

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, JUNE 15, 2023**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on June 15, 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. Noel called the meeting to order at 11:00 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
Derek N. Rabb
William A. Settoon, Jr.

ABSENT:

Jason P. Latiolais, Treasurer

ADOPTION OF AGENDA:

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

RESOLUTION NO. 06-15-23-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON MAY 18, 2023

On the motion of Mr. Fierke,
Seconded by Mr. Miller, 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 May 18, 2023.

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

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

NAYS: None

ABSENT: Mr. Latiolais

SAFETY MINUTE:

Martin Eilers, Director of Risk and Project Management, explained that due to the recent heat advisories, the FPA's focus has been on preparing crews and employees so that they can work safely under the hazardous heat conditions (e.g., implementing work-rest schedules). This focus will continue throughout the summer.

Mr. Eilers recognized Clay Bardwell, Safety and Emergency Preparedness Coordinator, for recently obtaining his Certified Safety Professional designation.

OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:

Mr. Noel commented that he was relieved that the Permanent Canal Closures and Pumps (PCCP) pumps are operational and hoped that the pumps would not have to be used during this hurricane season.

PRESENTATION OF PLAQUE TO RECENT RETIREE:

Kelli Chandler, Regional Director, recognized Diane Johnson who recently retired with 36 years of service. Ms. Johnson was unable to attend today's meeting. Prior to retiring Ms. Johnson served as the Guard at the Franklin Facility and was the first female to work on an Orleans Levee District maintenance crew.

PUBLIC COMMENTS:

Raleigh Bourg advised that he was representing the Roadway Owners Association, which was recently established to negotiate a lease renewal. He explained that the boathouse tenants own the improvements that are located on land on the West End managed by the Lakefront Management Authority (LMA). He stated that he purchased the improvements at a reasonable cost after being damaged by Hurricane Ida; however, only 14 years remain on the lease (a 78-page document). He stated that the LMA made clear its intent to foreclose on the properties at the end of the lease without any remuneration or consideration. Negotiations were stopped for safety reasons and the LMA now wants the tenants to have an inspection of the pilings and substructure every five years. He stated that the tenants cannot meet the terms of the lease and requested assistance from the FPA Board.

Joseph Nelson, who leases boathouse 33 on South Roadway, explained that over the past several months, he and other tenants have demonstrated to various committees and the LMA Board that their proposed terms for a revised lease would benefit all stakeholders and revitalize South Roadway and the West End. After little headway, the LMA Board unanimously consented to the creation of a small working group comprised of both parties to work in good faith and reach a compromise for the Board's consideration. He stated that the LMA's working group continues to be inflexible and difficult and recently formally advised that negotiations were suspended until all of the boathouses are inspected. He asked that the FPA Board intervene on the tenants' behalf so that negotiations can continue.

Robert Drouant, representing the Lake Terrace Crime Prevention District (LTCPD), expressed the Lake Terrace residents' and the LTCPD's appreciation for the substantial presence of Orleans Levee District (O.L.D.) Police, mounted patrols and cameras, along the New Orleans Lakefront during the recent Mothers' Day and Easter holidays. He noted the potential for violence, drag racing, etc., along the lakefront. The residents look forward to the continuation of this substantial presence, which also benefits the City as a whole, for future holidays.

Mr. Settoon commented that he recently spoke to and complimented Chief Thomas Harrington for this increased presence, and that Chief Harrington had advised him about several items for future improvements.

Ms. Chandler explained that an after action review was performed for Mothers' Day and Easter and that the police department did a phenomenal job. The O.L.D. Police Officers were supplemented with East Jefferson Levee District Police Officers.

Lydia Stampley, a resident in Lake Terrace Subdivision, stated that the condition of Lake Terrace Park is declining (grass and plant maintenance, as well as trash pick-up, is needed). She asked that the maintenance of the park be addressed.

Mr. Noel explained that, in accordance with legislation adopted in 2006 by the Louisiana Legislature, the FPA Board is responsible for the management of the flood protection aspects of the O.L.D.. The O.L.D.'s non-flood protection assets (e.g., the parks) are managed by the LMA. Mr. Fierke pointed out that this is also applicable to the South Roadway lease issue. The FPA and LMA Boards are co-equals. The FPA Board has no jurisdiction over the South Roadway leases.

NOMINATION AND ELECTION OF OFFICERS OF THE BOARD FOR A ONE-YEAR TERM EFFECTIVE JULY 1, 2023

Kirk Ordoyne, Executive Counsel, advised that Article 4, Section 1 of the Board's Bylaws states, "Officers of the Board are designated as President, Vice-President, Secretary, and Treasurer and shall be elected from among its members at the regularly scheduled June meeting. Officers shall assume their duties July 1." He advised that since eight Commissioners were present at today's meeting, should a tie occur (four-four vote), the legal recommendation was that the Board vote to continue this matter to the next Board meeting. Debbie Settoon will assume membership on the Board on July 2nd and nine Commissioners can be present at next month's meeting. A clarification was made that the election would be deferred to the July Board meeting only in the case of a tied vote.

Mr. Noel asked for nominations for the office of President. Mr. Duplantier nominated Mr. Noel for President and the nomination was seconded by Mr. Miller. Mr. Settoon nominated Mr. Cosse for President and the nomination was seconded by Mr. Fierke. Mr. Noel requested that Mr. Arrigo chair the meeting during the election for President.

