

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
PUBLIC HEARING
THURSDAY, MAY 18, 2023**

The Public Hearing was held on Thursday, May 18, 2023, in the Joseph Yenni Building, Second Floor Council Chambers, 1221 Elmwood Park Blvd., Jefferson, Louisiana. Mr. Noel called the hearing to order at 11:00 a.m.

PRESENT:

K. Randall Noel, President
Roy M. Arrigo, Vice President
Clay A. Cosse, Secretary
Richard G. Duplantier, Jr.
Thomas G. Fierke
Herbert I. Miller
William A. Settoon, Jr.

ABSENT:

Jason P. Latiolais, Treasurer
Derek N. Rabb

Mr. Noel read the notice stating the purpose of the public hearing, “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 East Jefferson 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”.

Mr. Noel asked did anyone in the public wish to comment or speak.

There was no comment from the public and there was no discussion.

The public hearing was adjourned at 11:03 a.m.

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, MAY 18, 2023**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on May 18, 2023, in the Joseph Yenni Building, Second Floor Council Chambers, 1221 Elmwood Park Blvd., Jefferson, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Noel called the meeting to order at 11:04 a.m. and led in the pledge of allegiance. The roll was called 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
Herbert I. Miller
William A. Settoon, Jr.

ABSENT:

Jason P. Latiolais, Treasurer
Derek N. Rabb

ADOPTION OF AGENDA:

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

RESOLUTION NO. 05-18-23-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON APRIL 20, 2023

On the motion of Mr. Arrigo,
Seconded by Mr. Fierke, 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 April 20, 2023.

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

SAFETY MINUTE:

Clay Bardwell, Safety Coordinator, provided the safety minute. The FPA recently expanded supplies, training and policies across the organization for marine operations. FPA personnel often use boats for surveys, inspections and repairs. Complex Structures crew members brought to attention the lack of an official FPA policy on boat operations. In addition to the Wildlife and Fisheries boaters' education course, the FPA now has an official policy that includes detailed qualifications and training required for personnel to operate boats, a guide for selecting the proper safety equipment, procedures for conducting pre-use inspections, and a float plan. The float plan document must be filled out in advance and includes detailed information about the boat (e.g., size and description), the launch location and destination, and names of the occupants. The float plan is left with a responsible individual who will maintain contact with the boat and activate emergency procedures if requested or if the boat's occupants fail to check in on time. The information is readily available should the U.S. Coast Guard or law enforcement need to implement search and rescue procedures. The policy also includes emergency procedures for situations such as a missing vessel or crew member, a collision with other vessels or the rescue of a person fallen overboard. The policy will be very effective in keeping the FPA compliant and its employees safe.

Mr. Bardwell also reported that slow moving vehicle triangles were ordered and are being installed on all the equipment needing this designation.

OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:

Mr. Miller commented on his recent trip to the Netherlands and tour of the impressive Maeslaent Barrier, which has two arms each of which weigh 15 million pounds and take two hours to close. He commented on the progress made in the Netherlands since a major flood in 1953 that killed 2,000 people in one day. The lowest point in the Netherlands flood plain is almost 20 feet below sea level. The Maeslaent Barrier is one of several flood protection barriers in the Netherlands, which are designed for 10,000-year protection and are funded by the entire government. In comparison, the Hurricane and Storm Damage Risk Reduction System (HSDRRS) is designed for a 100-year event, and with recently passed legislation, the U.S. Army Corps of Engineers (USACE) will be studying 200-year protection.

Mr. Noel advised that he, Mr. Settoon and Mr. Arrigo attended Coastal Day at the Louisiana Legislature and viewed some remarkable exhibits at the LSU Center for River Studies and heard briefings by Governor John Bel Edwards and Chip Kline, Coastal Protection and Restoration Authority (CPRA) Board Chairman, about the headway being made.

PUBLIC COMMENTS:

Mr. Noel asked did anyone in the public wish to comment. There was no one from the public who wished to comment.

