

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, NOVEMBER 16, 2023**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on November 16, 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 11:00 a.m. and led 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
K. Randall Noel
Derek N. Rabb
Deborah M. Settoon

ABSENT: None

ADOPTION OF AGENDA:

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

RESOLUTION NO. 11-16-23-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON OCTOBER 19, 2023

On the motion of Mr. Noel,
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 October 19, 2023.

The foregoing was submitted to a vote; the vote thereon was as follows:
YEAS: Mr. Arrigo, Mr. Duplantier, Mr. Fierke, Mr. Miller, Mr. Noel, Mr. Rabb,
Ms. Settoon and Mr. Settoon

NAYS: None
ABSENT: None

SAFETY MINUTE:

Martin Eilers, Director of Risk and Project Management, provided an update on the Upgrades to the Fire Suppression System at the Franklin Facility. The project started about a year ago and included construction of a new pump house, installation of a new booster and jockey pump, removal of the post indicator valves, replacement of some valves and sprinkler heads, and installation of strobes throughout the warehouse, as well as heaters to ensure the overhead lines do not freeze during the winter. The contractor worked through several issues that were encountered due to the age of the system. The system is fully on line and has been holding pressure. The Fire Marshall inspected the system during the past. The new office space buildout in the warehouse is currently being tied into the system. The project was a good investment and will go a long way to help ensure the safety of FPA employees.

OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:

Mr. Cosse reported that he had been invited by Governor Elect Landry to serve as a member of his Infrastructure Council as part of the transition process. The council's first meeting took place on Tuesday, November 14, in Lafayette at the transition headquarters. Former Senator Vitter was also invited to be a member of the Council and attended the meeting. The meeting was very productive. Discussions are confidential. Mr. Cosse advised that he made a number of personal contacts with members throughout the State, including former FPA Commissioner Jason Latiolais. The focus of the Council is on ports, rails and infrastructure. He stated that he hoped to advance the FPA's flood protection priorities and welcomed input from fellow FPA Board members.

PRESENTATION OF PLAQUE TO RECENT RETIREE:

Kelli Chandler, Regional Director, presented a plaque to Glenn Hartline, who retired on November 2, 2023, with 13 years, 11 months of service with the FPA. Mr. Hartline is a Levee Foreman C in the Levee Maintenance Department. She stated that Mr. Hartline was a great asset to the FPA and would be missed.

PUBLIC COMMENTS: None

PRESENTATIONS:

Brief comments from Jay Lapeyre - Chairman, Southeast Louisiana Flood Protection Authority (SLFPA) Nominating Committee

Jay Lapeyre, Chairman, Southeast Louisiana Flood Protection Authority (SLFPA) Nominating Committee, explained that he was speaking from the Nominating Committee's perspective and was addressing how it thinks, what it expects and how it appoints SLFPA Board members. He thanked the Commissioners for their hard work and diligence. He pointed out that the Board members went through the Nominating Committee's filter process which determined they would bring a tremendous level of

integrity, independence and judgment to the Board. Mr. Lapeyre advised that he did not discuss his notes with the Nominating Committee and was presenting his understanding of the voice of Nominating Committee filtered from years of experience.

Mr. Lapeyre explained that the Nominating Committee, as a governance committee, has the same fiduciary duty shared by the FPA Board—diligence, loyalty to the mission and purpose, and to act in the best interest of the organization. The Nominating Committee cannot have any conflicts of interest or distractions from the mission. The standard that it applies for governance is the same standard it looks for and expects when judging Board members. The Board has a duty to be informed, which includes knowing the high risk aspects of the work, and to understand how each member contributes to elevating and advancing the mission and progress of the organization. The Board also has a duty to ensure compliance with the law.

Mr. Lapeyre advised that, in his experience with legislatively enacted boards over his career, obstacles can be found to doing what makes sense. However, boards still must comply with requirements. This does not mean that the first interpretation of a requirement is the only possible way. The real duty is to ask, how do I make the best of the requirement and advance the organization. He stated that he did not know of any such direct conflict today. He commented that there are challenges, which he has not had to deal with in his career and work, that are faced by a board that is in a public setting. He cautioned the Board about the social environment and difficulties when misinformation gets ahead of a story. Someone with a different purpose can use misinformation to generate a lie and it can take a long time for the truth to catch up with the lie. Small things can be amplified to appear as large infractions.

Mr. Lapeyre stated that in addition to the duty of the Nominating Committee and the Board to respect the law and not have any conflicts, there is a duty to not being perceived as violating the law or having conflicts.