Mr. Cosse stated that Mr. Noel did a great job as President and that as Chair he had a calming effect on the entire Board. Mr. Cosse explained that he served on the Board

for seven years and as Secretary for most of those years. He stated that he did not have much time remaining on his term and that he would like to serve as President for one year and that he would support the rotation of the office of President on a one-year basis. He added, in his opinion, the FPA did not fare well the last time the Board had a long-term President who served six years. Mr. Cosse pointed out his experience serving as Councilman-at-Large and had chaired hundreds of meetings. He added that he would appreciate the Commissioners' support.

Mr. Duplantier stated that the reason he nominated Mr. Noel and thought he is the right decision is that the FPA is in the middle of a problem and continuity from this year to next year while dealing with the U.S. Army Corps of Engineers (USACE) is important. He stated that Mr. Noel has done a great job and concurred that Mr. Noel has had a calming influence. Mr. Noel has been even-keeled, doesn't play favorites and is clear and concise. He reiterated that the FPA needs continuity while dealing with the issue with the USACE. Relative to continuity, Mr. Cosse pointed out that he had been on the Board longer than Mr. Noel.

A roll call vote was conducted and a tied vote (four-four vote) resulted with Mr. Arrigo, Mr. Duplantier, Mr. Miller and Mr. Noel voting for Mr. Noel, and Mr. Cosse, Mr. Fierke, Mr. Rabb and Mr. Settoon voting for Mr. Cosse.

There was a brief discussion regarding whether the election of only the President or all Officers should be deferred to the July Board meeting. It was pointed out that the losing candidate for President may wish to run for another office. Mr. Ordoyne advised that the entire election could be deferred.

Mr. Miller explained that during his tenure on the Board, past Presidents have served one, two and three years. He stated that Mr. Noel has done an outstanding job and has been a solid, proven leader. He asked that the Commissioners reconsider their decisions and vote again.

Mr. Rabb offered a motion to defer the election of officers to the July Board meeting. The motion was seconded by Mr. Cosse.

Mr. Settoon commented that he belonged to two organizations that were established over a hundred years ago and both have a policy to elect the executive officer to two one-year terms. This allows both continuity and an opportunity to elect another individual. He suggested that in the future the Board may wish to modify its Bylaws in this respect. Mr. Duplantier pointed out that this could be achieved by electing Mr. Noel.

A roll call vote was conducted on the motion to defer the election of officers to the July Board meeting. The motion was adopted with Mr. Arrigo, Mr. Cosse, Mr. Noel, Mr. Rabb and Mr. Settoon voting yea, Mr. Duplantier and Mr. Miller voting nay, and Mr. Fierke abstaining.

PRESENTATIONS:

1. Discussion of the financial position of the Lakefront Management Authority.

Louis Capo, Director of the Lakefront Management Authority (LMA), introduced the members of the LMA Board who were present at the meeting: Anthony Richard, LMA Chair, Wilma Heaton, LMA Airport Committee Chair, Dawn Hebert, Marina Committee Chair and Esmond Carr, LMA Commissioner.

Mr. Capo clarified that the LMA supplied the cameras, the mounted division from the New Orleans Police Department, and two ambulances from Acadian Ambulance Services, which were stationed on either end of Lakeshore Drive to provide assistance if needed, for the Mothers' Day and Easter holidays. The LMA also increased trash pickup and with the aid of trash and cleanup crews from ARC of Greater New Orleans installed additional trash barrels along the lakefront. The LMA pre-positioned 40-yard dumpsters to aid with the collection of trash on weekends and limit the number of miles the trucks had to traverse.

Mr. Capo explained that the leases along South Roadway are ground and water bottom leases and that the improvements belong to the tenants. He stressed that no one is foreclosing on the leases. At the expiration of the lease, which could occur in 13 to 15 years, the improvements located on the land and water bottom revert to the landlord (O.L.D.). The LMA has no obligation, legal or otherwise, to engage in discussions about lease expiration dates. The LA Supreme Court previously resolved this issue in favor of the O.L.D. He advised that the LMA is in lease negotiations with the tenants' group.

Mr. Capo introduced himself and provided his background. Mr. Capo was hired by the O.L.D. in 1996 as the Internal Auditor. In 2006 he was selected by the O.L.D. Board to serve as Director of the Non-Flood Protection Assets, which continued until 2014 when he began serving as the Internal Auditor for the FPA. In 2018 he returned to serving as the Director of the Non-Flood Protection Assets. Therefore, he has had experience with the non-flood protection assets, either in an auditing or management capacity, for the past 27 years.

Mr. Capo provided the following information to the Board relative to the non-flood protection assets (non-flood assets) and their management:

- The non-flood assets are owned by Orleans Levee District. The assets switched from time-to-time between the FPA's and LMA's books; however, the titles and ownership of the properties have never changed. The LMA Board manages the non-flood assets, including Lakefront Airport, South Shore Harbor (SSH), Orleans Marina, lakefront shelters and parkway, and the interior parks. The FPA Board manages the flood protection assets, which includes floodwalls, earthen levees and floodgates. The FPA and LMA may own furniture and fixtures, but not properties. The division of the management of the assets is clearly defined in the statutes and in the Memorandum of Understanding (MOU).
- The MOU delineating the flood and non-flood assets was initially negotiated between the Division of Administration (DOA) and the FPA Board in 2007.

