

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
PUBLIC HEARING
THURSDAY, OCTOBER 20, 2022**

Pursuant to Article 7, Section 23(C) of the Louisiana Constitution and R.S. 47:1705(B), a public hearing of the Southeast Louisiana Flood Protection Authority – East on behalf of the Orleans Levee District to consider levying additional or increased millage rates without further voter approval or adopting the adjusted millage rates after reassessment and rolling forward to rates not to exceed the prior year’s maximum.

The Public Hearing was held on Thursday, October 20, 2022, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, Louisiana, and was called to order at 11:00 a.m.

K. Randall Noel, President, read the notice setting forth the purpose of the public hearing. He then called for public comments. There were no public comments. He asked were any emails or correspondence received regarding the roll back and roll forward of Orleans Levee District ad valorem tax millage rates. No emails or correspondence were received regarding this subject. There was no discussion.

The public hearing was adjourned at 11:02 a.m.

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

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on October 20, 2022, 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. Noel called the meeting to order at 11:02 a.m. and led in the pledge of allegiance. Mr. Cosse called the roll and a quorum was present:

PRESENT:

K. Randall Noel, President
Roy M. Arrigo, Vice President
Clay A. Cosse, Secretary
Jason P. Latiolais, Treasurer
Richard G. Duplantier, Jr.
Thomas G. Fierke
Herbert I. Miller

ABSENT: None

ADOPTION OF AGENDA:

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

RESOLUTION NO. 10-20-22-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON SEPTEMBER 15, 2022

On the motion of Mr. Fierke,
Seconded by Mr. Arrigo, 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 September 15, 2022.

The foregoing was submitted to a vote; the vote thereon was as follows:
YEAS: Mr. Arrigo, Mr. Cosse, Mr. Duplantier, Mr. Fierke, Mr. Latiolais and Mr. Miller
NAYS: None
ABSENT: None

EMPLOYEE RECOGNITION AND APPRECIATION:

Mr. Noel advised that due to concerns expressed by the Legislative Auditors, the FPA is recrafting its process and will reinstitute its employee recognition program soon.

SAFETY MINUTE:

Martin Eilers, Risk and Project Management Director, provided a safety update to the Board. The Safety Department is educating employees regarding lockout and tag out procedures, which are safety control measures to identify potentially dangerous or damaged equipment, mechanical systems and utilities in order to prevent accidents. The measures consist of visual indicators and physical controls to prevent access and/or operation by unauthorized personnel. The measures can be implemented proactively (e.g., locking control valves and electrical cabinets, and tag outs to identify equipment that is damaged or not operating correctly). An assessment is being conducted of all FPA facilities and equipment. Some deficiencies have been identified and control measures have been implemented.

OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:

Mr. Noel advised that he met with David Vitter and Kyle Ruckert and that Mr. Arrigo would provide a report on his meetings in Washington, D.C. He also advised that next month the Board will address details, and that the gist of what needs to be addressed is

covered in a recent article in the Advocate regarding four Orleans Levee District police officers.

Mr. Arrigo reported that he and David Vitter from the FPA's lobbying firm Mercury traveled to Washington, D.C., as part of the Mississippi Valley Flood Control Association's Fall Legislative Meetings held on September 18-21, 2022, and spent three days meeting with Congressmen and Senators. The three issues addressed were (1) including the study of 200-year flood protection in the current Water Resources Development Act (WRDA) bill, (2) including an extension of the sunset clause for the U.S. Army Corps of Engineers' participation in levee construction in the WRDA bill, and (3) flood protection for the New Orleans Lakefront Airport. The current period to be included in WRDA for the sunset clause extension is three years; however, it could potentially be lengthened to ten years or eliminated. Several Congressmen embraced flood protection for the Lakefront Airport and Congressman Scalise is searching for grant funding for the project. Mr. Arrigo stated that the meetings were very productive.