PRESENTATIONS:

1. Update on the status of the Permanent Canal Closures and Pumps (PCCP) pumps – Colonel Cullen A. Jones, P.E., PMP, 65th Commander & District Engineer, New Orleans District, U.S. Army Corps of Engineers

Colonel Cullen A. Jones, P.E., PMP, 65th Commander & District Engineer, New Orleans District, USACE, stated that he was excited to provide the Board with the most up-to-date assessment on the USACE's ongoing efforts with the inspections, assessments and temporary repairs of Permanent Canal Closures and Pumps (PCCP) pumps. He thanked the FPA and CPRA for their collaboration, coordination and communication, and expressed appreciation for teammates like Kelli Chandler, FPA Regional Director, and Jeremy Fall, who have been essential as the USACE moves in an expeditious fashion alongside the Joint Venture (JV) on the 16 pumps through their inspections, assessments and repairs, and at Pump #1 at the London Avenue PCCP with the USACE's contractor. He stressed that all levels of the USACE are engaged in ensuring that the system is reliable for the 2023 Hurricane Season and the USACE's commitment in the long term to ensure delivery on the 35-year design life specification.

Col. Jones explained that at the May 17th CPRA Board meeting he was joined by Doug Glaser, Executive Vice President and Board Member of Kiewit Louisiana Co. Mr. Glaser has senior oversight over the JV's efforts as they review their inspection assessments and perform temporary repairs. Mr. Glaser had advised that the JV team was planning to present an engineered solution within the next 45 to 60 days that the USACE can bring to the FPA, CPRA and USACE team of experts in order to develop the best plan for moving forward after the 2023 Hurricane Season.

Col. Jones further explained that early this year corrosion was identified as the key cause of the failure of Pump #1 at the London Avenue PCCP. This initiated the USACE's two-phased approach, working with the FPA and CPRA, to (1) conduct inspection assessments and temporary repairs of the pumps for reliability for the 2023 Hurricane Season and (2) through the inspections and investigations develop a path forward once outside the 2023 hurricane window to deliver on the 35-year design life.

Col. Jones provided an update on Phases 1 and 2 of the initiative:

PHASE 1 - LONDON AVENUE PCCP STATUS:

Five of the six pumps were approved as reliable for the 2023 Hurricane Season by the pump manufacturer. The JV conducted some temporary interim repairs (i.e., removing corrosion, repainting some affected areas and replacing some grease lined lube shields). The USACE is in the process of obtaining all of the major repair components for Pump #1. The shaft is in place, which allows insulation of the impeller. The last major component (the discharge elbow) is anticipated to arrive this week, and the USACE can then aggressively begin restacking the pump. The current timeline for Pump #1 provides for the team and the USACE's contractor to conduct the dry test on June 1 and the wet test on June 5. The USACE is striving to get the London Avenue PCCP reliable and at full capacity as soon as possible.

The USACE is also looking to ensure that it honors its commitment to match discharge capacity with the Sewerage and Water Board of New Orleans (SWBNO) at all stations. In the April timeframe, looking at the USACE's decision points and the extended schedule for Pump #1 at the London Avenue PCCP, the decision criteria was met to execute the contingency plan for temporary pumping. The USACE is establishing pump locations on the west side of the canal to eventually provide up to 1,000 cubic feet per second (CFS) of pump capacity on site. The first pumps will arrive on location on May 18 and 19. The goal is to have the pumps on site until Pump #1 is fully restored and reliable for the 2023 Hurricane Season, and then, working with the FPA, determine the best opportunity to remove the temporary pumps from this location.

Col. Jones apologized to area residents affected by the installation of the temporary pumps. The USACE's Public Affairs Team conducted public outreach that included placement of door knockers on area housing, conducting multiple media interviews, and working with homeowners' associations to identify concerns and issues. The U.S. Navy Supervisor for Salvage and Diving, which is providing, operating and maintaining the temporary pumps, will avoid any tree removal or branch cutting and will leave the location in the same condition as found. The USACE is erring on the side of caution to ensure additional capability is on hand.