- Since the division of the management of the O.L.D.'s flood and non-flood assets, consideration has never been given to a funding source to properly manage the non-flood assets. Management of the non-flood assets was stripped from the O.L.D. and parked with DOA from August 2007 to August 2010. The Non-Flood Protection Asset Management Authority (NFPAMA) Board was created in August 2010. The name was subsequently changed from NFPAMA to the Lakefront Management Authority.
- Post-Katrina there were 165 project worksheets totaling \$73 million for the non-flood assets. Lakefront Airport and SSH were virtually destroyed. The NFPAMA moved as fast as possible to return the properties to commerce using FEMA and insurance monies. Lakefront Airport, which is the top General Aviation (GA) airport in Louisiana, reopened for public traffic in late September 2005. The FAA re-staffed the FAA tower in the spring of 2007. The LMA now receives top dollar (\$33-\$35 per square foot, not including pass thru charges) for Terminal leases. Since 1998 (Hurricane Georges), continuous flooding has occurred on the Airport, which is hurting the Fixed Base Operators. SSH was reopened by 2009.
- The LMA's revenues cover its operating expenses. Scrutiny is given prior to the preparation of each year's budget to determine what is needed to properly fund and operate the non-flood assets. Many times expenditures far exceed the LMA's revenues and cuts must be made. The Operations Budget is between 8.5 and 9 million dollars per year, which is insufficient to properly operate the assets. A proper Operations Budget would be between 12 and 15 million dollars. The LMA budgeted \$8.5 million for Fiscal Year (FY) 2023 and collected \$9 million in revenues due to the roll forward of the O.L.D.'s SLIP tax millage rate.
- The LMA's 36 employees are assigned as follows: 17 Airport (includes 9 permanent firefighters 24/7), 4 Administrative, 3 Finance, 5 Maintenance and 7 marinas (SSH and Orleans Marina).
- The LMA has two budgets: an Operations Budget, which is balanced, and a Capital Projects Budget, which must be funded from the LAMP (Louisiana Asset Management Pool) account. Currently, the LMA has \$4.4 million in its LAMP account. The LMA proposes to implement \$3 million in improvements as of July 1, 2023, which will leave \$1.4 million in the LAMP account. The LAMP account must also be used when the ad valorem tax revenue slows for working capital and shortfalls. The next round of considerable ad valorem tax revenues will be received in March 2024. The 0.61 mil SLIP tax revenue (effective calendar year 2016) essentially replaced the monies received from the two Bally's settlements (\$500,000 received in 2008 relative to the Marina Center lease and \$7.5 million received in 2009 relative to the main lease at SSH), which had been used to operate and maintain the non-flood assets.
- As per the 2007 MOU, the O.L.D. Police Department was managed by the LMA with equal funding provided by the FPA and LMA. Eventually, the LMA could no longer fund the O.L.D. Police Department and the Department was transferred back to the O.L.D. (2012). The LMA also maintained the Ted Hickey (Seabrook) Bridge, which required four bridge tenders working 24/7, and was a huge

expense. In 2014 the Bridge was transferred to the LA Department of Transportation and Development (DOTD).

- The two Sewerage and Water Board of New Orleans (SWBNO) lines that stretch from the Industrial Canal to Lakefront Airport stop at the levee. Water, sewer and drainage lines north of the levee are owned by O.L.D. and maintained by the LMA. The SWBNO and LMA negotiated a \$4.8 million bill, which was settled for a little over \$1 million. The LMA is maintaining infrastructure that is over 80 years old. Over the years, the O.L.D. abandoned lines and added lines; however, the LMA does not have as-built drawings and must employ a leak detecting company to locate problems. An 8-inch and 10-inch water line cross under the levee and feed the Airport and SSH. A break can occur 10-feet underground and not be detected until water bubbles up or a sink hole appears and repairs must be made by the LMA.
- The LMA is responsible for maintenance of six bus shelters (4 in Lake Vista and 2 in Lakeshore Subdivision), subdivision entrance signage and interior parks, and for reviewing plans for compliance with the subdivision building restrictions that were put in place in 1939 and 1940. The LMA must employ a third-party architect to review plans for compliance.
- Mr. Capo advised that he had proposed that between 1.5 and 2 mills, which would generate between \$4 million and \$6 million, be included in the 2012 SLIP tax renewal referendum. However, the FPA President, State Treasurer Kennedy, and LMA representatives, wanted to stay below the prior rate. Therefore, only 0.61 mills, which produces an average of \$2 million per year, was included in the referendum for dedication to the non-flood assets. The 1983 SLIP tax renewal referendum, which included line items for Lakefront Capital Improvements, Landscaping and Stabilization and all other purposes incidental thereto, was used as the basis for the Legislature's mandated payment by the O.L.D. to the LMA of \$700,000 per year for two years (2011 and 2012).
- A meeting attended by Mr. Capo, Mr. Duplantier, David Martin, LMA Engineer, and Ms. Heaton was held (in 2021) at which a list of the deferred maintenance projects totaling approximately \$15 million was presented. The LMA needs assistance with these projects so that the useful life of the properties owned by the O.L.D. can be extended and the properties can be well maintained.
- The Due to(s)/Due from(s) between the O.L.D. and LMA date back to 2006 and 2009. The LMA had to install a new sprinkler system at the SSH covered boat slips to replace and upgrade the prior system installed in the 1980's. The new sprinkler system was required not only because the original system was not installed as designed, but it had not been designed for the intended use or reviewed by the Fire Marshal. In 2000 the O.L.D. had given approval for the buildout of the open covered boat slips. Two years ago, the roof for the covered boat slips was replaced. The cost of the two projects (sprinkler system and new roof) total \$1.4 million. The LMA spent an additional \$400,000 to dredge SSH. The funding for these projects, which extend the useful life of SSH, was taken from the LAMP account.

