

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, NOVEMBER 17, 2022**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on November 17, 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 11:00 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  
Richard G. Duplantier, Jr.  
Thomas G. Fierke  
Derek N. Rabb  
William A. Settoon, Jr.

**ABSENT:**

Jason P. Latiolais, Treasurer  
Herbert I. Miller

**INTRODUCTION OF NEW COMMISSIONERS AND ADMINISTERING OATH OF OFFICE**

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Mr. Noel introduced Derek N. Rabb and William A. Settoon, Jr., Governor John Bel Edwards' newest appointments to the Board. The Oath of Office was administered by Ruby Gethers, Paralegal, to Mr. Rabb and Mr. Settoon.

Mr. Noel noted that the resumes of Mr. Rabb and Mr. Settoon were quite impressive and welcomed them as members of the Board.

**ADOPTION OF AGENDA:**

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

**RESOLUTION NO. 11-17-22-01 - APPROVAL OF THE MINUTES OF THE PUBLIC HEARING AND BOARD MEETING HELD ON OCTOBER 20, 2022**

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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 Public Hearing and Board Meeting held on October 20, 2022.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Duplantier, Mr. Fierke, Mr. Rabb and Mr. Settoon

NAYS: None

ABSENT: Mr. Latiolais and Mr. Miller

**SAFETY MINUTE:**

Clay Bardwell, Safety Coordinator, informed the Board about the FPA's safety toolbox talks that take place each morning and are usually presented by a foreman. In addition, once a month he picks a topic (e.g., machine guarding, fire extinguishers and bloodborne pathogens) for a deeper dive and additional training. The topics have been successful in engaging employees in discussions and boosting the safety culture.

Mr. Fierke inquired about the FPA's policy on signage on slow moving vehicles, such as grass cutting equipment. Mr. Bardwell responded that he was not sure of the official policy; however, it is a good idea to place signage on the back of the equipment. Mr. Fierke pointed out that a piece of grass cutting equipment that may have belonged to the Orleans Levee District traveling on Lakeshore Drive did not have signage. Mr. Bardwell responded that he would look into this issue.

**OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:**

Mr. Noel pointed out that all Board members, including the newest appointments, are required by the State to complete Ethics and Sexual Harassment Prevention Training each year. He asked that the Commissioners who have not already done so complete the training for 2022, which must be done prior to December 31. In addition, Commissioners are required by the Ethics Commission to complete their Financial Disclosure Form (Tier 2.1) each year, which is due by May 15. The Ethics Commission assesses a \$2,500 fine for not submitting the Disclosure Form timely.

Mr. Noel noted that Wilma Heaton, Director of Governmental Affairs, distributed her report to the Commissioners on legislative and other recent activities.

Mr. Noel advised that FPA email addresses were assigned to the new Commissioners. He reminded Commissioners to use their FPA email accounts for FPA business as those emails are subject to public disclosure and records requests.

**PUBLIC COMMENTS:**

None.

## **PRESENTATIONS:**

None.

## **REPORT BY REGIONAL DIRECTOR:**

Kelli Chandler, Regional Director, welcomed the new Commissioners and advised that each month a comprehensive report that includes all departments is submitted to Board Members. Certain highlights from the report are presented to the Board at its monthly meetings. She reviewed the highlights of the November report:

- Mississippi River Update – The river continues to be at a low stage, which is resulting in saltwater intrusion upriver. The U.S. Army Corps of Engineers (USACE) constructed a saltwater sill (levee) in the river to prevent the intrusion, which seems to be working. The river's stage, which was about 2 feet, was predicted to rise later in the month to 5 feet at the Carrollton gage.
- Tropics Update – There were no tropical disturbances in the Gulf. The New Orleans area did not experience any named storm threats during the 2022 hurricane season.
- East Jefferson Levee Foreshore Erosion Update – The USACE completed a PL 84-99 application after Hurricane Ida for erosion repairs to the foreshore along the East Jefferson Lakefront Levee, which are estimated cost 40 to 50 million dollars. The USACE indicated that funds are in place and segregated for the repairs and should be dispensed in about 45 days. The FPA has tried various methods to slow the erosion and is monitoring the condition.
- Human Resources (HR) Update – The FPA is experiencing significant challenges in hiring personnel. A number of individuals were offered positions, but declined primarily due to salary. The job market continues to be difficult for recruiting people and matching salaries. The HR Department developed a plan for recruiting personnel, which will be presented at the next Board meeting.
- December Schedule – The Board usually does not meet in December and the only critical item prior to January 1<sup>st</sup> is the renewal of property insurance, which is anticipated to increase in cost. The estimated premium will be sent to Commissioners and in January the Board will be advised of the final result of the renewal. Training for Commissioners is scheduled for the morning of December 13<sup>th</sup>. The training will be conducted by an outside party and is based on a recommendation by the Legislative Auditor. Topics include Board governance, required training, open meeting laws, and Robert's Rules of Order. After the Commissioners' training, the FPA will hold its fall Safety Meeting at Messina's at the Lakefront Airport Terminal.