The capacity for Pump #1 is 1,800 CFS. Once the temporary pumps are in place, their capacity will be 1,000 CFS. The key is to match the SWBNO's discharge capacity. The maximum SWBNO discharge capacity is 7,980 CFS. Therefore, even with the temporary pumps in place and Pump #1 offline, the total pumping capacity will be in excess of the SWBNO's discharge capacity. Site preparations for the temporary pumps includes the establishment of a pump pad and both intake and discharge piping, which can be quickly removed from the location. After the removal of temporary pumps, the USACE will regrade and redevelop the site to the original condition.

PHASE 1 - 17th STREET PCCP STATUS:

Inspections and assessments of the pumps at the 17th Street PCCP were recently completed. Currently, all eight pumps have been approved as reliable by the manufacturer for the 2023 Hurricane Season. Seven of the eight pumps are on line for utilization. Pump #4 has been deemed available for return to service; however, the JV is keeping the stoplogs in place in order to conduct additional investigations and assessments to assist in the development of its Phase 2 long term repair plan. Currently, the pumping capacity can match or exceed the SWBNO's discharge capacity. If there is a need to be in excess of the SWBNO's capacity prior to the start of hurricane season, the USACE can quickly re-water Pump #4. The inspections and assessments revealed areas of corrosion that must be dealt with in the future after the hurricane window. The inspection identified a missing bolt on Pump #2 and the bolt was replaced. Loose bolts at Pumps #2 and #6 were tightened and torqued back to specification so that the pumps could be deemed reliable by the pump manufacturer for the 2023 Hurricane Season. Moving forward

the USACE will work with the FPA to keep an eye on these elements. Although the pumps were deemed reliable by the manufacturer for the 2023 Hurricane Season, the corrosion is an issue of concern that the USACE will aggressively attack after December 1st (outside the hurricane window).

PHASE 1 – ORLEANS AVENUE PCCP STATUS:

The three 900 CFS pumps at the Orleans Avenue PCCP were among the first to be inspected. The JV was also able to conduct some interim temporary repairs, which involved removing corrosion on key components, repainting these sections and replacing grease lined lube shields. The USACE is working in conjunction with the JV, FPA and CPRA, to develop ways and means to aggressively address the corrosion and other issues at all three PCCP pump stations post-hurricane season.

PHASE 2 – DELIVERING THE PROJECT AS DESIGNED:

The USACE will ensure all 17 pumps meet the 35-year design life specification and has multiple ongoing lines of effort in order to meet this requirement:

1. Identifying the underlying cause:

The USACE is still in the process of gathering information and its Technical Centers of Excellence are conducting analyses. The USACE is looking across multiple areas, such as paint and primer, types of metals used in the construction, utilization of Cathodic protection systems, and microbiological induced corrosion.

All resources are being leveraged within the USACE. The USACE Mobile District's Corrosion Control and Cathodic Protection System Technical Center of Expertise is taking a very hard look across these systems and helping with the development of plans and specifications for a potential Cathodic protection system installation. The Paint Technology Center at the US Army Engineer Research and Development Center (ERDC) is currently conducting a paint assessment. Elements from ERDC will arrive next week to begin investigations on microbiologically induced corrosion that could be present, and at the same time the Welding and Metallurgy Technical Center of Expertise from the Portland District will come in to provide assistance as the problem set is looked at in a holistic fashion. The USACE will be working in conjunction with the technical experts and testing centers being utilized by the JV to help identify a potential layer of solutions to be applied to the PCCP pump stations in order to prevent this type of advanced corrosion from occurring in the future and deliver the 35-year design life.

2. Secure Necessary Funding:

The USACE is moving aggressively and securing funding, recently receiving an emergency reallocation that will provide sufficient funds to continue through Phase 1. Moving into Phase 2, the USACE is engaging with the Mississippi

Valley Division Headquarters USACE to discuss with the Assistant Secretary of the Army for Civil Works the emergency reprogramming of additional HSDRRS excess funds into the PCCP account in order to maintain momentum and urgency. At the same time, the New Orleans District USACE has stood up a project delivery team dedicated to developing the way forward so that on December 1st the USACE can start doing significant and incremental work towards delivering the 35-year design life. Phase 2 will be a multi-year effort since work will occur outside of hurricane season (December 1 to May 31) and in order to ensure delivery of the 35-year design life and the reliability of the systems as each hurricane season occurs.

