

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, APRIL 18, 2024**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on April 18, 2024, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, Louisiana, after due legal notice of the meeting was posted and sent to each Board member and the news media.

Mr. Cosse had advised that he would arrive at the meeting late; therefore, Mr. Arrigo called the meeting to order at 10:05 a.m. and led the pledge of allegiance. Mr. Fierke called the roll and a quorum was present:

PRESENT:

Clay A. Cosse, President (arrived 10:40 a.m.)
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. Noel, seconded by Mr. Fierke and unanimously adopted, to adopt the agenda.

RESOLUTION NO. 04-18-24-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON MARCH 21, 2024

On the motion of Mr. Fierke,
Seconded by Mr. Noel, 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 March 21, 2024.

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, advised that the Annual Safety and Employee Appreciation meeting was held on April 4th. A recap regarding employee safety performance was provided at the meeting. Eleven reported incidents occurred year-to-date with no loss of time or Workers Comp (WC) claims. Training on reporting incidents was also provided to employees.

Mr. Eilers introduced Eric Williams and Jamal Dortch, the FPA's two new Safety and Emergency Preparedness Coordinators. Both individuals bring a vast amount of safety experience and will help provide the safest work environment possible for employees.

Mr. Settoon commented that Mr. Eilers presented a very impressive chart at the Safety Meeting showing the FPA's safety record over the past couple of years. Mr. Eilers explained that significant progress had been made over the last several years. Employees are buying into the safety culture. The hard work and efforts of the entire staff have led to this point. Mr. Settoon pointed out that the safety record is important for two reasons: first, the safety of employees and the public is of utmost importance, and, second, the financial implications relative to WC and other insurance premiums.

OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:

Ms. Settoon asked about the scheduling of the Board meetings to be held in St. Bernard and Jefferson Parishes. Glenda Boudreaux, Administrative Program Director, advised that the meetings at which the ad valorem tax rates are certified would be held in St. Bernard and Jefferson Parishes. However, since it is a reassessment year, the meetings could not be scheduled until staff knows when the ad valorem rates will be finalized. Denise Williams, Regional Finance Director, advised that she was in contact with St. Bernard and Jefferson Parish finance staff. St. Bernard is expected to have its new ad valorem tax rates ready around the end of May. The rates for Jefferson Parish are not expected to be ready until the end of July.

PUBLIC COMMENTS: None.

PRESENTATION OF PLAQUE TO RECENT RETIREE:

Kenyetta Sewell, Human Resource Director, advised that Adele Charles recently retired with 26 years of service. Ms. Charles was unable to attend the meeting and would be sent her plaque recognizing her years of service.

PRESENTATIONS:

1. Presentation by National Weather Service – Kevin Gilmore

Kevin Gilmore, Forecaster with the National Weather Service (NWS) New Orleans/Baton Rouge, provided a presentation on the 2024 Hurricane season.

Although Louisiana had no direct impacts, 2023 was the fourth most active season (June 1 to November 30) on record with over 20 named storms. Seasonal outlooks are not good for local decision makers since they cover a large area of the Atlantic basin and Louisiana is only a small portion of the basin outlook.

La Nina (global oscillation patterns around the equatorial Pacific) is back in 2024. Therefore, there will be significantly less wind shear, which allows hurricanes to thrive. Sea surface temperatures are still at record highs. The outlook for 2024 is at least an average to probably above average season. The National Oceanic and Atmospheric Administration (NOAA) Seasonal Hurricane Forecast will be issued in May.

The new NWS Cone Graphic places less of an emphasis on the cone. The maps will now show inland watches and warnings. Watches and Warnings will be issued at 4:00 a.m., 10:00 a.m., 4:00 p.m. and 10:00 p.m. Intermediate Advisories will be issued as needed. Watches and Warnings can change during all public advisories.

The need to obtain information from reputable sources (e.g., NWS, National Hurricane Center and broadcast meteorologists) was stressed. Social media Click Bait (messaging, symbols and pictures that draw attention and attempt to increase views) can lead to un reputable sources and misinformation. Different types of computer models use different types of mathematics to predict the intensity, size and track of a storm. Models are available to the public; however, expert forecasters must interpret the models to create an accurate forecast. Decisions should be made based on actual official forecasts and not computer models.

Reasonable expectations from a hurricane forecast at different lead times:

- Seven to ten days – General idea that something might develop or affect somewhere. The public should monitor official forecasts, refresh supplies and review plans.
- Five to seven days – Getting a better idea of possibilities, but still too soon to narrow down any specific details.
- Three to five days – Beginning to narrow down possible impacts to more specific areas.
- One to two days – Potential impacts to specific areas, onset times, etc.

Hurricanes can rapidly intensify due to a combination of sea surface temperature and prime atmospheric conditions. The National Hurricane Center's (NHC) official track forecast can err from 10 to 20 knots (about a whole category). Therefore, the public is informed to prepare for a category higher when a hurricane threatens a local area.

Possible future advancements may include six or seven day track and intensity forecasts. However, research and advancement in technology is needed.

Short lead times can be a challenge. All but one of the nation's strongest hurricanes [150 miles per hour (MPH) or greater] were tropical storms three days before landfalls.