Mr. Fierke requested that the discussion of the HR plan include any statutory actions that can be taken to benefit Orleans Levee District (O.L.D.) and East Jefferson Levee District (EJLD) Police Officers. Ms. Chandler advised a legislative bill was proposed, but did not pass, to increase State Supplement Pay for Officers from \$500 to \$600. The FPA is allowed by statute to match the State's Supplemental Pay for O.L.D. and EJLD

Police Officers. House Bill 1 includes a provision for a bonus, which the FPA is investigating to determine whether O.L.D. and EJLD Police Officers qualify. The FPA is investigating and developing a policy for special entrance rates for the Officers. The FPA is also investigating special entrance rates for other positions, as well as other potential options, such as changing the cost share for insurance premiums, to help employees because of inflation and to aid retention. Mr. Fierke pointed out that proposed legislation regarding urban/municipal police could potentially be adjusted to apply to O.L.D. and EJLD Police Officers.

Ms. Chandler also advised that the FPA is increasing rates for police details in order to be competitive with the New Orleans Police Department (NOPD) and Jefferson Parish Sheriff's Office (JPSO). Due to the nationwide shortage of police officers and demand for details, the FPA will be able to increase the rate and provide additional income.

Mr. Cosse explained that he was recently contacted regarding leaseholders, who are paying an annual fee of \$1,200, but are unable to access their property near Bayou Bienvenue. Ms. Chandler explained that the FPA permit issued last year recently expired and that the FPA wanted to investigate ways to control access prior to renewing the permit because other individuals were gaining access and damaging the levee. She advised that the FPA is working with its Executive Counsel and the leaseholders to allow them to gain access to their property while limiting access to others. Chris Humphreys, Director of Engineering, further explained that the \$1,200 fee is assessed by the Port, which owns the access road from Paris Road to Bayou Bienvenue, and that the Port allows the FPA to use the road. The FPA's permit fee is \$150 for levee safety and levee access permits. A locked gate controls access to the subject road. The FPA is in the process of determining which individuals legitimately need access. The FPA has found trucks and other vehicles parked in front of floodgates and on the levee toe in this area. He added that he has been discussing this issue with Chris Luna.

### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Arrigo, Acting Chair, reported that the Finance Committee met prior to the Board meeting and discussed the 1<sup>st</sup> Quarter Budget to Actuals for Fiscal Year 2023. The Committee made note of the on-going insurance issues between the FPA and the Lakefront Management Authority, which are currently being negotiated. Ms. Chandler advised that the FPA would be reviewing its portfolio and making adjustments to take advantage of increasing interest rates.

**Operations Committee:** Mr. Fierke, Acting Chair, reported that the Operations Committee met prior to the Board meeting. The Committee vetted the seven proposals listed on its agenda and recommended approval of all seven items.

**Coastal and Technical Committee:** No meeting was held; therefore, no report.

**Legal Committee:** Mr. Duplantier, Chair, reported that the Legal Committee met prior to the Board meeting. There were no significant updates on litigation and no new cases as of this time. The Committee reviewed the qualifications of Kirk Ordoyne and

recommended that the Board approve a conditional offer of employment to Mr. Ordoyne for the position of Executive Counsel.

**NEW BUSINESS:**

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

Mr. Duplantier provided a copy of Kirk Ordoyne's resume for the position of Executive Counsel to the Commissioners. Mr. Ordoyne is a senior Assistant General Counsel for the Dallas Independent School District. He was interviewed twice by Mr. Duplantier and Mr. Fierke, first virtually and then Mr. Ordoyne traveled to New Orleans at his expense for an in-person interview. The FPA is not allowed to do a comprehensive background investigation until an offer is made and authorization is received; however, a preliminary background investigation including a reference check was conducted. Mr. Duplantier advised that Mr. Ordoyne has great credentials, including approximately four years as a Senior Counsel for the Port of New Orleans and an Assistant District Attorney for Jefferson Parish. Mr. Ordoyne negotiated and wrote AIA contracts for the Dallas School District, which will benefit the FPA's negotiation capabilities, and handled police issues and managed outside counsel for the Port of New Orleans.

Mr. Duplantier stated that Mr. Ordoyne is highly qualified. The Legal Committee recommended that the Board approve an offer of employment to Mr. Ordoyne contingent upon a complete background check conducted by the HR Department. Mr. Duplantier stated that Civil Service sets the salary and that the offer would be \$165,000. He explained that Mr. Ordoyne indicated in a preliminary conversation that the salary was acceptable and that he understood that an offer would be contingent upon the completion of a background check. Mr. Ordoyne also advised that he felt comfortable with this contingency as he had to go through security and FBI clearances for his current position; therefore, he felt that there would be no concerns. Assuming a smooth process, Mr. Ordoyne would start employment the first week of January. Michelle White will continue acting as Executive Counsel on a part time basis until the end of December.