- In early negotiations between the DOA and the FPA, revenues from Bohemia Spillway mineral leases were listed under the non-flood assets. Prior to Katrina, the O.L.D. Board agreed to escrow \$10 million or a portion thereof as part of a litigation settlement; however, no action was taken after Katrina and in 2007 the plaintiffs took action to seize the non-flood assets. Due to DOA's concern about the potential seizure of non-flood assets, the Bohemia Spillway mineral lease revenues were listed under the flood assets. The settlement was subsequently paid; therefore, the use of Bohemia Spillway mineral lease revenues are now a potential area of discussion. Approximately \$2.4 million in mineral lease revenues were received by the O.L.D. over the past four years that could have been dedicated to the O.L.D. non-flood asset capital improvements.

Mr. Duplantier explained that this item was placed on the agenda due to the discussion at the last Board meeting about what had taken place from 2018 to the present. He stated that his understanding from the review of the record was that in 2018, the LMA owed the O.L.D. approximately \$7 million. The 2018 MOU provided for the repayment of \$1.3 million over the course of three years and \$5.6 million of the monies owed were waived. The balance should have been paid in full by the end of 2021; however, a balance of approximately \$800,000 remains due. He asked, on its books, is the LMA profitable in its operations for FY 2023. Mr. Capo explained that the LMA's books are not closed for FY 2023 and that it is leaning towards profitability of perhaps a couple hundreds of thousands of dollars; however, additional expenses are anticipated to be received prior to the LMA closing its books in the first week of July.

Mr. Duplantier asked what was the LMA's plan to repay the \$800,000 and become profitable. Mr. Capo clarified that \$3.7 million of the \$5.6 million that was forgiven was for bond payments in 2006 and 2007 for SSH. Mr. Duplantier reiterated his question regarding the repayment of the \$800,000. Mr. Capo advised that he had not been involved in the negotiation of the 2018 MOU and that \$500,000 of the \$1.3 million had been repaid. He asked that since the monies owed go back to 2005 and 2006, the Board consider forgiving the \$800,000 debt due to the fact that the LMA paid \$1 million to improve and upgrade the sprinkler system at SSH to meet current code.

Mr. Duplantier again asked is the LMA profitable on the books and will the LMA be profitable by the end of the FY. Mr. Capo reiterated that he could not answer the question regarding profitability at this time since several weeks remain in the FY. At the time the budget was prepared, revenues were matched with projected expenditures. Mr. Duplantier asked Mr. Capo did he have any idea as to whether the LMA would be profitable for the FY. Mr. Capo responded that the LMA budgeted \$8.5 million and received \$9 million in revenues. Expenditures as of last week were \$8.6 million. Therefore, at this time there is a \$400,000 cushion; however, several payrolls must be met and other expenses must be included on the books. He reiterated that all of the expenditures for the FY had not yet been received.

Mr. Fierke pointed out that this is government money and profit does not fit into this situation. Mr. Duplantier clarified that he meant in the black or in the red and asked was the payment to the O.L.D. included in the budget each year. Mr. Rabb asked Mr. Capo

if he was saying, if the \$800,000 was paid, the LMA's budget would be busted. Mr. Capo explained that the \$800,000 would have to come out of the LAMP account and not out of operating costs. The balance in the LAMP account is \$1.4 million.

Mr. Duplantier stated that the Legislative Auditors as of June 2022 advised that the LAMP account had \$5.9 million. He asked what capital expenses were paid from the \$1.6 million taken from the LAMP account. Mr. Capo replied that the LMA had to pay \$1.5 million for insurance deductibles for damages caused by Hurricanes Zeta and Ida. Mr. Duplantier asked which capital projects were included in the \$3 million to be taken from the LAMP account for the upcoming FY. Mr. Capo provided examples of the types of projects: \$200,000 for security cameras at SSH, \$186,000 for electrical inspections and repairs at SSH, and \$375,000 for roof repairs at the McDermott Hangar. He explained that what happens during a FY dictates whether or not the LMA moves forward with anticipated projects. The LMA's only means for funding its LAMP account are with funding from an uncompleted project or the receipt of an infusion of cash. In its effort to return the Seabrook Boat Launch to public use, the LMA will receive \$160,000 and \$1.8 million of Louisiana Capital Outlay funding for reconstruction and repairs and the LMA will be responsible for co-pays of \$60,000 and \$400,000 to \$500,000, respectively. The LMA is in the business of getting the O.L.D. non-flood assets up and running for the public.

Mr. Cosse commented that the last time he was at SSH it was in deplorable condition. Mr. Capo informed the Board about current efforts to restore SSH. The LMA advertised a Request for Proposals to lease and develop Parcel L (the old Bally's site). The LMA Board awarded a lease to Coaxum and the LMA is now receiving \$5,000 per month, which will escalate after Coaxum begins fully earning revenues. Bids were received to repair the piers damaged by Hurricane Ida; however, the lowest bid was \$2.4 million; therefore, the bids were rejected. The plans and specifications were reworked and the project is currently out for bid.

Mr. Capo explained that the LMA does not have the money to repair the sinkholes that continually appear in the Orleans Marina parking lot located near the floodwall. He pointed out that when Mr. Arrigo was an LMA Commissioner and Chair of the Marina Committee, there were sinkholes in the Orleans Marina parking lot that had to be acted on by the LMA. He noted that there are major projects that will extend the useful life of the O.L.D. non-flood assets. He added that he was not asking for one dollar of operating funds, even though \$9 million is insufficient to operate and maintain the O.L.D.'s non-flood properties.