3. Develop Scope and Finalize Design:

The USACE continues working in conjunction with the JV and anticipates seeing the JV's engineering solution within the next 45 to 60 days. At that time the USACE will meet with the FPA and CPRA to develop the path forward. The targeted mobilization (no later than) date is December 1, 2023. If there are ways and means for the USACE to work with the FPA to begin repairs in a fashion that does not prevent the stations from operating, then it will do so. The USACE will maintain a sense of urgency and ensure that these systems are reliable now and into the future.

Mr. Miller inquired about using sacrificial anodes. Col. Jones responded that this is one of the areas that the USACE is considering. There are other pump stations designed and built by USACE (e.g., West Closure Complex) that utilize Cathodic protection systems with sacrificial anodes that have been highly successful.

Mr. Duplantier asked if the JV solution is not acceptable to the USACE, does the USACE have another company on board to implement the fix that the USACE and FPA find acceptable. Col. Jones explained that he met with the Executive Vice President of Kiewit prior to the briefing to the CPRA, and that once the engineering solution is developed within 45 to 60 days, they would sit down and work together towards a consensus on a plan. He added, however, that at the end of the day, someone is going in and fixing the pumps.

Mr. Duplantier asked were additional appropriations needed. Col. Jones replied that the USACE received emergency reallocations and is in the process of securing additional funds through emergency reprogramming, which is the opportunity to brief the Assistant Secretary of the Army for Civil Works. The USACE is looking for other ways and means for funding. Therefore, at this point there is no need for additional appropriations.

Mr. Settoon asked how is the PCCP designed to prevent backflow. Col. Jones explained that the key role of the PCCP is to prevent storm surge from the lake from entering into the canals. The PCCP gates are closed to prevent backwater flooding into the canals and at the same time the pumps provide enough capacity to match the SWBNO's discharge into the canals.

Mr. Arrigo thanked the USACE for its focused, solutions-oriented approach. He asked would the USACE merge the JV's and the USACE's experts' solutions to provide a final solution by December 1st. Col. Jones responded that the USACE's goal is to have the reports as quickly as possible. The assessment and engineering solution is expected from Kiewit in 45 to 60 days; however, the ability to overlay all of the analyses on top of each other will enable the USACE and its partners (FPA and CPRA) as a collected team to develop the most feasible and acceptable plan.

Mr. Arrigo asked would there be a need for local or State funding. Col. Jones replied that the USACE is committed to delivery of the pumps as previously stated and he did not see a requirement for local or state funding moving forward. The USACE has an approved Design Deficiency Amendment identifying this issue; therefore, it is moving forward on the repairs.

Col. Jones thanked the USACE's partners for their teamwork and collaboration and added that he appreciated the ability to reach out to Ms. Chandler on a regular basis to touch base and move through friction points so that everyone could stay focused on the solutions. He stated that the USACE is excited to continue to maintain the sense of urgency so that these systems are reliable.

Mr. Noel thanked Col. Jones for his update and the work that the USACE is doing.

REPORT BY REGIONAL DIRECTOR:

Kelli Chandler, Regional Director, provided the following report:

- I-Storm – The FPA hosted two groups of I-Storm members from the Netherlands and England over a two-week period (the first group for four days and the second group for two days). The meetings were informative and participants shared ideas on a variety of topics from training to maintenance. Marc Malraven provided an informative presentation on I-Storm to the employees at the FPA's annual Safety Meeting. The FPA is working with I-Storm on the development of an international database on barriers and their characteristics so that members with similar structures can share information.
- Warehouse Renovations – The project to build office and meeting space for most of the maintenance crews is expected to be completed by July 30. It will also provide additional space for employees to shelter and sleep during a storm.
- Current Initiatives:
 - Implementing outsourced detail administration – All of the information was forwarded to Board members for review and no responses were received; therefore, the initiative will move forward.
 - Police department strategic planning – Chief Harrington is developing a strategic plan for the police with input from officers.
 - GPS tracking is being installed on all equipment and vehicles. A process will be developed to monitor equipment and vehicles.