Mr. Lapeyre explained that the law places a substantial emphasis on technical requirements. Although the Nominating Committee is a heavily technical group, it contemplates the most effective combination of people to serve on the Board. This may or may not mean that the Board at any given time could use more technical, managerial or other expertise. The Nominating Committee tries to balance expertise on an ongoing basis based on its understanding of how the Board is doing. In particular, it looks at whether or not the Board is doing a good job of serving its proper role in governance by ensuring it is guiding staff and not interfering with staff. Staff has to do its job. The job of governance is to ensure staff is doing its job, boundaries are clear and the Board is speaking with one voice. He commented that he had been on boards with members who imagined their job was to tell staff what to do, which produces conflicts. He cautioned that being informed is tremendously important; however, the Board should not usurp responsibility in day-to-day operations. The Board must ensure the work is being done, support it when possible and make changes when necessary by changing the structure or management of the organization as needs dictate.

Ms. Settoon thanked the Nominating Committee for nominating Norma Jean Mattei to serve on the FPA Board effective July 1, 2024. Mr. Lapeyre noted that Ms. Mattei had been a member of the Nominating Committee for a number of years.

Mr. Duplantier thanked Mr. Lapeyre for his comments. He stated that the Board goes through ethics training annually. He commented that to be informed is not to oversee the operations of executive staff. Executive staff have been accessible and available to meet with Board members. He thanked staff for keeping the Board informed.

Mr. Lapeyre commented that there is a fine line between getting firsthand knowledge and creating an environment where staff has difficulty executing its duties. He also commented that members go through a couple of hours of ethics training, but it is not top of mind and people tend to not remember the details. He explained that he is a big fan of having someone, usually executive counsel, in charge of bringing reminders on an ongoing basis (four to six times a year) in order to keep these requirements front and center. This would keep a member from doing something that he/she intuitively would not think to be a problem.

Mr. Arrigo commented that Mr. Lapeyre provided good reminders, especially on the responsibility of a Board member to not overstep his/her boundary, and to ask, am I directing or trying to learn. If a member is trying to learn, he/she withholds judgment in real time and does not usurp staff's responsibility for dealing with an issue.

Mr. Lapeyre thanked the Board and pointed out the deep credibility issue that had existed in the community in the past. He noted that there had been some ups and downs by not getting ahead of some issues. He said that he is a big fan of getting ahead of a potential public problem by saying the Board is on working on it, so that it is not first reported in the press allowing opportunists with a different purpose to take charge of it. He added that the Nominating Committee and Board have elevated the integrity and perception of the work that they do, which is foundational to the success of our region and community.

REPORT BY REGIONAL DIRECTOR:

Kelli Chandler, Regional Director, provided the following report:

Mississippi River – The river level had risen slightly, but was projected to drop to under three feet at the Carrollton gage in the upcoming weeks. The salt water wedge was not expected to reach Belle Chasse or further upriver. However, the Sewerage and Water Board of New Orleans and Jefferson Parish were continuing the permitting process and exercises in the event they are needed in the future to deal with the salt water wedge.

Auction of Surplus Equipment – The bi-annual auction was conducted on November 14 on-line and in person and was a huge success earning over \$1.1 million. Ms. Chandler thanked the maintenance crew for staging the equipment, Police for handling traffic flow and the Finance team for organizing the event with auctioneers.

Facilities Projects:

- Franklin Parking Lot Drainage Improvements – In design
- Permanent Canal Closures and Pumps (PCCP) Security Upgrades – In progress. Includes rekeying locks.
- PCCP Gate Automation and Access Controls – Layout, size and gate types have been selected. Allows use of a badge for access. Investigation of how to bring power and data to gate locations was taking place.
- Franklin Fire Water Line Replacement – Pending design proposals
- East Jefferson Facility/Safehouse Mechanic Shop Floor Repairs – Pending proposal from manufacturer.

Human Resources (HR):

- Open Enrollment – Employee selections were completed on November 15. HR was preparing the information to provide to the Office of Group Benefits (OGB). Premiums will increase.
- Evaluating salaries across the agency for 6.5g or compression pay – Pay scale adjustments adopted by Civil Service were implemented, which created compression pay. An adjustment can be implemented when a new employee is hired at a higher rate than a current employee with the same job title and when a supervisor earns less than an employee he/she directly supervises. Compression pay analysis is an ongoing process in order to provide applicable pay adjustments.
- Working with Operations (Complex Structures and PCCP) for Civil Service approval of a new organizational structure
- Completed the hiring of eight new employees including two new Engineers.

Public Outreach:

In 2023, 31 tours were conducted and 465 people were reached. Tours are conducted by Darren Austin, Operations Director, and Stacy Gilmore, Public Information Director. Over 100 people are scheduled for tours in 2024.

The Board previously discussed a proposed International Center For Storm Surge Barrier Research, Public Education and Satellite Maintenance Facility to be located at the IHNC-Lake Borgne Surge Barrier.

