

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, JULY 20, 2023**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on July 20, 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  
Thomas G. Fierke  
Herbert I. Miller  
Derek N. Rabb  
Deborah M. Settoon  
William A. Settoon, Jr.

**ABSENT:**

Richard G. Duplantier, Jr.

**INTRODUCTION OF COMMISSIONER DEBORAH M. SETTOON AND  
ADMINISTERING OATH OF OFFICE**

Mr. Noel introduced Commissioner Deborah “Debbie” M. Settoon, who was appointed to the Board by Governor John Bel Edwards for a four year term starting on July 2, 2023. Mr. Miller administered the oath of office to Ms. Settoon.

Mr. William Settoon advised for the record that he and Ms. Debbie Settoon are not related. Ms. Settoon concurred.

**ADOPTION OF AGENDA:**

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

**RESOLUTION NO. 07-20-23-01 - APPROVAL OF THE MINUTES OF THE BOARD  
MEETING HELD ON JUNE 15, 2023**

On the motion of Mr. Settoon,  
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 June 15, 2023.

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

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

NAYS: None

ABSENT: Mr. Duplantier

**SAFETY MINUTE:**

Clay Bardwell, Safety Coordinator, explained that CPR and BLS (basic life support) training was the Safety Minute topic at a prior meeting and reported that three days after two employees completed their certification they responded to an emergency where CPR/BLS was needed. He read the recent Levee District Police Report:

On Friday, June 23, 2023, at approximately 8:35 a.m., Police Officers Scott Meunier and Carley Ward responded to a dispatched medical complaint in Metairie, LA. The caller advised that she discovered her 11 year old daughter unresponsive and not breathing in her bedroom. An update to the call advised that she was turning blue.

Officers Meunier and Ward arrived at approximately 8:40 a.m. and assessed the patient after ensuring the scene was secure. The patient was not breathing and Officers could not detect a pulse. With the assistance of JPSO Deputy Scott Richardson, they immediately began CPR in an attempt to revive her. Officers took turns giving chest compressions and breaths with their issued CPR mask.

At approximately 8:50 a.m. EMS arrived on scene and the Officers continued CPR while EMS provided further medical care. At approximately 9:01 a.m. a pulse was restored and the Officers along with several JPSO Deputies escorted the ambulance to Ochsner Hospital's Emergency Room. When they left the patient was alive at the hospital.

Mr. Bardwell thanked the CPR/BLS trainers who have been training FPA employees and Officers Meunier and Ward for their actions.

**OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:**

Mr. Noel advised that the Board meeting was not being live-streamed; however, a recording would be made available on the FPA website.

Mr. Noel introduced Mr. Robyn Krieger, Projects Coordinator for Congressman Steve Scalise.

Mr. Noel advised that a citizen's complaint was received about grass maintenance; however, upon investigating the property was found not to be part of the FPA's jurisdiction.

Mr. Noel stated that a briefing was provided by Kelli Chandler, Regional Director, and Chris Humphreys, Director of Engineering, on the Permanent Canal Closures and Pumps (PCCP) pumps, which was well received. As a result of the discussion, he appointed Commissioners Debbie Settoon and Thomas Fierke to an Ad Hoc Committee to work with the U.S. Army Corps of Engineers and Ms. Chandler on this issue and to keep the Board apprised of the progress.

Mr. Noel explained that he did the Performance Evaluations for the Regional Director and Executive Counsel. Ms. Chandler and Kirk Ordoyne, Executive Counsel, agreed to allow copies of their Performance Evaluations to be provided to the Board.

Mr. Noel advised that he and Mr. Cosse met with Anthony Richard, Chairman of the Lakefront Management Authority (LMA), and Louis Capo, LMA Executive Director. The meeting was productive and several possibilities to assist the LMA were discussed. The participants discussed obtaining an Attorney General legal opinion regarding the use of Bohemia Spillway revenues. Mr. Noel explained that the legislation passed did not allow the flood protection division to provide money to maintain non-flood protection assets. Mr. Noel advised that Michelle White, who was the FPA's representative on the LMA Board, resigned and that he had asked Joe Hassinger to represent the FPA on the LMA Board.

Mr. Cosse concurred that the meeting with the LMA representatives was very productive. He explained that after Hurricane Katrina, the Orleans Levee District was divided into the flood protection assets division and the non-flood protection assets division; however, both components make up the Orleans Levee District. The financial picture laid out by the LMA is bleak. He stated that in his opinion the FPA Board should do what it can to assist the LMA. Two areas discussed were use of the Bohemia Spillway revenues to assist the LMA and Mr. Cosse's suggestion regarding instituting grass maintenance efficiencies along the lakefront. Currently, the FPA cuts the grass on the levee and the LMA cuts the grass from the levee to Lakeshore Drive. Mr. Cosse said that he had been advised that there could be a savings of about \$600,000 per year by combining resources to maintain the grass. He noted that a check was provided by the LMA to the FPA in accordance with the Memorandum of Understanding. He explained that financially the LMA is basically covering routine operations and added that he looked forward to working with the LMA.

Mr. Fierke pointed out that when considering grass maintenance efficiencies, the FPA should include City Park in regards to the land along Bayou St. John and the Orleans Avenue Canal where the FPA maintains the grass on the levee and City Park maintains the grass adjacent to the levee. Ms. Chandler advised that the FPA is in discussions with the City of New Orleans Department of Parks and Parkways and City Park about grass maintenance in areas along Bayou St. John that are not the responsibility of the FPA.

## **PRESENTATION OF PLAQUES:**

Mr. Noel presented a plaque to Jason P. Latiolais with the resolution adopted by the Board on June 15, 2023, expressing the FPA's gratitude and appreciation to Mr. Latiolais for his service as a Commissioner from September 28, 2016, to July 1, 2023.

The Board recognized the following employees who are retiring from service with the FPA. Plaques were presented by Kelli Chandler, Regional Director. The Board thanked the employees for their hard work and service.

Karl Hoffpauir, Facility Assistant Maintenance Manager A, PCCP, with ten years of service.

Peggy Sembera, Accountant Manager, Finance, with 36 years of service.

