

**MINUTES OF LEGAL COMMITTEE MEETING  
HELD ON AUGUST 3, 2007  
East Jefferson Levee District Board Room  
203 Plauche Ct., Harahan, LA**

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PRESENT: Chairperson Abril Sutherland  
Commissioner Stradford Goins, Committee member

FURTHERMORE

PRESENT: Fran Campbell, Interim Regional Director and Executive Director East  
Jefferson Levee District (EJLD)  
Stevan Spencer, Executive Director Orleans Levee (O.L.D.)  
Robert Turner, Executive Director Lake Borgne Basin Levee District (LBBLD)  
Denise Fitzgerald, Assistant Attorney General  
Cornelia Ullmann, O.L.D. Interim Counsel  
Wilma Heaton, O.L.D.  
Jonell Blowers, EJLD  
Glenda Boudreaux, O.L.D.  
Sara Mouledoux, Gordon, Arata  
Michael Botnick, Gordon, Arata  
Del Barnes, Aspect Energy  
Burgess McCranie, EJLD  
Larry Duplass

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- I. Call to Order: A quorum was present and the meeting was called to order by Chairperson Sutherland at 9:50 a.m.
  - II. Opening Comments: None.
  - III. Adoption of the Agenda: An amended agenda was adopted which included the following additional items: 1) review of verbiage in interagency agreement (mutual aid) between Jefferson Parish and EJLD; 2) request by Aspect Energy, LLC to change map reference (LBBLD); and 3) Executive Session – State of Louisiana v. Magano, 20<sup>th</sup> JDC Case #07WFLN012.
- A. Policies and procedures for oil and gas leases.

Two of the levee districts (O.L.D. and LBBLD) handle oil and gas matters. The O.L.D. has been approached relative to the development of new leases. Historically, the O.L.D. authorized the Dept. of Natural Resources (State Mineral Board) to advertise, bid and execute oil and gas leases on its behalf; however, in the past approximately five years bidding and leasing was handled by O.L.D. counsel. Ms. Ullmann recommended utilizing the State Mineral Board for this process. Authorization must be by Board resolution, which could include desired guidelines. Nomination of areas for lease can be initiated by the levee district or by an interested party. By utilizing the State Mineral Board, standardized policies and procedures for the public bid process are used, bidders are familiar with the standardized forms and leases. The nominal fee to cover advertisement can be paid by the levee district or the interested party.

A resolution will be developed for the Board setting forth the policies and procedures on oil and gas leases that would include utilization of the State Mineral Board.

B. Aspect Energy, LLC – request to change map reference (LBBLD).

Mr. Del Barnes explained Aspect Energy, LLC (Aspect) has a lease with the LBBLD which has a producing well. In order to measure production, Aspect has applied to the Office of Conservation for a unit designated as Cris I RD/SUB, State Agency Lease 18571. In the application Aspect used the option of referencing the unit to a pair of section lines. Aspect would like to change the geographical reference from section lines to the State Plane Coordinates System using X-Y coordinates. A resolution is requested authorizing a letter of no objection from LBBLD. No objection has been obtained from the State of Louisiana.

Ms. Sutherland requested that the resolution reflect the previous section reference and the substitute reference points.

C. Interagency agreement (mutual aid) between Jefferson Parish and LBBLD.

Liability issues were discussed relative to use of loaned equipment and the identification of liabilities in the event of situations such as neglect of maintenance.

Mr. Turner suggested investigation of uninsured motorists insurance coverage and workers comp, and that volunteers not be used who may not be covered.

A mutual aid agreement between the Louisiana levee districts was suggested for emergency situations, which could be done through the Association of Levee Boards of Louisiana.

Past situations were discussed wherein aid was rendered by one governmental entity, which was reimbursed by FEMA with a letter of request by the assisted entity.

Mutual aid and/or cooperative agreements were discussed between parish governments and levee districts; between levee districts; and levee districts and other entities. A recommendation was offered that current FEMA requirements for reimbursement be investigated.

It was pointed out the term “emergency” needed to be defined and clarification made relative to “State declared” and “Parish declared” emergencies. The Committee also discussed the use of mutual aid agreements for emergency assistance vs. cooperative agreements for non-emergency assistance.

The item was deferred for further review and clarification.

**IV. Executive Session:**

- A. Haspel & Davis Milling & Planting Co. Ltd., et al v. Orleans Levee District, USDC EDLA 06-3829; 5th Cir. C.A. No. 07-30086
- B. Conner v. Board, 25th JDC 52-539 (Bohemia Spillway) (O.L.D.)
- C. Favret v. Board, 25th JDC 54-124, 54-135, 53-951 (Bohemia Spillway) (O.L.D.)
- D. Eusan v. Board, 25<sup>th</sup> JDC 51-896 (O.L.D.)
- E. In re: Katrina Canal Levee Breaches Consolidated Cases, USDC EDLA 05-4182 (O.L.D.)
- F. Bernard Delhom, et al vs EJLD, et al, 643-763 "A", 24th Judicial District Court for the Parish of Jefferson (EJLD)
- G. Samuel E. Schudmak, III et al vs EJLD, et al, , 06-0893, United States District Court, Eastern District of Louisiana. (EJLD)

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H. State of Louisiana v. Magano, 20<sup>th</sup> JDC Case #07WFLN012

A motion was offered by Mr. Goins and the Committee unanimously voted to go into Executive Session to discuss the items listed on the agenda. The Committee convened in Executive Session at 10:30 a.m.

The Executive Session ended at 12:57 p.m. and the meeting was adjourned.