

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, JANUARY 19, 2023**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on January 19, 2023, 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. Arrigo, who chaired the meeting in Mr. Noel's absence, called the meeting to order at 11:20 a.m. and led in the pledge of allegiance. Mr. Cosse called the roll and a quorum was present:

**PRESENT:**

Roy M. Arrigo, Vice President  
Clay A. Cosse, Secretary  
Richard G. Duplantier, Jr.  
Herbert I. Miller  
Derek N. Rabb  
William A. Settoon, Jr.

**ABSENT:**

K. Randall Noel, President  
Jason P. Latiolais, Treasurer  
Thomas G. Fierke

**ADOPTION OF AGENDA:**

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

**RESOLUTION NO. 01-19-23-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON NOVEMBER 17, 2022**

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On the motion of Mr. Rabb,  
Seconded by Mr. Duplantier, 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 November 17, 2022.

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

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

NAYS: None

ABSTAINED: Mr. Miller

ABSENT: Mr. Fierke and Mr. Latiolais

## **SAFETY MINUTE**

Darren Austin, Operations Director, presented the safety minute. He explained that the FPA has hosted tours for groups of all ages and from all quarters of the globe. The program started with informal visits to the IHNC-Lake Borgne Surge Barrier and over the last five years tours evolved in both presentation and scope to include the Permanent Canal Closures and Pumps (PCCP) and an overview of the entire Hurricane and Storm Damage Risk Reduction System (HSDRRS), as well as the FPA's work to keep our community safe. "Safety first" signage for visitors was added as a direct result of the FPA's safety initiative and is reviewed in the briefing conducted at the beginning of every tour in order to make visitors aware of their surroundings.

Mr. Austin further explained that visitors, including contractors, consultants, vendors and even family and friends, to the Franklin Avenue Facility, East Jefferson Facility and Orleans Levee District Police Headquarters cannot be expected to know all of the rules and be aware of potential hazards, construction zones and vehicle movements; therefore, it is incumbent on FPA staff to help visitors navigate any obstacles at these sites to ensure that everyone goes home safely.

Mr. Arrigo commented that the Finance Committee was advised at its meeting that a third party expert inspected the PCCP in conjunction with the renewal of the facility's insurance coverage and that this year the third party had no safety recommendations.

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

Mr. Arrigo advised that President Noel was out of town and unable to attend today's meeting.

## **PUBLIC COMMENTS:**

Ryan Taylor explained that he recently returned to New Orleans after relocating due to Hurricane Katrina and currently resides along Hayne Boulevard. He informed the Board about several issues along Hayne Boulevard: the grass on the levee was not cut on a regular schedule, trash along the levee was not being cleaned up, particularly on the lakeside of the levee where it was being dumped by individuals and was accumulating, vehicles are speeding along Hayne Boulevard, and lighting is needed along the fence at the top of the levee for safety purposes. He stressed the need for police patrols due to speeding vehicles and the related safety issues.

Kelli Chandler, Regional Director, advised that the Orleans Levee District Police Department will provide patrols along Hayne Boulevard. Mr. Duplantier requested that Ms. Chandler also address the grass maintenance/trash cleanup schedule. Mr. Cosse pointed out the difficulty in maintaining a fixed schedule for grass maintenance when there is inclement weather because the heavy equipment used to cut grass cannot be operated safely on wet levees due to their steepness. The levee along Hayne Boulevard is particularly steep and must be dry before the grass cutting equipment can be used on it.

Chris Luna advised that he is a resident of St. Bernard Parish and that his family has multiple pieces of property (two family properties and two properties under lease) that are located under the green bridge in New Orleans East along the Intracoastal Waterway. Mr. Luna previously had an FPA access agreement, which the FPA decided not to renew; therefore, he was appearing before the Board for a final consideration of the renewal of the access agreement. He explained that there had been an issue with the landowner, which he and his attorney were working through legally. Mr. Luna had a packet of information with him that included the intended route through the two properties, the insurance required by the Port of New Orleans and for the levee, and an email stating that he could access the property, however, it would be by use of the Intracoastal Waterway. He stated that having to access the property by boat via the Intracoastal Waterway seemed unreasonable. He explained that he has a six year old child with a disability who enjoys hunting, and that transporting the child by boat and then having to walk to the properties did not seem to be the safest route available.