Mr. Noel pointed out that the Board's Bylaws require Board approval for filling the position of Executive Counsel.

Mr. Duplantier offered a motion, which was seconded by Mr. Fierke, that the FPA make a conditional offer of employment to Kirk Ordoyne in the amount of \$165,000, subject to clearance of a background check.

Mr. Fierke stated that Mr. Duplantier outlined the process well and that this candidate was highly ranked via Zoom and after an in-person interview his ranking increased. Mr. Noel advised that he also met with Mr. Ordoyne via Zoom and that it seemed he would be a good Executive Counsel. Mr. Duplantier added that Ms. Chandler had an opportunity to meet with Mr. Ordoyne when he came to New Orleans.

Mr. Rabb inquired about the search process. Mr. Duplantier explained that criteria was included in the job description and posting, which was published in as many places as possible. Approximately 30 resumes were received. He advised that he and Mr. Fierke independently reviewed the resumes and came up with their top candidates, which were compared and a decision was made to conduct live interviews with their top six candidates. At the end of the process, they recommended Mr. Ordoyne. The criteria included experience with governmental agencies and police issues (e.g., employment and excessive force claims), and management of outside counsel and construction contracts. As a member of the Texas Association of School Boards who helped write AIA contracts for the District, Mr. Ordoyne had explained the leverage that the FPA has to achieve better contract terms in going forward.

Mr. Arrigo complimented Mr. Duplantier and Mr. Fierke on their thorough job and added that they came up with a great candidate. He stated that he had been kept advised during the process, but was unable to participate, as it would have caused a quorum of a committee.

The Board voted unanimously in favor of the motion.

**RESOLUTION NO. 11-17-22-02 – CONDITIONAL OFFER OF EMPLOYMENT FOR THE POSITION OF EXECUTIVE COUNSEL**

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

**WHEREAS**, a vacancy has occurred in the position of Executive Counsel for the Southeast Louisiana Flood Protection Authority-East (FPA); and

**WHEREAS**, criteria and a job description were developed for said position, which was posted on the Louisiana Civil Service website, as well as being widely advertised; and

**WHEREAS**, approximately 30 resumes were received and independently reviewed by Richard G. Duplantier, Jr., Chair of the Legal Committee, and Thomas G. Fierke, Legal Committee Member; and

**WHEREAS**, Mr. Duplantier and Mr. Fierke conducted interviews with their top six candidates and concluded that the top candidate for the position was Kirk A. Ordoyne; and

**WHEREAS**, the Legal Committee met on November 17, 2022, reviewed Mr. Ordoyne's qualifications, and recommended that the Board approve a conditional offer of employment to Mr. Ordoyne, subject to clearance of a complete background investigation conducted by the FPA Human Resources Department.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves a conditional offer of employment in the amount of \$165,000 to Kirk A. Ordoyne, subject to clearance of a complete background investigation by the FPA Human Resources Department.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Duplantier, Mr. Fierke, Mr. Rabb and Mr. Settoon

NAYS: None

ABSENT: Mr. Latiolais and Mr. Miller

## **2. Report by Superintendent Thomas Harrington on updating of the Police Detail Policy.**

Mr. Noel advised that in light of recent issues relative to police details, he requested that Superintendent Thomas Harrington provide an update to ensure that the FPA is proceeding correctly and fairly.

Superintendent Harrington advised that an investigation on police details started on August 8<sup>th</sup> and concluded on October 4<sup>th</sup>. As a result of the investigation, four Officers were criminally charged for malfeasance in office, public payroll fraud and theft. The four Officers were terminated for non-adherence to law and public duty and policy violations. One Reserve Officer was fired for brokering details. All O.L.D. and EJLD Police Officers received and signed for receipt of the details policy on June 8, 2022. Currently, all Orleans Levee District Police Department (OLDPD) and East Jefferson Levee District Police Department (EJLDPD) policies, including the detail policy, are being rewritten to meet national standards and are anticipated to be completed by January, 2023. The revised detail policy should prevent future incidents. Some examples of provisions are: Officers working details at the Yacht Club must go there physically to sign in and are on camera; Officers must keep signed trip sheets with beginning and ending mileages for details; and Officers working details must meet with an on-duty rank Officer, which also ensures the safety of the Officers. Goals of the detail policy are accountability, ensuring the safety of the Officers, and providing an opportunity for Officers to earn additional income. Due to staffing shortages in the metropolitan area, O.L.D. and EJLD Police Officers are a much needed resource for the communities and the need is greater than the Officers can fill.

