

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING  
THURSDAY, APRIL 19, 2007**

The Regular Monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (SLFPA-E or Authority) was held on Thursday, April 19, 2007, in the Second Floor Hall, Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, after due legal notice of the meeting was sent to each member and the news media and posted.

The meeting was called to order at 10:00 a.m. by President Jackson, who then led in the pledge of allegiance. The roll was called and a quorum of the Board was present.

**Present:**

Thomas L. Jackson, President  
John M. Barry, Secretary  
Timothy P. Doody, Treasurer (left meeting 2:50 p.m.)  
Stradford A. Goins  
George Losonsky, Ph.D.  
Larry A. McKee  
Ricardo S. Pineda  
Abril B. Sutherland, Vice President (left meeting 5:10 p.m.)  
Sara Lee St. Vincent  
Louis E. Wittie

**Absent:**

David P. Barnes, Jr.

**OPENING COMMENTS:**

President Jackson reported on the state of the SLFPA-E. Several Commissioners have been working closely with the U.S. Army Corps of Engineers (USACE) and participated in partnering meetings. The SLFPA-E, as the local sponsor, is the entity that signs rights-of-entry and cooperative agreements in which the USACE is held harmless. He expressed his concern that the SLFPA-E is still not aware of the USACE's priorities, what monies are available, and what the USACE is doing or not doing. He requested that Ms. Campbell, East Jefferson Levee District (E.J.L.D.) Executive Director, inform the Board about the money available for the restoration projects in East Jefferson when that agenda item comes up. Restoration would bring the hurricane protection system up to the pre-Katrina authorized level, which in reality is the 1965 post-Betsy authorization level then authorized by Congress. The USACE is finding itself coming up significantly short on each of its ventures in terms its commitment to protect this area. The USACE does not have the money to close the gap in protection caused by Mississippi River Gulf Outlet; however, they have stated that project would be completed by the end of the 2010 hurricane season. He felt the Board needed to focus on what the USACE is doing or should be doing to protect the public, and the reasons it may not be doing those things (e.g., lack of funding or other impediments). The CPRA recently approved and forwarded its master plan to the State Legislature, which when adopted will be used by the USACE as the basis on which its plan is built. He commented on the agenda items pertaining to the London Avenue Load Test, which was considered at a recent Special Issues Committee meeting, and E.J.L.D.'s formal request through the Board for copies of USACE studies. He spoke on the Board's commitment to hurricane protection and stressed the SLFPA-E is a policy board and challenged members to look at the information provided and request whatever other information may be needed in order to make good policy decisions.

**RESOLUTION #04-19-07-001 - AGENDA**

Motions were offered, seconded, and unanimously approved, to add Item No. 27 to authorize a letter to DNR/DOTD to request that they cover the cost of the videotaping of the meetings by Hometown Productions, Inc., Item No. 28 to thank Mrs. Pat Jackson

for her service to the SLFPA-E, and Item No. 3A concerning the adoption of parameters for the adoption of the bylaws, and to defer Items Nos. 19, 25 and 26.

The Board concurred that Item No. 26 relative to the adoption of bylaws, and Item No. 25 concerning a selection process for professional services, would be deferred to a special meeting to be held prior to the Board's next regular meeting, the date for which would be coordinated by the Secretary.

Mr. Barry anticipated a resolution of the division of the Orleans Levee District's flood and non-flood assets with the Division of Administration by the week of April 30<sup>th</sup>, and requested this matter be considered at the Special Board Meeting.

On the motion of Mr. Barry,  
Seconded by Mr. Doody, the following resolution was offered:

"A resolution to approve and accept the agenda, as amended, for the Board Meeting of April 19, 2007.

The foregoing was submitted to a vote, the vote thereon was as follows:  
YEAS: Mr. Barry, Mr. Doody, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes

#### **RESOLUTION #04-19-07-002 – MINUTES**

On the motion of Mr. Barry,  
Seconded by Mr. Doody, the following resolution was offered:

A resolution to approve and accept the minutes for the Board Meetings of February 8, March 7 and March 23, 2007 Special Meeting and Joint Meeting.

The foregoing was submitted to a vote, the vote thereon was as follows:  
YEAS: Mr. Barry, Mr. Doody, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes

#### **PRESENTATION: LIABILITY INSURANCE FOR O.L.D. BY SIGMA CONSULTING CORP., NEED FOR THIRD PARTY ADMINISTRATOR AND OTHER RECOMMENDATIONS.**

Mr. Todd Thomas, Managing Director of Sigma Consulting Corp.'s Actuarial Risk and Insurance Consulting Practice, explained this was a re-presentation of information presented last September to assist the Orleans Levee District (O.L.D.) in the selection of a proper retention level for its liability program (i.e., general liability, marina liability, marina operator's liability and excess liability). The scope of the study was to project the losses of various retention levels to determine the payout over time and then to determine the feasibilities, such as self insurance or higher retention levels. He explained the methodology used for the study and how losses were forecasted. At that time only one quote had been received, which had an exclusion for levee breaches, and losses trended out such that the optimal retention level was one million dollars. Sigma made the following recommendations: the proposed coverage not be purchased, keeping excess liability coverage, hiring a third party administrator, and conducting the analysis that is required of governmental bodies to fund and report funding of losses. Considerations were financial resources and market availability. The previous Board voted on September 30, 2006, to seek alternative coverages and advertise for a third party administrator. Mr. Thomas recommended should the O.L.D. continue to self-retain losses, that a third party administrator be hired so that claims can be tracked and reported in compliance with Governmental Accounting Standard Statement No. 10.

