

**MINUTES OF  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST  
LEGAL COMMITTEE MEETING  
HELD ON DECEMBER 11, 2014**

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

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The Legal Committee of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E or Authority) met on December 11, 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 November 20, 2014.

**Public Comments:**

Craig Berthold advised that he was following up with the original documents relative to the records request that Roy Arrigo spoke about at the last Legal Committee meeting.

**Executive Session:**

**A. Borgnemouth Realty Company, Ltd. vs. Parish of St. Bernard, Lake Borgne Basin Levee District and St. Paul Fire and Marine Insurance Company, No. 112-833 (34<sup>th</sup> JDC).**

The Committee convened in Executive Session to discuss the item listed on the agenda.

The Committee reconvened in regular session and the meeting was called back to order.

**New Business:**

**A. Approval of the legal invoices listed on the spreadsheet dated December 11, 2014.**

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Mr. Hassinger noted that the invoices were reviewed and approved by the levee district Executive Directors and Executive Counsel. The Committee approved the legal invoices listed on the spreadsheet dated December 11, 2014.

**B. Discussion of extension of legal services contracts.**

Nyka Scott, SLFPA-E Executive Counsel, explained that there are several on-going lawsuits some of which are about to be concluded. The contracts for legal services will expire on December 31, 2014. She recommended that the contracts be extended so that settlement negotiations and other pending actions can be concluded.

The Committee recommended that the Board approve the extension of legal services contracts for a period of one year for matters that have not yet been concluded.

**C. Discussion to recommend execution of the forbearance agreement relative to Borgnemouth Realty Company, Ltd. vs. Parish of St. Bernard, Lake Borgne Basin Levee District and St. Paul Fire and Marine Insurance Company, No. 112-833 (34<sup>th</sup> JDC).**

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Mr. Estopinal commented that it would be in the best interest of the Lake Borgne Basin Levee District (LBBLD) to execute the forbearance agreement. Currently, there is a judgment against the LBBLD. A payment would be made as part of the forbearance agreement and the plaintiffs would be allowed to proceed against the U.S. Army Corps of Engineers (USACE). Ms. Scott added that the payment would be reimbursed or the LBBLD would be credited once the judgment is collected.

The Committee recommended that the Board approve the execution of the forbearance agreement.

**D. Discussion of letter from the Jefferson Parish Council dated November 24, 2014 regarding the 17<sup>th</sup> Street Canal bottom contours and slopes.**

Stevan Spencer, SLFPA-E Regional Chief Engineer, explained that a letter was received from several Jefferson Parish Councilmembers regarding a recent story aired by WWL-TV that discussed the possible effects that the dredging on the 17<sup>th</sup> Street Canal may have had on the failed flood wall during Hurricane Katrina. The letter was addressed to Col. Richard Hansen, USACE, and Robert Turner, SLFPA-E Regional Director. The USACE is preparing a response, which is currently being routed internally and is anticipated to be issued soon. The USACE has indicated that there is no problem or danger. The Orleans Levee District has paid over \$300,000 for a detailed analysis of the canal including the review of the safe water elevation (SWE). The USACE has several on-going projects in order to achieve a SWE of 8-ft. A coordinated effort between the USACE and Sewerage and Water Board of New Orleans will be required in order to keep the water level as low as possible. Mr. Estopinal noted that a response will be prepared by SLFPA-E staff. Mr. Estopinal pointed out that the threat has been greatly reduced with the construction of the pump stations and canal closures.

**E. Discussion of “West End Tennis and Fitness Club, Inc. as Successor in Interest to Edward P. Gaskell, III and Edward P. Gaskell, III, individually versus Board of Commissioners for the O.L.D. and the City of New Orleans Civil District Court for the Parish of Orleans, No. 06-13668 Division G” settlement.**

Ms. Scott explained that a lawsuit was filed against the Orleans Levee District and a counter claim was subsequently filed. The Board provided counsel with authority to proceed with a settlement in favor of the Orleans Levee District’s counterclaim. The settlement documents are being finalized. No action is required at this time.

There was no further business; therefore, the meeting was adjourned.