Mr. Duplantier asked Mr. Capo to return to the FPA Board at its August meeting and advise the actual budget revenues and expenses for FY 2023, whether the LMA was in the black or the red, and the LMA's plan to get into and stay in the black and repay the \$800,000 to the O.L.D. He also asked for a list of the capital projects the LMA plans to fund with the \$3 million to be taken from the LAMP account (the capital outlay plan). He reiterated that in looking at the audit from a year ago, there was \$6 million in the LAMP account that could have been used to repay the \$800,000 to the O.L.D., keep the LMA profitable and do many of the capital projects. With the information to be provided at

the August meeting, the Board will be knowledgeable about what the LMA is doing to protect the O.L.D.'s non-flood assets.

Mr. Noel inquired about the sinkholes located near the floodwall. Chris Humphreys, Director of Engineering, advised that \$5.6 million, including \$900,000 of donated sheetpile from FPA, was spent to repair the Orleans Marina Bulkhead, which was damaged and had failed. In addition to repairing roughly one-third of the bulkhead, the drain line that was close to the floodwall was also repaired along with the sinkholes. The FPA is monitoring additional small sinkholes that appeared west of this area. The FPA repairs were done because the enlarging sinkholes approached and endangered the floodwall.

Mr. Arrigo commented that Mr. Duplantier's questions were valid and should be addressed; however, he thought that much of today's discussion violated the spirit of the legislative act that keeps the two boards separate. Therefore, he asked that the Board limit its scope on the questions regarding the repayment of the \$800,000.

Mr. Miller stated he appreciated Mr. Capo's service to the organization; however, after listening to his presentation of information, he still did not know what Mr. Capo was asking the FPA Board to do. Mr. Capo responded that he was asking the FPA Board for two things: first, forgiveness of the \$800,000 debt, which would be offset by the \$1 million payment by the LMA for the SSH sprinkler system, and, second, to consider dedicating the Bohemia Spillway mineral lease revenues to future capital improvement projects that would extend the useful life of the O.L.D.'s non-flood assets. Mr. Miller stated that he did not know the dollar value of the second part of Mr. Capo's request. He asked that in responding to Mr. Duplantier's request that Mr. Capo be very specific in what he is requesting from the LMA Board. Mr. Capo reiterated that in 2007 the Bohemia Spillway mineral revenues were moved from the LMA to the FPA to protect the O.L.D.'s financial assets from seizure by the plaintiffs in a legal suit.

Mr. Fierke explained, based on his eight years on the LMA Board, that the LMA adjusted anticipated expenditures to meet anticipated income. As stated by Mr. Capo, the budget could be from \$12 million to \$14 million in order to cover some of the deferred maintenance at the marinas. The more the assets deteriorate, the less income the LMA will receive because the tenants can move to its competitor -- the revitalized municipal marina that received \$30 million from FEMA to rebuild. He explained that in 2009 the Governor appointed an advisory commission to determine what the LMA should do; however, the commission did not come up with any budget recommendations. The 0.61 mill ad valorem tax rate was never tied to a budget proposal. The LMA and FPA are equals under the legislation created after Katrina by the Louisiana Legislature. The LMA did not receive a budget; however, it had many assets to rebuild, operate and maintain. The LMA was created as a result of Katrina and had never been examined or budgeted since its creation. He stated that Mr. Capo had done an excellent job trying to balance the budget. He noted that when he was on the LMA Board he voted against the acceptance of the MOU because in his opinion it was poorly negotiated and did not realize the dynamics of the two organizations.

Mr. Settoon advised that he was also a former LMA Commissioner and longtime resident in a lakefront neighborhood. He stated that he had known Mr. Capo for a long time and found him to be very honest, thorough and a good manager. As a result of the legislation passed, the LMA is faced with an underfunded mandate. The LMA was mandated with the management of the non-flood assets, but was not given funds to do the job. To complicate this situation, the assets are old. The Airport is over 80 years old, the Lake Vista Community Center is of similar vintage, and the Orleans Marina is over 50 years old. He explained that he periodically attends LMA meetings during which citizens vehemently complain about things not being done. Some of the LMA Commissioners constantly complain to Mr. Capo about their pet projects not being carried out with no acknowledgement whatsoever that there is no money do them. What the two boards have is a situation created by others. He stated that he did not have a solution or recommendation; however, the first step is to admit that there is a problem; that is, an underfunded mandate. The FPA needs to work with the LMA to find a way for it to be funded.

Mr. Miller stated that the Board must be very careful about how it looks at this situation. There are certain capital needs that must be met, which must be separated from the operational needs. The capital problems should be taken care of and then the operations budget should be viewed separately.

Mr. Cosse requested information about the maintenance of Lake Terrace Park. Mr. Capo replied that the LMA was notified earlier in the week about the situation and the grass should be cut today. The LMA is also working with ARC on trash pick-up.

Mr. Settoon noted the vast improvement along Lakeshore Drive, most recently with the increased levee district police presence, and, previously, by hiring ARC, which is doing a good job. He also commended Ms. Heaton who when she was Chair of the LMA Board publicly recognized and presented certificates of appreciation to the ARC employees for their efforts. This may have been the first time these people were publicly recognized and it was a moving experience. Mr. Capo advised that the LMA Board will present certificates of appreciation again at its next Board meeting.

Mr. Noel summarized that Mr. Capo will appear before the Board in August with the requested information and Commissioners will have time to consider the issues at hand so that the FPA can find a direction.

REPORT BY REGIONAL DIRECTOR:

Ms. Chandler provided the Regional Director's report:

- **Safety:** Due to the extreme heat, field crews are being reminded to stay hydrated, use cooling towels, take frequent breaks, and to keep safety in the forefront of their minds.
- **Mississippi River:** The river stage is very low and lower than it was in 2022. If it continues to remain low, there is the potential for salt intrusion. The low river stage will allow the slope paving repairs to be done in St. Bernard Parish.