- Seven days out – Tropical weather outlooks provide a percentage for tropical development.
- Five days out – NHC Advisory Packages [cone, wind speed probabilities and Time of Arrival (TOA)]. SLOSH, MOMs and MEOWS (computer models for forecasting storm surge).
- 60 hours out – For select, well-behaved storms Probability of Surge (PSurge).
- 48 hours out – Watch/Warnings, Hurricane Threats and Impact Graphics and PSurge/Inundation Forecasts.

The cone represents the most likely path of the center of the storm. The center of a storm will stay within the cone about 66 percent of the time. The cone can move and does not forecast impacts. Heavy rain, high winds, storm surge and tornados can occur outside of the cone.

The Saffir-Simpson Hurricane Wind Scale categorizes hurricanes from one to five based on wind speed probabilities: Category 1 – 74-95 mph, Category 2 – 96-110 mph, Category 3 – 111-129 mph, Category 4 – 130-156 mph, and Category 5 – 157 mph or higher.

The Hurricane Threats and Impact (HTI) Graphic is a probabilistic forecast based on the HNC advisory and accounts for reasonable forecast errors. Four HTIs are produced: wind, tornado, surge and flooding risks. This provides the potential that individuals should prepare for; however, impacts will likely be greater. The Time of Arrival Graphic is issued by the NHC and provides the probabilistic time that winds will arrive.

The Storm Surge Flooding Map is based on probabilistic surge forecasts. It provides a reasonable worst case inundation at each location based on the current NHC forecast track and intensity. It also shows how high above the ground the water is forecast to rise in three-foot intervals. If there is a potential inundation threat within the FPA's area of jurisdiction, collaboration will take place between the NHC, FPA and U.S. Army Corps of Engineers (USACE).

The Peak Storm Surge Forecast Graphic provides potential peak inundation values along the open coast. Range estimates are provided. Not everywhere will see these values. This graphic does not indicate potential depths away from the open coast. This graphic will be available around advisory times when Watches and Warnings are in effect.

Flooding rain is still the most deadly hurricane hazard. Deterministic Rainfall Forecasts are hosted on both the NOAA Weather Prediction Center (WPC) and NHC websites. The forecasts typically include three to five days of rainfall

depending on the storm. The graphics are created with a broader color scale. There is room for error; therefore, individuals should expect locally higher values.

Excessive Rainfall Outlooks (ERO) are produced by the WPC and describe flash flood threats. The ERO is a four tiered outlook (marginal, slight, moderate and high) and depicts the risk of flooding.

The impacts of a hurricane can also include indirect threats and fatalities (e.g., cardiac, carbon monoxide poisoning, heat, vehicle incidents, power problems and electrocution, medical access, etc.).

Information is provided by the NWS and NHC through their websites, briefings to partners, and social media (including Facebook and Twitter).

REPORT BY REGIONAL DIRECTOR:

Kelli Chandler, Regional Director, provided the following report:

Storm Season Preparation:

- Crews continued exercising floodgates and valves.
- The Comprehensive Emergency Management Plan (CEMP) was nearing completion and will be presented at the May 16th Board meeting for approval.
- The Internal Table Top Exercise will be held the week of May 20. Notice of the exact date will be sent to Commissioners in the event they wish to attend.
- FPA coordination with Stakeholders continues. Coordination efforts include:
 - The Statewide Emergency Operations Center (EOC) table top exercise held on April 17.
 - Jefferson Parish updates on April 17.
 - Orleans Parish updates will take place on a date to be determined.
 - Emergency Contractor pre-mobilization meetings were held on April 18.
 - Requests for Qualifications (RFQ) will be advertised on May 1 for Debris Removal and Debris Removal Monitoring Services.

Annual USACE Inspection Update:

- East Jefferson Polder – Complete
- Lake Borgne Polder – Complete
- Orleans Metro Polder (Lakefront and Outfall Canals) – Complete
- Orleans Metro Polder (Mississippi River and West of IHNC) – Complete
- Orleans St. Bernard Polder – May 1
- Orleans East Polder – May 7
- GIWW Sector Gate – Complete

- Bayou Dupre and Caernarvon – April 25
- Old Bayou Bienvenue Sector Gate and GIWW Vertical Lift Gate – April 29
- Seabrook – April 30
- Orleans Avenue PCCP – May 8. (The 17th Street and London Avenue PCCPs will not be inspected due to ongoing repairs.)
- GIWW Barge Gate – To be determined

The FPA received good feedback on the inspections. The flood protection system looks great and the FPA is ready for Hurricane Season.

Barge Gate Update:

The Barge Gate remained in the open position due to the issue with the braking mechanism on one of the windlasses. In accordance with USACE guidelines, a tug will be used to push the gate to the closed position. The gate closure was scheduled for April 24th. Repairs are expected to take place in mid-May.

Permanent Canal Closures and Pumps (PCCP) Repair Update:

- Four pumps were anticipated to be repaired and reassembled prior to Hurricane Season. Stainless steel replacement parts were expected to arrive in the next week. The pump fuser, FSI (Form Suction Intake), elbow and discharge were being coated.
- Discussions were taking place about potentially disassembling and attempting to repair an additional pump during Hurricane Season. The USACE asked the Joint Venture (JV) for scheduling information. This issue was one of the topics to be discussed in a meeting with the USACE scheduled for later in the day (April 18th). FPA staff has significant concerns about having a pump disassembled, repaired and reassembled during Hurricane Season.
- Additional ongoing issues include:
 - Placement of the rectifiers for the Cathodic Protection System.
 - The repair plan for the Climber Screens had not been completed.
- The deadline for the JV to file a motion to stay its expiration for additional filings is April 26th. Discussions are ongoing between the JV and the USACE. The FPA is providing input through the CPRA, which is actively engaged in this effort.

