

MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
LEGAL COMMITTEE MEETING
HELD ON JUNE 5, 2008

PRESENT: Abril Sutherland, Chairperson
Stradford Goins, Committee Member

ABSENT: Thomas L. Jackson, Committee Member
George Losonsky, Committee Member

The Legal Committee met on June 5, 2008, in the Second Floor Hall of the Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, LA. Chairperson Sutherland called the meeting to order at 10:35 a.m.

Opening Comments: None.

Adoption of Agenda: The agenda was adopted by the Committee.

Public Comments: None.

New Business:

A. Approval of Legal Invoices for the Authority–East, Orleans Levee District (O.L.,D.), East Jefferson Levee District (EJLD) and Lake Borgne Basin Levee District (LBBLD).

Mr. Goins offered a motion to accept the legal invoices. The Committee approved the legal invoices presented (copy appended to minutes).

Robert Turner, Regional Director, recommended that a standard form of contract be developed for construction contracts with possibly two variations—one for buildings and another for public works or infrastructure. The legal review of contracts on an individual basis is costly. He explained the procedures generally being used by LBBLD. Past similar contracts are modified and require legal review for projects where specifications are prepared in-house. For projects where a consultant is retained, the consultant uses his contract format which may lean more towards protection of his interest and must be reviewed by levee district counsel. A standard form of contract could be developed and provided to the levee districts and their consultants. DOTD's format is used for contracts with DOTD and generally the indemnity provisions require review.

Ms. Sutherland agreed that the contract form should be standardized and that negotiation of terms and provisions of individual contracts should not be allowed.

Mr. Turner advised the recent LBBLD contract for its new office building has recently gone under a great deal of legal scrutiny and could be used as a model. Stevan Spencer, O.L.D. Executive Director, pointed out that the O.L.D.'s standard general construction contract format had been reviewed by several attorneys. It was agreed that these formats would be provided to Robert LaCour, SLFPAE Interim General Counsel, for further action.

The Committee received an update on the status of two on-going cases: Schudmak, et al vs. EJLD, 06-0893, USDC Eastern District of La., and Yacht Homes of Gabriel, LLC and Succession of Marie G. Krantz vs. EJLD; No. 626-181, Div "P", 24th JDC, Parish of Jefferson.

There was no further business, therefore, the meeting was adjourned at 10:55 a.m.