Ms. Cornelia Ullmann, O.L.D. Interim Counsel, clarified at this time the O.L. D. does not have general liability insurance or a mechanism set up to address liability matters that come up, and was basically looking for direction from the Board.

Mr. Doody requested that proposals be secured for a third party administrator in accordance with the resolution adopted by the Board relative to flood/non-flood assets.

President Jackson suggested the Board may want to hire an insurance consultant for all coverages for all three levee districts with costs allocated to each district.

Mr. Thomas pointed out the Board may wish to make three professional services selections: first, an insurance consultant; second, if coverage cannot be purchased direct, an agent/broker or producer; and third, a third party administrator.

#### **COMMITTEE REPORTS:**

President Jackson reminded Committee Chairs about the twenty-four hour public notice requirement for Committee meetings.

#### **FINANCE COMMITTEE: CHAIR DOODY**

Mr. Doody reported the Committee reviewed information concerning the procurement of E.J.L.D. health insurance coverage and supported the Executive Director's recommendation. Additional funding for the Authority was requested on April 6<sup>th</sup> in the amount of \$110,000 from the Department of Natural Resources (DNR) and on April 17<sup>th</sup> DNR responded by e-mail that the funding would be forthcoming. The Authority previously received \$92,000, and Mr. Doody distributed an e-mail to the Commissioners detailing expenditures to-date and noted there were some outstanding bills yet to be paid.

Mr. McKee reported on the meeting held on April 13<sup>th</sup>, which included Mr. Barry, Mr. Doody, Commissioner of Administration Jerry Luke LeBlanc, Deputy Administrator Jean Vandal, and Assistant Attorney General Denise Fitzgerald, concerning the division of O.L.D. flood and non-flood assets. He explained in November, 2006, Mr. Louis Capo, O.L.D. Director of Non-Flood Assets, sent a letter to the Division of Administration (DOA) beginning the process of the division of the assets, and a resolution was subsequently adopted by this Board that continue that effort of defining flood and non-flood assets. The discussion began with the division of cash assets. An agreement was not reached, however, it was decided a memorandum of understanding would be drafted between Ms. Fitzgerald and Ms. Vandal, with a final resolution of this issue ultimately to be presented to the Board.

#### **ROUTINE AND EMERGENCY OPERATIONS COMMITTEE: CHAIR MCKEE**

Mr. McKee reported he and Mr. Goins participated in inspection tours of the East Jefferson and Orleans Levee Districts. The Commissioners were invited to the inspection tours of the O.L.D. east and west bank levees to be held later this month. A copy of the O.L.D. Emergency Operations (EOP) Procedures Manual was presented to the Commissioners. Mr. Stevan Spencer, O.L.D. Director of Hurricane and Flood Protection, explained levee districts are required by law to update and submit its EOP manual to certain entities every two years. The O.L.D. updates its manual annually, and this year the manual has been updated to indicate recent datum changes, along with updating contact information, and approval will be requested at the May meeting.

President Jackson requested the Committee bring a recommendation to the Board as to what is expected of each member during an event.

Mr. Pineda pointed out that from information provided during recent meetings, he observed the levee districts know how to work together and provide mutual aid via telephone; however, he felt work was needed with the USACE on standardizing emergency communications via radio or satellite phone. He noted, the USACE is considering a pre-hurricane season coordination meeting.

Mr. Doody recommended setting up EOP Manuals and other information on the Authority's website to be accessed as needed.

#### **LEGAL COMMITTEE: CHAIR SUTHERLAND**

Ms. Sutherland announced the Legal Committee will be holding regular meetings the first Friday of every month. She reported the Committee held an informal meeting on April 6<sup>th</sup> during which the bylaws and the qualification based selection process for professional services were reviewed. She then distributed copies to the Board.

#### **SPECIAL ISSUES COMMITTEE: CHAIR GOINS**

Mr. Goins reported on the recent Committee meeting in which two USACE projects were discussed; i.e., the proposed load test at the London Avenue Canal and the remedial levee work along a section of the 17<sup>th</sup> Street Canal by the Veterans Bridge. The purpose of the proposed test at the London Avenue Canal is to determine whether the safe water elevation in the canal can be raised in order to increase pumping capacity. Mr. Goins advised several issues were brought up during the discussion, such as the hold harmless and the elevations due to the datum shift, which he further explained. The proposed test would only address the safe water elevation in the canal and not the restoration of the floodwalls to their previously authorized height. He pointed out additional concerns relative to the soil data, construction of the cofferdam, the reduced pumping capacity due to the floodwalls not having been restored to their previously authorized height, and stability of the floodwall due to deflection. The test will be accomplished by raising the water level in 6-inch increments every four hours during daylight hours.

President Jackson advised the USACE is attempting to raise the safe water elevation in the London Avenue Canal from 4-ft., which was computed as the maximum water level with a factor of safety of 1.3. Nationwide the USACE has been criticized for using such a low factor of safety when protecting a populated area. Should the permanent pumping stations be constructed at the lakefront, these floodwalls will be in service in perpetuity. He proposed the USACE hire an external peer reviewer, approved by the Authority, so that the Authority would have the opinion of an independent objective reviewer.

The Board briefly discussed the roll of the levee districts' engineers and the use of peer review.