Mr. Luna further advised that he had an agreement with the Port of New Orleans that allowed him to access the gate on Paris Road and use the Port owned road. He would then turn left and go across the grass and levee right-of-way to reach the properties. The agreement was not renewed at the request of the FPA; therefore, he was before the Board regarding what he stated was a safety issue. He explained that he was informed in an email about trespassing and unauthorized vehicles, and that it took him almost a year to get everything in order and follow the correct steps so that there would be no encroachments and nothing done illegally, and that he was rewarded by losing his permit while people continue to access the property illegally. He stated that he spoke to Port of New Orleans representatives and that they are onboard with continuing access. Mr. Luna also advised that he was in the process of obtaining a forced servitude from a landowner, and that the gate at Paris Road has numerous locks; however, the trespassing continues. He explained that his family used the levee right-of-way prior to the installation of the gate. He further explained how the property is used for hunting deer and hogs with dogs, and about the issues involving access to his landlocked properties and how they are being legally resolved. He reiterated his request for the FPA to renew the access agreement because of what he considered mainly a safety issue due to his child's disability. He noted that if the FPA did not renew the access agreement, his only option was a forced servitude, which he felt to be unreasonable.

Mr. Miller stated that he wanted to hear from the Board's attorneys and staff as to the reason access was not renewed prior to any further consideration. Mr. Cosse suggested that information be obtained from Earl Kugelmann, Director of Maintenance, regarding the condition of the levee. He pointed out that the area under discussion is remote and that the FPA does not have the enforcement manpower to keep the four-wheelers, pickup trucks and airboats that are illegally using the levee right-of-way from doing so. He noted that the FPA is not responsible for providing access to the leased properties.

Mr. Luna commented about restricting access to his land locked properties. He reiterated that he went through all the right steps to obtain an access agreement and that people continue to access the properties illegally. He stated that he had no

intention of being on the levee and that he did not understand how private landowners or lessors could not be grant a reasonable access route to their properties.

### **PRESENTATIONS:**

None.

### **REPORT BY REGIONAL DIRECTOR**

Kelli Chandler, Regional Director, advised that her report would be brief so that time could be spent on the Human Resource (HR) recruitment and retention efforts. She introduced Stacy Gilmore, the FPA's new Public Information Officer. Ms. Gilmore has extensive experience and was embedded with the U.S. Army Corps of Engineers (USACE) during the construction of the HSDRRS and IHNC-Lake Borgne Surge Barrier. Ms. Gilmore will assist with the FPA's tour program and Job Fair. She advised that Kirk Ordoyne was hired to fill the position of Executive Counsel and would be introduced by Mr. Duplantier.

Ms. Chandler reported that the repair of the pump at the London Avenue Canal PCCP pump station is on schedule. The motor, gearbox, gearbox stand and pump discharge section have been removed. Next week the pump column will be removed. Parts will be sent for repair as required. The London Avenue PCCP pump station has six pumps; therefore, it still has the capacity to match the Sewerage and Water Board of New Orleans' pumping requirements. She thanked the PCCP team for its efforts to manage and maintain the PCCP while the on-going repair work is taking place.

Ms. Chandler advised that quarterly meetings focused on the FPA's core values were being held with Maintenance crews and will be extended to all of the departments. Each meeting will have a theme. A recent meeting focused on employee appreciation and included a presentation and discussion of the subject, refreshments and games.

Kenyetta Sewell, HR Director, provided an update on HR recruitment and retention initiatives, as well as updates on the FPA Employees' Handbook. She explained that HR staff attended an HR conference during which sessions were held on post-Covid workforce declines that spanned all ages, genders and education levels, and the competition for workers. HR's current recruitment and retention efforts include:

- Hosting a Job Fair on January 24<sup>th</sup> at the Franklin Avenue Facility during which attendees can complete applications, have initial interviews with supervisors and learn about the FPA's employees' benefit package. The Job Fair is being advertised on social media and via Louisiana State Civil Service.
- Utilizing local staffing agencies to augment FPA recruitment efforts and to bring in individuals to fill short term staffing needs or to determine whether an individual is a good fit for a position.
- Using Civil Service pay rules as much as possible (e.g., Rule 6.5g allows qualified individuals to be hired up to the mid-point of the pay scale.)