Commissioners inquired about the potential repair of an additional pump. Ms. Chandler explained that if an additional pump is disassembled for repair, it would be one located at the 17th Street PCCP, which currently has excess capacity. However, FPA staff had a number of concerns. Required equipment staged in the PCCP yard could be blown around during a storm. Also, after the pump is disassembled, something else could go wrong. The JV originally advised that the repairs would take place during two off-seasons. However, since only four of the 17 pumps would be completed prior to Hurricane Season, it appeared that the repairs would have to take place during three

off-seasons. The JV is suggesting that another pump be repaired this year and the remaining 12 pumps be repaired during the next off-season. FPA staff would prefer being on the safe side and, if necessary, having the repairs take place over three off-seasons. The risks involved in repairing pumps during Hurricane Season is too high.

A motion was offered by Mr. Fierke, seconded by Mr. Noel and unanimously adopted to add an item to the agenda regarding the Board's adoption of the position that the pump repairs should not take place during Hurricane Season. Mr. Cosse called for public comment on the motion to amend the agenda. There was no public comment.

Mr. Fierke offered a motion that the Board state its strong conviction that no pumps be disassembled during Hurricane Season. The motion was seconded by Mr. Noel.

Ms. Chandler advised that on April 17th the USACE asked the JV to provide a schedule that includes the repair of a fifth pump and the remaining work being done in two years. Typically, repairs have taken about seven weeks per pump. The coating is being applied by a subcontractor. Some parts are subcontracted to Patterson Pumps. There are only four sets of stoplogs; therefore, the timing for repairing a pump depends on the availability and placement of the stoplogs. All of the repair work is being done by the JV and subcontractors. FPA personnel have been training on operations and maintenance and have been observing the ongoing repairs.

Mr. Noel concurred that the ongoing repairs should not take place during Hurricane Season. He suggested that the JV order parts prior to the end of the Hurricane Season so that work can begin immediately when the season ends.

Mr. Miller expressed concern about a pump failing during Hurricane Season. He recommended that the motion include the verbiage "scheduled repair".

Mr. Fierke explained that having a failed pump off-line may be better than having the confusion and chaos that would take place attempting to repair a pump during Hurricane Season. Ms. Chandler concurred with Mr. Fierke and added that disassembling a pump requires cranes and other equipment. Chris Humphreys, Director of Engineering, pointed out that repairing a pump is a huge distraction and that staff must deal with a number of concerns during Hurricane Season

Mr. Cosse asked about the need to recoat the pumps so soon after the facility was constructed. Mr. Humphreys explained that the problem was largely due to the dissimilar metals used in the pumps (carbon steel and stainless steel). This creates a galvanic situation that causes corrosion to occur and accelerate. The pumps are being recoated where the corrosion occurred. A Cathodic Protection System will be included for redundancy. Most of the internal parts of the pumps will be stainless steel. The parts that cannot be removed are being coated. Lip seals are in place between some of the materials. Ms. Chandler added that a zinc primer and a coal tar epoxy coating are being used.

Mr. Rabb asked, if a pump goes offline, would a temporary pump be brought in. Mr. Humphreys explained that at the London Avenue PCCP in 2023 the USACE brought in 40 temporary pumps that did not equal the capacity of one of the PCCP pumps. Ms. Chandler noted that the 17th Street and London Avenue PCCP pump stations have extra capacity. Therefore, if a pump goes offline, the 17th Street and London Avenue PCCP pump stations would still be able to match Sewerage and Water Board of New Orleans (SWBNO) pumping capacity.

Mr. Fierke stated that he did not accept the proposed amendment offered by Mr. Miller. Ms. Chandler stated that FPA staff would not take apart a pump during Hurricane Season.

In response to the amended agenda, the full resolution was offered.

RESOLUTION NO. 04-18-24-02 – PCCP PUMP REPAIRS

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

WHEREAS, a Cooperative Endeavor Agreement (CEA) was entered into effective February 1, 2018 between the Coastal Protection and Restoration Authority (CPRA), the Southeast Louisiana Flood Protection Authority-East (FPA) and the Sewerage and Water Board of New Orleans, which provides that the FPA would assume responsibility for the operation and maintenance (O&M) of the Permanent Canal Closures and Pumps (PCCP) located at the Orleans, London and 17th Street Canals; and

WHEREAS, after the failure of the lower bearing assembly of the London Avenue PCCP Pump No.1, all of the pumps at the London Avenue, Orleans Avenue and 17th Street PCCP pump stations were inspected; and

WHEREAS, the inspection revealed severe corrosion had taken place on many of the pumps, which increases the risk of failure and reduces the life expectancy of the equipment; and

WHEREAS, an on-going effort by the Joint Venture (JV) that constructed the PCCP and the U.S. Army Corps of Engineers (USACE), in partnership with the CPRA and the FPA, to provide the required 35-year design life includes disassembly of the pumps, coating or replacement of certain parts, and reassembly of the pumps, which typically takes about seven weeks per pump; and

