

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, SEPTEMBER 21, 2023**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on September 21, 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. Cosse called the meeting to order at 11:20 a.m. and led in the pledge of allegiance. Mr. Fierke called the roll and a quorum was present:

PRESENT:

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

ABSENT:

K. Randall Noel

ADOPTION OF AGENDA:

On a motion offered by Mr. Fierke and seconded by Mr. Duplantier, the agenda was unanimously adopted with the following amendments: (1) Item XII.A.1 was changed to read “discussion of the updated Memorandum of Understanding...”, and (2) Item XII.B.5, was moved to Item B.1 and the remaining items under XII.B (Engineering and Operations) were renumbered.

RESOLUTION NO. 09-21-23-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON AUGUST 17, 2023

On the motion of Mr. Fierke,
Seconded by Mr. Rabb, 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 August 17, 2023.

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

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

NAYS: None

ABSENT: Mr. Noel

SAFETY MINUTE:

Martin Eilers, Director of Risk and Project Management, reported that a two alarm grass fire occurred on August 18th on the IHNC Levee just north of Sewerage and Water Board Pump Station No. 20. The fire affected an area approximately 100 yards wide and a quarter of a mile long (about nine acres). The New Orleans Fire Department extinguished the fire after several hours. The cause of the fire is still under investigation. The fire came in close proximity to a rail yard with several tankers as well as a gas line crossing the levee. FPA staff agencywide discussed mitigating the risks of future fires, especially in light of the current drought, and what to do if a fire is sighted. The FPA will continue enforcement of interim policies regarding levee access, driving and parking hot vehicles on the levee during the drought.

OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:

None.

PUBLIC COMMENTS:

Charles (Charlie) Speed, Secretary/Treasurer and Webmaster for the Association of Materials Protection and Performance (AMPP) (formerly, the National Association of Corrosion Engineers - NACE), explained that in 2010, the NACE New Orleans Section, the worldwide corrosion authority, was asked by Bob Turner to assist the FPA-East and the Louisiana Office of Coastal Restoration in its attempt to convince the U.S. Army Corps of Engineers (USACE) to coat the sheetpiles that were being driven in the levees. The NACE New Orleans Section had the FPA and Office of Coastal Restoration present their cause at a 2010 luncheon meeting. NACE had Public Affairs Representative, Greg Tosi, lobby in Washington regarding this issue. Mr. Tosi also came to New Orleans twice to speak at a NACE meeting and an ASQ (American Society for Quality) meeting.

Mr. Speed explained that in March of 2017 it was reported that a frustrated FPA convinced the USACE to hire a team of scientists and engineers to address corrosion issues. Since then, all four entities (USACE, LA Office of Coastal Restoration, FPA-East and the American Society of Civil Engineers) provided presentations in June of 2017 and June of 2018 at technical luncheons at UNO. Both times the speakers, depending on who they were, did not and would not address corrosion. They did not address corrosion because they didn't know anything and would not because they couldn't share anything. Recently, in May of this year the Permanent Canal Closures and Pumps (PCCP) pumps after being installed five years developed corrosion problems. Mr. Speed, who has a 40 year background in corrosion engineering with Shell, Exxon and Mobil, stated that he spoke to Bob Turner five years ago and warned that the pumps would fail. He stated that the details of the corrosion issues have been kept from the public and probably the FPA Board. When NACE requested records under the Freedom of Information Act relative to an article written in March of 2017 with respect to the team of scientists and engineers that were supposed to have been hired

in 2017, the response was “request denied based on no records”. He commented that either the article was fake news or the records are being hidden.

Mr. Speed advised that the AMPP Southeast Louisiana (SELA) Chapter would like to help with respect to the potential corrosion issues. AMPP asked that the FPA request the USACE allow its SELA Chapter to work with them on solving these issues at no cost. The SELA Chapter of AMPP has 800 members and several, who are leading corrosion experts worldwide, have volunteered their assistance.

Mr. Speed advised that after 12 years of being told that he would be contacted, he received a telephone call from the Chief Engineer of the USACE last week. He noted that last May the National Academy of Sciences reported that after conducting a study, the oil and gas industry stated that it could not predict corrosion in bare steel in the ground. The USACE stated that it could predict corrosion in bare steel in the ground.

Mr. Cosse thanked Mr. Speed for this comments and said that his information would be kept on record.

Ms. Settoon thanked Mr. Speed for coming forward. She commented that sometimes available assets, such as AMPP, which has a tremendous amount of experience in the oil industry in terms of salinity, corrosion issues and steel, are overlooked.

PRESENTATIONS:

None.