Mr. Cosse asked for additional information on the proposed floor repairs at the East Jefferson Facility. Mr. Eilers explained that the epoxy flooring delaminated from the concrete substrate and peeled up in a section of the first bay in the Mechanic's shop. The manufacturer's representative visited the facility last week. The area was sounded to look for other areas of potential damage. A plan is in place and staff will issue a Purchase Order to fix the flooring.

Ms. Settoon asked that Mr. Eilers speak with her after the meeting about a question regarding the safehouse generators.

Mr. Settoon asked about RTA (Request for Technical Assistance) 16, which was mentioned in the Regional Director's written report and indicated that the U.S. Army Corps of Engineers (USACE) requested the FPA to reduce the test period for Pump 3 at the London Avenue PCCP from one hour to ten minutes. Darren Austin, Operations Director, explained that RTA 16 was an old issue and that the FPA was looking for further guidance from the USACE. Hour long testing was performed on Pump 3 and the bearing temperature spiking was not beyond reasonable limits. The test time reduction to ten minutes was eliminated and the FPA has resumed testing Pump 3 for one hour.

Mr. Settoon asked about RTA 17 and the confusion regarding the ability to run any PCCP pump independently. Mr. Austin advised that this was an ongoing investigation that appeared to be coming to a conclusion. An additional round of testing must be conducted at the 17th Street PCCP. Testing was conducted at the London Avenue PCCP and the issue appeared to have been found. The issue only impacts two PCCP pump stations (17th Street and London) with 1800 cfs pumps. The FPA is satisfying the USACE's question about whether the issue was the same at both pump stations.

COMMITTEE REPORTS:

Finance Committee: Mr. Settoon reported that the Finance Committee met prior to the Board meeting and recommended that the Board approve the following items:

- The updated Memorandum of Understanding (MOU) between the FPA and the Lakefront Management Authority (LMA) for the Management of the Non-Flood Assets of the Orleans Levee District
- The amendment of the contract with Mercury Public Affairs, LLC, to extend the contract period
- The proposed resolution to request the Regional Director to prepare a detailed written presentation on PRONTO

The Committee also received the Budget-to-actual report for the first quarter of Fiscal Year 2024.

Operations Committee: Mr. Fierke reported that the Operations Committee met prior to the Board meeting and recommended that the Board approve the following items:

- Award of a contract to Durr Heavy Construction, LLC, for the Outfall Canal Slope Paving Project
- Issuance of a Task Order to HNTB for video inspection services and repair recommendations for valves and culverts at 75 locations in the Orleans Levee District

Mr. Fierke reported that the USACE was continuing to make great progress on the PCCP pump station issues. The USACE was accepting responsibility and moving forward with the Joint Venture to remedy the issues with stainless steel and coatings. He added that the USACE had good ideas and was close to giving the FPA a schedule.

Legal Committee: Mr. Rabb reported that the Legal Committee met prior to the Board meeting and received an update on all active cases. The Legal Committee discussed scheduling an executive session to review some police operations.

Mr. Fierke recommended an extended executive session be held as Commissioners needed to understand where the litigation was coming from, what had been done and what could be done to reduce litigation. Mr. Rabb noted that 90 minutes should be sufficient to go through the cases and specifically focus on the litigation as it related to the Police Department. Wilma Heaton, Director of Governmental Affairs, pointed out that an abbreviated Board meeting was anticipated on December 21. Mr. Arrigo suggested that the executive session be held at an extended Legal Committee meeting, in lieu of the December 21 Board meeting. Mr. Rabb concurred with Mr. Arrigo's suggestion and advised that the Legal Committee meeting scheduled for December 21 would be held from 9:00 a.m. to 10:30 a.m. in order to provide sufficient time for the executive session.

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

NEW BUSINESS:

RESOLUTION NO. 11-16-23-02 - APPROVAL OF UPDATED MEMORANDUM OF UNDERSTANDING REGARDING THE MANAGEMENT OF NON-FLOOD ASSETS OF THE ORLEANS LEVEE DISTRICT

Mr. Settoon advised that the Finance Committee recommended that the Board approve the proposed MOU regarding the management of the non-flood protection assets of the Orleans Levee District (O.L.D.).

Mr. Fierke explained that staff concurred that the grass in the areas between the lake waters and the levee, which mitigates storm surge, is a flood protection asset. He offered a motion to amend the resolution to provide that the following changes be made to the MOU: the grass maintenance responsibilities under Section 1 – NON-FLOOD PROTECTION ASSETS AND LMA RESPONSIBILITIES for Item E (Former Naval Reserve Station) and Item L. v. (all park space including the green space along Lakeshore Drive) be moved to Section 2 - FPA RESPONSIBILITIES. He pointed out that the former Naval Reserve Station is basically a grassy area between the lake and the levee. He noted that the drainage between the lake and the levee was to keep Lakeshore Drive open for maintenance and was not tied into the subdivisions or the Sewerage and Water Board of New Orleans' system. The motion to amend the resolution was seconded by Mr. Arrigo.

