process where legal bills are reviewed. The only time the bills are not reviewed by someone from the outside is for uninsured litigation. He said that he would be happy to talk to the attorneys and have them come speak to the Commissioners. He stated that the Authority's attorneys have experience with the FPA's litigation and if the Board hires another firm, it would be reinventing the wheel to some extent, which could be expensive. He added that he did not think that the Board needed to retain new law firms as it has been getting good results with Burglass and Tankersley.

Mr. Joanen asked how old was the list of attorneys. Ms. White responded that as far as she knew there was not a list per se. She explained that when she came on board with the FPA, she was told that there were attorneys that handled police-involved actions and Civil Rights suits and attorneys who handled and specialized in takings and property issues. She said that she concurred with Mr. Duplantier and advised that there are 18 pending suits, all of which are insured except for the Robert/London Avenue Canal lawsuit and the new case (Campbell vs. Cycle Construction). She stated that the FPA mostly had insured litigation for which she did not select counsel or set the strategy—this is done by the counsel for the insurer.

Mr. Cosse asked Mr. Duplantier was he a senior partner at the Galloway, Johnson law firm along with former Commissioner Joe Hassinger. Mr. Duplantier replied, yes. Mr. Cosse commented that Mr. Hassinger recused himself from certain votes because of some type of connection with Burglass and Tankersley. He asked Mr. Duplantier whether he had any type of connection with Burglass and Tankersley and did the firm refer business to the Galloway, Johnson law firm where he is a senior partner. Mr. Duplantier replied, no; he did not have any connection with Burglass and Tankersley. He clarified that Mr. Hassinger is also the owner of a mediation company - MAPPS. Mr. Duplantier advised that he had no ownership interest or connection with MAPPS. MAPPS is an entity separate and apart from the Galloway, Johnson law firm; therefore, he did not have the same relationship with Burglass and Tankersley. Mr. Duplantier further advised that he knew Bruce Burglass and his reputation; however, he had not had much interaction with the firm. He stated that he would be happy to interact with the firm, if Mr. Cosse felt it was necessary, and that he would look at their bills. He advised that he was monitoring their cases. He added that he mentioned in the Legal Committee meeting this morning that he planned to sit in and monitor one of the trials that Burglass and Tankersley is handling for the FPA and that Mr. Arrigo would be testifying as a witness in the case. Mr. Joanen asked that Mr. Duplantier help the Board to account for what is going on.

Mr. Morgan stated that a budget of \$75,000 should be established for the new case, and if additional funding is needed, it should be brought back before the Board. Ms. White informed the Board that the AG's rules provide that contracts for retained counsel are maxed out at \$250,000 per year. Each firm is aware of this limitation.

On the motion of Mr. Duplantier,  
 Seconded by Mr. Arrigo, the following resolution was offered:

**WHEREAS**, the Southeast Louisiana Flood Protection Authority- East (“FPA”) and Orleans Levee District have been sued in the 24<sup>th</sup> Judicial district Court for the Parish of Jefferson in *Jeannie Campbell and Stephen Campbell vs. Cycle Construction Company, LLC, et al*, 24<sup>th</sup> Judicial District Court for the Parish of Jefferson, Civil Action No. 823-043; and

**WHEREAS**, defense of this matter requires specific legal expertise in the subject matter involved and as such, a real necessity exists to retain outside counsel for legal representation in this matter; and

**WHEREAS**, the firm of Burglass & Tankersley, LLC has represented the FPA and its constituent levee districts in similar litigation in the past and has the familiarity with the entity and the necessary expertise required for defense of this matter and further has confirmed that they are willing to accept the engagement to defend this matter and are not prevented by any conflict of interest from doing so; and

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

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East, pursuant to La. R.S. 42:262, does hereby authorize the retention of Burglass & Tankersley, LLC as counsel, effective January 20, 2022, for representation in litigation entitled *Jeannie Campbell and Stephen Campbell vs. Cycle Construction Company, LLC, et al*, 24<sup>th</sup> Judicial District Court for the Parish of Jefferson, Civil Action No. 823-043.

**BE IT FURTHER RESOLVED** that the Board of Commissioners authorizes Executive Counsel to retain the firm of Burglass & Tankersley, LLC to represent the

FPA and Orleans Levee District in *Jeannie Campbell and Stephen Campbell vs. Cycle Construction Company, LLC, et al* Civil Action No. 823-043.

**BE IT FURTHER RESOLVED** that the Regional Director is authorized to execute the contract with Burglass & Tankersley, LLC.

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

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

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

NAYS: None

ABSENT: None

### **RESOLUTION NO. 01-20-22-03 - ADOPTION OF FY 2021 FINANCIAL AUDIT REPORT**

Mr. Morgan advised that the FY 2021 Financial Audit Report was reviewed by the Finance Committee. The FPA received a clean opinion and no discrepancies were found.

On the motion of Mr. Noel,

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

**WHEREAS**, Ericksen Krentel, Certified Public Accountants, was retained by the Louisiana Legislative Auditor on behalf of the Southeast Louisiana Flood Protection Authority-East (FPA) to conduct the financial audit of the FPA, East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District for the fiscal year ending June 30, 2021; and

**WHEREAS**, Ericksen Krentel completed the aforementioned audit and has issued the Financial Report for the fiscal year ending June 30, 2021.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East adopts the Financial Report issued by Ericksen Krentel for the fiscal year ending June 30, 2021.

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

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

NAYS: None

ABSENT: None

### **RESOLUTION NO. 01-20-22-04 - SLFPA-E WAREHOUSE OFFICE RENOVATIONS PROJECT CONTRACT AWARD**

Chris Humphreys, Director of Engineering, explained that the SLFPA-E Warehouse Office Renovations Project was advertised for bid. Three bids were received, all of



which were determined to be responsive and responsible. The lowest bid was submitted by CM Combs Construction, LLC, in the amount of \$4,779,000, which was under the engineer's estimate of \$5,060,000. The FPA's consultant recommended award of the contract to CM Combs Construction, LLC. He advised that CM Combs Construction, LLC, had performed work for the FPA in the past, including the build-out at the Franklin Avenue Complex. Mr. Miller added that the Operations Committee reviewed this matter and recommended that the contract be awarded to CM Combs Construction, LLC.

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

**WHEREAS**, the SLFPA-E Warehouse Office Renovations Project (Project No. O3000076) was advertised and three bids were opened and read on January 18, 2021, as follows:

<b>Bidding Contractors</b>	<b>Total Bid Price</b>
CM Combs Construction, LLC	\$4,779,000
Stallings Construction Co., Inc.	\$4,977,000
Industrial & Mechanical Contractors, Inc.	\$5,139,000

**WHEREAS**, the lowest responsive and responsible bid was submitted by CM Combs Construction, LLC, in the amount of \$4,779,000; and

**WHEREAS**, the Engineering Estimate for the base bid project is \$5,060,000; and

**WHEREAS**, funding for the project is included in Budget Line Item BPROJ045.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$4,779,000 to CM Combs Construction, LLC, for the SLFPA-E Warehouse Office Renovations Project.

**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 CM Combs Construction, LLC, 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. Duplantier, Mr. Joanen, Mr. Latiolais,  
 Mr. Miller, Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: None

The next regular monthly meeting of the Board will be held on February 17, 2022, at the New Orleans Lakefront Airport, 2nd Floor Conference Room, 6001 Stars & Stripes Boulevard, New Orleans, LA.

There was no further business; therefore, the meeting was adjourned.