REPORT BY REGIONAL DIRECTOR:

Kelli Chandler, Regional Director, provided the following report:

- Mississippi River: The river level is extremely low. The USACE built an underwater levee to prevent the salt water intrusion from coming up the river; however, the levee is being overtopped. The FPA is monitoring this situation.
- Tropics: At the time of the meeting, there were no tropical events in the forecast for the next seven days. The FPA will continue monitoring the tropics.
- Technology: The FPA is investigating technology to advance operations; e.g., laserfiche to automate the performance evaluation system, an automated supplier portal for submitting invoices, and drones. Two drones were added to the FPA’s fleet for use in inspections and other purposes. An underwater drone was also acquired to view pump station intakes and complex structure seals. The FPA is considering a project that would provide a digital twin of the pump stations for future diagnostics.

Mr. Rabb noted that the Regional Director’s Monthly Report included the repair of floodwall cracks and asked the cause of the cracks. Ms. Chandler advised that FPA teams inspect the floodwalls and repair cracks that are found. Chris Humphreys, Director of Engineering, explained that the cracks can be caused by lightning strikes,

settlement or shrinkage. No significant structural cracks had been found during FPA inspections.

COMMITTEE REPORTS:

Finance Committee: Mr. Settoon reported that the Finance Committee met prior to the Board meeting and received a report about investments and interest rates from Richard Kernion with Edward Jones, the FPA's financial advisor. A long discussion took place at the Committee meeting with representatives of the Lakefront Management Authority (LMA). The Committee adopted a motion to recommend that the Board defer a decision on the proposed Memorandum of Understanding (MOU) for one month and in the interim a meeting would be held regarding the matter.

Operations Committee: Mr. Fierke advised that the Operations Committee elected not to meet due to time constraints. He stated that the items on the Committee's agenda, which were also included on the Board's agenda, did not appear to be controversial.

Legal Committee: The Legal Committee did not meet in the month of September. Mr. Rabb reported that the two resolutions adopted by the Board at its August 17th meeting, (1) to retain Fisher & Phillips LLP to provide legal counsel and representation for Louisiana Civil Service appeals and (2) to retain the Lane Law Group, LLC, to provide legal counsel for insurance coverage litigation, were approved by the Attorney General. Fisher & Phillips have been paid to date for services rendered. Mr. Rabb added that at this point there were no major developments relative to litigation.

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

NEW BUSINESS:

Discussion of the updated Memorandum of Understanding between the Southeast Louisiana Flood Protection Authority-East (FPA), on behalf of the Orleans Levee District, and the Lakefront Management Authority (formerly the Non-Flood Protection Asset Management Authority) for the Management of the Non-Flood Assets of the Orleans Levee District.

Mr. Fierke stated, in his opinion, a decision by the Board was needed on how negotiations are to be conducted. He added that the Regional Director, Executive Counsel and the FPA's insurance consultant should be involved. He suggested an in-house meeting be held prior to negotiations with the Lakefront Management Authority (LMA). Mr. Duplantier agreed that the Regional Director and Executive Counsel should be involved in the process to determine what is feasible for the FPA and the costs. He did not see an urgency since the changes involved capital projects and not operations. He stated that the Board only had the document for one week and needed sufficient time for the Regional Director, Executive Counsel and the entire Board to understand it before proceeding.

Mr. Rabb pointed out that the Finance Committee deferred the MOU for one month and asked was this was sufficient time. Mr. Duplantier stated that he sent several legal questions to the Executive Counsel about the document and discussed the financial implications with Ms. Chandler and Denise Williams, Regional Finance Director. He stated that if staff can provide the answers and the agreement can be revised, perhaps, it could come back in a month; however, he did not want to be held to this specific timeline. Mr. Rabb stated that a timeline is needed and that he agreed with Stanley Cohn, the FPA's representative on the LMA Board, the parties should not keep kicking the can down the road. Mr. Duplantier agreed, stating that the FPA Board does not kick the can down the road. He reiterated that he would like to get the document worked out before the next meeting, but did not think it should be done with a week's notice.

Mr. Miller recommended that the Board follow the suggestion of the Finance Committee Chair. The Commissioners would send their comments to the Committee. A meeting would be held to review to the comments and, working with the FPA's Executive Counsel, Regional Director and Finance Director, as many comments as possible could be incorporated in the document. The Committee could provide its recommendation a week or two before the Board meeting. He said that he had some concerns. He cautioned Board and Committee members regarding compliance with the open meeting laws. Mr. Arrigo agreed with Mr. Miller.

After a brief discussion regarding the open meeting law, Mr. Settoon suggested that a Finance Committee meeting be called and that all Commissioners be invited to attend. Ms. Settoon suggested that the Committee obtain certain information prior to the meeting.