- Partnering with Delgado Community College to create a pipeline for recruitment opportunities for students who are graduating or expecting to graduate within the next year.
- Consideration of apprenticeship programs.
- Consideration of educational and training opportunities with Delgado to help stabilize the FPA's workforce.
- Encouraging supervisors to promote individuals within the organization. Approximately 17 internal promotions took place in 2022.
- HR worked with Civil Service to create a Special Entrance Rates (SER) Policy for Police Officers, which will allow incumbents to be paid above the minimum and HR to address any pay compressions that occur as a result of the SER implementation through other Civil Service pay rules. The SER Policy was placed on the agenda for the Civil Service Commission's February 1<sup>st</sup> meeting and is expected to be implemented on February 6<sup>th</sup>. Under the SER, minimum pay rates increase as follows: Police Officer 1-A from \$14.54 to \$17.50, Police Officer 2-A from \$15.56 to \$18.80, and Police Officer 3-A from \$16.65 to \$20.11.
- House Bill 1 passed during the 2022 Regular Legislative Session included a provision that allowed agencies with law enforcement workers who are eligible for supplemental pay on December 30, 2022, to be paid a one-time \$1,200 payment.
- Civil Service implemented the following revisions to the Annual Market Adjustments effective July 1, 2023:
  - Eligible employees below the mid-point of their pay scale will receive a 4% market adjustment
  - Eligible employees above the midpoint of their pay scale will receive a 3% market adjustment
  - No job will pay less than \$10.00 per hour. There are no FPA employees who earn less than \$10 per hour.
  - Civil Service adjusted some of the pay scales, which allows all current employees who earn below the new minimum of their scale to be moved to the new minimum, and allows HR to implement pay compression as a result of the adjusted pay scales.
- HR will continue to work with management and staff to maximize Civil Service rules to benefit all FPA employees.

Ms. Sewell addressed the updated FPA Employees' Handbook and related policies:

- The Substance Abuse and Drug-free Workplace Policy was updated to provide that upon a positive drug or alcohol screening an employee shall immediately be relieved of duty and placed on unpaid leave for a period of at least one working day, but not to exceed five working days. The previous policy required a 30-day

suspension with no pay. An employee who tests positive will be required to complete a process.

- The FPA's Prohibiting Sexual Harassment Workplace Policy was updated in accordance with the Legislative Auditor's recommendations to ensure it was in compliance with updated statutory requirements. The policy updates expand the types of prohibited conduct, ensure that the complaint procedure and the internal and external investigation processes are clearly stated, and list the mandatory training requirements.
- An Employee Dating Policy was implemented as an extension of the Prohibiting Sexual Harassment Workplace Policy. The policy provides that romantic relationships between employees are generally not prohibited, as long as the relationship does not disrupt or otherwise interfere with the workforce or workplace activities. Romantic or sexual relationships are prohibited between:
  - Supervisors and subordinates
  - Human Resources Department employees and any other employee
  - Finance Department employees and any other employee
  - FPA administrative leadership including Regional Director, Executive Counsel, and all department Directors, and any other employee

Mr. Settoon inquired about rehiring retired employees. Ms. Sewell advised that a retiree was rehired several years ago on a part time basis to assist HR with clerical duties. Retirees are limited on the number of hours they can work without impacting their retirement benefits.

Mr. Rabb inquired about mentorship programs within the FPA in order to increase internal promotions and training programs so that employees can reach a level that would allow their promotion. Ms. Sewell responded that the FPA did not have an official mentoring program; however, some managers do one-on-one coaching with employees who are good candidates for promotion. The FPA Training Coordinator is responsible for talking with management to determine training needs for staff. Individuals are encouraged to take advantage of any type of training that is relevant to their job. The FPA will encourage employees, through the partnership with Delgado, to work towards a certification or certificate that will benefit them in their FPA job and the FPA will help to finance the training.

Mr. Cosse asked could the FPA increase the Annual Market Adjustment given to employees. Ms. Sewell explained that the percentages (4 percent below the midpoint and 3 percent above the midpoint) were set by Civil Service for all classified employees and were Civil Service's response to agencies seeking aggressive ways to increase employee pay.

Mr. Miller asked did the FPA have a random drug testing policy. Ms. Sewell replied, yes. Once an employee tests positive, the FPA contacts its Employee Assistance Program (EPA) so that the employee can complete the EAP program. After the program is completed, the employee can return to work and is subject to random drug testing.