Mark Theard, Facility Maintenance Manager A, O&M Facilities, with 40 years of service.

## **PUBLIC COMMENTS:**

Ashley Haspel, Lake Terrace Property Owners Association, explained that she spoke to Louis Capo, LMA Executive Director, and Ms. Chandler, about the tree and coyote issues. Multiple coyote sightings have occurred at Lake Terrace Park, which is used by many small children, and London Avenue Park. Earlier this week by email, Ms. Chandler suggested that the City of New Orleans become involved in this issue. Ms. Haspel requested that the FPA and LMA reach out to the City on behalf of the Lake Terrace neighborhood on the coyote issue. She then addressed the U.S. Army Corps of Engineers' (USACE) handling of the trees in London Avenue Park when installing the temporary pumps. Mr. Capo, Ms. Chandler, Patricia Fullmer, who is knowledgeable about trees, Ms. Haspel and other individuals met at the site about two months ago after the project began. Ms. Haspel explained that the USACE did not follow its diagram and requirements on tree protection and that she was concerned about the damage to the trees. She provided a copy of an email between Ms. Fullmer and the USACE and the USACE's diagram/requirements. She asked that if further construction is needed, the FPA ensure the trees are handled correctly.

Mr. Fierke explained that the coyote situation came up about five years ago and it was found that the coyotes were living and reproducing in City Park because it has true wilderness areas; therefore, he suggested that Ms. Haspel also reach out to City Park and Councilman Eugene Green, who is the councilman for the area and is very responsive to citizen's requests.

**PRESENTATIONS:** None.

## **REPORT BY REGIONAL DIRECTOR:**

Kelli Chandler, Regional Director, provided the following report:

- Hurricane Exercise – A hurricane tabletop exercise was conducted in July during which staff discussed various scenarios.
- PCCP Update – The temporary pumps are being demobilized since the London Avenue PCCP pumps are at full capacity. The Joint Venture (JV) had not yet provided its long term repair plan to the USACE. The JV’s attorneys are concerned that the USACE will use the information provided by the JV against them in a lawsuit; therefore, the attorneys have been negotiating what information it will turn over. The FPA anticipated the plan being turned over several weeks ago and the delay will impact the December 1<sup>st</sup> deadline for starting the long term repairs. The FPA was told that the plan should be turned over shortly to the USACE and that the FPA would be provided a copy. Round table discussions will then commence regarding the plan and the FPA will have an observational part in these meetings. The Coastal Protection and Restoration Authority (CPRA) will also participate in the meetings. The USACE advised that the finding of facts can be viewed and read by the FPA in order to understand the issues being brought out. Ms. Chandler added that she would ensure that Ms. Settoon and Mr. Fierke, and any other Commissioners who wish, are part of the party that goes and views the finding of facts.
- East Jefferson Foreshore Erosion – The USACE received \$26.2 million to repair the erosion, rebuild the foreshore protection and add rip-rap. The FPA has been awaiting the repairs for some time. The project is currently in design. Staff will discuss with the USACE some methods successfully used by the FPA. The project will be 100 percent federally funded.

Ms. Settoon asked since the design for the East Jefferson Foreshore erosion mitigation is in the early stage is there a mitigation plan for the current hurricane season. Ms. Chandler responded that there are no additional plans. The foreshore erosion has been on-going for some time. The foreshore and rip-rap serve as frontal protection for the levee. Much of the rip-rap has been lost; however, some of it remains.

**COMMITTEE REPORTS:**

No committee meetings were held in the month of July; therefore, there were no reports.

**NEW BUSINESS:**

**RESOLUTION NO. 07-20-23-02 - RESOLUTION RELATIVE TO LMA INCOME, EXPENSES AND CAPITAL BUDGET**

Mr. Fierke offered the following motion to amend the resolution: substituting language in the title of the resolution and on page 2 to read “Income, Expenses and Capital Budget” rather than “Cash Flow”; in the RESOLVED paragraph, to change “the FPA Finance Director shall formally request” to “the FPA President shall formally request”, to delete “as directed by the FPA Finance Director” and add “return it to the President of the FPA”; and to include a paragraph stating that the LMA be authorized to change the

schedule to more appropriately reflect their significant projects.” The amendment was seconded by Mr. Settoon and unanimously adopted.

Mr. Settoon explained that the resolution was intended to be helpful and his objective was, first, to determine if the LMA is financially stable now and into the future and, second, if not, what is the magnitude of the problem. He pointed out that if a problem exists, he was not offering a solution, but just trying to quantify it, which is the first step. He added that he discussed the resolution with Mr. Capo and that he was in agreement.

Mr. Capo stated that he supported the resolution and noted that transparency is important so that the FPA Board understands the LMA’s financial condition and goals. The head of the LMA’s Finance Department is an accountant and a CPA and has 35 years of experience; therefore, the LMA is more than capable of providing the requested information. The auditors must complete the current fiscal year financial audit by August 31. Therefore, the information should be available for the FPA no later than September, but he hoped to have the information when he provides the update on the LMA at the August meeting.

Ms. Settoon asked could financial information be provided for the past three years in order to see if there are any trends. Mr. Capo responded that he could go back as many years as requested. Mr. Fierke commented that going back three years would allow everyone to see the impacts of COVID-19. Impacts, such as reduced fuel sales at Lakefront Airport due to COVID-19, should be footnoted. Mr. Capo noted that Lakefront Airport operations and fuel sales are on the rebound.

Mr. Settoon pointed out that Lakefront Airport was separated in the schedule because the FAA requires airport funds to remain at the airport.

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

**WHEREAS**, the South Louisiana Flood Protection Authority – East (“FPA”) was created to manage and maintain the flood protection assets of the East Jefferson, Orleans and Lake Borgne Basin Levee Districts, and

**WHEREAS**, the Lakefront Management Authority (“LMA”) was created to manage the non-flood protection assets of the Orleans Levee District; therefore, the LMA is effectively the property manager of the FPA’s non-flood assets, and

**WHEREAS**, the LMA has limited revenues which may or may not meet the financial requirements to effectively maintain and manage said assets, and

**WHEREAS**, many of the assets are greater than fifty years of age and will require increased maintenance and repairs in the foreseeable future, and

**WHEREAS**, if the LMA is unable to maintain and effectively manage said assets, the assets will ultimately deteriorate and need to be repaired, replaced, or removed, and

**WHEREAS**, the future financial requirements of the LMA to do its mandated job are currently unknown, and

**WHEREAS**, both the FPA and the LMA need to know and understand the magnitude and scope of the problem before trying to solve it.