Superintendent Harrington explained that details are currently provided through several means: Contracts are in place between the FPA and Louis Armstrong International Airport and between the FPA and Lake Vista Crime Prevention District (Lake Vista), both of which provide for fees to be paid to the FPA and Officers to receive payment through the Finance Department. Other details, such as construction projects and the Yacht Club, allow Officers to be paid directly and the FPA paid the hourly administrative fee. The FPA is attempting to standardize fees, which are being increased to \$50 per hour for Officers and \$5 per hour for FPA administration. The Legislative Auditor's office commented that the current \$2 hourly fee is insufficient and is reviewing the proposed \$5 hourly fee for adequacy. Superintendent Harrington requested direction from the Board as to whether the management of police details should remain in-house or outsourced.

Mr. Noel commented that detail payments could be run through the FPA's financial system; however, the issue of scheduling details would remain. The FPA could, as discussed some months ago, investigate hiring a third-party vendor (administrator) to

facilitate and oversee details. He asked Superintendent Harrington to provide this update so that the Board could discuss the issue and provide direction. He added that his personal opinion was that a third-party vendor would help the FPA negate some of the issues with details that occurred over the past three months and provide oversight.

Mr. Duplantier stated that he always thought that third-party oversight was necessary and that it is a fairness and process issue. Management of details has gotten away from the OLDPD and EJLDPD, abuses have clearly taken place, and the process is not effectively being supervised.

Ms. Chandler explained that a third-party vendor would contract Officers to provide details, negotiate fees, schedule details, pay Officers, provide Workers Comp coverage, take over tax reporting and issue 1099s to Officers. Officers would still wear OLDPD and EJLDPD uniforms and use OLDPD/EJLDPD equipment. The third-party vendor's administrative fee is typically based on volume. Based on prior estimates, the estimated cost would be \$5 to \$6 per hour, which is paid by the individual or entity securing the detail. She advised that due to the number of detail requests, some have had to be turned down because there was not enough O.L.D. and EJLD Police Officers. Lake Vista and the Yacht Club had indicated in discussions that they had no issue with the increase in fees because they want the protection. If a third-party vendor is used, the FPA would not receive any type of fee because it would not have any administrative costs. The current administrative fee received by the FPA covers the cost of labor for scheduling details and making payments, and software and insurance costs.

Mr. Arrigo inquired about methods used by other police entities and competitiveness. Ms. Chandler explained that after looking at the NOPD, JPSO and Louisiana State Police, there is no standard way for administering details. NOPD's hourly rate is \$73 dollars and JPSO's hourly rate is more than the OLDPD/EJLDPD's hourly rate; therefore, even with the increase to \$50 per hour, OLDPD/EJLDPD details will be very competitive. The FPA has been told that O.L.D. and EJLD Police Officers are very responsive and are known within the community. The FPA had no indication that the increased hourly rates would impact detail requests and Officers would receive an increase in revenue.

Mr. Cosse commented that the St. Bernard Parish Sherriff's Office has one individual who handles administration of details in-house without problems. Ms. Chandler reiterated that police details are handled in various ways. JPSO uses a hybrid method and NOPD has a separate agency for police detail administration. Therefore, there is no one right answer. The FPA has had issues and continues to have issues; therefore, it is trying to be accountable.

Mr. Duplantier commented that the arrest of the four Officers was a detail issue and that third-party oversight would give the FPA better control and a layer between the FPA and the detail program.

Mr. Noel asked would a third-party vendor be responsible for ensuring that Officers are working assigned details. Superintendent Harrington responded, no; however, the



revised detail policy would ensure that issues no longer continue. Policy provisions would ensure that Officers are working assigned details and provide for their safety.

Mr. Noel suggested that a Request For Proposals (RFP) be developed to investigate third-party vendors, which would remove the burden of the administrative work from the OLDPD, EJLDPD and Finance Department. He added that the goal is to allow Officers to be paid well for working details.

A motion was offered by Mr. Duplantier and seconded by Mr. Arrigo to amend the agenda to add an item to allow the creation of an RFP for a third-party vendor for management of police details for consideration by the Board. Mr. Noel asked for public comment on the motion to amend the agenda. There was no public comment.

Mr. Fierke objected to the motion to amend the agenda. He stated that the public and Officers should have the opportunity to comment on the issue of a third party vendor; therefore, it should be placed on an agenda so that public discussion could be received. He noted that he also had additional questions.

In response to requested clarifications, Ms. Chandler explained that based on previously obtained information, a third-party vendor would provide Workers Comp (WC) coverage and she assured the Board that WC would be covered in the RFP process. In addition, meetings were held with Harbor Police and police departments both inside and outside the State that are similar in size to the OLDPD and EJLDPD in order to model best practices for the FPA. Mr. Noel noted that part of Superintendent Harrington's mission is to make the OLDPD and EJLDPD a more cohesive unit.

Mr. Fierke stated that he would withdraw his objection to the motion to amend the agenda in order to proceed with the issuance of an RFP; however, he reiterated the need for public input. Mr. Noel advised that he placed this item on the agenda because the last time the Board discussed police details, it was not included as an agenda item, but was brought up during public comments and was not handled well. He stated that the Board never finished that discussion and that based on the issues with details during last sixty days, the Board needed to provide guidance to staff. Mr. Duplantier pointed out that an item had been included on the agenda ("Report by Superintendent Thomas Harrington on updating of the Police Detail Policy.")