- **Permanent Canal Closures and Pumps (PCCP)**: The corrosion issue in the lower bearing housing of the pumps is not the only issue with the pumps. Currently, 17 requests for technical assistance have been sent to and acknowledged by the USACE and must be addressed in addition to the corrosion in the long term fixes. A meeting will be scheduled with the Commissioners in order to provide more details about the pumps (e.g., diagrams that show the parts of the pumps that are stainless vs carbon steel). It is important for the Board to be engaged and active with the plan to move forward with the long term repairs because the FPA will have to operate and maintain the PCCP pumps. The budget was prepared based on current maintenance and potential changes could significantly impact the FPA's operations and costs.
- **Temporary Pumps**: The temporary pumps have been installed. The total capacity of the 35 temporary pumps is about 750 cubic feet per second (CFS). The pumps at all three PCCP pump stations are currently at full capacity. Pump No. 1 was repaired bringing the London Avenue PCCP back to full capacity. A table top exercise will be performed this week to discuss the temporary pumps (e.g., fueling, priming and remote operation). Since the PCCP pumps are now at full capacity and the USACE advised that everything is ready for the hurricane season, the USACE asked to begin demobilizing the temporary pumps (about a 30 day process) at the end of July when the contract for the pumps expires. At the time that the decision had to be made, the temporary pumps were installed as a belts and suspenders approach because of the uncertainty about Pump No. 1 being repaired and ready for the hurricane season and the possibility of discovering another failure during the inspection. The temporary pumps were installed out of an abundance of caution to ensure readiness for the hurricane season. The capacity for Pump No. 1 at the London Avenue PCCP is 1,800 cfs.

Mr. Miller stated that his understanding was that the Orleans Avenue PCCP pumping capacity basically matches the SWBNO's drainage capacity; therefore, he would like the FPA to pursue having the USACE install an additional pump at the Orleans Avenue PCCP as a backup. The London Avenue and 17th Street PCCPs have additional capacity so that in the event one pump fails, the remaining pumps would still match the SWBNO's drainage capacity.

Mr. Settoon inquired about the possibility of the USACE leaving the temporary pumps in place during the hurricane season. Ms. Chandler responded that this could be discussed with the USACE. The USACE is paying the cost for the temporary pumps.

Mr. Fierke inquired about the 17 requests for technical assistance. Ms. Chandler clarified that the 17 requests for technical assistance were submitted to the Coastal Protection and Restoration Authority (CPRA) who then sent them to the USACE. A request for technical assistance is the formal process for notifying the USACE about issues discovered during maintenance.

Mr. Arrigo requested the opinion of Engineering staff regarding leaving the temporary pumps in place during hurricane season. Chris Humphreys, Director of Engineering, explained that the assessment of the pumps was conducted by the Joint Venture (JV)

and in some cases the pumps were not dismantled and they only looked at the diffuser bearing housing through limited space. Corrosion was observed on all of the pumps. The pump manufacturer deemed that the pumps were adequate and that the corrosion was not severe enough to cause an outage such as that experienced by Pump No. 1. However, corrosion is not the only potential failure mechanism. Another potential mechanism is the out of plumb limitation, which was theorized to be the potential problem relative to Pump No. 1 prior to the discovery of the corrosion. The out of plumb limitation is a known problem that needs to be fixed. The pumps were deemed to be in suitable condition for this hurricane season based on the assessments of the USACE and the pump manufacturer, which is the expert on the pumps. There is always some risk of a potential failure; however, at this time the FPA has been advised by the USACE and the JV's pump manufacturer that the condition of the pumps is adequate for the 2023 hurricane season.

Mr. Humphreys further explained that the total capacity of the temporary pumps (750 CFS) is not even half of the capacity of one of the PCCP 1,800 CFS pumps. Ms. Chandler advised that there were several concerns regarding the temporary pumps, which included remote operation should cell service be lost and fueling logistics. Fully fueled the temporary pumps can run for four days. Fuel will be topped off three days in advance of a tropical event in the Gulf. Mr. Settoon suggested that based on staff's comments he would not use up too much capital with the USACE attempting to extend the lease of the pumps beyond July.

Mr. Arrigo commented that things were going well with the organization and that he saw a healthy organization, which he attributed to good leadership. Ms. Chandler commended the FPA team.

Mr. Settoon inquired about the table top exercise for hurricane preparedness. Ms. Chandler explained that a past hurricane is chosen and displayed on a map. Staff members discuss their particular role and explain the decisions and actions they would take at various points of the storm's approach. Various scenarios are presented during the exercise and discussions take place regarding adjustments that would be needed. Mr. Settoon asked are the Commissioners allowed to observe the exercise. Ms. Chandler replied, yes.

COMMITTEE REPORTS:

Finance Committee: Due to Mr. Latiolais' absence, Mr. Duplantier chaired the Finance Committee meeting that was held prior to the Board meeting. He reported that the Committee recommended that the Board approve the Compliance Questionnaires and the selection of the Advocate and St. Bernard Voice as stated in the proposed resolution.

Operations Committee: Mr. Cosse reported that the Operations Committee met prior to the Board meeting. The Committee received an update from Mr. Humphreys on the PCCP pumps and recommended that the Board approve the award of the contracts for the Hayne Boulevard Relief Well Project and the grass maintenance services as provided in the proposed resolutions.

