

**MINUTES OF
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
LEGAL COMMITTEE MEETING
HELD ON OCTOBER 2, 2014**

PRESENT: Lambert J. "Joe" Hassinger, Jr., Chair
Stephen Estopinal, Committee Member

The Legal Committee of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E or Authority) met on October 2, 2014, in Meeting Room 201, Orleans Levee District Franklin Administrative Complex, 6920 Franklin Avenue, New Orleans, Louisiana. Mr. Hassinger called the meeting to order at 8:30 a.m.

Opening Comments: None.

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

Approval of Minutes: The Committee approved the minutes of the Legal Committee meeting held on September 4, 2014.

Public Comments:

Roy Arrigo commented that earlier this year the SLFPA-E's attorneys advised that the anticipated ruling should put an end to the 17th Street Canal litigation; however, this advice was wrong. An appeal was then filed without the knowledge of the Board. The Appeal Court ruled that Judge Reese's ruling was in line with the original Appeal Court ruling. Recently, the SLFPA-E's counsel, Thomas Anzelmo, told the Legal Committee that the St. Julien doctrine requirements were satisfied when the land was donated to the City in 1916 and the levee district immediately began building on it. Mr. Arrigo stated that the donated land did not include any of the private properties along the canal nor was any levee construction conducted on the private properties. He commented that the attorneys are incentivized with taxpayer monies to provide poor legal advice. He asked that the SLFPA-E request its attorneys to refund the taxpayers' money.

Craig Berthold commented that a prime time to resolve the 17th Street Canal property issues that are in litigation would be now before depositions start on Tuesday.

Wilma Irvin advised that she was representing the cemeteries located adjacent to the site where the East Jefferson Levee District (EJLD) proposes to construct its new facilities. Residents are concerned about the impact to the cemeteries if the City of Kenner streets are sold to the EJLD. An objection has been voiced not to the EJLD project, but to the purchase of the streets, the placement of stockpiles near the cemeteries and the limitation of ingress and egress. She stressed that her main concern is safety. Ms. Irvin stated that the EJLD has made changes to its plan; however, nothing has been done that would alleviate her concerns.

New Business:

A. Approval of the legal invoices listed on the spreadsheet dated October 2, 2014.

Mr. Estopinal advised that the invoices appear to be proper and appropriate; therefore, he recommended approval. Mr. Hassinger agreed and the invoices were approved.

B. A report on the accrued hours billed to date and expenses incurred to date on the oil and gas litigation.

Gladstone Jones with the firm of Jones, Swanson, Huddell & Garrison, LLC (Jones, Swanson), SLFPA-E counsel in the litigation entitled, "Southeast Louisiana Flood Protection Authority-East, et al. v. Tennessee Gas Pipeline Co., LLC, et al., E.D. La. No. 13-5410", reported that from September, 2012, through August 31, 2014, the three law firms spent a total of 14,869.15 hours on the case. The expenses associated with the litigation from September, 2012, through August 31, 2014, total \$1,882,512.04. Of this amount \$642,234.26 was directly related to litigation and \$1,240,277.78 was for political costs associated with the legislative effort over the past year. He advised that pursuant to a letter agreement the political costs would not be passed on to the SLFPA-E.

Mr. Hassinger asked whether the SLFPA-E had any motions or other matters in the Louisiana Oil and Gas Association (LOGA) suit pending in the 19th JDC. Mr. Jones replied, yes, and asked that Bessie Daschbach with Jones, Swanson, provide a report on this matter. Ms. Daschbach advised that a status conference was held yesterday in the LOGA vs. Attorney General (AG) matter. A motion for entry of final judgment, which was filed by Jones, Swanson on behalf of the SLFPA-E as intervenor in the lawsuit, and a cross motion to strike the motion for entry of final judgment are currently pending before the Court and set for hearing on October 6th. The Judge indicated in the status conference that she was going to take under advisement what her next step would be in light of a First Circuit Court disposition on a writ filed by LOGA. The First Circuit Court has granted LOGA's writ instructing the Judge to issue a final judgment; however, it is not clear as to what extent the final judgment will be issued—whether it is to just the dismissal of LOGA's petition against the AG or also the AG's reconventional demand and the SLFPA-E's intervention into the case. The Judge must decide the extent of the First Circuit's directive and issue a judgment. Mr. Hassinger asked whether a motion was filed in the LOGA case attacking the constitutionality of Act 544. Ms. Daschbach advised that the motion for entry of final judgment takes the position that the Judge's rulings in the LOGA vs. AG case should stand as rendered despite Act 544 because Act 544 is in the SLFPA-E's position inapplicable and/or unconstitutional.

C. Report on position of SLFPA-E Executive Counsel.

Wilma Heaton, Director of Governmental Affairs, reported that approval has been received to seek resumes for the position and the position has been advertised.

Executive Session:

Mr. Hassinger advised that there was no need for an Executive Session.

There was no further business; therefore, the meeting was adjourned at 8:50 a.m.