Mr. Cosse stated that he did not support a third-party vendor for his own reasons, which he would be happy to state at a later date; however, since the Board would probably not meet until January, he was open to moving forward with the RFP and then having an open dialogue. Mr. Duplantier commented that the Board would be able to see what options are available. Mr. Fierke stressed that police details are of great interest to both the public and the Officers; therefore, the Board must ensure public input. Mr. Noel advised that the FPA would not go forward with any option until it has been placed on a Board agenda. He clarified that the action requested at this meeting is to investigate the options through an RFP. Mr. Fierke asked would the RFP go to Legal for review. Ms. Chandler replied that RFPs are reviewed by Executive Counsel. Mr. Fierke

requested that the RFP be sent electronically to Legal Committee members for review before it is released.

Mr. Rabb asked would input from the public and Officers be needed to define the scope of the RFP. Ms. Chandler responded, no; input from all employees is not obtained when doing an RFP. Mr. Rabb pointed out that it appeared there was concern by both the public and the Officers. Ms. Chandler explained that when a previous RFP for third-party vendors was issued, a committee that included the Captains, Police Detail Coordinators and Superintendent, was formed to develop the RFP, which was then reviewed by Executive Counsel and issued. Typically, a committee with representation from various departments is formed. Mr. Noel reiterated that the result of the RFP would be discussed in a public forum before action is taken.

Ms. Heaton, as Director of Governmental Affairs, informed the Board about a challenge that should be considered on the front end of the process under discussion. The reform legislation passed in 2006 and effective January 1, 2007, creating the Flood Protection Authorities, strongly pointed out that the Southeast Louisiana Flood Protection Authority-East is not to have a police force. The FPA went to the Legislature and received permission legally to hire a Superintendent of Police. She cautioned the Board about this sensitivity as it moves forward. The Board can do all of the things discussed; however, the OLDPD and EJDLPD cannot be regionalized. The two departments can have the same policies, but must remain separate entities. As things evolve, the public may think that the FPA has a police department; however, at this time by law it cannot have a police department. This law can be changed by the Legislature.

Ms. Chandler added that Officers are paid by and receive W-2s from the O.L.D. and EJDLPD and are in the Civil Service system under the two levee districts. Mr. Fierke asked was this the reason the financial books have not been consolidated. Ms. Chandler responded that this is part of the reason.

Mr. Settoon commented, as a longtime resident of Lake Vista and a member and treasurer of the Board of the Lake Vista Crime Prevention District from which he was in the process of resigning due to a conflict with the FPA, that several different agencies had been used over the years and that there had been problems with each. Notwithstanding the recent issues, he said that the O.L.D. Police Officers have been by far the best and most responsive, helpful and diligent of all of the different agencies. A two-step process is used for approving invoices and payment is made to the FPA Finance Department, which in turn pays the Officers. Lake Vista residents have been very pleased and would be happy with the increased rates. A new contract was just executed.

Mr. Settoon inquired about the makeup of a third party. Ms. Chandler responded that the companies previously considered were mostly created by former police officers who saw a need for these services due to challenges such as taxes, insurance and liability. One third party grew its business and offered two options: 1) software that had been developed for this purpose and had proven to be extremely successful, and 2) providing a full gambit of services. The FPA does not have a particular answer, but would look at

all of the options. The FPA also reviewed the companies' financial statements and insurance carriers to ensure A+ ratings.

Mr. Settoon asked if an issue arose between an Officer working a detail and the public, would the issue be between the public and the third party? Mr. Chandler responded that a third-party vendor would insulate the FPA from exposure and potential liability; however, it would not eliminate the FPA from being sued.

Mr. Cosse stated that about seven years ago when he was appointed to the Board, the FPA's Internal Auditor audited the police details and the only issue he discovered was that a separate bank account was being used. The details had been handled internally for years without a problem. He asked would the \$5 hourly fee be sufficient for a third-party vendor. Ms. Chandler responded that the third-party vendor would determine the hourly fee, which is negotiated and based on volume. Currently, hourly rates for Officers vary depending on the detail. Details for the Louis Armstrong International Airport are coordinated by Jefferson Parish and involve multiple agencies. Mr. Cosse stated that the last time he looked into this issue, an increase to \$45 per hour had been discussed, and he was informed by a number of Officers that some businesses could not afford the rate increase. Ms. Chandler stated that she received an opposite response and was told that O.L.D. and EJLD Police Officers are preferred because of their responsiveness and good relationships. In addition, the hourly rates for OLDPD and EJLDPD details are less expensive than other agencies. The FPA is reacting to the market. Hourly rates for all agencies in New Orleans are increasing due to the shortage of Officers and crime rates. She reiterated that O.L.D. and EJLD Police Officers are unable to fill all of the detail requests due to the volume.

