

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
LEGAL COMMITTEE MEETING
HELD ON FEBRUARY 20, 2024**

PRESENT: Derek N. Rabb, Chair
Thomas G. Fierke, Committee Member
Deborah M. Settoon, Committee Member
William A. Settoon, Jr., Committee Member

The Legal Committee of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) met on February 20, 2024, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, La. Mr. Rabb called the meeting to order at 10:00 a.m.

Opening Comments: Mr. Rabb noted that the meeting was basically necessitated by New Business Item C.

Adoption of Agenda: The Committee adopted the agenda as presented.

Approval of Minutes: The Committee approved the minutes of the meeting held on December 21, 2023.

Public Comments: None.

New Business:

- A. **Discussion of the proposed Policy for Participation via Electronic Means in the Meetings of the Board by Commissioners with an ADA Disability, dated February 22, 2024, and recommendation to the Board.**
and
- B. **Discussion of the proposed Policy for Public Participation in the Meetings of the Board by Persons with an ADA Disability or Their Caregiver, dated February 22, 2024, and recommendation to the Board.**

Glenda Boudreaux, Administrative Program Manager, explained that Act 393 of 2023 amended the Public Meeting Law to require that the Board adopt two policies relative to ADA (Americans with Disability Act) disabilities. The first policy allows a Commissioner with an ADA disability who is unable to attend the meetings of the Board in person to fully participate remotely via electronic means in said meetings. The Commissioner would have the same rights as other Board members. Documentation to support the request for remote participation would be coordinated between the HR (Human Resource) ADA Coordinator and Executive Counsel.

Ms. Boudreaux further explained that the second policy allows members of the public with an ADA disability or their caregiver to participate in the meetings of the Board

remotely. FPA Board and Committee meetings are livestreamed for the public. The policy includes procedures for ADA disabled members of the public or their caregiver to submit public comments via email before and during the meetings.

Mr. Fierke offered a motion, which was seconded by Ms. Settoon and unanimously adopted, to recommend that the Board adopt the proposed Policy for Participation via Electronic Means in the Meetings of the Board by Commissioners with an ADA Disability and the proposed Policy for Public Participation in the Meetings of the Board by Persons with an ADA Disability or Their Caregiver.

Executive Session:

A. Discussion of “Marquette Transportation Company Gulf-Island v. USDC (Louisiana Eastern District-2:23-CV-02439)”.

A motion was offered by Mr. Fierke, seconded by Ms. Settoon and unanimously adopted, for the Committee to meet in Executive Session to discuss the item listed on the agenda. The Committee convened in Executive Session at 10:12 a.m.

A motion was offered by Mr. Fierke, seconded by Ms. Settoon and unanimously adopted for the Board to reconvene in regular session (11:10 a.m.).

Mr. Rabb advised that no formal action was taken during the Executive Session.

New Business: (continued)

C. Discussion of the retention of outside counsel to represent the FPA in the litigation entitled, “Marquette Transportation Company Gulf-Island v. USDC (Louisiana Eastern District-2:23-CV-02439)”, and recommendation to the Board.

Mr. Fierke offered a motion to recommend to the Board, on the assumption that the Attorney General’s (AG) does not agree to represent the FPA, that Sid Degan with the law firm of Degan, Blanchard & Nash be retained. He noted that several local qualified law firms were evaluated prior to the recommendation of Mr. Degan. The retention of Mr. Degan is contingent upon the decision of the AG’s Office not to represent the FPA.

Kirk Ordoyne, Executive Counsel, commented that the AG’s office may monitor the litigation and require the FPA to retain outside counsel. The Degan firm has agreed to represent the FPA at the AG’s Maximum Hourly Fee Schedule.

The motion was seconded by Ms. Settoon and unanimously adopted.

There was no further business; therefore, the meeting was adjourned at 11:12 a.m.