

**MINUTES OF LEGAL COMMITTEE MEETING
HELD ON JUNE 1, 2007
IN THE KENNER CITY PARK PAVILLION
3800 LOYOLA DRIVE, KENNER, LA**

PRESENT: Chairperson Abril Sutherland
Commissioner Stradford Goins, Committee member

FURTHERMORE

PRESENT: Denise Fitzgerald, Assistant Attorney General
Tonya Ozene, Assistant Attorney General
Fran Campbell, Executive Director East Jefferson
Levee District (EJLD)
Stevan Spencer, Director Flood Protection Orleans Levee
District (O.L.D.)
Louis Capo, O.L.D. Director Non-Flood Assets
Cornelia Ullmann, O.L.D. Interim Counsel
Robert Lacour, EJLD Interim Counsel
Thomas Anzelmo, O.L.D. Special Counsel
Gary Zwain, EJLD Special Counsel
Glenda Boudreaux, Orleans Levee District

I. Call to Order: A quorum was present and the meeting was called to order by Chairperson Sutherland at 9:30 a.m.

II. Opening Comments: None.

III. Adoption of the Agenda: An amendment was offered and approved to move the Executive Session as the first item of business. The amended agenda was adopted.

IV. Executive Session:

7. Powell #643-601, "L", 24th JDC – Lacour (EJLD)
8. Schudmak #06-893,J(1) USDC,Eastern District of LA – Anzelmo (EJLD)
9. Katrina Breach Case– (O.L.D. & EJLD)
10. O.L.D:
 - A. Memorandum of Understanding: -- Litigation follow-up (O.L.D.);
 - 1) Marina Center Lease (Bally's), CDC 06-283 (O.L.D.)
 - 2) Bally's Belle of Orleans, USDC SDAL 06-0017 (O.L.D.)
 - 3) Bally's Belle of Orleans, CDC 06-283 (O.L.D.)
 - 4) O.L.B. v. AAL, LLC, CDC 04-16652 (O.L.D.)
 - 5) Brad Adams, CDC 00-19878 (O.L.D.)
 - 6) OLD v. Homeland Security & National, USDC EDLA 06-5103 (O.L.D.)
 - 7) OLD v. Lloyds of London, CDC 06-9292 (O.L.D.)
 - 8) OLD v. Harleysville Mutual Insurance, CDC 06-9295 (O.L.D.)
 - 9) OLD v. Alea London limited Ins. Co., CDC 06-9301 (O.L.D.)
 - 10) Alvin C. Copeland, CDC 06-13585 (O.L.D.)
 - 11) Caudle Aviation, USDC EDLA 06-4653 (O.L.D.)

MINUTES OF LEGAL COMMITTEE MEETING
HELD ON JUNE 1, 2007 – PAGE 2

- 12) Jessica Hijuelos, CDC 04-08189 (O.L.D.)
 - 13) William Wilson, CDC 03-18762 (O.L.D.)
 - 14) Breaux-Kearney, CDC 00-14921 (O.L.D.)
 - 15) John Chamberlain, CDC 96-13752 (O.L.D.)
 - 16) Joseph Simmons, CDC 04-08046 (O.L.D.)
 - 17) Polly DeGruy, CDC 06-1797 (O.L.D.)
 - 18) Sauying Richardson, CDC 04-11876 (O.L.D.)
 - 19) Jo Ellen Sutherlin, CDC 04-12610 (O.L.D.)
 - 20) Barry Barth, CDC 04-09990 (O.L.D.)
 - 21) Bell South, CDC 06-4817 (O.L.D.)
 - 22) Jean LaFarge v. OLD, CDC (O.L.D.)
- B. Theodore Lange, CDC 97-4950 and Civil Service matter. (O.L.D.)
- C. Vincent Bruno, CDC 01-15765. (O.L.D.)
- D. N-Y Associates, CDC 95-16885. (O.L.D.)
- E. West End Tennis Club and Fitness Club, CDC 06-13668. (O.L.D.)

The Committee convened in Executive Session at 9:33 a.m.

The Legal Committee reconvened in regular session at 11:50 a.m.

1. Discussion of contract with interim counsel T. Robert Lacour for the East Jefferson Levee District.
2. Discussion of contract with interim counsel Cornelia Ullmann for the Orleans Levee District.
3. Discussion of contract with interim counsel McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel for the Lake Borgne Basin Levee District.
4. Discussion of SLFPA-E need for General Counsel
5. Discussion of legal procedures for SLFPA-East and subject levee districts.

Chairperson Sutherland requested that Items 1-5 be considered together.

The Committee discussed the need to continue the engagement of interim counsel for the three levee districts and the legal services used by the districts (e.g., servitude and right-of-entry matters, personnel issues, and restructuring of the O.L.D.). A discussion was had of the applicable laws engaging counsel for political subdivisions and levee districts in particular.

Ms. Fitzgerald advised the Attorney General's (AG) office approves legal contracts for a period not to exceed one year and looks at rates, fee schedules and the not to exceed contract amount. Levee districts are allowed to hire one attorney and special attorneys as the need can be shown.

Chairperson Sutherland pointed out the need for review of legal invoices. Ms. Ullmann explained past O.L.D. committees were provided a summary that included attorneys, cases and amounts paid and this can be reinstated.

MINUTES OF LEGAL COMMITTEE MEETING
HELD ON JUNE 1, 2007 – PAGE 3

Chairperson Sutherland explained she would like to develop a list of approved outside counsel for use by the levee districts as needs arise, in lieu of having to go to the AG's office each time litigation or a special need comes up, along with a single policy for the three levee districts.

The Committee discussed a Request for Qualifications (RFQ) for special counsel and special needs and the proposed development of a list of qualified attorneys. The need for special counsel for the SLFPA-E was also discussed.

The Committee concurred that the current interim counsel engagements for the three levee district should be continued for an additional six month period.

Chairperson Sutherland requested the interim counsels provide a summary or list of needs for special counsel in the next week. Ms. Fitzgerald was requested to provide the statutes regarding the engagement of special counsel, and further indicated she would speak with the Attorney General regarding special counsel issues.

6. Discuss overtime policy for Emergency Situations

Ms. Campbell explained the need for an emergency policy to be in place in order to be eligible for FEMA reimbursement, suggesting it be consistent with the recommendations of the Governor and Civil Service.

The Committee discussed lessons learned from Hurricane Katrina regarding FEMA reimbursement, along with a policy for unclassified or exempt positions.

Chairperson Sutherland requested Ms. Campbell and Ms. Fitzgerald work together, with participation by the three levee districts, on a policy to be proposed to the Board.

10.A. Memorandum of Understanding (MOU).

The need for a clear understanding of the handling of non-flood litigation was discussed. Chairperson Sutherland requested that Ms. Ullmann draft a letter asking for a copy of the motion to enroll on all appropriate cases, and that Mr. Capo respond by letter advising the status of the handling of these matters.

V. Establish Next Meeting: First Friday in July (July 6, 2007)

VI. Adjournment: There being no further business the meeting was adjourned at 1:03 p.m.