Mr. Fierke reoffered the motion to amend the agenda, which was seconded by Mr. Settoon, to add an item to the agenda to allow the creation of an RFP for a third-party vendor for management of police details for consideration by the Board. The Board voted unanimously to amend the agenda to add the item.

Mr. Duplantier offered a motion to prepare and issue an RFP in order to receive proposals for the Board to consider a third-party administrator for the police detail program. The motion was seconded by Mr. Rabb and unanimously adopted by the Board.

### **RESOLUTION NO. 11-17-22-03 – DEVELOPMENT AND ISSUANCE OF AN RFP FOR THIRD-PARTY ADMINISTRATION OF POLICE DETAILS**

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

**WHEREAS**, the Police Officers employed by the Orleans Levee District and East Jefferson Levee District Police Departments (OLDPD/EJLDPD) are fully commissioned, POST certified officers with full arrest powers across Orleans, East Jefferson and St. Bernard Parishes; and

**WHEREAS**, the FPA and levee districts under its jurisdiction operate under Louisiana State Civil Service and must adhere to the Civil Service rules and pay structure; and

**WHEREAS**, many OLDPD/EJLDPD Officers rely on police details to supplement their salaries in order to support their families and meet their financial obligations; and

**WHEREAS**, the OLDPD/EJLDPD utilize Reserve Officers, who are fully commissioned, POST certified law enforcement professionals who volunteer a minimum of 20 hours of service per month to the FPA to supplement OLDPD/EJLDPD Officers in order to fulfill the FPA's responsibilities, many of whom rely on police details to supplement their salaries; and

**WHEREAS**, the OLDPD/EJLDPD Manual includes policies and procedures on police details, which if violated would result in the appropriate disciplinary action; and

**WHEREAS**, a fee of \$2.00 per hour, which is anticipated to be increased to \$5.00 per hour effective January 1, 2023, is paid for all details worked by OLDPD/EJLDPD Officers and Reserve Officers to cover in-house administrative costs; and

**WHEREAS**, the administration, scheduling and financial management of police details has historically been handled by staff; and

**WHEREAS**, by Resolution No. 08-19-21-04, adopted on August 19, 2021, the Board approved a plan recommended by OLDPD/EJLDPD Officers for the efficient scheduling and financial management of police details by staff; and

**WHEREAS**, due to recent issues and alleged infractions of the Police Detail Policy, the Board wishes to revisit the administration, scheduling and financial management of the OLDPD/EJLDPD Police Detail Program.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the preparation and issuance of a Request for Proposals in order to receive proposals for the Board to consider a third-party administrator for the Police Detail Program.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Duplantier, Mr. Fierke, Mr. Rabb and Mr. Settoon

NAYS: None

ABSENT: Mr. Latiolais and Mr. Miller

**RESOLUTION NO. 11-17-22-04 - FLOODGATE E-13 SILL RAISING - CITRUS LAKEFRONT LEVEE - CONTRACT AWARD**

On the motion of Mr. Fierke,

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

**WHEREAS**, the Floodgate E-13 Sill Raising - Citrus Lakefront Levee Project (Project No. 02280586) was advertised and four bids were opened and read at the Orleans Levee District on October 25, 2022, as follows:

<b>Bidding Contractors</b>	<b>Total Bid Price</b>
Cycle Construction Company, LLC	\$386,097.00
Boh Bros. Construction Company, LLC	\$387,390.00
APC Construction, LLC	\$388,566.54
Impetus Infrastructure, LCC (FKA Palmisano Construction, LLC)	\$414,140.50

**WHEREAS**, the lowest responsive and responsible bid was submitted by Cycle Construction Company, LLC, in the amount of \$386,097.00; and

**WHEREAS**, the Engineering Estimate for the base bid project is \$349,644.30; and

**WHEREAS**, funding for the project is included in Budget Line Item FY23 Line 63.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$386,097.00 to Cycle Construction Company, LLC, for the Floodgate E-13 Sill Raising - Citrus Lakefront Levee Project (Project No. 02280586).

**BE IT FURTHER RESOLVED**, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute the above mentioned contract with Cycle Construction Company, 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. Fierke, Mr. Rabb and Mr. Settoon

NAYS: None

ABSENT: Mr. Duplantier, Mr. Latiolais and Mr. Miller

**RESOLUTION NO. 11-17-22-05 - FLOODGATE E-13 SILL RAISING – CITRUS LAKEFRONT LEVEE PROJECT - CONSTRUCTION ADMINISTRATION AND RESIDENT INSPECTION**

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Mr. Noel pointed out that the fees are slightly higher for this Task Order due to the scope and complexity of the project.