Mr. Pineda reported on his meeting with Levee District Executive Directors Fran Campbell and Bob Turner and Mr. Mark Wingate of the USACE. He distributed copies of the USACE's 2006 Coastal Protection and Restoration Study and Report on the Mississippi River Gulf Outlet. The USACE also provided a CD of Power Point presentations, a copy of which would be sent to the Commissioners. Mr. Wingate had indicated he would provide executive summaries for the projects, studies and programs that would affect the SLFPA-E's area of responsibility. Mr. Pineda spoke about information sharing, long term strategic planning, the general process for getting a project authorized and the pro-activity required for obtaining funding. In addition to looking long term and the planning studies that may lead to projects, he suggested the SFLPA-E also look to its federal partners; e.g., USACE, FEMA, NRCS and USGS, to assure it is taking advantage of all their programs. He commented on the USACE's Non-Federal PL8499 (Public Law 8499) Rehabilitation Program, recommending the levee district directors review the federal requirements to determine whether they wish to pursue enrolling any of the non-federal flood control facilities into that program, and FEMA's Hazard Mitigation Grant Program and Pre-Disaster Mitigation Grant Program, which he offered to obtain and present information on for future consideration. He reported the USACE had also presented information on its Continuing Authorities (CAP) Program, which deals with smaller level projects and studies not requiring authorization under WRDA, the Inner Harbor-Navigation Canal Lock Project, St. Bernard flood control feasibility dealing with interior drainage, the St. Charles Parish and St. John the Baptist Parish flood control feasibility studies, the Donaldsonville to the Gulf feasibility study, digital flood insurance rate maps, pump and drainage improvements under the SELA

(Southeast Louisiana) Project, the Louisiana Coastal Protection and Restoration (LaCPR) Project, the Mississippi River Gulf Outlet, and the Planning Assistance to States (PAS) and FPMS Programs.

In response to a request for information regarding lobbying, Ms. Denise Fitzgerald, Assistant Attorney General, provided the definition of lobbying and briefly explained prohibitions under La. RS 24-:51 relative to State lobbying efforts. She advised she would do further research on this issue.

**RESOLUTION #04-19-07-028 - RECOGNIZING OUTSTANDING SERVICE AND CONTRIBUTIONS OF PAT JACKSON TO SLFPA-E**

Mr. Doody stated the Board owed Mrs. Jackson a great debt of gratitude for her service. Mr. Barry commented on Mrs. Jackson's contribution and hard work, and stated her efforts are deeply appreciated.

On the motion of Mr. Doody,  
Seconded by Mr. Barry, the following resolution was offered:

"A resolution recognizing the outstanding service and contributions of Pat Jackson to the Southeast Louisiana Flood Protection Authority-East and to the citizens of the region."

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East was created by the Louisiana State Legislature; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East began with no resources; and

**WHEREAS**, Pat Jackson recognizing the needs of the Southeast Louisiana Flood Protection Authority-East and the region rushed in to fill those needs with her knowledge, experience and hard work; and

**WHEREAS**, on a completely voluntary basis immediately after retiring Pat Jackson filled a vital roll in getting the Southeast Louisiana Flood Protection Authority-East on its feet; and

**WHEREAS**, Pat Jackson will not provide the voluntary service any longer, but pursue personal, enjoyable activities.

**NOW, THEREFORE, BE IT RESOLVED**, That the Southeast Louisiana Flood Protection Authority-East recognizes the outstanding service and contributions of Pat Jackson to the Southeast Louisiana Flood Protection Authority-East and to the citizens of the region.

**BE IT FURTHER RESOLVED**, That a copy of this Resolution be presented to Pat Jackson.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Doody, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**EXECUTIVE SESSION:**

- a. Robert Turner – Personnel Matters
- b. Haspel & Davis Milling & Planting Co. LTD., et al v. Orleans Levee District - Appeal
- c. Litigation – Board of Trustees of the Sheriffs' Pension and Relief Fund v. City of New Orleans, et al, C.D.C. 99-20533, Div. G.

A motion was offered by Mr. Goins, seconded by Mr. Losonsky, and unanimously approved by the Board, to convene in Executive Session to discuss the items on the agenda. The Board convened in Executive Session at 12:25 p.m.

The Board reconvened at 2:52 p.m. and the meeting was called back to order.

**NEW BUSINESS:**

**RESOLUTION #04-19-07-004 – LONDON AVENUE CANAL RIGHT-OF-ENTRY**

Lt. Col. Murray Starkel, Deputy District Commander for the New Orleans District, explained he was at today's meeting, along with Mr. John Ashley, HPO Project Manager, Mr. Patrick Conroy, technical lead from the St. Louis District, and other members of the support team, to provide information relative to the London Avenue Load Test. A fact sheet was provided to the Board.

Col. Starkel began the presentation by explaining based on the analyses done to date, the current safe water elevation is 4-ft., which impacts the ability to operate both the City's and USACE's pumps and the frequency of closing the gates at the interim structure. The load test would confirm the numerical modeling and provide additional information to determine whether the USACE was overly conservative and the safe water elevation could be raised while maintaining the factor of safety. There have been approximately 22 instances where the lake stage exceeded 3-ft. since 1959; this number increases significantly for 2-3 ft. He reviewed the proposed schedule. The notice to proceed is anticipated to be issued to the contractor by early June, and the external review would be concurrent and on a parallel path working towards the load test. The load test, however, would not start until the external review is completed and all parties are satisfied.

President Jackson advised his concern for external peer review went beyond the load test, and requested the review take in the whole problem, including the risk factor and need to fix the entire stretch of levee and/or floodwall along the canal.