WHEREAS, the pump repairs are scheduled to take place outside of Hurricane Season; and

WHEREAS, due to the ability of the JV to complete the repair of only four of the five pumps that were scheduled to be completed prior to the 2024 Hurricane Season, the JV proposes to repair the fifth pump during Hurricane Season; and

WHEREAS, the disassembly and reassembly of a pump requires the staging of cranes and other equipment at and in the PCCP pump station; and

WHEREAS, should a pump repair take place during Hurricane Season, it would present a major distraction for FPA employees who operate and maintain the Hurricane and Storm Damage Risk Reduction System; and

WHEREAS, the Board has significant safety concerns regarding such repairs taking place during Hurricane Season.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East expresses its strong conviction that no PCCP pumps should be disassembled during Hurricane Season.

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

Ms. Chandler continued with her report.

I-STORM (International network for storm surge barriers) Events and Updates:

- Ms. Chandler advised that she sits on the Delivery Board, which hold monthly teleconferences.
- I-STORM currently has 43 members.
- The FPA contributes to the I-STORM newsletter (“Surge”).
- The FPA’s GIS Department played a big role in developing a map and database of barriers worldwide.
- The FPA is preparing contributions for the I-STORM Annual Meeting scheduled for September 9-11, 2024. The exercise of the Venice Barrier will take place on September 10th.
- Discussions are taking place about I-STORM U.S. The effort is being led by the USACE and is design focused.

The Spring Safety Meeting was held on April 4th. A safety report was provided by Mr. Eilers. Tours were provided of the newly built out office space in the warehouse. Employees were recognized for their years of service (5 year intervals).

Mr. Noel inquired about the FPA’s Emod (experience modifier) for WC insurance. Mr. Eilers advised that new Emods have not yet been issued. The FPA’s safety performance led to a rate reduction. In addition, due to the combined performance of LWCC (Louisiana Workman Compensation Corporation) insureds, the FPA will experience rate decreases for the second quarter of this year and a following quarter.

Ms. Settoon inquired about the status of the East Jefferson Lakefront Foreshore Protection Repair. Ms. Chandler advised that the project is expected to start in the fall. Ms. Settoon asked that staff remain attentive since the project has remained at the same status for a year. Mr. Humphreys explained that plans for the repairs are underway and that winter storms delayed the hydrographic surveys.

COMMITTEE REPORTS:

Finance Committee: The Finance Committee did not meet in April. Mr. Settoon advised that the Regional Finance Director assured him that everything was in good financial order. In addition, substantial funds, which will be needed to finance the Capital Budget over the upcoming fiscal years, have been invested with LAMP (Louisiana Asset Management Pool) and Edward Jones. The Fiscal Year 2025 Budget was submitted to and accepted by the State.

Mr. Fierke advised that he requested a copy of the Cooperative Endeavor Agreement (CEA) between the FPA and Sewerage and Water Board of New Orleans (SWBNO) for the operation and maintenance (O&M) of the PCCP. He added that it was a well done document and suggested that it be sent to all of the Commissioners so that they will understand the Board's O&M responsibilities. Ms. Chandler pointed out that the SWBNO shares 50 percent of the O&M costs for the PCCP pump stations. Mr. Settoon asked had the SWBNO been paying its share of the O&M cost. Ms. Chandler replied, yes. She advised that she would be meeting with SWBNO representatives within the next two weeks to provide an update on the repairs and the potential impact on the O&M costs. The upcoming meeting will include the following SWBNO representatives: Ghassan Korgan, Executive Director, Steve Nelson, General Superintendent, Grey Lewis, Chief Financial Officer, and Renee Lapeyrolerie, Chief of Staff. Ms. Heaton distributed a copy of the CEA to the Board members.

Operations Committee: Mr. Fierke reported that the Operations Committee met on April 11th. The Committee recommended that the Board approve all of the items listed on the Agenda under Engineering and Operations with the exception of Item 3 (40 Arpent Sheetpile Wall Rehab Project Phase I) since bids were not opened until April 17th. In addition, a presentation was provided by the Superintendent of Police regarding Easter Sunday along Lakeshore Drive. The lakefront was crowded on Easter Sunday; however, the day was relatively incident free.

Legal Committee: Mr. Rabb reported that the Legal Committee met prior to the Board Meeting and that no action was taken.

Coastal and Technical Committee: The Coastal and Technical Committee did not meet in April.

NEW BUSINESS:

Motion to approve the public sale of the former EJLD Administration Building and land bearing municipal address 203 Plauche Court, Jefferson, LA, by the Sheriff for Jefferson Parish in accordance with the appropriate statutes.

A motion to approve the public sale of the former East Jefferson Levee District (EJLD) Administration Building was offered by Mr. Miller and seconded by Ms. Settoon.

Ms. Chandler clarified that the building is not dilapidated; however, it is deteriorating due to age. Since the building is unoccupied, incidents may occur that are not seen right away. The building is checked by staff and necessary repairs are made.