**THEREFORE**, in order to better understand the situation,

**BE IT HEREBY RESOLVED**, that the FPA President shall formally request the LMA to prepare a projected schedule as follows and return it to the President of the FPA.

**BE IT FURTHER RESOLVED**, that the LMA is hereby authorized to change the schedule to more appropriately reflect their significant projects.

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

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

NAYS: None

ABSENT: Mr. Duplantier

**LMA Income, Expenses and Capital Budget Resolution**

	Fiscal Year					Total
	23-24	24-25	25-26	26-27	27-28	
<b>Lakefront Airport:</b>						
Revenues						
Operating Expenses						
Net Revenues						
<u>Debt, Major Maintenance &amp; Capital Projects:</u>						
Debt Retirement						
Major Maintenance Projects <sup>(1.)</sup>						
Capital Projects <sup>(1.)</sup>						
Total						
Net Cash Surplus/Deficit <sup>(2.)</sup>						
<b>South Shore Harbor:</b>						
Revenues						
Operating Expenses						
Net Revenues						
<u>Debt, Major Maintenance &amp; Capital Projects:</u>						
Debt Retirement						

Major Maintenance Projects <sup>(1.)</sup>						
Capital Projects <sup>(1.)</sup>						
Total						
Net Cash Surplus/Deficit						
<b>Orleans Marina:</b>						
Revenues						
Operating Expenses						
Net Revenues						
<u>Debt, Major Maintenance &amp; Capital Projects:</u>						
Debt Retirement						
Major Maintenance Projects <sup>(1.)</sup>						
Capital Projects <sup>(1.)</sup>						
Total						
Net Cash Surplus/Deficit						
<b>All Other LMA Properties:</b>						
Revenues						
Operating Expenses						
Net Revenues						
<u>Debt, Major Maintenance &amp; Capital Projects:</u>						
Debt Retirement						
Major Maintenance Projects (1.)						
Capital Projects (1.)						
Total						
Net Cash Surplus/Deficit						
Combined Net Cash Surplus/Deficit (2.)						
(1.) Itemized schedule attached						
(2.) FAA regs require airport income to stay on-site						

**RESOLUTION NO. 07-20-23-03 - A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST TO AMEND AND RESTATE RESOLUTION NO. 05-18-23-04 AUTHORIZING THE RETENTION OF FISHER & PHILLIPS LLP TO PROVIDE LEGAL COUNSEL AND REPRESENTATION FOR LOUISIANA CIVIL SERVICE APPEALS AND OTHER LABOR AND EMPLOYMENT LITIGATION**

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Mr. Fierke asked did the insurer choose Fisher & Phillips and was the FPA obligated to use their choice. Mr. Ordoyne explained that the insurer chose Fisher & Phillips for past Civil Service appeals and that the firm had represented the FPA in numerous past cases and did a great job; therefore, the FPA requested their use this time

Mr. Fierke commented that if Mr. Duplantier was at the meeting, he would state that the rates are most reasonable.

Ms. Settoon inquired about the pricing of legal services and ensuring fair prices. Mr. Ordoyne explained that the Attorney General (AG) has a schedule of published rates that was approved several years ago. The rates being approved by the Board (\$305.00 per hour for Edward F. Harold and \$270.00 per hour for Lawrence J. Sorohan) are a little above the AG's published rates.

On the motion of Mr. Fierke,  
Seconded by Mr. Rabb, 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 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 \$305.00 per hour for Edward F. Harold, Partner, and \$270.00 per hour for Lawrence J. Sorohan, Of Counsel, in accordance with previous assignments by the insurer, subject to the approval by the Louisiana Attorney General; and

**WHEREAS**, the date and term of the contract is March 28, 2023 and ending on June 30, 2024; and

**WHEREAS**, the scope of this legal representation does not involve federal claims; and

**WHEREAS**, this resolution shall take effect immediately; 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
\$225.00 per hour	For attorneys having experience of 10 or more in the practice of law
\$175.00 per hour	For attorneys having experience of 5-10 years in the practice of law
\$150.00 per hour	For attorneys having experience of 3-5 years in the practice of law
\$125.00 per hour	For attorneys having experience of less than 3 years in the practice of law
\$60.00 per hour	For Paralegal Services
\$40.00 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 described herein 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. Fierke, Mr. Miller, Mr. Rabb, Ms. Settoon and Mr. Settoon

NAYS: None  
ABSENT: Mr. Duplantier

**RESOLUTION NO. 07-20-23-04 - A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST (“FPA”) AUTHORIZING THE RETENTION OF LANE LAW GROUP, LLC TO PROVIDE LEGAL COUNSEL FOR INSURANCE COVERAGE LITIGATION**

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Mr. Ordoyne explained that the FPA’s insurance carrier, Chubb, in the past covered numerous claims. After discussions, Chubb decided not to cover these claims, resulting in the FPA having to hire outside counsel for litigation and for a court to interpret the policy’s language that was in dispute.

Mr. Fierke requested that the resolution be technically amended for staff to include an additional WHEREAS paragraph to define the subject matter. There was no objection to the amendment.

Mr. Cosse stated that the FPA issued its last Request for Qualifications (RFQ) for legal services in 2009 and that, in his opinion, the issuance of an RFQ was overdue. He asked Commissioners their opinions on this issue. Mr. Rabb and Mr. Arrigo concurred with Mr. Cosse. Mr. Noel asked about allowing the Legal Committee to handle this matter. Mr. Fierke stated that Mr. Duplantier would be opposed to issuing an RFQ because he feels the current firms are doing a great job. He said that he would be glad to bring this issue up with the Legal Committee the next time it meets.