Col. Starkel invited the Board to assist the USACE in the selection of the external peer reviewer and the scope of the review. He added, the USACE is working on a thorough analysis of the entire system to refine its findings on the London Avenue Canal with the IPET team, as was done along the 17<sup>th</sup> Street Canal and will be done on the Orleans Canal. These reports will be internally and externally reviewed.

Col. Starkel advised, once the test is completed, a final analysis would be done and a recommendation made, which would be externally reviewed, and changes made, if any, to the safe water elevation; or the determination could be made with the Board on whether a full canal load test should be done.

President Jackson clarified the USACE is requesting a right-of-entry for the site test, after assurances of an external peer reviewer, and after the results of that test, each following step would be peer reviewed. It was further clarified that the USACE was only asking for the right-of-entry for the site specific load test at this point and would come back for a right-of-entry for a full load test should that be required.

Col. Starkel pointed out the hold harmless agreement is a statutory requirement that would require an Act of Congress to be changed. The USACE has a right-of-entry signed by the Sewerage & Water Board of New Orleans, who has chosen to write a separate memorandum addressing the hold harmless issue. USACE counsel advised the load test would be conducted under the cooperative agreement for the repair and rehabilitation of the Lake Pontchartrain and Vicinity Hurricane Protection Project, which has been executed by the parties and contains the hold harmless required by statute; however, it would not hold harmless for any act of negligence of the government or its contractors. Col. Starkel addressed the four layers of redundancy that would be in place to reduce risks: first, closing the gates of the interim structure at the Lakefront while the test is conducted; second, the cofferdam itself and the instrumentation which provides the ability to monitor the test 24/7 while it is being conducted; third, the ability to immediately evacuate the water should any numbers exceed targets or be outside of the tolerable ranges in the threshold laid out on the decision matrix; and fourth, a port-a-dam around the area where the test will be conducted.

Mr. Patrick Conroy with USACE St. Louis District advised he is a subject matter expert on under levee seepage and addressed the pulling of the piles after the test is conducted and explained the instrumentation suite that would be utilized during the test.

Col. Starkel advised the USACE would look into a fail safe for the pumping system to evacuate the water. He then showed the synchronization matrix identifying team members and responsibilities. A rehearsal of every step of the operation, except the actual loading of the cofferdam, would be conducted, along with extensive drills. A staging area will be set up for the media to view the test and security will be provided. Col. Starkel explained the responsibilities of the construction firm and the various team members, and went through the conditions for moving to the next stage of the test and the triggers for stopping the test. The test is predicted to take four days.

Col. Starkel explained the USACE looked at the question of fixing the floodwalls along the entire length of the canal when it initially put the interim gated closure structures in place and again when going to Congress to request the authority and appropriations for the permanent closures and pump stations. Considering the cost and time requirements to build either I-walls or do interim level repairs, it was determined the most effective and efficient method was to first construct the interim gated closure structure with pumps and then follow with the permanent closures and pumping stations. Should the USACE now shift its interim work and use its resources on interior repairs of the floodwalls, instead of working on the perimeter protection on the lakefront, then they would be taking away from their ability to get permanent protection in order to do interim. The USACE has finite resources and is under a tight timeline; therefore, the most effective method is to continue working on perimeter protection, and then determine if they were overly conservative in their numerical analysis and assumptions, and if that is the case, perhaps raise the safe water elevation.

President Jackson asked why not do the same type of earthwork repair as along the 17<sup>th</sup> Street Canal.

Col. Starkel responded that type of interim repair was looked at; however, in order to do both the interior and exterior work, additional right-of-way would be required, which would require additional resources for approximately 15,000 linear feet of floodwall and levee system. Ultimately, those levees and floodwalls would be part of the permanent closure and pump station systems, and the design-build contract for the permanent closures and pump stations would look at incorporating those drainage canals in the system.

Pumping capacities and wall deflection were briefly discussed.

Col. Starkel invited the Authority to review the calculations from the site load test before a recommendation is made to change the safe water elevation up or down. Should additional tests be required, the USACE would come back, with external review, to determine the next step.

President Jackson paraphrased and explained the modified resolution. He thanked the USACE representatives for coming to the meeting and making changes to their proposal in reaction to the Board's comments.

On the motion of Mr. Barry,  
Seconded by Mr. McKee, the following resolution was offered:

"A resolution granting the U.S. Army Corps of Engineers authorization for entry for the construction of a cofferdam and Load Test at Site 1 in the London Avenue Canal."

WHEREAS, by letter dated March 13, 2007, the U.S. Army Corps of Engineers (USACE) requested an authorization for entry for the proposed construction of a three-sided cofferdam in the London Avenue Canal, against the canal side of the I-wall, in order to conduct a Load Test at said site (Site 1); and

WHEREAS, the USACE is in the process of obtaining a right-of-entry from the Sewerage and Water Board of New Orleans to conduct the aforementioned Load Test to enhance their reduced drainage canal capability; and

WHEREAS, the granting of this right-of-entry shall be subject to receipt of a positive recommendation from the Department of Transportation and Development; and

WHEREAS, the granting of this right-of-entry is not intended as an approval by the Southeast Louisiana Flood Protection Authority-East or the Orleans Levee District of the design or engineering feasibility of the work; and

WHEREAS, the granting of this right-of-entry shall be for the site specific test only, and not the full load test.