Ms. Settoon stated that she spoke with Jefferson Parish Government Administration to ensure it did not have a use for the building. The building is one and one-half stories with an appraised value of approximately \$700,000. She said that she would like to obtain as much money from the sale as possible. She recommended amending the resolution so that the property is sold on the commercial market in lieu of a sheriff's sale. If the property is sold on the commercial market, a set hourly rate must be used instead of a commission. She commented that she received information from Kirk Ordoyne, Executive Counsel, on this issue. Mr. Ordoyne advised that he provided an Attorney General (AG) opinion; however, Mr. Eilers had spoken with the AG's office regarding the sale of the property.

Mr. Eilers explained that he received a copy of the referenced AG opinion earlier in the morning. There had been numerous discussions with the AG's office regarding the sale. There are statutes that state how a political subdivision, and in particular a levee district, can dispose of surplus property. The process includes the sale of the property through a sheriff's sale/auction. This process was used historically. The services of a real estate agent can be enlisted to garner interest in the sheriff's auction; however, the sale would take place through the sheriff's auction. The referenced AG opinion was rendered for a municipality, which is also recognized as a political subdivision. Ms. Chandler advised that the FPA could enlist a real estate agent to help promote the sale. Mr. Eilers offered to consult with the AG's office again to obtain additional clarity.

Ms. Settoon inquired about the applicability of the reference in the AG opinion. Mr. Ordoyne explained that the reference in the 2014 AG opinion indicated that the procedure was not clear for a political subdivision that was selling immovable property. However, Mr. Eilers spoke with the AG's office about a year ago regarding the process. Mr. Eilers advised that discussions took place with the AG's office and that the FPA enlisted the services of an outside consultant to help staff clearly understand the sale process and assemble all of the required documentation. The information provided matched the process used in the past and what the FPA found had been statutorily established for levee districts. He pointed out that the term "political subdivision" applies to numerous types of entities within the State.

Mr. Miller withdrew his original motion and offered a motion to defer approval of the public sale of the former EJLD Administration Building to the next Board meeting so that additional clarity can be obtained. The motion to defer was seconded by Mr. Arrigo and unanimously adopted.

Mr. Cosse asked Mr. Noel about the current commercial real estate market. Mr. Noel explained that since COVID many people work from home which impacted the commercial real estate market. However, the former EJLD Administration Building is located in an active commercial area in Elmwood.

Mr. Noel asked can the Board refuse the offer(s) made at the sheriff's auction. Mr. Eilers responded that the Board has the right to refuse the offer(s).

Motion to amend the Board's Bylaws under Article IV Officers Section 3.1 (Duties of the President) to add Item (J) "The President may delegate the appointing authority authorized under Section (f) of this article to the Regional Director only, subject to the provisions of Article VI Section 5 below."

The motion to amend the Bylaws was offered by Mr. Miller and seconded by Mr. Duplantier.

Mr. Miller stated that the President currently has the authority to delegate appointing authority to anyone he/she wishes. This can be a Civil Service employee, a non-Civil Service employee or a contractor. Therefore, the actions that have been taken are perfectly legal. The proposed amendment would become effective with the start of a new term of office (July 1, 2024) and would not affect any action taken thus far by Mr. Cosse. The appointing authority signs all hiring and disciplinary action decisions. If a disciplinary action is taken by someone other than the appointing authority, and the action is appealed to Civil Service, the FPA would lose the appeal. Historically, appointing authority was delegated to the Regional Director, Levee District Directors or Chief Administrative Officer. He stated that this is the first time, which is perfectly legal, that the Regional Director was not delegated (sole) appointing authority. He stated that the Board could run into a potential problem by having multiple appointing authorities. The President can delegate appointing authority to an individual, who can then delegate that authority or part of that authority to someone else. The Superintendent of Police designated part of his appointing authority back to the Human Resources Department. Mr. Miller added that there is one person in charge of the whole organization.

Mr. Miller offered a motion to amend the proposed amendment to Bylaws to state that "the President may delegate appointing authority authorized under Section (f) to the Regional Director only, except in the case of a vacancy of the Regional Director position..."

Ms. Settoon asked did the President have the right to approve the re-delegation of appointing authority. Mr. Miller responded that under State law, if the President does not specifically state that appointing authority cannot be re-delegated, then the designee can re-delegate a portion or all of his/her authority to someone else. He stated that the

appointments made by Mr. Cosse are fine; however, that may not be the case in the future. There is also a risk if disciplinary action is not taken properly by an appointing authority, the action can be appealed to Civil Service. He stated that going forward, the FPA has one person in charge, and the President can delegate appointing authority to the Regional Director or keep appointing authority for himself/herself. Mr. Ordoyne pointed out that the President does not lose his/her appointing authority even if it is delegated to the Regional Director.

Mr. Fierke offered a motion to defer the motion to amend the Bylaws for three reasons. First, this is a piecemeal approach to amending the Bylaws. If the Bylaws are to be changed, he proposed that a comprehensive review of the Bylaws take place. Second, a proposed amendment of the Bylaws should be referred to the Legal Committee for review. The proposed amendment was not referred to the Legal Committee. Third, the proposed amendment did not meet the Bylaws' twenty days' notice requirement. The amendment offered at the meeting to change the proposed amendment was not noticed to the Board. Mr. Rabb seconded the motion to defer. Mr. Miller advised that, if his amendment change had to be noticed, he was fine with deferring the item. He commented that the Board had amended the Bylaws in the past without a comprehensive review of the whole document. Mr. Arrigo stated that he supported the proposed amendment; however, he agreed with Mr. Fierke that there is some fine tuning that should be done in the Legal Committee.