Mr. Noel advised that at their meeting he made Mr. Vitter and Mr. Ruckert, the FPA's paid lobbyists who also have the ability to write grants under the FPA's contract, aware of AECOM's presentation on funding sources; therefore, the FPA may wish to put AECOM in touch with Mr. Vitter, particularly with regards to funding for flood protection for the Lakefront Airport. Mr. Vitter had advised Mr. Noel that he thought the WRDA bill with 200-year flood protection included would be passed by December.

Mr. Arrigo stated that because Mr. Vitter is a former Senator, he is very knowledgeable about the process, communicates effectively and is highly respected.

PUBLIC COMMENTS:

None.

PRESENTATIONS:

1. Mississippi River Saltwater Wedge and Underwater Sill Construction – Heath Jones, Emergency Manager, U.S. Army Corps of Engineers

Heath Jones, Emergency Manager for the U.S. Army Corps of Engineers (USACE) New Orleans District, provided the following information in his presentation on the Mississippi River Saltwater Wedge and Underwater Sill Construction:

- The Mississippi River Valley drains 41 percent of the country. The northern part of the country is experiencing historically low rainfall amounts and a prolonged drought, resulting in the Mississippi River's low flow at New Orleans. The 28-day forecast is not promising since only a couple of rainstorms are predicted. Hydrologists advise that a series of significant rain events are needed to turn the current situation around. The issue is primarily effecting Plaquemines Parish at this time, and not Orleans, Jefferson and St. Bernard Parishes due to the construction of the sill.

- The thalweg of the Mississippi River is deep to about river mile 350 above Head of Passes (approximately 15 river miles downstream of Natchez, MS). Saltwater from the Gulf of Mexico moves upstream along the bottom of the river as the river lowers. This is a naturally occurring phenomenon that happens each year when the river gets low; however, it is more pronounced this year because the river is very low and saltwater is moving further upstream. The upstream movement of saltwater from the Gulf is influenced by the river flow rate, water temperature, surface winds and tides. The Mississippi River is naturally deep between New Orleans and Head of Passes and most of the USACE's dredging operations are at Head of Passes.
- The USACE's monitoring of freshwater flow is triggered when the river is less than 300,000 cubic feet per second (cfs). Since saltwater is denser than freshwater, it rides along the bottom of the river and begins to move upstream in the form of a wedge. Field crews are sent daily to take measurements to determine the location of the toe of the wedge. The highest salinity counts are along the bottom of the river and mixing occurs along the surface making the exact location difficult to pinpoint. The location of the wedge is highly dependent upon freshwater flows from upstream. At this time the slope of the face of the wedge is 15 river miles in length.
- The construction of an underwater sill (an underwater levee that crosses the river channel and cuts off the wedge at the river's bottom) is triggered by the prediction of saltwater reaching the Belle Chasse freshwater intake. Construction of the sill at river mile 63.8 began on October 10th and by Friday the sill is anticipated to achieve an elevation of -55 feet, which allows ship traffic to continue transiting the river, but would stop the wedge from progressing upstream. The bottom of the river in this area is about -90 feet with some spots at -95 or -100 feet; therefore, the USACE is building a 45 to 50-foot levee in the middle of the Mississippi River against the flow in the deepest part of the channel. The material for the sill is being obtained from a nearby borrow site in the river. The sill may be increased to -50 or -45 feet depending on measurements and needs. Salinity along the surface of the river is the problem since freshwater intakes for a number of waterworks (e.g., St. Bernard, Orleans and Jefferson Parishes) are at the surface. If an underwater sill is not constructed, predictions indicate that saltwater would eventually reach these freshwater intakes.
- Flows are minimal at this time (about 135,000 cfs) across the width of the Mississippi River at Plaquemines Parish and are not forceful enough to wash away the sill. The sill will be washed away as river flows increase to about 200,000 to 300,000 cfs. The USACE will continue surveying the sill and will add to the sill as needed.
- The USACE's forecast of the location of the saltwater is based on the National Weather Service's forecast of river flows, which is based on the forecast of rainfall across 41 percent of the country. The USACE New Orleans District is working with the upstream Districts, which are also facing low water problems (e.g., navigation issues on the Red, Missouri and Ohio Rivers and lower Mississippi River), and the

National Weather Service. This situation occurs about every ten years with the latest occurrences in 2012, the late 1990s and 1988. The Mississippi River is dynamic, and, at this time, there are three large crevasses (Mardi Gras Pass, Neptune Pass and Fort St. Philip). Due to the low river flow, saltwater is currently entering through Mardi Gras and Neptune Passes.