Ms. Settoon asked the legal requirements prior to the Board awarding legal work. Mr. Ordoyne noted that if an RFQ is issued, responses would need to address different specialties, such as labor and employment, and property cases. Currently, the FPA selects the best firm that can represent the agency as a whole. Ms. Chandler pointed out that the Board is not legally required to obtain bids or issue an RFQ for professional services. Ms. Settoon commented that issuing an RFQ would be good to provide backup since awarding legal services involves an expenditure of public funds.

Mr. Miller cautioned that the FPA’s work is specialized (e.g., construction litigation and personnel matters) and the Board must be careful in wording an RFQ and selecting firms so that it will have well qualified attorneys. In the past, the attorney for the Board interviewed, selected and brought firms before the Board for approval with the specific expertise needed for a particular case. He stated that he was not opposed to issuing an RFQ, but cautioned the Board about the RFQ wording and selecting attorneys.

Mr. Ordoyne pointed out that the resolutions before the Board for legal services were based on a template provided by the AG and must include attorney names and a termination date of June 30, 2024.

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

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

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) has been denied coverage under the FPA’s Public Entity Liability Policy; and

**WHEREAS**, Lane Law Group, LLC shall be compensated at the rate of \$225.00 per hour for attorney Michael D. Lane, which is pursuant to the Louisiana Attorney General’s maximum Hourly Fee Schedule of February 8, 2016,

<b>Rate</b>	<b>Description</b>
\$225.00 per hour	For attorneys having experience of 10 or more in the practice of law
\$175.00 per hour	For attorneys having experience of 5-10 years in the practice of law
\$150.00 per hour	For attorneys having experience of 3-5 years in the practice of law
\$125.00 per hour	For attorneys having experience of less than 3 years in the practice of law
\$60.00 per hour	For Paralegal Services
\$40.00 per hour	For Law Clerk Services

**WHEREAS**, this claim requires specific legal expertise in the subject matter involved and as such, a real necessity exists to retain outside counsel for legal representation in this case, and

**WHEREAS**, the date and term of the contract is July 20, 2023 and ending on June 30, 2024; and

**WHEREAS**, the scope of this legal representation does not involve federal claims; and

**WHEREAS**, this resolution shall take effect immediately.

**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 Lane Law Group, LLC as counsel to represent the FPA on certain insurance coverage matters, as needed.

**BE IT FURTHER RESOLVED**, that the Board of Commissioners authorizes Executive Counsel to retain the firm of Lane Law Group, LLC to represent the FPA on said insurance coverage litigation, and that the Regional Director is authorized to execute said contract with Lane Law Group, LLC.

**BE IT FURTHER RESOLVED**, that this Resolution and the proposed contract described herein 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. Fierke, Mr. Miller, Mr. Rabb, Mr. Settoon and  
Ms. Settoon

NAYS: None

ABSENT: Mr. Duplantier

**RESOLUTION NO. 07-20-23-05 - APPROVAL OF RECOMMENDED PAY INCREASE  
FOR THE REGIONAL DIRECTOR, EXECUTIVE COUNSEL AND THE DIRECTOR OF  
ENGINEERING**

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Mr. Noel advised that he had distributed a list of Louisiana levee boards, which included their budget, number of employees and regional director's salary, as well as the performance evaluations that he conducted for the Regional Director and Executive Counsel. He explained that the Regional Director recommended a 4 percent salary increase for the Director of Engineering. Mr. Noel recommended a 3 percent salary increase for the Regional Director. He pointed out the past year's accomplishments, which included implementation of PRONTO (asset management software) and outsourcing police details.

Mr. Cosse requested that a 4 percent salary increase be included for the Executive Counsel. He explained that Mr. Ordoyne was hired at a low salary and spent \$10,000 of his own money to move his family to this region; therefore, some consideration should be given to the proposed salary increase.

Commissioners asked which employees were direct reports to the Board.

Mr. Noel explained that Civil Service sets rules for classified employees who for the most part receive a 3 percent increase. In accordance with the Board's Bylaws, the salaries of the Regional Director, Director of Engineering and Executive Counsel must be approved by the Board. The President conducts the performance evaluation for the Regional Director and Executive Counsel. Ms. Settoon asked does the President receive input from the Board. Mr. Cosse explained that this is the opportunity to receive the Board's input. Mr. Noel noted that Mr. Ordoyne received a satisfactory evaluation.

Ms. Chandler explained that Mr. Ordoyne was not included for a pay increase because Civil Service approves and sets a salary range for unclassified positions, with the exception of the Constitutional unclassified positions, and the FPA must stay within the range. Since Mr. Ordoyne was at the top of the range, in order to provide an increase in salary, the FPA would have to go back to Civil Service. She added that the FPA could go to Civil Service; however, in Mr. Ordoyne's situation Civil Service would not approve any additional increase. Mr. Cosse questioned Civil Service's control over what the Board pays unclassified employees. Mr. Chandler reiterated that Civil Service sets a pay range for all unclassified employees with the exception of the Constitutional unclassified positions. Every entity has two unclassified positions that are Constitutional in perpetuity. All other unclassified positions are submitted to the Civil Service Commission for approval with a salary range and must be reapproved every four years.

The entity must go back to the Civil Service Commission to request a change to the salary range.

Mr. Rabb inquired about the unclassified positions other than the ones just discussed. Ms. Chandler responded that the FPA has a number of unclassified positions, such as the Director of Finance and other directors. These unclassified positions report to the Regional Director who recommends salary increases to the President based on their performance and the increases are approved by the President. The Bylaws specifically provide for pay increases for the Regional Director, Director of Engineering and Executive Counsel to be approved by the Board. Ms. Chandler advised that she recommended 3 percent increases for the unclassified employees, which is in line with the classified employees, with the exception of the Director of Engineering for whom she recommended a 4 percent increase due to his work on the PCCP. She clarified that Glenda Boudreaux, Board Administrator, is a classified employee and Wilma Heaton, Director of Governmental Affairs, is an unclassified employee, and that they currently report to Mr. Ordoyne.