RESOLVED, That the Southeast Louisiana Flood Protection Authority-East (SLFPA-East) grants the U.S. Army Corps of Engineers (USACE) authorization for entry for the construction of a cofferdam and Load Test at Site 1 in the London Avenue Canal, subject to the following requirements:

- Right-of-entry granted to construct the cofferdam.
- Simultaneous with the bidding and construction, the USACE will cause to have an external peer review panel assembled, which panel shall not have either a member of the USACE or SLFPA-East;
- Prior to loading the cofferdam with water, the USACE will cause the external peer review panel to present its findings to the SLFPA-East;
- Should the SLFPA-East disagree with the review panel findings, the right-of-entry may be revoked, at the sole discretion of the SLFPA-East; SLFPA-E will attempt to provide notice of its revocation to the designated USACE representative as is reasonable in the premises.
- The original right-of-entry shall expire without further action by the SLFPA-East within six months;
- Should the SLFPA-East not grant further right-of-entry, the USACE and SLFPA-East will agree within thirty (30) days to make mutually agreeable arrangements for removal of the cofferdam and all related construction and restoration of the site.
- A representative of the Orleans Levee District, either Stevan Spencer or Gerry Gillen, shall be present at all phases of the test and may be present or inspect preparations for the test or removal of the cofferdam.
- All aspects of the construction, test and restoration, at all phases or stages, are at 100 percent federal expenses.

FURTHER RESOLVED, That the President or Orleans Levee District Director of Hurricane and Flood Protection are hereby authorized to sign any and all documents necessary to accomplish the above.

The foregoing was submitted to a vote, the vote thereon was as follows:  
YEAS: Mr. Barry, Mr. McKee, Mr. Pineda, Mr. Wittie and Mr. Jackson  
NAYS: Mr. Goins and Mr. Losonsky  
ABSENT: Mr. Barnes and Mr. Doody  
Motion carried.

**RESOLUTION #04-19-07-003 – 17<sup>th</sup> STREET CANAL CORPS RIGHT-OF-ENTRY**

A representative from the USACE explained two areas of concern were found when the safe water elevation report was being done for the 17<sup>th</sup> Street Canal. The USACE is proposing to raise the clay fill and place additional rock in the channel in an area north of Veterans Highway and to place a clay cap approximately 100 feet south of Veterans Highway.

On the motion of Mr. McKee,  
Seconded by Mr. Goins, the following resolution was offered:



“A resolution granting the U.S. Army Corps of Engineers authorization for entry for access and construction to complete the remedial work on the east side of the 17th Street Outfall Canal.”

**WHEREAS**, by letter dated April 6, 2007, the U.S. Army Corps of Engineers requested an authorization for entry for access and construction to complete remedial work on the east side of the 17<sup>th</sup> Street Outfall Canal, consisting of construction of an embankment to raise the existing levee adjacent to the east side of the Canal floodwall and placement of rock within the Canal along the east Canal bank, in the vicinity of the Veterans Memorial Bridge; and

**WHEREAS**, the aforementioned work is at 100 percent federal cost; and

**WHEREAS**, this right-of-entry shall remain valid for a period of six months from the date said right-of-entry is granted, including removal of any obstructions in the canal; and

**WHEREAS**, the granting of this right-of-entry shall be subject to receipt of a positive recommendation from the Department of Transportation and Development; and

**WHEREAS**, the granting of this right-of-entry is not intended as an approval by the Southeast Louisiana Flood Protection Authority-East or the Orleans Levee District of the design or engineering feasibility of the work.

**RESOLVED**, That the Southeast Louisiana Flood Protection Authority-East grants the U.S. Army Corps of Engineers authorization for entry for access and construction to complete the remedial work on the east side of the 17<sup>th</sup> Street Outfall Canal, as delineated in its letter dated April 6, 2007, and authorizes the President or Orleans Levee District Director of Hurricane and Flood Protection to sign any and all documents necessary to accomplish the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

#### **RESOLUTION #04-19-07-029 - APPOINTMENT OF INTERIM REGIONAL DIRECTOR**

President Jackson advised this resolution resulted from discussions during the Executive Session and explained the need for this interim measure while the Authority is advertising the position.

On the motion of Ms. Sutherland,  
Seconded by Mr. Goins, the following resolution was offered:

BE IT HEREBY RESOLVED, That the Southeast Louisiana Flood Protection Authority-East selects Fran Campbell as the Interim Regional Director of the Southeast Louisiana Flood Protection-East.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

#### **RESOLUTION #04-19-07-03a - SLFPA-E POLICY FOR ADOPTION OF BYLAWS**

The Board discussed the number of votes that should be required to approve the bylaws. President Jackson commented as Chair of the meeting he intended to discuss and conduct a straw vote on each section of the bylaws, so that by the end of the

discussion all issues should be resolved and there should be agreement on what the bylaws should contain.

On the motion of Mr. Goins

Seconded by Mr. Barry, the following resolution was offered:

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East will be considering the adoption of Bylaws at a special meeting to be held prior to the Board's next regular monthly meeting; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East would like to set forth in advance the prescribed vote for the adoption of said Bylaws.

**BE IT HEREBY RESOLVED**, That the Bylaws of the Southeast Louisiana Flood Protection Authority-East shall be adopted upon approval of two-thirds of the voting members present, with a minimum of five members.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION #04-19-07-005 – RATIFICATION OF ENGAGEMENT OF GORDON, ARATA, MCCOLLAM, DUPLANTIS & EAGAN, LLP**

On the motion of Mr. Barry,

Seconded by Mr. Wittie, the following resolution was offered:

“A resolution ratifying the engagement of Gordon, Arata, McCollam, Duplantis & Eagan, LLP, as counsel related to Bohemia litigation and claims, and oil and gas matters.”