Mr. Miller asked, after a new employee is hired above the minimum of the pay scale, are salaries of other employees in that job classification adjusted. Ms. Sewell responded that HR has the ability to address this issue under pay compression and other Civil Service pay rules.

Mr. Miller commented that the minimum pay for the City of New Orleans and a number of commercial entities is increasing and that the FPA must do something in order to be competitive. Ms. Sewell explained that a significant increase will be provided under the new pay scale that will take effect July 1<sup>st</sup>. For example, for the WS 210 level, if the current minimum salary is \$12 per hour, it will increase to \$17 per hour. Mr. Miller pointed out that the pay increases will have a financial impact on the levee districts. Ms. Chandler advised that best estimates based on the information provided will be included in the Fiscal Year (FY) 2024 Budget.

#### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Arrigo, who chaired the Finance Committee in Mr. Latiolais' absence, reported that the Committee met prior to the Board meeting. Reports were provided to the Committee on the FY 2022 Financial Audit and on the renewal of insurance coverages. The auditor advised that there were no findings for the FY 2022 Financial Audit, which Mr. Arrigo commented demonstrated the outstanding job being done by the FPA leadership. The Committee was informed about expected increases in premiums when the insurance coverages are renewed. A presentation was provided to the Committee by Orleans Capital on investment opportunities and covered an additional category of low risk bonds that are allowed under State law.

**Operations Committee:** The Operations Committee did not meet during the month of January; therefore, there was no report.

**Coastal and Technical Committee:** The Coastal and Technical Committee did not meet during the month of January; therefore, there was no report.

**Legal Committee:** The Legal Committee did not meet during the month of January. Mr. Duplantier, Chair of the Legal Committee, introduced Kirk Ordoyne, the FPA's new Executive Counsel. Mr. Ordoyne joined the FPA on January 9, 2023, and has been transitioning with former Executive Counsel Michelle White. Ms. White's retention was extended an additional couple of weeks to allow her to work with Mr. Ordoyne. Mr. Ordoyne has been reviewing the FPA's current litigation and meeting with outside counsel. He noted that a Legal Committee meeting will be held next month.

## **NEW BUSINESS:**

### **1. Update presented by Mercury Public Affairs on federal initiatives including 200 year flood protection.**

David Vitter with Mercury Public Affairs introduced Kyle Ruckert with Bold Strategies and explained that he and Mr. Ruckert and their firms represent the FPA with regard to Federal government relations and related work. He reported on the success of a major initiative and goal of the FPA, which is to begin to process to dramatically increase hurricane flood protection for the region under the FPA's jurisdiction. In addition, language was secured to extend the authorization for regular levee lifts to account for subsidence and regular maintenance.

Mr. Ruckert advised that he and Mr. Vitter worked with Congressmen Carter and Scalise, Senators Kennedy and Cassidy, and the USACE on moving forward with the study of 200-year flood protection and the subsequent authorization. The language was originally secured in June in the House version of the Water Resources Development Act (WRDA). The Senate version of WRDA came out in May. Over the summer and early fall, Mr. Ruckert and Mr. Vitter worked to obtain the language in the final Water Resources Development Conference Report. The WRDA bill was held up for reasons unrelated to 200-year flood protection; therefore, they worked to have some of the language tacked onto the National Defense Authorization Act (NDAA) that was passed in December and signed by President Biden. Subsequent work must be done; however, this was the first step in obtaining the 200-year level of protection.

Mr. Vitter explained that the second provision extended the authorization period for regular levee lifts and the associated work for the Greater New Orleans flood protection system, which was also ultimately included in NDAA. Congress included a sunset provision for authorized levee lifts, which will be needed throughout the life of the system; therefore, future extensions will be needed. They attempted to have the sunset provision removed, but were only able to have the authorization extended to 2028.

Mr. Vitter advised that the language included in NDAA was the first step in achieving 200-year flood protection, and, like any USACE project, several steps are involved. Therefore, he and Mr. Ruckert will work to accelerate the process as much as possible so that construction of the 200-year level could take place sooner, as well as work on any other priorities defined by the FPA. He thanked Commissioner Arrigo for traveling to Washington, DC, in September and participating in a number of impactful in-person visits to ensure that the FPA's priorities had the full focus and attention of everyone involved starting with Louisiana's Congressional delegation. He commented on the importance of regular in-person visits, at least once or twice a year, by Commissioners with the Louisiana Congressional delegation and the USACE. These visits help to build relationships and an understanding of the FPA, its job and priorities.