Mr. Cosse requested that Ms. Heaton provide her understanding regarding this matter. Ms. Heaton explained that for 25 years she answered directly to the President and the Board. When the Bylaws were amended last year, somehow Governmental Affairs was omitted and she was asked after the fact to report to the Executive Counsel, which she stated was fine. However, from a legal perspective, she perceived that she reports to Mr. Ordoyne and works closely with the President and the Board. Mr. Noel stated that there was a job description that was adopted last year.

Ms. Heaton suggested, based on her experience, that the Board adopt the resolution with Mr. Ordoyne included with the increase predicated upon approval by Civil Service. She explained that the FPA has Constitutional unclassified positions (two per agency) and as people in those positions retire, the two for each levee district go away. However, agencies can request the Civil Service Commission to approve other unclassified positions, such as, Executive Counsel and Regional Director, along with a salary range for each. A stronger case could be made to the Civil Service Commission for approval of the increase for the Executive Counsel if it is included in the resolution, which would allow implementation of the increase based on Civil Service concurrence.

Mr. Cosse offered a motion to amend the motion on the agenda and the resolution to include approval of a 4 percent salary increase for the Executive Counsel, subject to Civil Service approval.

Ms. Settoon asked about the salary increase for the Director of Governmental Affairs. Mr. Noel advised that Ms. Heaton was included in the group of unclassified employees for which Ms. Chandler recommended a 3 percent increase.

The motion offered by Mr. Cosse to amend the motion on the agenda and the resolution was seconded by Mr. Fierke and unanimously adopted by the Board.

Mr. Settoon asked who were the employees in the FPA's two Constitutional unclassified positions. Ms. Chandler advised that the Constitutional unclassified positions are held by herself and the Director of Human Resources. Mr. Fierke asked for clarification on which employees report to the Board. Ms. Chandler replied the Regional Director and Executive Counsel.

Ms. Settoon requested that tangible goals with deliverables appropriate for the Regional Director's level of supervision be included for the next evaluation period. Mr. Noel advised that the evaluation form for the Regional Director had been provided to him by the HR Director. Ms. Chandler offered to come up with goals for herself and welcomed input and direction from the Board. Ms. Settoon pointed out that the Board should provide goals for its employees. Mr. Noel noted that the Board, as a group, was aware of the expectations upon which the evaluation was based. Ms. Settoon commented that the Board needs to be aware of the goals and set priorities within the goals.

The Board discussed methods that could be used for developing the Regional Director's evaluation criteria/goals (e.g., executive session of the Board, Committee meetings or establishing an ad hoc committee). Mr. Noel asked for members to serve on an ad hoc committee for this purpose and Mr. Cosse, Mr. Miller and Mr. Rabb indicated their willingness to serve. Mr. Cosse explained that he had a significant goal that he would like the Board to discuss in executive session.

Kenyetta Sewell suggested that SSA Consultants, which conducted the Board's orientation, could be retained to help set goals and that a retreat could be held for Commissioners. Mr. Noel stressed that anything done must be in accordance with the public meeting law.

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) was established as a levee district pursuant to Article VI, Sections 38 and 38.1 of the Constitution of Louisiana; and

**WHEREAS**, pursuant to La. R.S. 38:330.1.C.(1)(a), the Board of Commissioners (Board) of the Southeast Louisiana Flood Protection Authority-East shall exercise all authority over and have management, oversight, and control over the FPA; and

**WHEREAS**, pursuant to Resolution No. 05-19-22-03, the Board adopted amendments to its Bylaws which, among other changes, implicate Board action with regard to certain FPA personnel salary adjustments; and

**WHEREAS**, Article VI of the Bylaws of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority provides that it may employ such employees as it deems necessary for proper functioning of the Authority and/or the levee districts within its jurisdiction, according to law; and

**WHEREAS**, in accordance with Article VI, Section 6, annual salary adjustments for Executive Counsel, Director of Engineering and/or Regional Director shall require Board approval; and

**WHEREAS**, on July 13, 2023, Board President K. Randall Noel conducted a performance evaluation of Kelli Chandler, Regional Director, and it was concluded that her job performance for the evaluation period was “Successful”; and

**WHEREAS**, based on the aforementioned performance evaluation and usual considerations of adjustments considered typical to account for cost of living increases year over year, Board President K. Randall Noel recommended adjusting the annual salary of the Regional Director to \$181,289.88, which represents a 3% increase in annual pay; and

**WHEREAS**, on July 13, 2023, Board President K. Randall Noel conducted a performance evaluation of Kirk Ordoyne, Executive Counsel, and it was concluded that his job performance for the evaluation period was “Successful”; and

**WHEREAS**, based on the aforementioned performance evaluation and usual considerations of adjustments considered typical to account for cost of living increases year over year, the Board recommended adjusting the annual salary of the Executive Counsel to \$171,606.25, which represents a 4% increase in annual pay, subject to Civil Service approval; and

**WHEREAS**, on August 16, 2022, Kelli Chandler, Regional Director, conducted a performance evaluation of Chris Humphreys, Director of Engineering, and it was concluded that his job performance for the evaluation period was Successful; and

**WHEREAS**, based on the aforementioned performance evaluation and usual considerations of adjustments considered typical to account for cost of living increases year over year, Kelli Chandler recommended adjusting the annual salary of the Director of Engineering to \$179,963.09, which represents a 4% increase in annual pay.

**BE IT HEREBY RESOLVED**, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East hereby adopts the aforementioned recommendations and approves the annual salary adjustment for the Regional Director and Director of Engineering, and the approval of the salary adjustment for the Executive Counsel, subject to Civil Service approval.

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

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

NAYS: None

ABSENT: Mr. Duplantier

## **NOMINATION AND ELECTION OF OFFICERS OF THE BOARD FOR A ONE-YEAR TERM EFFECTIVE IMMEDIATELY**

Mr. Noel opened the floor for nominations for the office of President. Mr. Settoon nominated and Ms. Settoon seconded the nomination of Mr. Cosse. Mr. Miller

nominated and Mr. Arrigo seconded the nomination of Mr. Noel. Mr. Fierke nominated Mr. Arrigo; however, Mr. Arrigo declined the nomination. Mr. Noel turned the call for the vote over to Mr. Arrigo.

Ms. Settoon asked that each of the nominees provide their vision for the upcoming year and state the FPA's most pressing needs.