Mr. Settoon advised that his main question concerned the Bohemia Spillway revenues. Mr. Duplantier suggested that the FPA come up with and dedicate a specific amount instead of giving all the Bohemia Spillway revenues to the LMA. Mr. Settoon recommended that a timeline be established for the Bohemia Spillway revenues. Mr. Fierke stated that he did not see a reason to put a dollar or time limit on the Bohemia Spillway revenues and that they have varied over the years from \$100,000 to \$700,000. He recommended that the Board meet to decide what it wants to do prior to negotiations. Ms. Settoon explained that they were trying to find options to provide sufficient monies for both sides and at the same time honor the statutory requirement that the FPA handle only flood protection assets.

Mr. Fierke pointed out that the 2018 MOU was negotiated by the FPA Chief Administrative Officer and the LMA Executive Director. It was presented to legal counsel and then the Boards. Ms. Settoon commented that the Finance Committee wants a clearer picture before making a recommendation to the Board.

Ms. Chandler suggested that Board members submit their comments to a point person to compile and that she and Kirk Ordoyne, Executive Counsel, spearhead this effort, obtain the information and share it with the Board.

Ms. Settoon pointed out that the Finance Committee directed that she and Mr. Arrigo work out the issues. She said that they would provide a list of necessary information,

assemble a document closer to the FPA's needs and send it out. Two or three meetings may be needed over the next month to arrive at a presentable option.

UPDATE AND DISCUSSION OF PCCP ISSUES.

Ms. Settoon advised that she requested this discussion be placed on the agenda. She explained that she is a fairly new Board member and after Hurricane Katrina had been a member of the East Jefferson Levee District Board. The FPA was created as a streamlined organization with a flood protection focus. She explained that she asked some simple questions over the past couple of weeks, one of which was who owned the Permanent Canal Closures and Pumps (PCCP). She then realized it was not about ownership, but responsibility for the safety of the FPA's operators and equipment, the integrity of the FPA's flood protection mission and the Commissioners' personal liability. Therefore, her opinion was that the Board needed a stronger voice and presence in how the PCCP will be handled. She distributed a copy of the PCCP Catastrophic Failure Safety Protocol (failure analysis) prepared by Burk-Kleinpeter, Inc., to Board members. Ms. Settoon explained that results of a potential failure or breakdown must be known when reaching a decision that could impact the health and safety of employees. The protocol explored different types of potential PCCP pump failures, which should be the focus of the FPA. The PCCP is a huge investment in which the FPA plays a big role, but did not have much assertive participation in the process. She suggested that this issue be addressed in every meeting until the FPA's operations concerns are resolved.

Ms. Settoon explained that the Louisiana Legislature thought it best to have engineers on the Board when it established the FPA. Therefore, the Board needed to have more input up front into how the fix will be handled. She stated that Ms. Chandler has very good relationships and contacts and is a good manager, but that the Board needed to have more of a technical voice with USACE, or the USACE needed to come to the Board on a more frequent basis to discuss this issue. She explained that there are corrosion problems that could have been avoided had the FPA looked outside of civil works and at what other industries are doing. She stated that she was going to focus on the FPA's responsibility, which is its personnel. The failure analysis relies on things in the control system going well and goes into things that could occur. The FPA must look into how to prevent potential failures and what a failure mode would look like for its personnel. She reiterated the need to be more hands on and assertive in ensuring the FPA's employees and assets are safe when the corrosion issue is resolved.

Ms. Chandler clarified that her participation in this process is not meant to be technical and that she brings a different perspective. The FPA has a particular role; however, the Coastal Protection and Restoration Authority (CPRA) is the non-federal sponsor. She stated that she and Mr. Humphreys, Director of Engineering, are very assertive in voicing the FPA's demands and expectations. The FPA frequently utilizes its technical resources, which includes in-house engineers with decades of experience with pumps. The FPA also has on contract one of the City's premier mechanical engineers for pump stations who has had experience with the PCCP since its construction. She stated that part of her job is to find the experts that are needed. She reiterated that the FPA is very engaged. She explained that when the FPA's participation was not wanted, she went to Colonel Jones personally in order to have a seat at the table. This demonstrated the

FPA's willingness to challenge the status quo and have a seat at the table and its comments heard.

Ms. Settoon clarified that she was not saying that Ms. Chandler had not been assertive, but that there needed to be more of a conversation between the Board and the USACE. The Board also needed to be informed about the timeline and process, as well as technical, timing and risk issues. She explained that, as an engineer, she was finding that answers to basic questions did not meet her expectations on a project of this magnitude. She pointed out that the Board spent a lot of time at this meeting discussing a MOU and reiterated that the Board was created to focus on flood protection.