- About a month ago, the USACE deepened the Mississippi River about 5 feet mostly at Southwest Pass and Head of Passes. The river was not deepened much below New Orleans because it is naturally deep at this location. Deepening the river contributed slightly to the current situation; therefore, the natural bottom is being restored to mitigate against the deepening project. Essentially 40 to 45 percent of the total river flow is lost before it reaches Head of Passes.

Mr. Cosse stated that Mardi Gras Pass is causing silting in a number of access routes making transit difficult for larger boats from Point a la Hache. He asked was there any plan to regulate Mardi Gras Pass. Mr. Jones responded that the USACE has a contract for placing rocks at Neptune Pass to slow its widening because of navigation issues; however, he did not know of any plan for Mardi Gras Pass. Mr. Cosse inquired about the forecast for significant rainfalls. Mr. Jones replied that there was no significant rainfall in the immediate forecast. The 20-day forecast predicted an inch or two of rain across several states, which would be insufficient to have much of an effect on the saltwater issue.

Mr. Miller asked the projected cost to construct the sill. Mr. Jones responded that the USACE spent about \$4.8 million in 2012. Due to the procurement strategy and use of a sole source contract, he could not reveal the cost to construct the current sill.

Mr. Miller recounted his experience with the saltwater situation in 1988 and Congresswoman Lindy Boggs successful efforts to have the USACE build the sill. Mr. Jones noted that the USACE must have Congressional authorization and funding to construct projects.

Mr. Noel asked about the possibility of saltwater entering into Lake Pontchartrain. Mr. Jones responded that the USACE is confident that the saltwater will stop at the sill (mile 63.8); therefore, it should not enter Lake Pontchartrain or travel further upriver. The USACE will continue measurements both upstream and downstream of the sill, and if the salinity begins to rise, the sill will be built higher.

REPORT BY REGIONAL DIRECTOR:

Kelli Chandler, Regional Director, provided the Regional Director's Report:

- Weather Update – The current lack of rainfall was noted. Several waves are being watched, but at this time are of no concern.
- Facilities Update – The buildout in the Franklin warehouse to create office and storage space for field crew personnel is going well. A large gas line that was

leaking was recently repaired. The Emergency Operations Center (EOC) has been completed. A meeting was held with Arthur Gallagher representatives to begin looking at the upcoming property insurance renewal in January. An increase is anticipated; therefore, the FPA is analyzing risk retention amounts. The former East Jefferson Levee District (EJLD) administration building on Plauche Court is no longer being used and in need of major repairs. The building was appraised last year and Mr. Eilers is working with the Attorney General's Office regarding procedures to sell the building. The former EJLD maintenance facility on Lesan Drive is being used for storage and police training.

- Personnel - The FPA is experiencing difficulties in hiring and retaining employees, especially trades positions, because of low salaries. Due to this issue, the FPA may have to contract services previously performed in-house.

COMMITTEE REPORTS:

Finance Committee: Mr. Latiolais reported that the Finance Committee met prior to the Board meeting. The Committee discussed and recommended the proposed roll forward (increase) of Orleans Levee District (O.L.D.) ad valorem tax millage rates. Mr. Noel pointed out that if the O.L.D. rates are not rolled forward for 2023, the ability to do so would be lost. He stated that the money is needed because, as explained in the Regional Director's report, the FPA is unable to find and retain employees.