Mr. Cosse explained that it had been a tradition among new Board members to go along to get along. He stated that, unfortunately, when he came on the Board that was what he tried to do and voted with the majority because he believed that they knew what they were doing. However, during his seven years on the Board he learned that a segment of the Board was possibly benefiting from some of the Board's decisions. There was not much that he could do about it until there was a new slate of members with open minded people making good decisions. He stated that he hoped to bring about change. One important change must be discussed in executive session. The FPA has some valuable employees who are underutilized and should be utilized more. He stated that a strong presence from the President is needed in the building and that he intends to bring that presence. He said that Mr. Noel brought a certain amount of calm to the Board's meetings, which he appreciated. He explained that running for President was not personal; however, his days on the Board are numbered and he believed that he could do a lot of good in one year. He stated that he would like his term on the Board to end with some significant changes.

Mr. Noel explained that he served as Treasurer prior to becoming President and had dealt with Ms. Chandler as the Regional Finance Director prior to her becoming Regional Director. On becoming President, there were some bumps in the road that had to be dealt with, such as getting PRONTO up and running. Over the past year, the FPA hired Thomas Harrington as the Superintendent of Police, Denise Williams as the Regional Finance Director, and Kenyetta Sewell to replace Sandy West as the HR Director. He stated that all of these hires have been exceptional to calm and fix the problems that the FPA had at the beginning of the year. The Board had been highly separated; however, all of the Commissioners have been pulling in the same direction for the past 12 months and accomplished a great deal. The FPA is financially sound. The FPA caught the pump issue before it became catastrophic and has been all over the pump issue. He stated that he would like to see this issue to some conclusion. He stated that Mr. Arrigo went to Washington, D.C., and that the FPA may be able to secure 200-year flood protection as opposed to 100-year flood protection. He added that a lot of good things are happening. The FPA has quality people, such as a top notch Director of Engineering who is very responsive, and that citizens are coming to thank the Board for work in particular neighborhoods, which has not happened in the past. The Board is beginning to address problems that it previously avoided.

Ms. Settoon asked Mr. Noel what were his goals. Mr. Noel responded, first, the pump situation and walls both need the Board's attention. He explained that the current engineering process for a project includes a design engineer, engineers for inspection, etc. He said that he always wondered if there was a better and more efficient process, and did the FPA need to put out as much money for all these engineers and instead

could more money be put into the actual projects. Ms. Settoon asked was the FPA using engineers for inspectors. Mr. Noel responded, yes. He pointed out that the Indefinite Delivery-Indefinite Quantity (ID-IQ) spreadsheet provided to the Board each month listed the engineering task orders. He explained that the FPA needs someone overlooking projects such as the pumps, but, this is a good place to begin looking for ways to become more efficient. He added the settlement of the lawsuits. He stated that the FPA has come a long way with the Police Department and its abilities and that he would have this continue so that the people of New Orleans and East Jefferson know that the Levee District Police are there to help.

Mr. Arrigo stated that it was a difficult choice because he truly believed that both nominees would do a very different, but very good job and that either nominee is fully capable of leading the Board.

Ms. Settoon concurred with the difficulty of the decision, but explained that she set safety and keeping the USACE on schedule for the PCCP pump fix as a priority. She stressed the need for the Board to put better pressure on the USACE.

A roll call vote was conducted, which resulted in a tied-vote with Mr. Arrigo, Mr. Fierke, Mr. Miller and Mr. Noel voting for Mr. Noel, and Mr. Cosse, Mr. Rabb, Ms. Settoon, Mr. Settoon voting for Mr. Cosse.

Ms. Settoon advised that in accordance with Roberts Rules of Order, the Board should continue voting until there is an agreement. Mr. Fierke agreed with Ms. Settoon and requested that the Board take a five to ten minute recess. There was no objection to the recess. The Board reconvened and continued with the election of officers.

Mr. Miller commented that he had been a Board member for seven years, Mr. Cosse joined the Board several months prior to his service, and none of the other currently serving members were on the Board prior to their joining. Numerous Commissioners have come and gone. He stated that there had been tremendous progress during the seven years he has been on the Board, and to say otherwise is a discredit to the staff and other Commissioners. He said that when he came on the Board there were three separate levee districts, three levee district directors and two police forces. During his first year there was a reorganization with a Chief Administrative Officer and a Regional Director over the three disjointed departments. The FPA implemented a common pay plan and tried to adopt common rules and regulations across the three divisions. The FPA now has a coherent working organization. When the PCCP stations were coming on line, the regional plan was for the Sewerage and Water Board of New Orleans (SWBNO) to operate them. The FPA was approached by the Coastal Protection and Restoration Authority (CPRA) and asked to operate the PCCP stations because it was thought the FPA would do a better job operating and maintaining them because of the problems then being faced by the SWBNO. Also, the levees have been hardened to withstand overtopping (500-year event).

Mr. Miller continued stating he thought that the region should have better than 100-year flood protection, which is the norm throughout the country for USACE maintained

levees. A year ago the FPA's Washington lobbyist was given the charge to enable the USACE to study 200-year flood protection and this was accomplished in one year. He hoped the cost-benefit ratio would be sufficient so that the USACE could fund 200-year protection. Therefore, to believe that the Board had not made progress is misleading. It is unusual for the Board to have four new Commissioners within a few months. He stated that past Boards beginning with the first President have continued to make progress; however, the Board still has things that must be accomplished. He reiterated that it was a disservice to say that there had not been significant progress made in the time that he and Mr. Cosse have been on the Board.

Mr. Miller stated that at the last meeting when there was a four-to-four tied vote, a motion was made to suspend the election to today's meeting. He hoped that next month there would be a full Board with all nine members and a tie would not occur. He offered a motion that the Board postpone elections for one additional month.

Ms. Settoon pointed out that that a postponement of the election is not in Roberts Rules of Order or the Board's Bylaws. She explained that she did some research and asked a friend who is an official certified parliamentarian who advised that the vote should continue until there is a decision. Mr. Miller stated that last month Executive Counsel allowed the Board to move forward with the postponement and asked to hear from Executive Counsel about this issue. Mr. Ordoyne explained that the fiscal year had started and that the Board needed to continue voting. Mr. Fierke suggested that Mr. Miller's motion died due to a lack of a second; therefore, there was no need to worry about Robert's Rules of Order. Mr. Arrigo stated that the Board had an obligation to the public as well to hold another vote.