**WHEREAS**, there is a real need of special counsel to advise and represent the Authority on the on-going Bohemia litigation and claims, as well as oil and gas matters; and

**WHEREAS**, in consideration of the services performed, the Authority agrees to pay Counsel as follows:

NAME:	RESPONSIBILITY:	HOURLY RATE:
Michael Botnick	Supervising attorney	\$ 200.00
Scott O'Connor	Supervising attorney	\$ 200.00
Blake G. Arata	Attorney	\$ 200.00
John M. McCollam	Attorney	\$ 200.00
Peck Hayne	Attorney	\$ 200.00
Sara E. Mouledoux	Attorney	(at the hourly rate of the A.G. fee schedule dated Jan. 13, 2004)
Aimee Williams Hebert	Attorney	“ “
Paralegals		\$ 45.00
Law clerks		\$ 25.00

**WHEREAS**, this engagement shall be restricted to the period from January 1, 2007 to January 1, 2008, and shall be submitted to the Louisiana Attorney General's office for approval.

**RESOLVED**, That the Authority ratifies the engagement of the services Gordon, Arata, McCollam, Duplantis & Eagan, LLP as counsel related to Bohemia litigation and claims, and oil and gas matters, and authorizes the President to sign any and all documents necessary to carry out the above.

**FURTHER RESOLVED**, That this Resolution be submitted to the Office of the Attorney General for the State of Louisiana for approval, under the terms set forth above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION #04-19-07-006 –  
ENGAGING THE SERVICES OF THE GODFREY LAW FIRM**

Ms. Cornelia Ullmann, Interim Counsel, advised Mr. Godfrey has been the long standing bond counsel for the O.L.D., and in addition has handled the CDL and Go Zone loans, participated in providing supporting affidavits for the Haspel-Davis litigation, and provided post-Katrina financial guidance. This engagement is on an as needed basis.

On the motion of Mr. Barry,  
Seconded by Mr. Wittie, the following resolution was offered:

“A resolution authorizing engagement of the Godfrey Law Firm to perform services relating to post Hurricane Katrina general financial matters for the Orleans Levee District.”

**WHEREAS**, there is a real need of special counsel to advise and represent the Authority relative to Post Katrina general financial matters, outstanding bonds and related matters for the Orleans Levee District;

**WHEREAS**, the Godfrey Firm, P.L.C. has the experience and knowledge of the financial matters of the Orleans Levee District;

**WHEREAS**, in consideration of the services performed, the Authority agrees to pay Counsel as follows:

NAME:	RESPONSIBILITY:	HOURLY RATE:
Jarrell E. Godfrey, Jr.	Supervising attorney	\$225.00
Elizabeth Earnest		\$175.00
Patrick Files		\$175.00
Julie G. Hines, CPA		\$135.00
John S. Godfrey		\$100.00
Paralegals		\$ 35.00

**WHEREAS**, with respect to any post Katrina matter involving the issuance of debt which is actually delivered, credit will be allowed for amounts previously paid on the hourly rates basis, with respect to the issuance of such issued debt against a fee calculated in accordance with the Louisiana Attorney Generals’ fee schedule for “Coordinate professional Work with Respect to Revenue Bonds” (the “Fee Schedule”).

**RESOLVED**, That the Authority approves the engagement of the services the Godfrey Firm as counsel related to Post Katrina general financial matters, outstanding bonds and related matters on an “as needed” basis and authorizes the President to sign any and all documents necessary to carry out the above.

**FURTHER RESOLVED**, That this Resolution be submitted to the Office of the Attorney General for the State of Louisiana for approval, under the terms set forth above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION # 04-19-07-007 – ORLEANS LEVEE DISTRICT PUBLICATION COSTS**

President Jackson explained this is an after the fact approval of an expenditure and explained the circumstances involved.

Mr. Barry added, he received a call from President Jackson concerning this expenditure and felt it should be approved as a courtesy to Senator Shepherd. This resolution does not imply SELPA-E's support or opposition of the proposed legislation.

On the motion of McKee

Seconded by Losonsky, the following resolution was offered:

"A resolution authorizing the Orleans Levee District to pay the publication costs of approximately \$50.00 for the Public Notice regarding proposed local law to create the Greater New Orleans Economic Development Authority and to provide for related matters."

**WHEREAS**, the President of the Southeast Louisiana Flood Protection Authority-East ("SLFPAE") was advised by Louisiana State Senator Derrick Shepherd that is was the senator's intent to introduce a bill to create the Greater New Orleans Economic Development Authority which would manage the non-flood protection functions and activities owned by the Orleans Levee District and which is under the jurisdiction of the Southeast Louisiana Flood Protection Authority as the Board of Commissioners for the Orleans Levee District;

**WHEREAS**, Section 13. of Article III. of the Louisiana Constitution provides that state funds may not be used to pay the costs of the constitutionally required public notice for such a local bill and state law does not prohibit the use of the funds of a political subdivision of the state for the publication costs of such a public notice;

**WHEREAS**, Senator Shepherd advised that he would keep the Southeast Louisiana Flood Protection Authority-East informed regarding the drafting and amendments of this proposed local law which would directly affect the Orleans Levee District and that payment of publication costs for the public notice of the proposed legislation did not imply support or opposition for such legislation;