The motion to defer was unanimously adopted.

RESOLUTION NO. 04-18-24-03 - INTERNATIONAL CENTER FOR STORM SURGE BARRIER RESEARCH, PUBLIC EDUCATION AND SATELLITE MAINTENANCE FACILITY

Mr. Fierke advised that the Operations Committee received a presentation on the International Center for Storm Surge Barrier Research, Public Education and Satellite Maintenance Facility, as well as a spreadsheet that listed functional space, square footage, program and narrative/talking points. He suggested that the Board move forward with advertising the RFQ for architectural services. The grant matrix was still being developed. The matrix would determine, depending on grant funding, which component(s) could be built first.

Mr. Humphreys distributed a recently completed spreadsheet that listed grant opportunities.

Ms. Settoon commented that she did not see a scope of work (e.g., number of visitors to be accommodated). Mr. Humphreys responded that much of this information was included in the presentation provided to the Operations Committee. In the past, tour groups have exceeded 100 individuals. Ms. Settoon asked what was the capacity for the purpose of design. Mr. Humphreys responded that the information would be provided to the architect. The capacity would be on the order of 75 to 100 people.

Mr. Duplantier explained that the intent is to promote more visitors to the Surge Barrier. He suggested that the architect provide a recommendation on the scope regarding capacity. Ms. Settoon stated that the FPA should provide a range to the architect. She noted that the facility doubled in price (currently, about \$15 million). Mr. Humphreys advised that RFQ advertisement will emphasize that the facility should be designed so that it is scalable and can be constructed in phases. Construction can be funded as grants become available. Ms. Settoon clarified that the Board was not authorizing any funding at this time.

Stacy Gilmore, Public Information Director, advised that the FPA has had as many as 400 visitors in the course of a year. Tours had not been promoted in the past since the Public Information Department was staffed with only one, and now two, employees. Interest would grow with the promotion of tours. The structure currently being used can only accommodate up to 20 people.

Mr. Humphreys explained that the facility's basic function is to serve as a maintenance center for equipment and supplies and a staging area for materials. This function is directly related to the FPA's O&M mission. The 2017 study was used as a basis for the facility. Spaces and square footages shown on the spreadsheet will be optimized by the architect. Some spaces can be used for multiple purposes.

Mr. Noel asked would construction depend on the receipt of a grant. Mr. Humphreys recommended that in order to obtain grants the Board elect to fund the project with some seed money.

Wilma Heaton, Director of Governmental Affairs, explained that it is well understood that the basic facility, especially the maintenance component, is needed and justified. The facility would be built on land owned by the Orleans Levee District. Therefore, the Board is accountable to Orleans taxpayers and must be comfortable with its decision on funding to begin the project. The facility could be built in phases subject to grants being obtained. The Board does not want to begin construction of a facility that escalates in cost; however, the FPA would not be able to compete for Federal or State grants without seed money. To position itself for grants, the Board should decide on a basic scope and instruct the architect to design a phased facility. The Board should make a decision on the scope and an initial funding commitment.

Mr. Cosse asked what was the estimated cost of the facility in the 2017 study. Ms. Heaton advised that the estimated cost in 2017 was approximately \$6.9 million.

Mr. Humphreys advised that the Board approved advertising the RFQ for architectural services subject to its approval of the project scope. Mr. Fierke asked about the cost for the basic component. Mr. Humphreys explained that the basic component would include the maintenance function and an assembly area for larger tour groups. Using the weighted cost per square foot, the estimated cost was three to five million dollars. Mr. Fierke asked the estimated cost for architectural services. Mr. Humphreys advised that architectural services would be 8 to 10 percent of the construction cost.

Mr. Fierke asked what was needed to advance the project. Mr. Humphreys responded that the FPA must advertise for architectural services. The FPA should obtain from the architect an official estimate for services, programming and projected costs. He estimated that the design cost would be about \$500,000 and would include Architectural Space Programming. The architect would optimize the spaces shown the spreadsheet to serve multiple functions, eliminate duplicate spaces and fine tune the scope.

Mr. Fierke advised that the Operations Committee recommended Board approval. Ms. Settoon clarified that the scope (as shown on the spreadsheet) was \$15 million.

Mr. Noel offered a motion, which was seconded by Mr. Duplantier, to call the question on the motion.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) adopted Resolution No. 01-18-24-02 on January 18, 2024, directing FPA staff to develop a project scope, including cost estimates, for the proposed International Center for Storm Surge Barrier Research, Public Education and Satellite Maintenance Facility, to present to the Board for review, input, including additions and/or deletions to the scope, and approval; and

WHEREAS, the FPA also adopted Resolution No. 01-18-18-24 on January 18, 2024, authorizing the advertisement and issuance of a Request for Qualifications (RFQ) for architectural services, including project design and project management, for the International Center for Storm Surge Barrier Research, Public Education and Satellite Maintenance Facility, subject to and upon Board approval of project scope for the facility; and

WHEREAS, a presentation was provided on the scope of the aforementioned project at the Operations Committee meeting held on April 11, 2024, and the Operations Committee recommended that the FPA proceed with the advertisement and issuance of the aforementioned RFQ for architectural services.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the scope of the project for the International Center for Storm Surge Barrier Research, Public Education and Satellite Maintenance Facility.