Ms. Settoon explained that she did not think that anyone who voted for Mr. Cosse was saying that there had not been substantial progress. She stated that, as someone who was on the (East Jefferson Levee District) Board immediately after Hurricane Katrina, the FPA Board had made good progress, but that she was surprised at some of the ways it had morphed back into the Orleans Levee Board. She said that she was not a big fan of political interference in a serious technical board like the FPA Board and that some of this had occurred. The FPA has some issues with personnel. She applauded Mr. Noel for getting the 200-year flood protection process started. However, the FPA has had the issue of corrosion in front of it since November, 2020. When receiving the information presented at the update meeting on the pumps, she stated that she was shocked that more had not been done by the USACE and by the FPA to move the USACE. She stated that she felt that the public had been exposed this hurricane season and that by not having documents ready to bid by December 1<sup>st</sup>, the public may be exposed for another year. She warned that this is a huge issue and that people would not bail out New Orleans a second time. She was adamant that the Board's initial concern should be the safety of people and the pump stations. She stated that the FPA should immediately do some type of risk analysis of how the pumps could fail given their current condition. She pointed out that this is the FPA's responsibility and stated that this was one of the reasons she was leaning towards exerting more pressure on the USACE.

Mr. Arrigo stated that the Commissioners were getting into the weeds and that the issue before the Board was the election. He added that the FPA has an ad hoc committee to address the pumps. Ms. Settoon explained that other Commissioners had expressed the reasons for their vote and that she wanted people to understand that the Board has urgent business to be done and needs to get after it. She suggested that with the seriousness of this issue, the Board may wish to meet twice each month.

Ms. Chandler clarified that the FPA was engaged with the USACE from the issue's start. She stated that a lot of things had happened between the discovery and the ultimate disassembly of the pumps that she did not cover in the meeting with the Commissioners. She said that the FPA was very engaged and pushing to find the cause (e.g., doing a failure cause analysis, looking at sensors and doing surveys).

Ms. Settoon stated that she knew that people were looking at things; however, it was time to stop looking at things since this has been on-going since November, 2020. Mr. Fierke asked who provided the date November, 2020. Ms. Settoon responded that her understanding in the pump update meeting was that this was the date that the diver found corrosion when diving relative to the piling. She stressed that the Board has an urgency and that the FPA should have access to the USACE's schedule. If the USACE has slipped three weeks to-date on its initial deliverable to the FPA, it will not be able to accomplish repairs in time for the next hurricane season. Ms. Chandler pointed out that the USACE advised in its last presentation that the repairs will take more than one year. Ms. Settoon reiterated that the Board must take a stronger stand. Politics and legal barriers aside, the Board needs to become a driver of this issue because the public will look to the FPA should the pumps fail.

Mr. Arrigo opened the floor for nominations for the office of President. Mr. Settoon nominated and Ms. Settoon seconded the nomination of Mr. Cosse. Mr. Miller nominated Mr. Noel. Mr. Fierke nominated and Mr. Noel seconded the nomination of Mr. Arrigo. Mr. Noel declined the nomination for President.

Ms. Settoon asked that Mr. Arrigo provide his vision for the upcoming year. Mr. Arrigo stated that he was caught off-guard because he did not come to the meeting with this expectation. He stated that he brings an institutional knowledge since he has been in the audience of Board meetings since January, 2007. Therefore, he knew how issues were handled in the past or how the Board got to certain points. He stated that he would like to see 200-year flood protection through since more work needs to be done on this matter. He agreed that the Board needs to elevate what it was doing as far as staying on top of the USACE relative to the PCCP pumps. He stated that he would be open with the Board and would consider what Mr. Cosse has to say.

Mr. Cosse advised that, more than any other Commissioner on the Board, he has a close working relationship with the employees. He has been in contact with employees and has their respect. He stated that employee morale is at a very low point and that the employees are the FPA's most valuable resource. If he was not elected President, there would be many disappointed employees. He stated that he represents change

and that a presence is needed at the facility. He concurred that more pressure is needed on the USACE.

A roll call vote was conducted by Mr. Noel, which resulted in a tied-vote with Mr. Arrigo, Mr. Fierke, Mr. Miller and Mr. Noel voting for Mr. Arrigo, and Mr. Cosse, Mr. Rabb, Ms. Settoon and Mr. Settoon voting for Mr. Cosse.

Mr. Rabb stated that he comes from corporate America and had learned many things. He explained that he was looking for someone with new ideas who was aggressive, well-rounded, in touch with the employees, and who also had an understanding of the FPA's workings and would ask the Board its thoughts on FPA operations. He said he was also looking for a person who was willing to take chances in situations when he or she may stand alone and was not a person who goes along to get along. He stated that he was not looking for a political person because he is not a political person.

Mr. Noel called for a brief recess. The Board reconvened and Mr. Noel called the meeting back to order and continued with the election of officers.

Mr. Noel opened the floor for nominations for the office of President. Mr. Settoon nominated and Ms. Settoon seconded the nomination of Mr. Cosse. Mr. Miller nominated and Mr. Noel seconded the nomination of Mr. Arrigo.

Mr. Cosse explained that there had been some questions about his not attending the update for the Commissioners at the PCCP pump station. He explained that after the pump failure and prior to the update of the Commissioners he had met at the PCCP station with a seasoned engineer, Robert Turner, to receive advice on the technical aspects and with Darren Austin, Operations Director. He had taken notes and photographs at the meeting and heard Mr. Turner's opinion on certain issues, so he did not see a need to attend the update. Therefore, as far as gathering technical information, he was on top of the situation.

A roll call vote was conducted and Mr. Cosse was elected President with Mr. Cosse, Mr. Fierke, Mr. Rabb, Ms. Settoon and Mr. Settoon voting for Mr. Cosse, and Mr. Arrigo, Mr. Miller and Mr. Noel voting for Mr. Arrigo.