Mr. Miller stated that the LMA had been responsible for maintaining the grass areas between the lake and the levee for years. Mr. Fierke pointed out that in the proposed 2018 MOU, this responsibility had been placed under the FPA until the last moment when it was moved under the LMA for no apparent reason. The grass between the lake and the levee had always been a flood protection asset and the responsibility of the

FPA. Ms. Settoon commented that the grass on both sides of the levee was an integral part of flood protection.

Louis Capo, Executive Director, clarified that the area under discussion was from the seawall to the levee. Currently, the FPA cuts the grass on the levee and 15-feet out from the toe of the levee and the LMA cuts the grass from this point to the roadway. The Lakefront Levee is the front line of protection, not the seawall. Lakeshore Drive is a flood protection asset with a recreational component. The LMA would still be responsible for the shelters, trash pickup and collection, and would assist the FPA by providing additional security measures on the days that the lakefront has traditionally been used heavily by the public (e.g., Easter and Mothers' Day). However, the responsibility for cutting the grass would be transferred to the FPA. Maintenance along Lakeshore Drive was significantly reduced by the construction of the Seawall Erosion Mitigation Project, which included paving the area between the seawall and the roadway. The LMA outsourced the grass cutting due to insufficient in-house resources..

Mr. Arrigo commented that placing this responsibility under the FPA would allow grass maintenance personnel who are trained levee inspectors to watch for flaws that could impact flood protection.

Mr. Miller asked the reason the balance that was due the FPA under the Inter-fund Receivables and Payables (Due To/Due From) was being forgiven. Mr. Arrigo explained that the forgiveness of this balance was the result of significant negotiations. He pointed out that the Bohemia Spillway and its revenues should have been designated a non-flood protection asset years ago. Instead, the Bohemia revenues were retained by the FPA. In lieu of seeking Bohemia revenues received by the FPA prior to 2024, the LMA agreed to make January 1, 2024, the effective date for receiving Bohemia revenues. The FPA's forgiveness of the balance due is offset by the LMA's waiver of Bohemia revenues prior to 2024. Ms. Chandler noted that Bohemia revenues vary greatly from year-to-year and over the past five years ranged from \$150,000 to \$700,000. Ms. Settoon pointed out that the Bohemia Spillway was declared by the Louisiana Legislature to no longer be a spillway (1984). Mr. Capo explained that since 2007 the FPA received \$9 million of Bohemia revenues, which was the starting point for the negotiations. Kirk Ordoyne, Executive Counsel, added that from 2007 to 2015, the FPA had to pay outstanding lawsuits related to the Bohemia Spillway. The escrow fund set up by the FPA for the payment of these settlements was closed in 2015.

Ms. Settoon clarified that the paragraph entitled "Climate Change and Resiliency" only included cooperation on the FPA's part.

The motion to amend the resolution, offered by Mr. Fierke and seconded by Mr. Arrigo, was unanimously adopted.

Mr. Capo thanked the Board and everyone involved with negotiating the MOU. He advised that approval of the MOU would be considered by the LMA Legal Committee and the LMA Board at its meetings scheduled to be held later in the afternoon.

Ms. Chandler commented that the negotiation meetings were good, there was give and take on both sides, and the resulting MOU was a good product.

The Board voted on the motion as amended and the motion was adopted.

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. 05-17-07-11 approved the Memorandum of Understanding (MOU) dated March 17, 2007, between the FPA East and West and the Division of Administration, the manager designed by Act 1 of 2006 of the LA Legislature for the Non-Flood Assets of the Orleans Levee District (O.L.D.); and

WHEREAS, the FPA by Resolution No. 06-21-07-03 approved the amendment of the aforementioned agreement; and

WHEREAS, Act 475 of 2007 of the LA Legislature reorganized the Orleans Levee District by creating the Algiers Levee District and placing the Algiers Levee District under the jurisdiction of the FPA-West; and

WHEREAS, the Non-Flood Protection Asset Management Authority (NFPAMA) was created by Act 1014 of 2010 of the LA Legislature to manage the non-flood protection assets of the O.L.D.; and

WHEREAS, by Resolution 09-20-18-03, the FPA approved the revised MOU, dated October 1, 2018, which updated the parties of the MOU and revised the terms and conditions of the document; and

WHEREAS, by Act 151 of 2019 of the LA Legislature, the NFPAMA was renamed the Lakefront Management Authority; and

WHEREAS, the aforementioned MOU has been updated and revised.