Operations Committee: No meeting was held in October; therefore, no report.

Coastal and Technical Committee: Mr. Arrigo reported that the Coastal and Technical Committee met prior to the Board meeting. John Troutman with the Coastal Protection and Restoration Authority (CPRA) provided a presentation on the State Master Plan, which should be finalized by the end of the year, and on-going projects in the area. An update was also provided on the Bucktown Living Shoreline Project.

Legal Committee: Mr. Duplantier reported that the Legal Committee met prior to the Board meeting. He provided the summary that was given to him by Michelle White, Executive Counsel, to the Committee and explained the process used for selecting outside legal counsel. He noted that the two most important pieces of the update concerned the Roberts litigation (the case was submitted to the judge for a decision without an evidentiary hearing) and the TKTMJ litigation (the case was successfully resolved). The Committee originally planned to make a recommendation on hiring a new Executive Counsel; however, the decision was postponed while the Committee continued vetting the candidates that had been interviewed.

Mr. Cosse stated that months ago he requested a copy of the applications submitted for the position of Executive Counsel and that he had not received any applications. Mr. Duplantier responded that he would be happy to send Mr. Cosse the resumes of the individuals who are still being considered. The Committee had declined to interview a number of candidates. He stated that if Mr. Cosse wished, he would also be happy to

share all of the resumes. He said that only about four in-person interviews had been conducted and that one additional in-person interview will be conducted.

Mr. Cosse reiterated that he requested a copy of the applications about two months and had not received a response. Mr. Duplantier further advised that the Legal Committee has been vetting all of the resumes and that he would be happy to share them with Mr. Cosse. The candidates were weeded down to a couple of people and a decision will be finalized soon.

Mr. Cosse asked who participated in the interviews. Mr. Duplantier responded that he and Mr. Fierke are doing the interviews and that the people that they settled upon are sent to meet with Mr. Noel. Mr. Cosse asked did the third member of the Legal Committee, Mr. Arrigo, participate in the interviews. Mr. Duplantier replied; no, he had been communicating with Mr. Arrigo about the candidates that they were looking at; however, he was concerned that if Mr. Arrigo participated in the same interviews, the Committee would be in violation of the open meetings law. Therefore, he provided the resumes of the people that they were considering to Mr. Arrigo.

Mr. Cosse commented that he spoke to Mr. Fierke who said that he was going to leave the decision basically up to Mr. Duplantier. If Mr. Arrigo is not involved in the process, it would basically be Mr. Duplantier's decision. Mr. Duplantier replied; no, Mr. Noel is still technically the appointing authority under the Bylaws. The Bylaws were revised to provide that the Legal Committee does the vetting and makes a recommendation to the Board and the Board votes on the recommendation; however, Mr. Noel retains the appointing authority under the statute. Therefore, Mr. Noel has the final decision.

Mr. Fierke advised that the impression he left Mr. Cosse with was not correct. He stated that he participated in all of the interviews, he and Mr. Duplantier shared the lead in the interviews, agreed on who was to be interviewed and the interviewing technique, and that they were well supported by Human Resources during the interviews.

Mr. Arrigo stated that while he did not sit in on the interviews, he had been kept abreast of every step of the process and that he felt he had veto power. He stated that he had a lot of confidence in the way the process was handled and that he had kept an eye on it.

Mr. Latiolais asked, if the Board rejects the recommendation of the Legal Committee, could Mr. Noel ultimately overturn the Board's rejection. Mr. Duplantier replied; no, a majority of the Board members must vote in favor of the recommendation and Mr. Noel would make the appointment.

Mr. Fierke asked which positions need the Board's approval under the revised Bylaws. Mr. Duplantier replied, in addition to Executive Counsel, the Director of Engineer, Regional Director and the Board's Administrative Assistant.

Mr. Cosse asked the reason the decision to hire a new Executive Counsel was postponed. Mr. Duplantier replied that they wanted to interview another candidate in

person. Mr. Cosse asked how that came about. Mr. Duplantier replied, discussions with Mr. Fierke. Mr. Cosse stated that he was open to another choice. Mr. Duplantier stated that they did not make a choice yet, which is the reason the item was postponed.