On the motion of Mr. Fierke,

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) awarded a contract in the amount of \$386,097.00 to Cycle Construction Company, LLC, for the Floodgate E-13 Sill Raising – Citrus Lakefront Levee Project; and

**WHEREAS**, the FPA entered into an Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract (Contract 33-05) with Evans Graves Engineers to provide Civil Engineering Services on an as needed basis; and

**WHEREAS**, Evans Graves Engineers provided a proposal dated October 5, 2022, to provide Construction Administration and Resident Inspection Services for the aforementioned project at a not to exceed amount of \$100,460.00 (Construction Administration Services \$41,960.00 and Resident Inspection \$58,500.00); and

**WHEREAS**, funding for said services is included in Budget Line Item BIDIQ-01.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the execution of a Task Order with Evans Graves Engineers in a total not to exceed amount of \$100,460.00 to provide Construction Administration and Resident Inspection Services for the Floodgate E-13 Sill Raising – Citrus Lakefront Levee Project (Project No. O2280587).

**BE IT FURTHER RESOLVED**, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute the above mentioned Task Order with Evans Graves Engineers, 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. Fierke, Mr. Rabb and Mr. Settoon

NAYS: None

ABSENT: Mr. Duplantier, Mr. Latiolais and Mr. Miller

**RESOLUTION NO. 11-17-22-06 - LONDON AVENUE CANAL – NORTH EROSION MITIGATION PROJECT – CONTRACT AWARD**

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

**WHEREAS**, the London Avenue Canal – North Erosion Mitigation Project (Project No. 02150166) was advertised and four bids were opened and read at the Orleans Levee District on October 24, 2022, as follows:

<b>Bidding Contractors</b>	<b>Total Bid Price</b>
Cycle Construction Company, LLC	\$999,440.00
Kort's Construction Services, Inc.	\$1,048,475.00
Shavers-Whittle Construction, LLC	\$980,087.50
Impetus Infrastructure, LCC (FKA Palmisano Construction, LLC)	\$1,431,129.30

**WHEREAS**, Shavers-Whittle Construction, LLC, did not acknowledge Addenda Nos. 1 and 2 and Impetus Infrastructure, LLC, did not submit the Unit Price Form as part of the Louisiana Uniform Public Bid Form; and

**WHEREAS**, the lowest responsive and responsible bid was submitted by Cycle Construction Company, LLC, in the amount of \$999,440.00; and

**WHEREAS**, the Engineering Estimate for the base bid project is \$813,885.00; and

**WHEREAS**, funding for the project is included in Budget Line Item BPROJ 053.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$999,440.00 to Cycle Construction Company, LLC, for the London Avenue Canal – North Erosion Mitigation Project (Project No. 02150166).

**BE IT FURTHER RESOLVED**, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute the above mentioned contract with Cycle Construction Company, 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. Fierke, Mr. Rabb and Mr. Settoon

NAYS: None

ABSENT: Mr. Duplantier, Mr. Latiolais and Mr. Miller

**RESOLUTION NO. 11-17-22-07 - LONDON AVENUE CANAL – NORTH EROSION MITIGATION PROJECT – CONSTRUCTION ADMINISTRATION AND RESIDENT INSPECTION**

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On the motion of Mr. Fierke,

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) awarded a contract in the amount of \$999,440.00 to Cycle Construction Company, LLC, for the London Avenue Canal – North Erosion Mitigation Project; and

**WHEREAS**, the FPA entered into an Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract (Contract 33-05) with Evans Graves Engineers to provide Civil Engineering Services on an as needed basis; and

**WHEREAS**, Evans Graves Engineers provided a proposal dated October 5, 2022, to provide Construction Administration and Resident Inspection Services for the aforementioned project at a not to exceed amount of \$126,740.00 (Construction Administration Services \$54,740.00 and Resident Inspection \$72,000.00); and

**WHEREAS**, funding for said services is included in Budget Line Item BIDIQ-01.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the execution of a Task Order with Evans Graves Engineers in a total not to exceed amount of \$126,740.00 to provide Construction Administration and Resident Inspection Services for the London Avenue Canal – North Erosion Mitigation Project (Project No. O2150167).

**BE IT FURTHER RESOLVED**, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute the above mentioned Task Order with Evans Graves Engineers, 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. Fierke, Mr. Rabb and Mr. Settoon

NAYS: None

ABSENT: Mr. Duplantier, Mr. Latiolais and Mr. Miller

**RESOLUTION NO. 11-17-22-08 - CSX HURRICANE IDA FLOODGATE N-6 REPAIRS PROJECT – CONTRACT AWARD**

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Mr. Settoon pointed out that the second bid was twice the amount of the first bid and asked was this unusual. Mr. Humphreys advised that the previous two contracts were won by Cycle Construction, LLC (the second bidder) and that their bid may have been high due to their volume of work and had included a very high cost for concrete removal and replacement. The low bid is in line with the engineer’s estimate.

Mr. Cosse asked the reason this process had taken so long. Mr. Humphreys explained that the costs of the project will be totally reimbursed by the CSX Railroad, which caused a delay in the process.