BE IT HEREBY RESOLVED, that the revised Memorandum of Understanding be amended to provide that grass maintenance responsibilities under Section 1 – NON-FLOOD PROTECTION ASSETS AND LMA RESPONSIBILITIES for Item E (Former Naval Reserve Station) and Item L. v. (all park space including the green space along Lakeshore Drive) be moved to Section 2 - FPA RESPONSIBILITIES.

BE IT FURTHER RESOLVED, that the Southeast Louisiana Flood Protection Authority–East approves the amended updated and revised Memorandum of Understanding Regarding the Management of Non-Flood Assets of the Orleans Levee District, and authorizes the FPA Regional Director to execute said MOU 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. Noel, Mr. Rabb, Ms. Settoon and

Mr. Settoon
NAYS: None
ABSTAINED: Mr. Miller
ABSENT: None

**RESOLUTION NO. 11-16-23-03 - CONSULTING SERVICES AGREEMENT WITH
MERCURY PUBLIC AFFAIRS, LLC**

David Vitter with Mercury Public Affairs, LLC (Mercury), introduced Lynnel Ruckert, who was replacing Kyle Ruckert and now leading their firm Bold Strategies, LLC. Mr. Ruckert was working full time with Governor-elect Landry on the transition and was expected to have a significant role in Governor-elect Landry's administration.

Ms. Ruckert is originally from Jefferson Parish and has extensive experience on Capitol Hill. She was the appropriations staffer for then Congressman Vitter when he served on the Senate Appropriations Committee and went on to work for Congressmen Bobby Jindal and Steve Scalise. Ms. Ruckert became Congressman Scalise's Chief of Staff in 2008 when he was elected and then Chief of Staff in the Leadership Office in 2014 when he became the majority whip. As Chief of Staff in Congressman Scalise's Leadership Office, Ms. Ruckert was the highest ranking female staffer in the U.S. House of Representatives. Due to her extensive experience, she maintains valuable contacts with the Louisiana delegation, Congressman Scalise's office, Speaker Mike Johnson's office, and with others in Washington, D.C. Ms. Ruckert stated that the FPA's mission is critical and that she looked forward to working with the Board.

Mr. Vitter advised that a report and update was submitted to the Board via email on November 9th. He offered to answer Commissioners' questions.

Mr. Rabb asked about the workload relative to communications. Mr. Vitter responded that the Mercury team was dealing with relevant congressional offices and other entities, such as the USACE and Coastal Protection and Restoration Authority (CPRA), every week. The most important topic is 200-year flood protection. Mercury scored a major victory to begin the long process for 200-year flood protection with legislation passed that authorized the USACE study. The study is anticipated to have a very robust benefit-to-cost ratio well above 1:1, which is the line above which the USACE will do a project. Discussions are taking place with the USACE and the Louisiana delegation to ensure the USACE places the study in their work plan and to ensure funding. An important meeting was held with the USACE several weeks ago which was attended by President Cosse and Ms. Settoon.

Ms. Settoon commented that the meeting with the USACE was one of the best organized meetings that she had attended as a professional engineer. The action item step was spot on. Mr. Vitter agreed that the meeting was very productive and allowed the FPA and Mercury to very clearly communicate that 200-year flood protection is of critical importance to the citizens in the region. It also allowed the opening of a friendly dialog directly with the USACE about moving the process forward, specific next steps and accelerating the process.

Mr. Arrigo commented that at meetings held in Washington, D.C., he witnessed firsthand the expertise offered under the Mercury contract and he did not think the FPA could obtain this expertise any other place. Therefore, the contract is of value to the Board and citizens in the region.

Mr. Rabb noted that the contract did not include a reporting process. He suggested that quarterly reports would inform the Board, help develop a relationship between the Board and Mercury, and allow the Board to make adjustments as needed regarding the contract's scope. Mr. Vitter concurred with Mr. Rabb and was open to any reporting and meeting routine desired by the Board. He explained that he ensured that reports were provided to senior staff and the Board on any significant activity as it developed. The reports were at least four times a year, but not necessarily quarterly. He stated that he would be happy to do quarterly reports or attend meetings quarterly. In addition to the Board's decision on periodic reports, Mercury would continue to report significant happenings.

Mr. Vitter referred to Mr. Arrigo's comments about meetings in Washington, D.C. He strongly recommended that future meetings in Washington, D.C., take place with two or three Commissioners about twice a year. Participation by Commissioners in meetings with the Louisiana congressional delegation, key committee chairs, USACE leadership, and others builds important relationships over time that bear fruit. In addition, in the event of a mini-crisis that required immediate action, Mercury would be able to go to a congressional office and the congressperson and staff would be familiar with the FPA and its mission.

Mr. Noel offered a motion to amend the first RESOLVED paragraph of the resolution to extend the contract from January 1, 2023 to December 31, 2024, at a cost of \$15,000 per month until November 30, 2023, and at a cost of \$13,500 per month from December 1, 2023, until December 31, 2024. The motion was seconded by Mr. Arrigo.