**WHEREAS**, it is considered appropriate for the local political subdivision of the state which would be affected by proposed local legislation to pay the publication costs for proposed legislation for activities within its jurisdiction; and

**WHEREAS**, the Orleans Levee District is the only levee district that would be affected by this proposed local law;

**THEREFORE**, the Southeast Louisiana Flood Protection Authority-East, as the Board of Commissioners for the Orleans Levee District, hereby resolves that:

**SECTION 1.** The Orleans Levee District is hereby authorized to pay to The Times-Picayune from its funds, the costs in the amount of less than FIFTY DOLLARS (\$50.00), for the publication of the following Public Notice:

**PUBLIC NOTICE**

**(NOTICE OF INTENTION TO INTRODUCE BILL – SLS 07RS-414)**

Public notice is hereby given that there may be introduced at the session of the Legislature to be convened on April 30, 2007, a bill relative to the creation of the Greater New Orleans Economic Development Authority; to provide for its powers, duties, and functions; to provide relative to the management of the non-flood protection functions and activities within the territorial jurisdiction of the Southeast Louisiana Flood Protection Authority; and to provide for related matters.

**SECTION 2.** The payment of the publication costs for the Public Notice stated in Section 1. above does not in any way indicate that the Orleans Levee District, or

that the Southeast Louisiana Flood Protection Authority-East or any of its members, individually or collectively, either supports or opposes the proposed local law described in the Public Notice above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION #04-19-07-008 –  
ORLEANS LEVEE DISTRICT PRIMARY PROPERTY INSURANCE COVERAGE**

Ms. Carol Kiefer, O.L.D. Safety-Risk Manager, advised coverage was solicited from over twenty markets and only one quote was received from Allied World Assurance for \$5 million of limited coverage for a property value of \$36,414,216. The premium cost would be allocated between flood assets (\$265,354) and non-flood assets (\$28,155).

On the motion of Mr. Barry,  
Seconded by Mr. Goins, the following resolution was offered:

“A resolution to authorize the procurement of primary property (wind/fire) insurance coverage for the Orleans Levee District from Allied World Assurance (US) Inc., through the Eagan Insurance Agency.”

**WHEREAS**, the Orleans Levee District’s property (wind/fire) insurance coverage expired on April 14, 2007, and after shopping the market for said coverage, only one quote was obtained by the Eagan Insurance Agency for \$5 Million in primary coverage from Allied World Assurance (US) Inc., a non-admitted insurance carrier, AM Best Rated A XIV for repaired properties only, with a total annual premium of \$293,509 (\$266,827 annual premium, \$13,341 Surplus Line Tax and \$13,341 TRIA); and

**WHEREAS**, said coverage contains a per occurrence deductible for wind or hail losses of five percent of the building’s insured value (\$25,000 minimum deductible) and \$25,000 per occurrence deductible for fire or other covered losses; and

**WHEREAS**, the repaired properties currently include the Lake Vista Community Center, Franklin Avenue Administration, Warehouse and Loft Buildings, Police Station, West Bank Field Office, Delgado Hangar, Shubert Marine Building and the New Regulator Building; and

**WHEREAS**, the total annual premium shall be prorated between flood and non-flood properties, with the pro rata shares to be determined by the O.L.D. Finance Department and Auxiliary Services Director.

**RESOLVED**, The Southeast Louisiana Flood Protection Authority-East authorizes the procurement of primary property (wind/fire) insurance coverage for Orleans Levee District repaired properties from Allied World Assurance (US) Inc., through the Eagan Insurance Agency, at a total annual premium of \$293,509, for a period of one year commencing April 15, 2007, and authorizes the Orleans Levee District Director of Hurricane and Flood Protection to execute any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION #04-19-07-009 –  
ORLEANS LEVEE DISTRICT EXCESS PROPERTY INSURANCE COVERAGE**

On the motion of Mr. Goins,  
Seconded by Mr. Barry, the following resolution was offered:

“A resolution to authorize the procurement of excess property (wind/fire) insurance coverage for the Orleans Levee District from Ironshore Insurance Ltd. through the Eagan Insurance Agency.”

**WHEREAS**, the Orleans Levee District’s property (wind/fire) insurance coverage expired on April 14, 2007, and after shopping the market for said coverage, a quote was obtained by the Eagan Insurance Agency for \$5 Million of excess coverage from Ironshore Insurance Ltd., AM A-XI Best Rated, for repaired properties only, with a total annual premium of \$205,000; and

**WHEREAS**, said coverage contains deductibles in accordance with those provided by the primary coverage carrier, Allied World Assurance (US) Inc., and a 90 percent coinsurance clause; and

**WHEREAS**, the repaired properties currently include the Lake Vista Community Center, Franklin Avenue Administration, Warehouse and Loft Buildings, Police Station, West Bank Field Office, Delgado Hangar, the Shubert Marine Building, and the New Regulator Building; and

**WHEREAS**, the total annual premium shall be prorated between flood and non-flood properties, with the pro rata shares to be determined by the O.L.D. Finance Department and Auxiliary Services Director.

**RESOLVED**, The Southeast Louisiana Flood Protection Authority-East authorizes the procurement of excess property (wind/fire) insurance coverage for Orleans Levee District repaired properties from Ironshore Insurance Ltd, through the Eagan Insurance Agency, at a total annual premium of \$205,000, for a period of one year commencing April 15, 2007, and authorizes the Orleans Levee District Director of Hurricane and Flood Protection to execute any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION #04-19-07-010 - EAST JEFFERSON LEVEE DISTRICT MILLAGE**

Ms. Fran Campbell, E.J.L.D. Executive Director, advised this is a renewal of the same millage rate as the previous year. Mr. Robert Lacour, E.J.L.D. Counsel, explained how the millage rate is calculated.