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

**WHEREAS**, the CSX Hurricane Ida Floodgate N-6 Repairs Project (Project No. O2640006) was advertised and two bids were opened and read at the Orleans Levee District on November 3, 2022, as follows:

<b>Bidding Contractors</b>	<b>Total Bid Price</b>
Command Construction, LLC	\$161,350.00
Cycle Construction Company, LLC	\$392,460.00

**WHEREAS**, the lowest responsive and responsible bid was submitted by Command Construction, LLC, in the amount of \$161,350.00; and

**WHEREAS**, the Engineering Estimate for the base bid project is \$175,560.00; and

**WHEREAS**, all costs associated with this project will be reimbursed by CSX Railroad.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$161,350.00 to Command Construction, LLC, for the CSX Hurricane Ida Floodgate N-6 Repairs Project (Project No. O2640006).

**BE IT FURTHER RESOLVED**, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute the above mentioned contract with Command 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. Fierke, Mr. Rabb and Mr. Settoon

NAYS: None

ABSENT: Mr. Latiolais and Mr. Miller



**RESOLUTION NO. 11-17-22-09 - CHANGE ORDER TO CONTRACT WITH CM COMBS CONSTRUCTION, LLC, FOR THE SLFPA-E WAREHOUSE OFFICE RENOVATIONS PROJECT**

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No. 01-20-22-04 approved the award of a contract to CM Combs Construction, LLC, in the amount of \$4,779,000 for the SLFPA-E Warehouse Office Renovations Project (Project No. O3000076); and

**WHEREAS**, Change Orders totaling \$113,305 were previously approved by the Regional Director and/or Director of Engineering, increasing the total contract amount for the aforementioned project to \$4,892,305; and

**WHEREAS**, an additional Change Order is required for the following:

Additional Fire Alarm Devices and Flashing Lights as required by the State Fire Marshal	\$58,905
Build out revisions for ease of maintenance / future storage / improvements and plan revisions related to office and storage space revisions per FPA requests:	
Metal Stud Joist Ceiling Framing in the North and South Offices	\$43,665
North & South Office changes per plan revisions dated 9/14/2022	\$44,415

**WHEREAS**, the proposed Change Order to the contract is for a total amount of \$146,985, increasing the total contract amount to \$5,039,290; and

**WHEREAS**, funding for the above is included in Budget Line Item FY23 Line 90.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the execution of a Change Order in an amount of \$146,985 to the contract with CM Combs Construction, LLC, increasing the total contract amount to \$5,039,290, for the SLFPA-E Warehouse Office Renovations Project.

**BE IT FURTHER RESOLVED**, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute the above mentioned Change Order to the 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. Fierke, Mr. Rabb and Mr. Settoon  
NAYS: None  
ABSENT: Mr. Latiolais and Mr. Miller

**RESOLUTION NO. 11-17-22-10 - CHANGE ORDER TO CONTRACT WITH ARC MECHANICAL CONTRACTORS, INC., FOR THE FPA FRANKLIN AVENUE FACILITY FIRE PROTECTION SYSTEM IMPROVEMENTS PROJECT**

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No. 05-20-21-09 authorized the award of a contract to Arc Mechanical Contractors, Inc., in the total amount of \$1,255,230.00 for the Franklin Avenue Facility Fire Protection System Improvements Project (Project No. O3000066); and

**WHEREAS**, Change Orders totaling \$88,083.26 were previously approved by the Regional Director and/or Director of Engineering, increasing the total contract amount for the aforementioned project to \$1,343,313.26; and

**WHEREAS**, an additional Change Order in the amount of \$81,488.37 is needed for required High Voltage Electrical Switch repairs and replacement (Switch Rack #2) that were discovered during facility tie-ins; and

**WHEREAS**, the proposed Change Order will increase the total contract amount to \$1,424,801.63; and

**WHEREAS**, funding for the above is included in Budget Line Item FY23 Line 90.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the execution of a Change Order in an amount of \$81,488.37 to the contract with Arch Mechanical Contractors, Inc., increasing the total contract amount to \$1,424,801.63, for the Franklin Avenue Facility Fire Protection System Improvements Project.

**BE IT FURTHER RESOLVED**, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute the above mentioned Change Order to the contract with Arch Mechanical Contractors, Inc., 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. Fierke, Mr. Rabb and Mr. Settoon

NAYS: None

ABSENT: Mr. Latiolais and Mr. Miller

Mr. Noel announced that the regular monthly meeting of the Board for December, 2022, has been cancelled. An orientation will be conducted for all Commissioners, as recommended by the Legislative Auditor, on the morning of December 13, 2022, at the Franklin Avenue Administrative Complex. The FPA will hold its annual Fall Safety Meeting after the orientation on December 13<sup>th</sup> at Messina's at the Lakefront Airport Terminal.

There was no further business; therefore, the meeting was adjourned at 12:10 p.m.