Mr. Noel explained that the contract included a provision valued at \$1,500 for grant writing which the FPA had not used. He advised that it was at Mr. Vitter's suggestion that the grant writing provision be removed, thereby reducing the cost to \$13,500 per month. If needed, the provision could be included in the contract at a later date. Mr. Rabb suggested that the provision remain in the contract as an option so that, if needed, it could be enacted and added to the invoice. Ms. Chandler advised that the FPA had an agreement with HGA (Hunt, Guillot & Associates) to search for grants and provide grant assistance. HGA is paid after a grant is secured.

The motion offered by Mr. Noel and seconded by Mr. Arrigo to amend the resolution was unanimously adopted.

Mr. Fierke offered a motion to amend the resolution in the RESOLVED paragraph after "December 31, 2024", to add "and to convert to month-to-month upon its expiration". The purpose of the amendment was to ensure that critical liaison or lobbying services would continue should any future administrative difficulties occur. He explained that he

did not want administrative difficulties, such as ones recently experienced, to cause Mr. Vitter or Ms. Ruckert to quit. The amendment would allow the contract to continue on a month-to-month basis. Mr. Vitter explained that the month-to-month provision was included in the current contract; however, it would be removed in accordance with the proposed amendment to the contract. Mr. Fierke clarified that his motion would put the provision back into the contract. Mr. Vitter added that the provision should also include the current language that allowed either side to terminate the contract upon 30 days' notice.

Mr. Ordoyne advised that it was not good for government to have automatic renewals and month-to-month clauses. Ms. Chandler stated that one of the reasons this item came up was because the contract exceeded her authority level provided in the FPA's Purchasing Policy; therefore, Board approval is needed each year. She stated that the contract could be placed on the agenda each year.

Mr. Fierke explained that the reason for his amendment was because contract administration dropped the ball and was extremely negligent. Mercury was not paid for eight months of service. Therefore, he wanted to ensure that the contract would continue.

Mr. Duplantier stated that the FPA, as a governmental entity, should not have an automatically renewing contract. Contracts need to terminate and it is the FPA's obligation to renew contracts annually. He stated that it was on the Board for not having reviewed the contract in December. Having the contract terminate would allow the Board to annually look at the services received over the previous year. Mr. Fierke pointed out that the contract did not require the Board to do anything when it last expired. The contract went from month-to-month; however, Mercury did not receive payment. Mr. Duplantier responded that he understood that a mistake was made over the course of the year. Mr. Fierke interjected that there were multiple mistakes since Mercury was not paid for eight months. Mr. Duplantier stated that the correction of this problem is for the Board to annually review the contract and not allow it to go beyond its expiration.

Mr. Noel explained that the FPA had a contract that expired on December 31, 2022, with an automatic renewal if the Board did not take any action. At that time, as President, Mr. Noel said that the FPA would take the automatic renewal since work was being done on 200-year flood protection. The automatic renewal did not become an issue with the Regional Director's authority until the contract amount exceeded her authority. Mercury was paid for January, February and March. Mr. Noel advised that the issue began in April. He stated that the Board was caught in the changing of the guard and that the Board just did not vote on it. He stated that he agreed with Mr. Duplantier and that going forward the contract should be renewed on an annual basis and not go on a month-to-month basis. He added that he did not want the same confusion to happen again. Mr. Fierke responded that the Board was not putting anything into the system to avoid it. He clarified that the month-to-month provision did not decrease the Board's right to terminate the contract.

Mr. Ordoyne advised that the resolution adopted in February 2022 stated that the Board authorized a contract through December 31, 2022, at a cost of \$15,000 per month. Therefore, the Board's authority to pay the contract ended at the end of 2022. The written contract stated that it would continue on a month-to-month basis; therefore, the resolution and the contract did not match, which created a problem. He stated that Ms. Chandler's authority should not come into play because the Board authorized a contract in the amount of \$180,000 in the aggregate for a year. Therefore, Ms. Chandler did not feel comfortable with approving payments.

Ms. Settoon stated that she agreed with Mr. Ordoyne's comments. However, there is a problem when someone is not paid for eight months and an issue develops that should have been brought to the Board if action was needed. Mr. Ordoyne stated that legal advice was provided a couple of weeks after he joined the FPA.

Mr. Rabb commented that this type of problem could be resolved by receiving periodic reports. He recommended that the resolution be amended to include quarterly reporting in the contract. Quarterly reports could ensure that everything is up-to-date in all benchmarks. Mr. Duplantier concurred and added that at the fourth quarter the Board would know it would need to adopt a new resolution in December for the next year. Mr. Fierke pointed out that the Board does not always meet in December. The month-to-month provision would not take away any of the Board's rights. It would be there as a safeguard. If for some reason, the contract is not renewed in December, it would continue until the Board did renew the contract. Mr. Duplantier reiterated that it is best practice for a governmental agency not to have an automatically renewing contract.