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

Legal Committee: Mr. Duplantier reported that the Legal Committee met prior to the Board meeting. The Committee received a litigation status update from Kirk Ordoyne, Executive Counsel, and recommended that the Board approve the proposed resolution to establish a budget for the Robert vs State of LA litigation. Mr. Noel commented that Mr. Ordoyne is doing an incredible job settling claims/litigation for reasonable amounts.

NEW BUSINESS:

RESOLUTION NO. 06-15-23-02 – RESOLUTION RECOGNIZING COMMITMENT AND CONTRIBUTIONS OF JASON P. LATIOLAIS

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

“Recognizing the commitment and contributions of Jason P. Latiolais to the Flood Protection Authority and to the citizens of Southeast Louisiana.”

WHEREAS, after the devastation resulting from Hurricane Katrina, the Southeast Louisiana Flood Protection Authority-East (Flood Protection Authority-East) was created by the Louisiana State Legislature to provide regional flood protection for the Lake Pontchartrain Basin area; and

WHEREAS, due to his outstanding qualifications, expertise and experience, Governor John Bel Edwards appointed Jason P. Latiolais to serve as a member of the Flood Protection Authority-East Board effective September 28, 2016, and reappointed Mr. Latiolais to serve a second term as a member of the Board ending on July 1, 2023; and

WHEREAS, Mr. Latiolais received his B.S. in Civil Engineering from Louisiana State University in 2006 and Masters of Business Administration from Southeastern Louisiana University in 2016; and

WHEREAS, Mr. Latiolais has over 17 years of experience in engineering, project management, group management and business, and currently serves as the President/CEO of Barriere Construction Company; and

WHEREAS, Mr. Latiolais brought a tremendous amount of professional expertise and experience to the Board and to the management and operation of the critical \$14 billion Hurricane and Storm Damage Risk Reduction System, which protects the lives and property of the citizens of the Greater New Orleans region; and

WHEREAS, Mr. Latiolais' leadership, hard work and service as a member of the Board from September 28, 2016, to July 1, 2023; as Treasurer and Chair of the Finance Committee from July 1, 2022 to June 30, 2023; as a member of the Operations Committee from July 1, 2019, and as Chair of the Operations Committee from July 1, 2021 to June 30, 2022; and as a member of the Coastal

Committee from October 28, 2016 to June 30, 2017, and from July 1, 2019 to June 30, 2020, resulted in many positive achievements.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby expresses its deepest gratitude and appreciation to Jason P. Latiolais, for his dedication and contributions during his tenure as a member of its Board of Commissioners and for his devoted service to the citizens of Southeast Louisiana.

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

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

NAYS: None

ABSENT: Mr. Latiolais

RESOLUTION NO. 06-15-23-03 - LOUISIANA COMPLIANCE QUESTIONNAIRES

On the motion of Mr. Rabb,

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

WHEREAS, the Louisiana Compliance Questionnaire is a required part of a financial audit of Louisiana state and local government agencies; and

WHEREAS, the completed and signed questionnaire must be presented to and adopted by the governing body of the organization by means of a formal resolution in an open meeting; and

WHEREAS, the completed and signed questionnaire and a copy of the resolution must be given to the auditor at the beginning of the audit; and

WHEREAS, Louisiana Compliance Questionnaires have been completed by management for the Southeast Louisiana Flood Protection Authority-East (FPA), the Orleans Levee District, the East Jefferson Levee District and the Lake Borgne Basin Levee District for the fiscal year ending June 30, 2023, and provided to the Board of Commissioners for review.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East adopts the Louisiana Compliance Questionnaires for the Southeast Louisiana Flood Protection Authority-East (FPA), the Orleans Levee District, the East Jefferson Levee District and the Lake Borgne Basin Levee District for the fiscal year ending June 30, 2023.

BE IT FURTHER RESOLVED, that the FPA President, FPA Secretary and FPA Treasurer are authorized to sign the aforementioned Louisiana Compliance Questionnaires for the fiscal year ending June 30, 2023.

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

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

NAYS: None

ABSENT: Mr. Latiolais

RESOLUTION NO. 06-15-23-04 - SELECTION OF OFFICIAL JOURNAL FOR FPA, EJLD, O.L.D. AND LBBLD

Mr. Settoon recommended that the FPA consider approaching the Louisiana Association of Levee Boards to lobby the legislature to allow the posting of the required notices on line rather than publishing them in a journal. Mr. Duplantier advised that the statute would have to be changed to include every organization in Louisiana.

Mr. Fierke explained that he intended to vote nay on the resolution as a protest and that he consistently voted nay on this matter when he was on the LMA Board. He stated that in his opinion the publication in a journal is ridiculous.

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

WHEREAS, R.S. 43:171 provides that levee districts and other political subdivisions shall have the proceedings of their board and such financial statements required by the legislative auditor published in a newspaper, which shall be selected at the first meeting in June of each year for a term of one year; and

WHEREAS, R.S. 43:171 further provides that the newspaper shall meet certain criteria relative to location and publication; and

WHEREAS, the New Orleans Advocate meets the aforementioned criteria for the Southeast Louisiana Flood Protection Authority-East (FPA), East Jefferson Levee District and Orleans Levee District; and

WHEREAS, the St. Bernard Voice meets the aforementioned criteria for the Lake Borgne Basin Levee District.

BE IT HEREBY RESOLVED, that the New Orleans Advocate is hereby selected as the Official Journal for publications as required under R.S. 43:171 for the Southeast Louisiana Flood Protection Authority-East, East Jefferson Levee District and Orleans Levee District for a one-year term commencing on July 1, 2023.