Mr. Arrigo commented that Mr. Vitter had set up a very aggressive meeting schedule in September and that he was confident that the FPA's goals and desired language were successfully achieved because of Mr. Vitter and his work. He pointed out that the feasibility study is the first step; however, he was confident that the study would lead to



taking the east bank HSDRRS from the 100-year level to the 200-year level of flood protection. He thanked Mr. Miller who started the discussion on 200-year flood protection. He noted that at the January 18<sup>th</sup> Coastal Protection and Restoration Authority (CPRA) meeting a comment was made that when the USACE's feasibility study is completed, if the numbers are correct, there would be no delay and the USACE could go immediately into planning, development and engineering for the project.

Mr. Vitter commented on the significance of the Federal legislation and stated that the 200-year level would dramatically increase flood projection and be an enormous legacy for the FPA Board.

Mr. Settoon asked did the FPA have Congressional support outside of the Louisiana Delegation. Mr. Vitter responded that he did not think that anyone outside of Louisiana would be an issue. For the immediate future, the study is in the hands of the USACE. After discussions with USACE engineers, he was confident that the cost-benefit ratio would be very robust since the 200-year level could be achieved at a relatively marginal cost compared to the enormous increase in protection. The appropriation of money for construction of the project would involve a broader Congressional process; however, he was confident that the leadership is in place, particularly with majority leader Congressman Scalise, to obtain the funding.

Mr. Rabb inquired about the cost for the 200-year level of protection. Mr. Vitter responded that he could send the requested information to Mr. Rabb. The cost is in the hundreds of millions of dollars; however, he reiterated that it is marginal in comparison to the increased benefit. He explained that most of the large gated and other hardened infrastructure was over-engineered and is currently at required level. Most of the cost for the 200-year level will be for additional levee lifts, which could involve including several feet on top of the regular maintenance levee lifts that are done by the USACE. Ms. Chandler pointed out that the FPA will be responsible for a portion or all of the local cost share. Mr. Vitter added that it will be a minority of the cost, but it would be real money to the FPA.

Mr. Miller thanked Mr. Arrigo for his comments and complimented Mr. Arrigo on his Washington meetings. He stated that when Mr. Vitter and Mr. Ruckert first approached the FPA about working as its lobbyists, they asked what did the FPA want to accomplish, and this was it (200-year flood protection), which is a credit to them and their team. He explained that when he was President several years ago he met with the Chief Engineer, Chief Administrative Officer and the USACE. The USACE had done a study of 100-year, 200-year and 500-year flood protection and there was a positive cost-benefit ratio for the 200-year level; however, the USACE was limited by law to the 100-year level. Therefore, the new Federal legislation is an incredible step forward for the FPA. He further advised that the FPA always had the option of going to the 200-year level; however, the FPA would have had to pay 100 percent of the difference in costs between the 100-year and 200-year levels. With the new legislation in place and going through the USACE process, the major portion of the cost would be federally funded and the FPA would pay a portion of the cost.

Mr. Vitter advised that he and Mr. Ruckert regularly meet with Commissioners and that meetings will be set up with the new Commissioners soon.

**Motion to approve and authorize a payment up to \$26,995,218.22 by the Orleans Levee District to the U.S. Army Corps of Engineers for the local cost share for the Original Lake Pontchartrain and Vicinity, Louisiana Project constructed within the Orleans Levee District prior to Hurricane Katrina on August 23, 2005.**

A motion was offered by Mr. Duplantier, seconded by Mr. Rabb and unanimously adopted, to defer the motion to the next Board meeting.

Mr. Settoon requested that page numbers be included on ID-IQ Contract listing sent to Commissioners and that the Regional Director's Report be sent to Commissioners prior to the evening before the meeting.

The next regular monthly meeting of the Board will be held on February 16, 2023. Mr. Arrigo noted that he and Mr. Fierke will not be able to attend the February 16<sup>th</sup> meeting.

There was no further business; therefore, the meeting was adjourned at 12:25 a.m.