- Security camera initiative – The FPA is looking at a robust agencywide camera program. Information Technology (IT) personnel are identifying areas where cameras can be used for security and to watch for storm surge (e.g., IHNC Surge Barrier, Lakeshore Drive and Hayne Boulevard).
- Supplier portal implementation - FPA staff is working with PRONTO representatives, who have been unavailable recently, to complete the portal.
- Preparation of PSA (Public Service Announcement) for the 2023 Hurricane Season – Stacy Gilmore, Public Information Director, is working on the PSA campaign for the upcoming hurricane season.

COMMITTEE REPORTS:

Finance Committee: Due to Mr. Latiolais' absence, Mr. Duplantier chaired the Finance Committee meeting, which was held prior to the Board meeting. He reported that the Committee recommended that the Board approve rolling forward the East Jefferson Levee District's adjusted millage rate to 4.01 mills for the 2023 tax year.

Operations Committee: Mr. Settoon, who chaired the Operations Committee meeting that was held prior to the Board meeting until Mr. Cosse's arrival, reported that the Committee recommended that the Board adopt the 2023 Comprehensive Emergency Management Plan (CEMP).

Coastal and Technical Committee: The Committee did not meet in May; therefore, there was no report. Mr. Arrigo advised that the LaBranche Wetlands project will be starting soon.

Legal Committee: Mr. Duplantier reported that the Legal Committee met prior to the Board meeting and that the Committee recommended that the Board retain Fisher & Phillips for Civil Service proceedings. Kirk Ordoyne advised that, currently, there are six or seven ongoing employee appeals, which had typically been covered by the FPA's insurance carrier. The FPA's agent of record, Arthur J. Gallagher (AJG), is working on appealing Chubb's (the insurance carrier) denial of coverage for these claims. AJG's representative advised the FPA that 48 police officers were listed on the application for the insurance policy. Therefore, the FPA is hoping for a favorable decision on the appeal. Mr. Duplantier explained that the Committee recommended the retention of Fisher & Phillips at a rate of \$305 per hour for a partner and \$270 per hour for of counsel. Authorization will be needed from the Attorney General's (AG) office to retain the firm at the these rates. He stated that he was hopeful that the claims would eventually be covered by Chubb and that the FPA wanted to continue Fisher & Phillips services. Fisher & Phillips has worked for a long time on Civil Service appeals for the FPA and has done a great job. Fisher & Phillips is the expert in Louisiana on this type of claim and the FPA needs to keep the firm engaged since it has done a lot of the leg work on the claims.

Ms. Cosse asked the reason the claims were denied by the insurance carrier. Mr. Duplantier explained that a provision, which had been in the policy for many years, excludes claims related to police operations. Chubb has a new claims person who

interpreted this provision differently than the company had in the past and denied the claims because police officers had made the Civil Service complaints. The FPA and AJG disagreed with the new interpretation and asked Chubb to reconsider its decision. In the interim, the FPA must be prepared to handle the claims during the appeal process and, ultimately, should the FPA have to sue Chubb for coverage under the policy. Although the claims involve police officers, they arise from termination and FPA's employment practices and not police operations. He reiterated that Chubb's new claims person misinterpreted the provision in the policy and that the FPA must fight for the correct interpretation. Mr. Ordoyne added that should the FPA win on the appeal and the claims are covered, the FPA would still have to pay the stated rates under the SIR (Self Insured Retention).

NEW BUSINESS:

RESOLUTION NO. 05-18-23-02 - ADOPTION OF EAST JEFFERSON LEVEE DISTRICT MILLAGE RATE FOR CALENDAR YEAR 2023

Mr. Noel read the resolution in full. There was no discussion. A roll call vote was conducted on the adoption of the resolution.

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

BE IT RESOLVED, by the Southeast Louisiana Flood Protection Authority – East on behalf of the East Jefferson Levee District of Jefferson Parish, Louisiana, in a public meeting held on Thursday, May 18, 2023 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 following adjusted millage rate be and it is hereby levied upon the dollar of the assessed valuation of all property subject to ad valorem taxation within said Parish for the year 2023, for the purpose of raising revenue:

<u>Adjusted Rate</u>	
Constitutional (General Tax)	3.88 mills

BE IT FURTHER RESOLVED that the Assessor of Jefferson Parish, shall extend upon the assessment roll for the year 2023 the taxes herein levied, and the tax collector of said Parish shall collect and remit the same to said taxing authority in accordance with law.