Mr. Rabb asked Ms. Settoon was she saying that a Board member should be at the table along with Ms. Chandler and Mr. Humphreys. Ms. Settoon responded, if that's what it takes. She pointed out that an Ad Hoc Committee was appointed to deal with this issue. She stressed that decisions are being made now and that she did not want the FPA to be stuck with a product that it cannot safely operate or with which it is not technically comfortable. She stated that due to the importance of this issue, a person in direct authority should accompany selected staff. Mr. Duplantier pointed out that a single Board member did not have direct authority and that the members can only legally operate on the issue as a board. He stated that a Board member getting involved at the level that Mr. Rabb and Ms. Settoon suggested was probably improper under the law. He stated that the job of the Commissioners is not to get involved in the day-to-day operations of the organization.

Ms. Settoon responded that her intent was not to become involved in the design, legal aspects or negotiations. She explained that a Board member would be more informed being in the meetings and that the Board had an obligation to ensure safe operations. She asked, if a storm occurred tomorrow, how many Commissioners were sure that a major incident would not occur with the PCCP pumps. She reiterated the need for the Board to be more engaged.

Kirk Ordoyne, Executive Counsel, advised that the Agreement on the Reservation of Rights/No Admission of Liability (non-disclosure agreement) allowed only two FPA representatives to attend the meetings with the USACE, CPRA and Joint Venture (JV).

Mr. Miller noted that the failure analysis distributed by Ms. Settoon addressed potential damages, particularly to FPA employees, that could occur as a result of a PCCP pump failure. It did not address the reason the corrosion occurred. He stated that, in his experience, the FPA and USACE have had an exceptionally good relationship over the years. He stated that he would like to hear from the USACE when it expected to have an answer about what happened. He stated that there are individuals on the Board with experience in corrosion, and if one of those Board members was to attend the USACE meetings, it might be beneficial. Mr. Miller advised that he had over 40 years' experience in pump design, operation and maintenance, and that he had suspicions, but did not know the cause of the problem. He stated that the Board needed to rely on the people looking into this issue to provide this answer. The USACE will do its due diligence to find the cause of the problem and the solution.

Ms. Settoon clarified that her intent was not to investigate the problem, but to ensure the FPA's needs regarding safety, operations and equipment reliability are put forth in the discussions.

Mr. Humphreys advised that the FPA (the PCCP operator) has representation in the meetings. The CPRA (the PCCP owner) sends technical representatives to the meetings. CPRA Board members do not attend. He agreed that the FPA must ensure it is not burdened with excessive maintenance requirements. The FPA, CPRA and USACE are looking at this issue as well as safety. The meetings have been productive. Due to the ongoing lawsuit, the parties dictate who can attend the meetings. The FPA is not a party to the litigation; however, it was allowed to have two people at the meetings. The FPA does not have the option to add to or change this situation.

Ms. Settoon reiterated that she was not asking to change this situation. She stressed the need to have more conversation with the USACE as a Board. Ms. Chandler responded that Colonel Jones offered to appear before the Board this month; however, she did not think things were far enough along. She stated that the USACE is very willing to meet and bring the appropriate experts. Ms. Settoon expressed concern that the process may be speeding up and will affect the Board. She cautioned that the Board needed to be on the lookout for things that may be coming up.

Mr. Settoon asked for an explanation of the relationship between the USACE, CPRA and FPA and how the USACE viewed the FPA. Ms. Chandler explained that the Partnership Agreement between the USACE and CPRA provided for the USACE to turn over the PCCP upon completion to the CPRA (the non-federal sponsor and owner). Through legislation the PCCP was passed down to the FPA to operate. One of the reasons the FPA was not invited to the initial meetings was because the JV did not view the FPA as party to the contract. The FPA stressed that although this may be the case, by extension and State statute, it is the operator and the entity stuck with the operation and maintenance of the pump stations. The JV, due to the law suit, dictates who is allowed to attend the meetings and has been very restrictive. Colonel Jones had to go to the JV's Board Chairman to receive permission for the FPA to attend the meetings. The USACE values the FPA as a partner, as well as its knowledge of the day-to-day PCCP operations. Since becoming the PCCP operator, the FPA discovered all of the other issues, in addition to the corrosion, that must be addressed. The USACE needs the FPA's assistance in going forward and ensuring the FPA ends up with adequate pump stations.

Mr. Settoon asked which company was in the lead in the JV. Ms. Chandler responded Kiewit. Mr. Fierke asked who were the FPA's two representatives. Ms. Chandler responded that she and Mr. Humphreys were the two representatives. The non-disclosure agreement specifies that two people are allowed to attend the meetings, but requires that the FPA inform the JV who the attendees will be in advance of the meetings. The individuals can be switched at any time.