NEW BUSINESS:

RESOLUTION NO. 10-20-22-02 - ADOPTION OF ORLEANS LEVEE DISTRICT MILLAGE RATES FOR CALENDAR YEAR 2023

Mr. Noel read aloud the resolution in full. Mr. Miller asked did the statement in the WHEREAS paragraph regarding the dedication of the proceeds of .49 mills of the Special Levee Improvement Tax to the operation and maintenance of the non-revenue producing assets need to be repeated in a RESOLVED paragraph. It was noted that the resolution as presented was sufficient regarding the statement. There was no further discussion; therefore, a roll call vote was conducted.

On the motion of Mr. Fierke,
Seconded by Mr. Latiolais, the following resolution was offered:

WHEREAS, the reassessment of property subject to taxation within the geographic boundaries of the Orleans Levee District (the “District”), the portion of Orleans Parish located on the East Bank of the Mississippi River, made during 2019 as completed for use for tax year 2020 resulted in more assessed valuation than that assessed in 2019; and

WHEREAS, the following ad valorem taxes are levied by the Southeast Louisiana Flood Protection Authority-East (the “Authority”) acting as the governing authority of the Orleans Levee District:

The “**General Tax**” authorized by Article 6 Section 39 (A) of the Louisiana Constitution.

The “**Maintenance Tax**” authorized by the Special Election of March 5, 1974 and imposed by the District’s Resolution No. 1-081899.

The “**Special Levee Improvement Tax**” authorized by the Special Election of November 6, 2012.

WHEREAS, the Proposition for the November 6, 2012 Special Election for the extension and rededication of the Special Levee Improvement Tax specified that the revenues or proceeds of 0.61 of the 6.07 Mills shall be dedicated and used for the operation and maintenance of the non-revenue producing assets not directly related to drainage or flood protection of the Lakefront Management Authority; and

WHEREAS, the following millage rates were adopted by the Authority on behalf of the Orleans Levee District and levied on the 2019 tax rolls: General Tax – 5.46 Mills, Maintenance Tax - .75 Mills and Special Levee Improvement Tax – 6.07 Mills, or a total of 12.28 Mills; and

WHEREAS, in accordance with the provisions of Article 7, Section 23 (B) of the Louisiana Constitution of 1974, as amended, and La. R. S. 47:1705 B., the following adjusted ad valorem tax millage rates would generate the same collection of ad valorem taxes in 2023 as were collected in the year preceding the reassessment (2019):

General Tax - 4.97 Mills
Maintenance Tax - .68 Mills
Special Levee Improvement Tax – 5.53 Mills

WHEREAS, the Authority has determined that the following ad valorem tax millage rates must be levied on the 2023 tax rolls on all property subject to taxation by the Orleans Levee District in order to meet the needs of the District:

General Tax – 4.97 Mills
Maintenance Tax - .68 Mills
Special Levee Improvement Tax – 5.53 Mills with the proceeds of .49 Mills to be dedicated and used for the operation and maintenance of the non-revenue producing assets

BE IT HEREBY RESOLVED, by the Southeast Louisiana Flood Protection Authority – East, acting as the governing authority of the Orleans Levee District, in a public meeting held on October 20, 2022, which meeting was conducted in accordance with the Open Meetings Law and the additional requirements of Article VII, Section 23(C) of the Louisiana Constitution and R.S. 47:1705(B) that:

Section 1. Millage to be levied in 2023. The following millages are adopted and levied for the tax year 2023 on all property subject to taxation within the portion of Orleans Parish located on the East Bank of the Mississippi River by the Orleans Levee District:

General Tax – 4.97 Mills
Maintenance Tax - .68 Mills
Special Levee Improvement Tax – 5.53 Mills

SECTION 2. Statement of Total Millage to be Levied. A total of 11.18 mills shall be levied in 2023 for the General Tax, the Maintenance Tax and the Special Levee Improvement Tax.