BE IT FURTHER RESOLVED, that the St. Bernard Voice is hereby selected as the Official Journal for publications as required under R.S. 43:171 for the Lake Borgne Basin Levee District for a one-year term commencing on July 1, 2023.

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

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

NAYS: Mr. Fierke

ABSENT: Mr. Latiolais

RESOLUTION NO. 06-15-23-05 - LEGAL SERVICES OF BURGLASS & TANKERSLEY, LLC – JOSEPH ROBERT V. STATE OF LA

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) adopted Resolution No. 11-29-18-08 on November 29, 2018, which was restated and amended by Resolution No. 01-17-19-02, adopted on January 19, 2019, authorizing the retention and employment of Burglass & Tankersley, LLC as special counsel, effective November 19, 2018, for representation in the litigation entitled, “Joseph Robert v State of Louisiana, Orleans Parish, No. 2016-9374”; and

WHEREAS, the FPA wishes to appeal the decision of the Civil Court for the Parish of Orleans to grant class action certification for the aforementioned litigation to the Louisiana Court of Appeal, Fourth Circuit; and

WHEREAS, there is a need to adopt a budget for legal representation required for the appeal process through the Louisiana Supreme Court.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves a budget for the appeal process through the Louisiana Supreme Court in an amount not-to-exceed \$25,000 for the legal services of Burglass and Tankersley, LLC for representation in the litigation entitled, “Joseph Robert v State of Louisiana, Orleans Parish, No. 2016-9374”.

BE IT FURTHER RESOLVED, that the appeal services provided under the agreement with Burglass & Tankersley, LLC for the aforementioned litigation shall not exceed \$25,000 without further Board approval.

BE IT FURTHER RESOLVED, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute 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. Miller, Mr. Rabb
and Mr. Settoon

NAYS: None

ABSENT: Mr. Latiolais

RESOLUTION NO. 06-15-23-06 - AWARD OF CONTRACT FOR HAYNE BOULEVARD RELIEF WELL PROJECT

Mr. Cosse advised that the Operations Committee recommended approval of the award and execution of the contract.

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

WHEREAS, the Hayne Boulevard Relief Well Project (Project No. O2280026) was advertised and three bids were opened and read at the Orleans Levee District on May 30, 2023, as follows:

Bidding Contractors	Total Bid Price
Cycle Construction Company, LLC	\$504,145
Impetus Infrastructure, LLC	\$542,270
Durr Heavy Construction, LLC	\$605,708

WHEREAS, the lowest responsive and responsible bid was submitted by Cycle Construction Company, LLC, in the amount of \$504,145; and

WHEREAS, the Engineering Estimate for the base bid project is \$500,000; and

WHEREAS, funding for the project is included in Budget Line Item 42.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$504,154 to Cycle Construction Company, LLC, for the Hayne Boulevard Relief Well 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 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. Duplantier, Mr. Fierke, Mr. Miller, Mr. Rabb and Mr. Settoon

NAYS: None

ABSENT: Mr. Latiolais

RESOLUTION NO. 06-15-23-07 - GRASS MAINTENANCE SERVICES

On the motion of Mr. Fierke,

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

WHEREAS, the Southeast Louisiana Protection Authority-East (FPA) requested bids for Furnishing Labor, Equipment, Materials and Supplies for Grass Cutting Services for approximate 894 acres of levee in New Orleans East within the Orleans Levee District consisting of:

1. LPV 108 - Paris Road to Southpoint (143 acres)
2. LPV 109 - Southpoint to I-10 (35 acres)
3. LPV 109 - I-10 to CSX Railroad (259 acres)
4. LPV 111 - CSX Railroad to Floodgate M-16/Surge Barrier (188 acres)
5. GIWW north side from Paris Road to Cold Storage Facility (116 acres)
6. From Floodgate S-1 to Bayou Bienvenue Sector Gate (153 acres)

WHEREAS, the bid proposal includes weed eating and/or herbicide application under a licensed applicator in all areas; and

WHEREAS, the bid proposal provides a cost breakdown by acreage for each levee segment per cut, as well as the cost of weed eating/herbicide application per cut, and the total estimated annual cost for all services; and

WHEREAS, bids were requested from four vendors (Rotolo Consultants, Inc., Foret Contracting Group, Cycle Construction and Holiday Construction), however, three of the vendors declined to bid; and

WHEREAS, only one bid was received from Rotolo Consultants, Inc., with a cost of \$22.50 per acre for grass maintenance and a cost for weed eating/herbicide application of \$760 per cut, and a total estimated annual cost of \$208,750.00; and

WHEREAS, the proposal provides for a maximum of ten cuts annually and further provides that acreage is not guaranteed and that the overall number of cuts will be based on actual need; and

WHEREAS, the contract shall be for one fiscal year (July 1st – June 30th), with the option to renew annually for up to 36 months with Board approval, provided job performance is satisfactory and costs remain firm; and

WHEREAS, funding for said services is included in the Fiscal Year 2024 Budget - Line 47 GL Account 4380.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the award of a contract to Rotolo Consultants, Inc., for Furnishing Labor, Equipment, Materials and Supplies for Grass Cutting Services for approximately 894 acres of levee within the Orleans Levee District with ten maximum cuts per annum at a total annual estimated cost of \$208,750.00.

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 Rotolo Consultants, 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. Miller, Mr. Rabb
and Mr. Settoon

NAYS: None

ABSENT: Mr. Latiolais

Mr. Noel advised that the next regular monthly Board Meeting will be held on July 20, 2023, at which time the FPA will hold its election of officers.

There was no further business; therefore, the meeting was adjourned at 12:45 p.m.