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. Miller
Mr. Noel and Mr. Settoon

NAYS: None

ABSTAINED: None

ABSENT: Mr. Latiolais and Mr. Rabb

RESOLUTION NO. 05-18-23-03 - ADOPTION OF EAST JEFFERSON LEVEE DISTRICT MILLAGE RATE FOR CALENDAR YEAR 2023

Mr. Noel read the resolution in full. There was no discussion. A roll call vote was conducted on the adoption of the resolution.

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

BE IT RESOLVED, by the Southeast Louisiana Flood Protection Authority – East on behalf of the East Jefferson Levee District of Jefferson Parish, Louisiana, in a public meeting held on May 18, 2023, 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 rate, but not in excess of the prior year’s maximum rate, 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 rate(s) are:

	<u>Adjusted Rate</u>	<u>2023 Levy</u>
Constitutional (General) Tax	3.88 mills	4.01 mills

BE IT FURTHER RESOLVED that the Assessor of the Parish of Jefferson, shall extend upon the assessment roll for the year 2023 the taxes herein levied, and the tax collector of said Parish shall collect and remit the same to said taxing authority in accordance with law.

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. Noel and Mr. Settoon

NAYS: None

ABSTAINED: Mr. Miller

ABSENT: Mr. Latiolais and Mr. Rabb

RESOLUTION NO. 05-18-23-04 - A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST AUTHORIZING THE RETENTION OF FISHER & PHILLIPS LLP TO PROVIDE LEGAL COUNSEL AND REPRESENTATION FOR LOUISIANA CIVIL SERVICE APPEALS AND OTHER LABOR AND EMPLOYMENT LITIGATION

Mr. Duplantier explained that the proposed resolution retains and continues the services of Fisher & Phillips at the rates of \$305 for a partner and \$270 for of counsel, subject to the AG’s approval. If the AG not approve these rates, the FPA would default to the AG’s approved rates. He stated that Fisher & Phillips is a specialist in the field and that he expected that the AG would approve the higher rates, which were approved by the insurance carrier. He hoped that the issue regarding coverage would be resolved in the FPA’s favor, in which case the rates would need to be approved by Chubb and not the

AG. He reiterated that Fisher & Phillips handled these types of claims for the FPA on a regular basis and that they are the experts in the field and do a good job for the FPA. He added that Mr. Ordoyne has been working with Fisher & Phillips on the claims.

Mr. Fierke clarified that the retention of Fisher & Phillips is to handle the merits of the litigation and not any potential litigation against Chubb. Mr. Duplantier agreed that the firm is being retained to handle the merits of the Civil Service appeals and any litigation that may arise from those Civil Service appeals. The reason for the language “other labor and employment litigation” is because there could be EEOC claims that arise as part of the Civil Service appeals and Fisher & Phillips would handle those as well.

Mr. Cosse asked did the AG have any human resource (HR) specialists on staff. Mr. Duplantier responded that the AG’s office farms out these types of claims to outside counsel. Mr. Cosse asked, why not allow the AG to farm out these claims. Mr. Duplantier replied that if the AG farmed out the services, the FPA would still have to pay for them. If the FPA retains the firm, it has control over the selection. He added that Fisher & Phillips is the best firm in Louisiana to handle these claims and that the firm handles these types of claims for a number of governmental agencies. Fisher & Phillips has been handling these types of claims for the FPA for over ten years. The FPA would be reinventing the wheel if it did not proceed with Fisher & Phillips and it would probably be more expensive to retain someone new.