There was a brief discussion regarding the format of proposed meetings between Board members and the USACE. Ms. Chandler suggested that she schedule a meeting for

Ms. Settoon to meet with USACE and CPRA representatives. Such a meeting could be scheduled at a later time with Mr. Fierke.

Ms. Settoon pointed out that the Board includes engineers in order to look at all aspects of future decisions that will affect maintenance budgets and the safety of FPA personnel. Therefore, it would be helpful to have a Board member, who is an engineer, attend the meetings with the USACE, CPRA and JV.

Mr. Cosse nominated Ms. Settoon to attend the meetings. Ms. Chandler reiterated that the JV dictates who is allowed to attend. The JV does not want Board members to attend because of the nature of the lawsuit. Mr. Humphreys commented that it would be difficult for someone to get up to speed since so much discussion had already taken place. Mr. Ordoyne cautioned that the Board should be careful because the JV could at any time terminate the FPA's attendance.

Mr. Arrigo expressed confidence in the FPA's representatives. Mr. Duplantier stated that it was best to have continuity in the meetings. The Board should have an answer within a few months and the issue could then be discussed publicly. He concurred with Ms. Chandler's suggestion to have Ms. Settoon meet with USACE and CPRA representatives so she could express the Board's concerns. Mr. Fierke pointed out that the Board must remember that it is a board and has hired professional staff. He stated that, in his opinion, the FPA was sending the two most appropriate members of the staff to the meetings. The two staff members report to the Board as often and as much as they are allowed.

Ms. Settoon reiterated that someone who attended the meetings could see so much more relative to the decisions coming down the pike. Mr. Fierke stated that from a government contract standpoint the solution would never be discussed in a group meeting of the parties until a decision is made. The meeting would then be staffed by both sides and each side would either accept the solution or reject it and go to litigation. Ms. Settoon stressed that as the operator, the Board should be able to express its "must have" requirements. She commented that this may be best done in a meeting with Colonel Jones.

Mr. Cosse stated that his motion failed for the lack of a second. He said that his understanding from the discussion was that a majority of the members were satisfied with the current representatives (Ms. Chandler and Mr. Humphreys). Ms. Chandler stated that they welcomed the Board's input and that she would schedule the meeting between Ms. Settoon and the USACE and CPRA.

Mr. Settoon offered a motion that Ms. Settoon be appointed the first alternate in the event either of the current representatives were unable to attend. Mr. Rabb seconded the motion. Mr. Fierke, Mr. Duplantier and Mr. Arrigo stated that the motion was inappropriate. Mr. Fierke added that Mr. Humphreys has assistants who could attend the meetings. Mr. Duplantier stated that it is not the role of the Board to attend these meetings and that it oversteps the Board's fiduciary responsibilities. The Board had to rely on its staff and the processes initiated. Mr. Fierke commented that Mr. Noel appointed a two person task force, but it had never been defined.

Mr. Miller asked that Ms. Settoon provide her background and experience. Ms. Settoon advised that she is a registered, professional Civil Engineer. She worked for four different companies in the oil and gas industry for 38 years. She handled projects valued up to \$400 million and took roles in projects valued up to \$7 billion. At the end of this time, she was a quality control specialist working with a team of individuals who anticipated failure modes and ensured their prevention by performing monthly checks on regular work. She noted that she had several pump problems in her career. She added that specialists are needed for pump, corrosion and vibration issues. She explained that the Board could not wait for the USACE to feed it this information. It should be doing the work needed so that it could strongly recommend to the USACE in a formal manner what it was going to require as the operator. Mr. Duplantier commented that Ms. Settoon was suggesting that she give formal input on behalf of the Board. Ms. Settoon responded that she would not do so without asking the Board. Mr. Duplantier stated that this would make her attendance at the meetings problematic.

Mr. Ordoyne pointed out that the Board agenda item provided for the update and discussion of PCCP issues. Therefore, the agenda must had to be amended by a unanimous vote to appoint a Board member to attend the USACE/CPRA/JV meetings.

Ms. Settoon suggested that the Board pursue a different method of making sure the FPA's safety and operational requirements are directly communicated to the USACE.

Mr. Miller stated that he did not know how the Board could make a recommendation to go forward on the corrosion issue until it knew the cause. He added that the Board needed to wait until the cause is identified and there is a proposed solution. He stated that the Board needed to rely on its technical and operations staff.

Mr. Settoon withdrew his motion. Mr. Rabb suggested that Ms. Settoon meet with Mr. Humphreys prior to the USACE/CPRA/JV meetings to discuss the FPA's strategy. Ms. Chandler and Mr. Humphreys could then attend the USACE/CPRA/JV meetings. Ms. Settoon responded that Mr. Rabb's suggestion could possibly work. She pointed out that additional individuals, such as Executive Counsel, should also attend the meeting with Mr. Humphreys to provide input on operations and safety.