SECTION 3. Certification of Levy. The Authority acting for the District hereby certifies the annual levy of the General Tax, the Maintenance Tax and the Special Levee Improvement Tax to the Council of the City of New Orleans for the purpose of causing the three taxes to be entered on the tax rolls of said City and collected by its Finance Department in the manner and under the conditions and with interest and penalties prescribed by law for City taxes; and such monies, the ad valorem taxes including interest and penalties connected therewith, thus collected shall be paid to the District as provided by law for the tax year 2023.

SECTION 4. Further Actions. The President of the Authority or Regional Director for the Authority are hereby authorized and empowered to execute any and all documents necessary to accomplish the above purposes.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

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

NAYS: None

ABSTAINED: None

ABSENT: None

RESOLUTION NO. 10-20-22-03 - ADOPTION OF ORLEANS LEVEE DISTRICT MILLAGE RATES FOR CALENDAR YEAR 2023

Mr. Noel read aloud the resolution in full. He pointed out that the roll forward of the ad valorem tax millage rates would bring the total to 12.28 mills for 2023. He noted that a public hearing was held prior to the Board meeting and that there were no comments by the public. Calendar year 2023 is the last year prior to the next reassessment. There was no further discussion; therefore, a roll call vote was conducted.

On the motion of Mr. Fierke,
Seconded by Mr. Latiolais, the following resolution was offered:

BE IT RESOLVED, by the Southeast Louisiana Flood Protection Authority – East on behalf of the Orleans Levee District in a public meeting held on October 20, 2022, which meeting was conducted in accordance with the Open Meetings Law and the additional requirements of Article VII, Section 23(C) of the Louisiana Constitution and R.S. 47:1705(B), that the taxing district voted to increase the millage rates, but not in excess of the prior year’s maximum rates (2019 the year preceding the reassessment), on all taxable property shown on the official assessment roll for the year 2023, and when collected, the revenues from said taxes shall be used only for the specific purposes for which said taxes have been levied. Said millage rates are:

	<u>Current Rate</u>	<u>2023 Levy</u>
General Tax	4.97 mills	5.46 mills
Maintenance Tax	.68 mills	.75 mills
Special Levee Improvement Tax	5.53 mills	6.07 mills

With the proceeds of .61 mills to be dedicated and used for the operation and maintenance of the non-revenue producing assets

A total of 12.28 mills shall be levied in 2023 for the General Tax, the Maintenance Tax and the Special Levee Improvement Tax

BE IT FURTHER RESOLVED, the Authority acting for the District hereby certifies the annual levy of the General Tax, the Maintenance Tax and the Special Levee Improvement Tax to the Council of the City of New Orleans for the purpose of causing

the three taxes to be entered on the tax rolls of said City and collected by its Finance Department in the manner and under the conditions and with interest and penalties prescribed by law for City taxes; and such monies, the ad valorem taxes including interest and penalties connected therewith, thus collected shall be paid to the District as provided by law for the tax year 2023.

BE IT FURTHER RESOLVED, that the President of the Authority or Regional Director for the Authority are hereby authorized and empowered to execute any and all documents necessary to accomplish the above purposes.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by no less than two-thirds of the total membership of the taxing authority voting in favor as required by Article VII, Section 23(C) of the Louisiana Constitution and R.S. 47:1705(B).

The votes were:

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

NAYS: None

ABSTAINED: None

ABSENT: None

Discussion and motion to approve the recommendation for hiring new Executive Counsel.

A motion was offered by Mr. Miller, seconded by Mr. Duplantier, and unanimously adopted to postpone the discussion and motion to approve the recommendation for hiring new Executive Counsel to the next meeting.

The next regular monthly meeting of the Board will be held on November 17, 2022.

There was no further business; therefore, the meeting was adjourned at 12:00 p.m.