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

WHEREAS, certain employees filed appeals with Louisiana Civil Service in connection with alleged actions taken by the Southeast Louisiana Flood Protection Authority- East (“FPA”); and

WHEREAS, the aforementioned appeals were submitted to the FPA’s Public Officials/Employment Practices Liability insurer for assignment of legal representation for said appeals to insurer’s approved labor and employment law firm Fisher & Phillips LLP; and

WHEREAS, Fisher & Phillips began rendering legal services on each of the appeals based on previous assignments by the insurer; and

WHEREAS, new management for the insurer subsequently and untimely denied coverage and payment of legal services for the aforementioned appeals, which are currently pending with Civil Service; and

WHEREAS, the FPA is in the process of appealing the insurer’s denial of coverage for the aforementioned appeals; and

WHEREAS, defense of these appeals requires specific legal expertise in the subject matter involved and as such, a real necessity exists to retain outside counsel for legal representation in these cases and any future labor and employment litigation, as needed; and

WHEREAS, Fisher & Phillips LLP was assigned to provide legal services for these appeals based on the insurer’s assignment of similar cases in the past; therefore,

the firm has the familiarity with the entity and the necessary expertise required for the defense of said appeals; and

WHEREAS, Fisher & Phillips LLP shall be compensated at the insurer's contract rate of \$305 per hour for a partner and \$270 per hour for Of Counsel in accordance with previous assignments by the insurer, subject to the approval by the Louisiana Attorney General; and

WHEREAS, in the alternative, if the Louisiana Attorney General denies the approval of payment of the insurer's contract rates to Fisher & Phillips, said firm shall be compensated pursuant to the Louisiana Attorney General's maximum Hourly Fee Schedule of February 8, 2016, which allows:

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East, pursuant to La. R.S. 42:262, does hereby authorize the retention of Fisher & Phillips LLP as counsel to represent the FPA on certain Civil Service Appeals in which the insurer denied coverage and any future labor and employment litigation, as needed.

BE IT FURTHER RESOLVED, that the Board of Commissioners authorizes Executive Counsel to retain the firm of Fisher & Phillips to represent the FPA on said Civil Service appeals and any future labor and employment litigation, as needed, and that the Regional Director is authorized to execute said contract with Fisher & Phillips LLP.

BE IT FURTHER RESOLVED, that the Board of Commissioners ratifies the legal services provided to-date by Fisher & Phillips on the Civil Service Appeals described by this resolution and denied by the insurer.

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

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

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

NAYS: None

ABSENT: Mr. Latiolais and Mr. Rabb

RESOLUTION NO. 05-18-23-05 - APPROVAL OF 2023 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

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

WHEREAS, LA R.S. 38:319, mandates that the Board of Commissioners of each Levee District prepare a written procedures manual to be used during periods of emergency to facilitate the immediate and orderly actions of each board during an emergency; and

WHEREAS, in compliance with the aforementioned statute, the Southeast Louisiana Flood Protection Authority-East (FPA) staff prepared the 2023 Comprehensive Emergency Management Plan (CEMP).

BE IT HEREBY RESOLVED, that the FPA adopts the 2023 Comprehensive Emergency Management Plan, and authorizes all actions under said Plan.

BE IT FURTHER RESOLVED, that the Board adopts the 2023 CEMP as a document that will be utilized to provide guidance for responding to emergencies and operating the Hurricane Storm Surge Risk Reduction System and Mississippi River Levee System at their optimum capacity as and when necessary.

BE IT FURTHER RESOLVED, that the Board recognizes that as with any document of this magnitude, changes may be necessary to improve its functionality and these changes will be incorporated as necessary.

BE IT FURTHER RESOLVED, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to sign any and all documents necessary to carry out 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. Miller and Mr. Settoon

NAYS: None

ABSENT: Mr. Latiolais and Mr. Rabb

EXECUTIVE SESSION:

- 1. Discussion of Robert, Joseph et al. versus State of Louisiana et al., Civil District Court for the Parish of Orleans, No. 2016-09374, Division F, Section 14.**

A motion was offered by Mr. Duplantier, seconded by Mr. Miller and unanimously adopted, for the Board to go into Executive Session to discuss the item listed on the agenda. The Board convened in Executive Session at 11:50 a.m.

The Board returned from Executive Session at 12:00 p.m. and reconvened in regular session.

The next regular monthly meeting of the Board will be held on June 15, 2023, at the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, La.

There was no further business; therefore, the meeting was adjourned at 12:02 p.m.