Mr. Settoon asked was there a difference between an automatic renewal and a month-to-month continuation of a contract. Mr. Ordoyne responded that a month-to-month continuation is an automatic renewal. Mr. Settoon stated that an automatic renewal of a contract with a one-year term would renew the contract for another one year term as opposed to a month-to-month extension of the contract. Mr. Fierke concurred with Mr. Settoon and clarified that his motion would allow the contract to convert to a month-to-month contract.

The motion to amend the resolution offered by Mr. Fierke was seconded by Ms. Settoon. The motion failed with Mr. Arrigo, Mr. Duplantier, Mr. Miller, Mr. Noel and Mr. Rabb voting nay and Mr. Cosse, Mr. Fierke, Ms. Settoon and Mr. Settoon voting yea.

Mr. Rabb offered a motion to amend the resolution to include a provision in the contract for, at a minimum, quarterly reporting. The motion offered by Mr. Rabb and seconded by Mr. Noel was unanimously adopted.

The Board voted on the motion as amended.

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

WHEREAS, by Resolution No. 02-17-22-03, the Southeast Louisiana Flood Protection Authority-East (FPA) authorized a Consulting Services Agreement with Mercury Public Affairs, LLC (Mercury) to provide consulting services at the Federal level to seek and secure funding for coastal and hurricane risk reduction projects; and

WHEREAS, the aforementioned agreement, dated March 1, 2022, provided for a term ending on December 31, 2022, and for the continuation of said term on a monthly basis thereafter until terminated by either Party on thirty days' notice; and

WHEREAS, the greater New Orleans region faces increasing environmental and geological threats, such as sea level rise, subsidence, and increasing sea surface temperatures, in addition to natural cycles such as El Nino and La Nina, which result in stronger, rapidly intensifying hurricanes; and

WHEREAS, due to these environmental and geological threats, the importance of implementing 200-year flood protection is imperative; and

WHEREAS, as a result of Mercury's services, Congress included language in Public Law 117-263, the James M. Inhofe National Defense Authorization Act (NADD) for Fiscal Year 2023, under Section 8203, Expedited Modifications of Existing Feasibility Studies, to investigate increasing the scope of the Lake Pontchartrain and Vicinity, Louisiana, project to provide protection against a 200-year storm event; and

WHEREAS, there is a need to continue said consulting services to aggressively pursue procurement of funding for the U.S. Army Corps of Engineers to accomplish the study to upgrade the Hurricane and Storm Damage Risk Reduction System (HSDRRS) to 200-year protection, and to implement the results of the study, as well as pursue other funding opportunities for coastal and risk reduction measures; and

WHEREAS, strategic consulting and management services are needed in the areas of federal governmental relations strategy, including congressional and administration lobbying, and to work on issues related to the U.S. Army Corps of Engineers' flood protection plan for Southeast Louisiana; and

WHEREAS, assistance is also needed for the identification of federal grant opportunities to support, upgrade and secure the FPA's assets and in the preparation of Federal grant applications.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves an amendment to the contract with Mercury Public Affairs, LLC, to extend the contract term from January 1, 2023 to December 31, 2024, at a cost of \$15,000 per month, until November 30, 2023, and at a cost of \$13,500 per month from December 1, 2023, until December 31, 2024, and authorizes the Regional Director, and in her absence the Director of Engineering, to execute any and all other documents necessary to carry out the above.

BE IT FURTHER RESOLVED, that reports shall be provided by Mercury Public Affairs, LLC, at a minimum on a quarterly basis.

BE IT FURTHER RESOLVED, that the FPA Board ratifies all payments made and authorizes payment of all outstanding invoices under this contract.

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

RESOLUTION NO. 11-16-23-04 - PRONTO ASSET MANAGEMENT SOFTWARE

Mr. Settoon advised that he requested that the proposed resolution be placed on the Board agenda. The contract with PRONTO came to his attention during the auditors' report on the Fiscal Year 2023 financial audit. The auditors advised that a present value of almost one-half million dollars remained for future expenses related to PRONTO. He wanted the Board, especially the new Commissioners, to have detailed information on PRONTO. The Finance Committee discussed the resolution and recommended Board approval.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No. 07-15-21-03, adopted on July 15, 2021, ratified the agreement with Pronto Solutions to provide asset management software and related services; and

WHEREAS, the recent Fiscal Year 2023 financial audit presentation showed the prior year's annual cost for PRONTO and related software was \$159K with future contractual payments over the next three years of an additional \$461K as well as other potential costs; and

WHEREAS, several Commissioners were not on the Board at the time the decision was made to purchase the PRONTO asset management software and enter into the agreement with PRONTO.

