

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
LEGAL COMMITTEE MEETING
HELD ON FEBRUARY 12, 2009**

PRESENT: Abril Sutherland, Chairman
Stradford Goins, Committee Member
Thomas Jackson, Committee Member
Timothy Doody, President
Stephen Estopinal, Commissioner

ABSENT: George Losonsky, Committee Member

The Legal Committee met on February 12, 2009, in the in the Second Floor Hall, Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana. Chairman Sutherland called the meeting to order at 10:38 a.m.

Opening Comments: None.

Adoption of Agenda: The agenda was adopted.

Public Comments: None.

Old Business:

A. Discussion of the tracking process for legal cases to better assess the ability to approve legal invoices.

Robert Lacour, Interim General Counsel, distributed a copy of a draft memorandum which will be sent to contract attorneys instructing them on procedures for status reports and invoices. In addition, he noted that the amount expended to-date and amount expended year-to-date would be requested on invoices.

After discussing procedures for receiving and reviewing invoices, the Committee concurred with the following:

- Deadline for receipt of invoices will be the 25th of each month.
- Invoices will be submitted electronically by attorneys.
- Invoices upon receipt will be forwarded electronically by the SLFPAE to Mr. Lacour and the levee district Executive Directors for review.
- Invoices will be forwarded electronically to Committee members for review immediately after the deadline for receipt (25th of the month). Mr. Jackson will be provided a hard copy of invoices via the East Jefferson Levee District.

New Business:

B. Discussion of resolution delineating survey requirements on acquisition of Real Property, Rights-of-Way, Servitudes and other Real Property holdings.

Mr. Estopinal explained that he initiated this resolution because of the lack of quality of surveys being provided to the Authority by the U.S. Army Corps of Engineers (USACE). He stated that the USACE is not recovering real property boundaries in accordance with established rules, regulations and procedures. Mr. Estopinal explained that he has experience with corridor preservation. In the corridor preservation concept, entities are pro-active in determining titles and deeds, paying attention to what is happening to the property during the planning process and actively acquiring rights-of-ways prior to anything being done that would change the value of the land. The USACE's critical path planning method and processes for establishing flood protection alignments were discussed. Mr. Estopinal explained that by the time the Authority receives requests for real estate acquisitions, there is a tremendous crunch in connection with doing appraisals, title examinations, etc. He urged the Authority to establish a procedure for the land boundary survey for the recovery of rights-of-way or acquisitions of new lands.

Robert Turner, SLFPA-E Regional Director, explained that meetings have been held with the USACE and the State on this issue. He cautioned that the early information that will be received will not be 100 percent correct, but would provide the information needed to determine the property owners involved.

Mr. Estopinal pointed out that properties and deeds could be located so that when the final decision is made on the alignment, it would be a simple matter for a land surveyor to tie in the engineering base line and generate the acquisitions needed.

Mr. Doody cautioned that the Authority would have to work closely with the State relative to survey work for 100 year protection in order to assure it is supported by the State and that the levee districts can receive reimbursement and credit. Mr. Estopinal stated that the resolution presented would be applicable across the board; however, Mr. Doody's observation would be correct when dealing with specific projects.

The following changes to the resolution were recommended: substituting "levee districts" in lieu of "board and commissions", and including a statement that no provision of the resolution would prevent the Regional and Executive Directors from proceeding with emergency work or emergency projects, which would be reported to the Board at its next meeting. Mr. Estopinal concurred with the changes.

A motion was offered, seconded and unanimously approved by the Committee to recommend the resolution to the Board.

A. Approval of Legal Invoices (Authority – East, OLD, EJLD and LBBLD).

Mr. Lacour reported on several issues:

- The State will pick up the invoice from Mr. Dysart for some MRGO work.
- The Federal Court has dismissed the Mariner's Cove suit dealing with condominium fees in connection with the taking at the 17th Street Canal pumping station. The finding of the Court was that the issue is immature at this time.
- An unknown insurance company was named in a suit relative to an accident on the Seabrook Bridge in 2004. The O.L.D.'s insurance company has now been named. Travelers will pick up the defense and the case will be monitored by the O.L.D. Non-Flood Division.

A motion was offered by Mr. Doody, seconded by Mr. Jackson and unanimously adopted, to approve the legal invoices presented.

There was no further business, therefore the meeting was adjourned at 11:30 a.m.