Mr. Fierke pointed out that how the JV and USACE decide to litigate could be different than customarily expected.

RESOLUTION NO. 09-21-23-02 – COOPERATIVE ENDEAVOR AGREEMENT BETWEEN JEFFERSON PARISH AND FPA

Ms. Chandler advised that the cameras at the Bonnabel Boat Launch is a continuation of the roll out of the FPA's security initiative. Cameras are being installed by the FPA in various locations across the flood defense system. The FPA has a good relationship with Jefferson Parish and offered to share information with the Jefferson Parish Sheriff's Office.

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

A resolution approving a Cooperative Endeavor Agreement between Jefferson Parish and the Southeast Louisiana Flood Protection Authority-East for the installation of cameras on light poles owned by Jefferson Parish at the Bonnabel Boat Launch.

WHEREAS, Article VII, Section 14(C) of the Louisiana Constitution of 1974 provides that, "For a public purpose, the State and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States, or its agencies, or with any public or private association, corporation, or individual"; and

WHEREAS, Louisiana Revised Statutes (La. R.S.) 38:325(A)(5) provides that levee districts may engage in cooperative endeavors with other public bodies for public purposes; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) is a regional flood protection authority established as a political subdivision and levee district pursuant to Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and Act No. 1 of 2006, 1st Extraordinary Session of the Louisiana Legislature; and

WHEREAS, Jefferson Parish (PARISH) is a constitutionally and statutorily-created local political body of the State of Louisiana with the constitutional and statutory authority to contract, including entering into Cooperative Endeavor Agreements (CEA); and

WHEREAS, the PARISH and FPA are authorized to enter into CEAs pursuant to La. R.S. 33:1324 which permits any parish, municipality or political subdivision of the state, or any combination thereof, to make agreements between or among themselves for the operation, repair and maintenance of public projects or improvements including flood control projects; and

WHEREAS, the FPA is responsible for the Operation, Maintenance, Repair, Replacement, and Rehabilitation ("OMRR&R") of the Hurricane and Storm Damage Risk Reduction System (HSDRRS); and

WHEREAS, the FPA will install CCTV cameras onto light poles owned by Jefferson Parish at the Bonnabel Boat Launch for the purpose of monitoring and securing the HSDRRS; and

WHEREAS, the CEA will be mutually beneficial to the parties in the furtherance of their respective statutory purposes and duties, and each party expects to receive benefits for themselves and the public at least equal to the costs of the responsibilities undertaken pursuant hereto.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the execution of a Cooperative Endeavor Agreement between the FPA and Jefferson Parish, for the installation of CCTV cameras onto light poles owned by Jefferson Parish at the Bonnabel Boat Launch for the purpose of monitoring and securing the HSDRRS.

BE IT FURTHER RESOLVED, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute the aforementioned Cooperative Endeavor Agreement, and any and all documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: Mr. Noel

**RESOLUTION NO. 09-21-23-03 - SOUTHEAST LOUISIANA FLOOD PROTECTION
AUTHORITY-EAST CAPITAL OUTLAY PROGRAM FUNDING REQUEST**

Mr. Humphreys reviewed the Capital Outlay Program (COP) funding requests:

FPA - Lakefront Airport Flood Protection Planning, Design and Permit Analysis - \$30,000,000. The Board approved providing funding for the project subject to obtaining Federal funding. This new COP request is a step in this direction.

FPA - International Center For Storm Surge Barrier Research, Public Education and Satellite Maintenance Facility - \$8,712,000. This COP request was submitted last year.

East Jefferson Levee District - Orpheum Slope Paving and Levee Modifications - \$3,400,000 –The project would mitigate levee ruts caused by turning trucks. It replaced last year’s COP request for foreshore projection, which is being funded by the USACE.

Lake Borgne Basin Levee District Safe House - \$4,200,000. This COP request was submitted the last two years.

Orleans Levee District - Bayou Bienvenue Sector Gate Security and Operation Facility - \$2,750,000. Security issues have been experienced during high tides. This facility would be located by the sector gate and swing bridge.

Mr. Settoon inquired about the criteria for submitting a COP request. Mr. Humphreys responded that a description of the project and the budget is required.

Mr. Duplantier offered a motion to adopt (renumbered) Agenda Items XII. B3, B4, B5 and B5. The motion was seconded by Mr. Fierke and unanimously adopted.

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

WHEREAS, the State of Louisiana Capital Outlay Program (COP) funding applications are required to be submitted by November 1, 2023, with a Resolution requesting sponsor funding; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) has projects that require funding from the COP in order to initiate design and/or construction phases of said projects.