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 and Mr. Settoon

NAYS: Mr. Cosse and Ms. Settoon

ABSENT: None

RESOLUTION NO. 04-18-24-04 - LONDON AVENUE CANAL – NORTH-WEST EROSION MITIGATION PROJECT

Mr. Fierke advised that the Operations Committee recommended that the Board approve the award of the contract for the London Avenue Canal – North-West Erosion Mitigation Project to Vantage Contractors, LLC. The bids were very competitive and consistent with the Engineer’s estimate.

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

WHEREAS, the London Avenue Canal – North-West Erosion Mitigation Project (Project No. O2150186) was advertised and four bids were opened and read at the Orleans Levee District on April 5, 2024, as follows:

Bidding Contractors	Total Bid Price
Vantage Contractors, LLC	\$1,099,000.00
Hard Rock Construction, LLC	\$1,104,495.00
Onshore Materials, LLC	\$1,106,720.00
Cycle Construction Company, LLC	\$1,901,480.00

WHEREAS, the lowest responsive and responsible bid was submitted by Vantage Contractors, LLC, in the amount of \$1,099,000.00; and

WHEREAS, the Engineering Estimate for the base bid project is \$1,098,050.00; and

WHEREAS, funding for the project is included in Budget Line Item 18.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$1,099,000.00 to Vantage Contractors, LLC for the London Avenue Canal – North-West Erosion Mitigation 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 Vantage Contractors, 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. 04-18-24-05 - 40 ARPENT SHEETPILE WALL REHAB PROJECT PHASE I

Mr. Fierke advised that due to the postponement of the bid opening, the Operations Committee did not discuss the award of the contract for the 40 Arpent Sheetpile Wall Rehab Project Phase I.

Mr. Humphreys explained that the bid opening had been postponed to April 17th due to the inclement weather and office closure on the initial bid date. The bids were below the Engineer’s estimate and the budget. Baker Pile Driving and Site Work, LLC (Baker) was the lowest bidder with a bid of \$1,951,240.60. Baker was the contractor for a similar job in East Jefferson two years ago. The contract is bonded.

Mr. Miller asked the reason for the significant difference between the Engineer’s estimate and the bids. Mr. Humphreys explained that based on the work performed in East Jefferson two years ago, FPA staff thought the Engineer’s estimate was high. Since staff had the advantage of basing their estimate on the previous job, the bids were in line with it.

Ms. Settoon asked that staff ensure that the proper coating is used. Mr. Humphreys advised that the submittals will be thoroughly reviewed. In addition, the coating will be tested and inspected.

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

WHEREAS, the 40 Arpent Sheetpile Wall Rehab Project Phase I (Project No. L2820046) was advertised and two bids were opened and read at the Orleans Levee District on April 17, 2024, as follows:

Bidding Contractors	Total Bid Price
Baker Pile Driving and Site Work, LLC	\$1,951,240.60
Cycle Construction Company, LLC	\$3,125,690.00

WHEREAS, the lowest responsive and responsible bid was submitted by Baker Pile Driving and Site Work, LLC, in the amount of \$1,951,240.60; and

WHEREAS, the Engineering Estimate for the base bid project is \$4,758,600.00; and

WHEREAS, funding for the project is included in Budget Line Item 10 (LBBLD).

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$1,951,240.60 to Baker Pile Driving and Site Work, LLC, for the 40 Arpent Sheetpile Wall Rehab Project Phase I.

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 Baker Pile Driving and Site Work, 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. 04-18-24-06 - PURCHASE OF FITNESS EQUIPMENT FOR THE FRANKLIN FACILITY

Mr. Fierke advised that the Operations Committee discussed and recommended that the Board approve the purchase of fitness equipment for the Franklin Facility. The gym will be open to all employees and will increase employee morale, especially for the Police Department. The proposed purchase is within the budget.

Mr. Fierke offered a motion, which was seconded by Mr. Rabb and unanimously adopted, to amend the resolution to include the word "warranty".

On the motion of Mr. Fierke,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East advertised for the procurement of fitness equipment for the Franklin Facility and two bids were received; and

WHEREAS, the bid submitted by Combat Brands, LLC dba Fitness First was deemed unresponsive and rejected; and

WHEREAS, the lowest responsive and responsible bid was submitted by Fitness Expo in the total amount of \$212,800.00; and

WHEREAS, the final selection of equipment to be procured from the bid list was made by a team consisting of three members of the Levee District Police Department and one member each from the Maintenance, Risk & Safety and Finance Departments; and

WHEREAS, the final list of equipment to be procured totaled \$183,900, including delivery, installation, setup and warranty; and

WHEREAS, the aforementioned equipment allows for a five station training circuit to effectively train law enforcement classes of fifteen to thirty police officers, as well as routine fitness and cardio training; and

WHEREAS, funding for the project is included in Budget Line Item 49.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the issuance of a Purchase Order in the amount of \$183,900 to Fitness Expo for the purchase of fitness equipment, including delivery, installation, setup and warranty for the Franklin Facility.