BE IT HEREBY RESOLVED, that the Regional Director and her staff prepare a detailed, written presentation on PRONTO and Flowcentric for the next regular monthly Board meeting. The presentation shall include, but not be limited to, the following:

- 1) What is it?
- 2) What is the relationship between PRONTO and Flowcentric and how do they work together?
- 3) How and why did the FPA obtain it?
 - a) Who is the vendor?
 - b) Initial and ongoing costs?
 - c) Future costs?
 - d) What alternatives were investigated?
- 4) What is it supposed to do?
 - a) What is it currently used for?

- 5) What components remain to be installed and/or made operational?
- 6) What kind of support does the FPA receive from the publisher?
 - a) At what cost?
- 7) How long is the license for?
- 8) Any other pertinent information

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

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

NAYS: None

ABSENT: None

**RESOLUTION NO. 11-16-23-05 - OUTFALL CANAL SLOPE PAVING PROJECT
CONTRACT AWARD**

Mr. Fierke advised that the Operations Committee recommended that the Board approve the award of the contract for the Outfall Canal Slope Paving Project to Durr Heavy Construction, LLC. Mr. Noel pointed out that the project is for the 17th Street Canal.

On the motion of Mr. Noel,

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

WHEREAS, the Outfall Canal Slope Paving Project (Project No. O2430456) was advertised and ten bids were received and opened on October 30, 2023, as follows:

Bidding Contractors	Total Bid Price
Durr Heavy Construction, LLC	\$702,472.00
Hard Rock Construction, LLC	\$706,556.00
Pro Civil, LLC	\$773,269.00
Buck Town Contractors & Co.	\$778,800.00
Python Corporation (non-responsive)	\$856,541.76
LA Contracting Enterprise, LLC	\$1,123,819.20
Omega Foundation Services, Inc.	\$1,129,888.00
Cycle Construction Company, LLC	\$1,407,940.00
ERS, Inc.	\$1,427,067.00
Boh Bros. Construction Co., LLC	\$1,576,995.00

WHEREAS, the lowest responsive and responsible bid was submitted by Durr Heavy Construction, LLC, in the amount of \$702,472.00; and

WHEREAS, the Engineering Estimate for the base bid project is \$801,520.00; and

WHEREAS, funding for the project is included in Budget Line Item 16.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of

\$702,472.00 to Durr Heavy Construction, LLC, for the Outfall Canal Slope Paving Project.

BE IT FURTHER RESOLVED, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute the above mentioned contract with Durr Heavy 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. Noel, Mr. Rabb, Ms. Settoon and Mr. Settoon

NAYS: None

ABSENT: None

RESOLUTION NO. 11-16-23-06 - TASK ORDER WITH HNTB FOR PHASE 3 OF THE VIDEO INSPECTION OF O.L.D. CULVERTS

Mr. Fierke advised that the Operations Committee recommended that the Board approve the issuance of a task order to HNTB for Phase 3 of the Video Inspection of O.L.D. Culverts.

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

WHEREAS, the U.S. Army Corps of Engineers requires that the Orleans Levee District (O.L.D.) perform a videotape inspection of all culverts along the Mississippi River Levee Floodwall (MRL) and the Hurricane and Storm Damage Risk Reduction System (HSDRRS) within said District every five years; and

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) entered into Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract No. 33-07 with HNTB to provide Civil Engineering Services on an as-needed basis; and

WHEREAS, HNTB submitted a proposal to provide video inspection services and recommendations for the repairs of valves and adjoining culverts at 75 locations along the Mississippi River (MRL) Floodwalls and the Hurricane and Storm Damage Risk Reduction System (HSDRRS) in Orleans Parish with a total estimated cost of \$582,806.00; and

WHEREAS, the aforementioned valves and culverts were previously inspected in 2019; and

WHEREAS, funding for the Task Order with HNTB for the aforementioned services (Phase 3) is located in Budget Line Item BIDIQ01.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the issuance of a Task Order to HNTB with a not-to-exceed amount of \$582,806.00 for video inspection services and recommendations for repairs of valves and adjoining culverts at 75 locations along the Orleans Levee District's flood protection system (Phase 3).

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 Task Order with HNTB, 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. Noel, Mr. Rabb,
Ms. Settoon and Mr. Settoon

NAYS: None

ABSENT: None

On behalf of the Board, Ms. Settoon wished everyone a Happy Thanksgiving and thanked the employees who must be on duty during the holidays.

Ms. Chandler invited the Commissioners to attend the FPA's annual safety meeting, which will be held on December 14, 2023, at the New Orleans Lakefront Airport.

The next regular monthly meeting of the Board will be held on December 21, 2023.

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