Mr. Noel congratulated Mr. Cosse. Mr. Cosse stated that he is a team player and that he looked forward to gaining everyone's confidence and bringing about positive change. Mr. Arrigo stated that he would be working very closely with Mr. Cosse and for the betterment of flood protection and the agency.

Mr. Noel handed the gavel to Mr. Cosse.

Mr. Cosse called for nominations for the office of Vice President. Mr. Fierke nominated and Mr. Miller seconded the nomination of Mr. Arrigo. Mr. Cosse nominated and Ms. Settoon seconded the nomination of Mr. Rabb. A roll call vote was conducted and Mr. Arrigo was elected Vice President with Mr. Arrigo, Mr. Fierke, Mr. Miller, Mr. Noel and

Mr. Settoon voting for Mr. Arrigo, and Mr. Cosse, Mr. Rabb and Ms. Settoon voting for Mr. Rabb.

Mr. Cosse called for nominations for the office of Treasurer. Mr. Miller nominated Mr. Fierke and Mr. Fierke declined the nomination due to other commitments. Mr. Cosse nominated Ms. Settoon and Ms. Settoon declined the nomination due to other commitments. Mr. Arrigo nominated and Mr. Fierke seconded the nomination of Mr. Settoon. Mr. Settoon was elected Treasurer by a unanimous vote of the Board.

Mr. Cosse called for nominations for the office of Secretary. Mr. Arrigo nominated and Mr. Settoon seconded the nomination of Mr. Fierke. Mr. Fierke was elected Secretary by a unanimous vote of the Board.

### **RESOLUTION NO. 07-20-23-06 - ELECTION OF OFFICERS**

**“A resolution stating the results of the election of Officers of the Southeast Louisiana Flood Protection Authority-East for a term of one year commencing on July 20, 2023 and ending on June 30, 2024.”**

**WHEREAS**, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East adopted revised Bylaws at a Regular Board Meeting held on December 17, 2009, which provide in part for the designation and election of Officers of the Board; and

**WHEREAS**, Article IV, Section 1 (Officers and Elections), designates the officers as President, Vice President, Secretary and Treasurer to be elected from among the members of the Board at the regularly scheduled meeting in June; and

**WHEREAS**, Article IV, Section 1 further provides that officers shall assume their duties on July 1<sup>st</sup>; and

**WHEREAS**, Article IV, Section 2, provides that officers shall be elected to serve one-year terms.

**WHEREAS**, the election of officers was conducted at the June 15, 2023, regular monthly Board meeting; however, a tied-vote occurred on the election for the office of President and the election of officers was deferred to the July 20, 2023, regular monthly Board meeting; and

**WHEREAS**, the election of officers was conducted on July 20, 2023, with nominations for each office duly offered and seconded and a vote conducted thereafter to fill each office.

**BE IT THEREFORE RESOLVED**, that, in accordance with elections held on July 20, 2023, the Officers of the Southeast Louisiana Flood Protection Authority-East shall be as follows for the term commencing on July 20, 2023, and ending on June 30, 2024:

**President – Clay A. Cosse**

**Vice President – Roy M. Arrigo**

**Treasurer – William A. Settoon, Jr.**

**Secretary – Thomas G. Fierke**

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

**Office of President**

Nomination of Mr. Cosse, on motion of Mr. Settoon, seconded by Ms. Settoon:

YEAS: Mr. Cosse, Mr. Fierke, Mr. Rabb, Ms. Settoon and Mr. Settoon

Nomination of Mr. Arrigo, on motion of Mr. Miller, seconded by Mr. Noel.

YEAS: Mr. Arrigo, Mr. Miller and Mr. Noel

ABSENT: Mr. Duplantier

**Officer of Vice President**

Nomination of Mr. Arrigo, on motion of Mr. Fierke, seconded by Mr. Miller:

YEAS: Mr. Arrigo, Mr. Fierke, Mr. Miller, Mr. Noel and Mr. Settoon

Nomination of Mr. Rabb, on motion of Mr. Cosse, seconded by Ms. Settoon.

YEAS: Mr. Cosse, Mr. Rabb and Ms. Settoon

ABSENT: Mr. Duplantier

**Office of Treasurer**

Nomination of Mr. Settoon, on motion of Mr. Arrigo, seconded by Mr. Fierke:

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Fierke, Mr. Miller, Mr. Noel, Mr. Rabb,

Ms. Settoon and Mr. Settoon

ABSENT: Mr. Duplantier

**Office of Secretary**

Nomination of Mr. Fierke, on motion of Mr. Arrigo, seconded by Mr. Settoon:

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Fierke, Mr. Miller, Mr. Noel, Mr. Rabb,

Ms. Settoon and Mr. Settoon

ABSENT: Mr. Duplantier

**EXECUTIVE SESSION:**

1. Husam Odeh vs. Tyrone Butler, Et. Al. - United States District Court, Eastern District of Louisiana, Civil Action No. 2:19-cv-13212
2. Deanna Thomas v. Robert Tewis, Officer; Kirt Arnold, Officer, Et. Al. - United States District Court, Eastern District of Louisiana, No. 2:21-cv-00698
3. Jevin Williams v. Daniel Biggs Et. Al. - United States District Court, Eastern District of Louisiana, No. 2:21-CV-333 c/w 2:21-CV-334
4. Bilal Hankins v. Kevin Wheeler, Et. Al. - United States District Court, Eastern District of Louisiana, No. 21-1129-EEF-JVM
5. Malukah Asante-Choke v. Nicholas Dowdle, Et. Al. - United States District Court, Eastern District of Louisiana, Civil Action No. 22-4587

A motion was offered by Mr. Fierke, seconded by Mr. Settoon, and unanimously adopted for the Board to convene in Executive Session to discuss the items listed on the agenda.

The Board returned from Executive Session and a motion was offered by Mr. Settoon, seconded by Mr. Rabb, and unanimously adopted to reconvene in regular session.

Mr. Ordoyne advised that no action was taken in the Executive Session.

The next regular monthly Board meeting will be held on Thursday, August 17, 2023.

There was no further business; therefore, the meeting was adjourned at 2:15 p.m.