

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
LEGAL COMMITTEE INFORMATIONAL MEETING
HELD ON OCTOBER 14, 2024**

PRESENT: Derek N. Rabb, Chair
William A. Settoon, Jr., Committee Member

The Legal Committee of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) met on October 14, 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. Since the Legal Committee did not have a quorum present, an informational meeting was held.

Opening Comments: None.

Adoption of Agenda: There was no objection to the agenda as presented.

Public Comments: None.

New Business:

1. Review FPA Fleet Motor Vehicle Use Policy and recommendation to the Board.

Kelli Chandler, Regional Director, explained that the draft FPA Fleet Motor Vehicle Use Policy was developed several months ago and includes standard language for take-home vehicles.

Mr. Rabb provided the following recommended revisions, which were offered either by himself or Commissioner Deborah Settoon, under the referenced items:

6.1.1, 2 and 3 – Correction to read “driver’s license”

6.1.1.1 - Add at the end of the sentence “and before driving any Authority vehicles”.

6.5.3 – Correction to read “driver’s license”. Add “Letting an unauthorized person drive an Authority vehicle.”

6.5.4 – Define “reckless driving” as it relates to endangering people or property. Kirk Ordoyne, Executive Counsel, recommended that the Criminal Code (LA R.S. 14:99) be referenced.

6.11 – There was a discussion regarding the provision, “Employees found to violate this policy may be subject to disciplinary action.” Mr. Rabb recommended the use of “shall” instead of “may” to ensure there is no favoritism. Kenyetta Sewell, Human Resource (HR) Director, recommended including the term “progressive discipline” to provide leeway.

6.11.2 – Revise to state “prior” approval.

6.17.3 – Towing of Trailers – Need to reference the rules or guidelines regarding loading trailers. Mr. Ordoyne recommended stating, “employees towing trailers shall pay special attention to weight distribution laws and guidelines when loading trailers.”

Appendix B – Second bullet under “In the event of an accident” add “and stand upstream of the accident”.

Cover Page – Policy Reviewer: Change to Legal, Kirk Ordoyne/ Regional Director, Kelli Chandler. Policy Approver: Change to Board of Commissioners.

Mr. Settoon asked what was the FPA’s policy for determining which employees receive a take-home vehicle. Ms. Chandler stated that the hiring supervisor or department director makes the request, which is approved by the Regional Director. Generally, take-home vehicles are provided to employees who are on call after hours and on weekends. Excluding Police, about 11 employees have take-home vehicles. Mr. Rabb asked that the list of employees with take-home vehicles be attached to the Policy. Ms. Chandler recommended listing the positions for which take-home vehicles are provided.

2. Review recommendations for revisions/amendments to FPA Bylaws.

The red-lined draft revised Bylaws were distributed. Mr. Rabb read through the proposed red-lined changes and the changes were discussed. Following is a list of additional changes and/or discussions:

Article III §1. A. Ms. Chandler requested that the words “and interpret” be removed since the Board sets the policies and guidelines and the staff interprets and implements them.

Article III §1.B. At Mr. Settoon request, the proposed revision was changed to allow Committee Chairs to request the preparation of reports.

Article III §6 Removal – The second sentence of the item was reworded in accordance with LA R.S. 330.1.

Article III §7 (7) “Defense” changed to “protection”.

Article III §7 Ms. Chandler requested that Items 10 and 11 be deleted. Language in RS 38:301.1-13 provides language regarding banks accounts and how tax moneys are to be spent.

Article III §8 There was a discussion regarding payment of mileage to Commissioners for attending meetings of the Board. Ms. Chandler recommended that the Commissioners abide by the State Travel Regulations, which must be followed by employees. Glenda Boudreaux, Administrative Program Director, pointed out that R.S. 330.1 states, relative to the SLFPA-E, “In addition to the per diem, each member shall be paid a mileage allowance for going to and from meetings and for other travel authorized by the Board equal to the Rate established as the standard mileage rate for business travel for purposes of 26 U.S.C. 192(a)”.

Article III §9 A. (1) (a) In compliance with Attorney General Opinion 14-0011, a paragraph was added to require that a Board member must be present to participate in a Board meeting or Executive Session.

Article III §9 C The deadline for placement of items on a Board agenda was changed from seven “business” days to seven “calendar” days. The proposed provision “The Board President shall provide final approval of all regular meeting agendas” was discussed. Mr. Settoon stated his objection to the provision. Mr. Arrigo agreed with Mr. Settoon. Mr. Rabb stated that he did not have a problem with the provision. Mr. Ordoyne pointed out that this is a common provision for boards.

Article IV §1 – The date that Officers take office was changed from July 1 to July 2.

Article VI §2 – The phrase “voting in favor of said removal” was deleted to provide clarity.

Article VI §3.1 Ms. Chandler requested that (a) be changed to read “To act as Chief Executive Officer of the Authority, subject to policies previously adopted by Board resolution.”

Article IV §3.1 (i) Mr. Settoon stated that he was adamantly opposed to the proposed provision “To approve regular Board meeting agendas.”

Article IV §3.1 (k) The proposed provision, “To appoint interim unclassified employees until the Board formally votes on a replacement classified employee” was discussed. Ms. Chandler stated that the provision, in her opinion, was broad and unnecessary. Mr. Settoon opposed the provision. Mr. Rabb pointed out that the key word in the provision was “interim”. The provision was deleted.

Article V §1. 3. It was noted that policies may be reviewed by more than one committee. Under Legal Committee “of a legal nature” was changed to “which may require legal review” and “and the Authority’s policies” was deleted.

Article VI §5 Ms. Chandler requested that “unclassified employees” be revised to exclude the three PCCP positions and Field Engineering Coordinator position. The language was changed to “any unclassified employee who is a Director or above”.

Article VI §5 and 6 were discussed, as well as authorizations included in the FPA’s Purchasing Policy. Mr. Arrigo stated that his intention was that the organization chart be published from a certain level and above.

Article VII §3. 1. Disbursement of Funds – “by any two members of the Executive Committee or those designed by Board resolution” was changed to read “as designated by Board resolution”. Item 2 relative to facsimile stamps was deleted and Item 3 and changed to Item 2.

The additional revisions discussed in the meeting will be made to the Bylaws and the proposed revisions will be submitted to the Board members at least twenty days prior to the November 21, 2024, Board meeting.

3. Discussion of proposed amendment and restatement of Resolution No. 02-22-24-08 authorizing the retention of Degan, Blanchard & Nash Law Office to provide representation and legal counsel for litigation and recommendation to the Board.

Mr. Ordoyne explained that the Attorney General’s (AG) Office would not approve the higher rate requested by the FPA for the paralegal. Therefore, the resolution must be changed from \$90 per hour to \$80 per hour to comply with the AG’s rate for paralegals.

There were no further discussions; therefore, the meeting was adjourned.