BE IT FURTHER RESOLVED, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute any and all 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. 04-18-24-07 - SOLE SOURCE APPROVAL FOR UPGRADING THE CATERPILLAR SWITCHGEAR AT THE ORLEANS, LONDON AND 17TH STREET PCCP

Mr. Humphreys explained that Caterpillar no longer manufactures its proprietary switchgear controllers; therefore, replacement parts are hard to obtain. The proposed resolution approves the sole source provider (Caterpillar) for updating the switchgear at the three PCCP pump stations. The resolution also allows the update of the switchgear for the Orleans Avenue PCCP at a cost of \$868,506. The switchgear upgrade for the London Avenue and 17th Street Canal PCCP is budgeted for Fiscal Year 2025.

On the motion of Mr. Rabb,

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

WHEREAS, a Cooperative Endeavor Agreement (CEA) was entered into effective February 1, 2018 between the Coastal Protection and Restoration Authority, the Southeast Louisiana Flood Protection Authority-East (FPA) and the Sewerage and Water Board of New Orleans, which provides that the FPA would assume responsibility for the operation and maintenance (O&M) of the Permanent Canal Closures and Pumps (PCCP) located at the Orleans, London and 17th Street Canals; and

WHEREAS, the switchgear at the Orleans, London and 17th Street PCCP pump stations was originally provided and commissioned by Caterpillar Switchgear Americas, LLC., and was uniquely programmed and configured to work as a system with the generators, pumps and ancillary equipment of the PCCP stations; and

WHEREAS, Caterpillar no longer makes certain proprietary components of the communications subsystem of the Programmable Logic Controllers (PLC) of their switchgear; and

WHEREAS, due to the increasing unavailability of repair parts, the current system must be modernized to continue to function as intended; and

WHEREAS, compatibility between the generators, generator controls and switchgear controls is necessary to achieve full functionality and reliability while providing a sole source of support of each component; and

WHEREAS, Caterpillar Switchgear is the sole arbiter of the process employed to upgrade the system's switchgear controls without risking loss of critical infrastructure and operational functionality; and

WHEREAS, when the upgrade is completed, a full recommissioning of the switchgear system will be performed by Caterpillar technicians to ensure the system functions as intended and as originally commissioned by Caterpillar during construction of the PCCP pump stations; and

WHEREAS, Louisiana Machinery Company, LLC, d/b/a Louisiana Cat is the sole authorized factory Caterpillar Sales, Service, and Parts provider in the state of Louisiana. Louisiana Machinery/Louisiana Cat is authorized to perform Warranty and Extended Service Coverage (ESC) services on all Caterpillar branded equipment. Their capabilities also include service and maintenance on electrical power systems, rental solutions (generators, compressed air, and temperature control), as well as many other products and services, chiefly, continuing support, and critical response.

WHEREAS, LA R.S. 39:1597 allows for the award of a contract for a required supply, service or major repair without competition when it is determined that there is only one source for the required supply, service, or major repair; and

WHEREAS, the FPA has determined that no other product is suitable or acceptable for the aforementioned switchgear upgrades and, due to the programming and configuration being proprietary in nature, the FPA is not aware of any other vendor that can perform the critical and necessary steps in the recommissioning process; and

WHEREAS, the FPA received quotes in the total amount of \$868,506 for the aforementioned switchgear upgrades at the Orleans Avenue PCCP (LV HMI and PLC Modernization - \$296,214.00 and MV Switchgear – HMI and PLC Modernization - \$572,292.00); and

WHEREAS, the upgrade of the Orleans Avenue PCCP switchgear is included in FY 2024 Budget line item 75; and

WHEREAS, the switchgear upgrades for the London and 17th Street PCCP will take place in Fiscal Year (FY) 2025 and are budgeted in the FY 2025 Budget (\$1,750,000 for the 17th Street PCCP and \$1,250,000 for the London Avenue PCCP).

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the Sole Source Purchase for the upgrade to the existing Low and Medium Voltage Switchgear manufactured and sold by Caterpillar Switchgear Americas, LLC, through its exclusive authorized provider Louisiana Machinery Co., LLC, d/b/a/ Louisiana Cat for the Orleans, London and 17th Street Canal PCCP pump stations.

BE IT FURTHER RESOLVED, that the FPA approves the execution of a contract with Louisiana Machinery Co., LLC, d/b/a Louisiana Cat in the total amount of \$868,506 for the upgrade to the existing Low and Medium Voltage Switchgear manufactured and sold by Caterpillar Switchgear Americas, LLC, for the Orleans Avenue Canal PCCP pump station.

BE IT FURTHER RESOLVED, that the FPA Regional Director, or in his/her absence the Director of Engineering, is hereby authorized to execute any and all 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

EXECUTIVE SESSION:

1. Jevin Williams vs. Daniel Biggs, et. al., United States District Court Eastern District of Louisiana, Civil Action, No. 21-333 C/W 21-334

A motion was offered by Mr. Rabb, seconded by Mr. Duplantier and unanimously adopted for the Board to convene in Executive Session to discuss the item listed on the Board Agenda. The Board convened in Executive Session at 11:54 a.m.

A motion was offered by Mr. Arrigo, seconded by Mr. Fierke and unanimously adopted to reconvene in regular session at 12:14 p.m.

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

The next regular monthly Board meeting will be held on May 16, 2024.

There was no further business; therefore, the meeting was adjourned at 12:15 p.m.