BE IT HEREBY RESOLVED, that the FPA by this Resolution formally requests the State of Louisiana COP to fund the following FPA projects for Fiscal Year 2024-2025 in the amounts shown:

LAKEFRONT AIRPORT FLOOD PROTECTION PLANNING, DESIGN AND PERMIT ANALYSIS - \$30,000,000

INTERNATIONAL CENTER FOR STORM SURGE BARRIER RESEARCH, PUBLIC EDUCATION AND SATELLITE MAINTENANCE FACILITY - \$8,712,000

BE IT FURTHER RESOLVED, that the FPA does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER RESOLVED, that the FPA is committed to providing a local project match to the extent it is economically able to for the amounts required/recommended and necessary by the State.

BE IT FURTHER RESOLVED, that the FPA Regional Director or Director of Engineering be authorized to sign any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, that the FPA Regional Director or Director of Engineering is hereby authorized and designated to act on behalf of FPA in all matters pertaining to the aforementioned project for which Capital Outlay funds are being requested including requests for State disbursements.

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

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

NAYS: None

ABSENT: Mr. Noel

RESOLUTION NO. 09-21-23-04 - EAST JEFFERSON LEVEE DISTRICT- CAPITAL OUTLAY PROGRAM FUNDING REQUEST

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

WHEREAS, the State of Louisiana Capital Outlay Program (COP) funding applications are required to be submitted by November 1, 2023, with a Resolution requesting sponsor funding; and

WHEREAS, the East Jefferson Levee District (EJLD) has projects that require funding from the COP in order to initiate planning, design, land acquisition and construction phases of said projects.

BE IT HEREBY RESOLVED, the Southeast Louisiana Flood Protection Authority-East (FPA) on behalf of the EJLD by this Resolution formally requests the State of Louisiana COP to fund the following EJLD project for Fiscal Year 2024-2025 in the amounts shown:

ORPHEUM SLOPE PAVING AND LEVEE MODIFICATIONS - \$3,400,000

BE IT FURTHER RESOLVED, that the EJLD does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER RESOLVED, that the EJLD is committed to providing a local project match to the extent it is economically able for the amounts required/ recommended and necessary by the State.

BE IT FURTHER RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (FPA) Regional Director or Director of Engineering be authorized to sign any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, that the FPA Regional Director or Director of Engineering is hereby authorized and designated to act on behalf of EJLD in all matters pertaining to the aforementioned Project for which Capital Outlay funds are being requested including requests for State disbursements.

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

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

NAYS: None

ABSENT: Mr. Noel

RESOLUTION NO. 09-21-23-05 - LAKE BORGNE BASIN LEVEE DISTRICT CAPITAL OUTLAY PROGRAM FUNDING REQUEST

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

WHEREAS, the State of Louisiana Capital Outlay Project (COP) funding applications are required to be submitted by November 1, 2023, with a Resolution requesting sponsor funding; and

WHEREAS, the Lake Borgne Basin Levee District (LBBLD) has projects that require funding from the COP in order to initiate planning, design, land acquisition and construction phases of said projects.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East on behalf of the LBBLD by this Resolution formally requests the State of Louisiana COP to fund the following LBBLD project for Fiscal Year 2024-2025 in the amounts shown:

LAKE BORGNE BASIN LEVEE DISTRICT SAFE HOUSE - \$4,200,000

BE IT FURTHER RESOLVED, that the LBBLD does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER RESOLVED, that the LBBLD is committed to providing a local project match to the extent it is economically able for the amounts required/ recommended and necessary by the State.

BE IT FURTHER RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (FPA) Regional Director or Director of Engineering be authorized to sign any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, that the FPA Regional Director or Director of Engineering is hereby authorized and designated to act on behalf of LBBLD in all matters pertaining to the aforementioned Project for which Capital Outlay funds are being requested including requests for State disbursements.

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

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

NAYS: None

ABSENT: Mr. Noel

RESOLUTION NO. 09-21-23-06 - ORLEANS LEVEE DISTRICT CAPITAL OUTLAY PROGRAM FUNDING REQUEST

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

WHEREAS, the State of Louisiana Capital Outlay Program (COP) funding applications are required to be submitted by November 1, 2023, with a Resolution requesting sponsor funding; and

WHEREAS, the Orleans Levee District (O.L.D.) has projects that require funding from the COP in order to initiate design and/or construction phases of said projects.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East on behalf of the O.L.D. by this Resolution formally requests the State of Louisiana COP to fund the following O.L.D. project for Fiscal Year 2024-2025 in the amounts shown:

BAYOU BIENVENUE SECTOR GATE SECURITY AND OPERATION FACILITY - \$2,750,000

BE IT FURTHER RESOLVED, that the O.L.D. does hereby certify, in accordance with the State Capital Outlay Act, the following:

5. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
6. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
7. There is no revenue source for these non-recurring project appropriations.
8. No surplus and/or unobligated funds are available.

BE IT FURTHER RESOLVED, that the O.L.D. is committed to providing a local project match to the extent it is economically able to for the amounts required/ recommended and necessary by the State.

BE IT FURTHER RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (FPA) Regional Director or Director of Engineering be authorized to sign any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, that the FPA Regional Director or Director of Engineering is hereby authorized and designated to act on behalf of O.L.D. in all matters pertaining to the aforementioned Project for which Capital Outlay funds are being requested including requests for State disbursements.

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

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

NAYS: None

ABSENT: Mr. Noel

RESOLUTION NO. 09-21-23-07 - FINAL CHANGE ORDER TO CONTRACT WITH CM COMBS CONSTRUCTION, LLC, FOR THE SLFPA-E WAREHOUSE OFFICE RENOVATIONS PROJECT

Ryan Foster, Engineering Manager, advised that the Board was being asked to approve the final change order for the Warehouse Office Renovations Project, which has been

under construction for the past year. The project includes building offices on the south and north sides of the warehouse for maintenance personnel. The change order covers the following items:

- The addition of electrical / data runs along with card access strikes for increased security for exterior doorway entrances.
- Piping for HVAC drain pans along with overflow sensors. Last week the FPA discovered this is a code requirement; therefore, staff is working with the contractor to eliminate this change and include it in the original proposal.
- Modification to the sealing of an existing doorway and the addition of a doorway opening and canopy overhang for the storeroom entrance.
- Addition of a fresh air intake louver to reduce the amount of engine exhaust from FPA vehicles stored in the warehouse.

Mr. Foster explained that the FPA should receive contract credits in the range of \$30,000 to \$35,000. In addition, the contract period expired and the contractor is incurring liquidated damages, which will allow the FPA to recoup additional costs. The original contract amount was \$4,779,000 and the estimated final contract amount was \$5,125,861 (an increase of approximately 7 to 8 percent).

Mr. Cosse commented that the air conditioning (a/c) units are located inside the warehouse building and will throw a lot more heat into the shop area. He asked the reason the a/c units were not placed on the exterior of the building. Mr. Foster responded that the architect's design included packaged a/c plant units instead of chillers. He stated that he was aware of the exhaust fan issue. A plan was developed by Engineering and Maintenance to repair the exhaust fans throughout the system in order to evacuate heat from the a/c systems. Mr. Cosse noted that there are 18 exhaust fans in the south section of the warehouse and only two are working. Mr. Humphreys advised that there are about 60 exhaust fans in the warehouse. The FPA is about to award a contract to a consultant to assess all of the exhaust fans. Once this information is received, the FPA will put out a contract to make them all operational. Mr. Foster noted that the packaged a/c units have fresh air intakes from the exterior of the building. Mr. Cosse pointed out that this does not help employees in the shop area. He asked the reason a consultant is needed and the FPA would not just put out a contract to fix the exhaust fans. Mr. Humphreys responded that the FPA is trying to find out what is needed. It may wish to purchase the motors to save money and the information is needed to develop better bid documents. The consultant's work should not extend the repair of the fans more than a couple of weeks.

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

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

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

WHEREAS, the FPA by Resolution No. 11-17-22-09 approved a Change Order in the amount of \$146,985, increasing the total amount of the aforementioned contract to \$5,039,290; and

WHEREAS, the project has been completed and approval of the final change order to the contract is needed for the following items:

1. The addition of electrical / data runs along with card access strikes for increased security for exterior doorway entrances. - \$64,261
2. Piping for HVAC drain pans along with overflow sensors. - \$5,182
3. Modification to the sealing of an existing doorway and the addition of a doorway opening and canopy overhang. - \$9,128
4. Addition of a fresh air intake louver to reduce the amount of engine exhaust in the warehouse area along with relocation of unknown existing electrical conduit encountered during construction. - \$8,000

WHEREAS, the proposed Change Order to the contract is for a total amount of \$86,571, increasing the total contract amount to \$5,125,861; and

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the execution of the final Change Order to the contract with CM Combs Construction, LLC, in the amount of \$86,571, increasing the total contract amount to \$5,125,861, for the SLFPA-E Warehouse Office Renovations Project.

BE IT FURTHER RESOLVED, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute the above mentioned Change Order to the contract with CM Combs Construction, LLC, and any and all other documents necessary to accomplish the above.

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

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

NAYS: None

ABSENT: Mr. Noel

The next regular monthly meeting of the Board will be held on October 19, 2023.

There was no further business; therefore, the meeting was adjourned at 12:40 p.m.