On the motion of Mr. McKee,  
Seconded by Mr. Barry, the following resolution was offered:

“A resolution that the following millage is hereby levied on the 2007 tax roll on all property subject to taxation by the East Jefferson Levee District; and

**WHEREAS**, the millage rate for the East Jefferson Levee District will be 4.01 mills; and

**BE IT FURTHER RESOLVED**, that the proper administrative officials of the Parish of Jefferson, State of Louisiana, be and they are hereby empowered, authorized, and directed to spread said taxes, as hereinabove set forth, upon the assessment roll of said Parish for the year 2007, and to make the collection of taxes imposed for and on behalf of the taxing authority, according to law, and

that the taxes here levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and collection thereof shall be enforceable in the manner provided by law.”

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Doody

#### **RESOLUTION #04-19-07-011 – EAST JEFFERSON LEVEE DISTRICT ROOF**

Ms. Campbell explained three bids were received. The second lowest bidder was selected since the lowest bidder did not supply a license to operate in the State of Louisiana or insurance. When quotes were solicited, the bidders were not told a 50% bond would be required; therefore, the bond would be an additional cost and negotiated.

On the motion of Mr. Barry,  
Seconded by Mr. Losonsky, the following resolution was offered:

“A resolution for SLFPA-E to authorize the East Jefferson Levee District Executive Director to sign a contract to replace the roof at 203 Plauche Court, at a cost not to exceed \$30,000.00, and

**WHEREAS**, the East Jefferson Levee District requested bids with the requirement to show proof of license and insurance; and

**WHEREAS**, the East Jefferson Levee District has received three bids, however the lowest bidder did not supply the East Jefferson Levee District with license or insurance information,

**THEREFORE, BE IT RESOLVED**, that Southeast Louisiana Flood Protection Authority – East authorizes the East Jefferson District Executive Director to sign a contract with Cummins Construction, Inc., the second lowest bidder, to replace the roof at 203 Plauche Court, at a cost not to exceed \$30,000.00 in addition to providing a performance bond for 50% of the contract amount.”

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Doody

#### **RESOLUTION #04-19-07-012 – EAST JEFFERSON LEVEE DISTRICT HEALTH CARE PROVIDER INSURANCE**

Ms. Campbell advised due to the increased premium quoted by the prior provider, the E.J.L.D.’s agent shopped the market and found better coverage by Humana for a lesser amount.

On the motion of Mr. Barry,  
Seconded by Mr. Losonsky, the following resolution was offered:

“A resolution authorizing Humana Louisiana PPO as East Jefferson Levee District’s healthcare provider commencing May 1, 2007;

**THEREFORE, BE IT RESOLVED**, that the Southeast Louisiana Flood Protection Authority – East authorizes the East Jefferson Levee District to adopt Humana Louisiana PPO as its healthcare provider effective May 1, 2007.”

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,

Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION #04-19-07-013 – EAST JEFFERSON LEVEE DISTRICT - DONATION OF A PORTION OF PARCEL 7 –GABRIEL SUBDIVISION**

President Jackson advised this is an effort to regain property to be able to reroute levee toe drain lines and gain access to the levee west of Pump Station No. 4.

On the motion of Mr. Losonsky,  
Seconded by Mr. Barry, the following resolution was offered:

“A resolution authorizing the President, Thomas L. Jackson to accept in the name of the East Jefferson Levee District, a donation of a portion of Parcel B-1, Gabriel Properties from Gabriel, containing 1,275 sq. ft.

**WHEREAS**, the East Jefferson Levee District has an access road to its lakefront levee that appears to encroach on the property of Gabriel; and

**WHEREAS**, Gabriel is willing to donate a portion of Parcel B-1, Gabriel Properties so that the East Jefferson Levee District may have access to its levee; and

**WHEREAS**, the East Jefferson Levee District is willing to accept the donation of the portion of Parcel B-1, Gabriel Properties;

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Southeast Louisiana Flood Protection Authority – East authorizes its President, Thomas L. Jackson, to enter into an Act of Donation with Gabriel, whereby Gabriel donates to the East Jefferson Levee District a portion of Parcel B-1, Gabriel Properties in the northern part of Kenner containing 1,275 sq. ft.

**BE IT FURTHER RESOLVED**, That the Board of Commissioners authorizes its President to approve and accept the title to the portion of Parcel B-1, Gabriel Properties and to execute and carry out the Act of Donation and sign any other ancillary documents necessary to accomplish this resolution.

**BE IT FURTHER RESOLVED**, That the East Jefferson Levee District obtain a title insurance policy on the land at a cost not to exceed \$500.00”

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION #04-19-07-014 – EAST JEFFERSON LEVEE DISTRICT - SIXTH WAIVER OF PRESCRIPTION WITH GABRIEL**

Mr. Robert Lacour explained the circumstances and issues involving this matter. Rather than litigate certain rights, the parties would enter into Waivers of Prescription.

On the motion of Mr. Goins,  
Seconded by Mr. Barry, the following resolution was offered:

“A resolution to enter into a 6th Waiver of Prescription with Gabriel.



**WHEREAS**, the parties previously have entered into a Waiver of Prescription (the “First Waiver”), which was effective as of June 18, 2002, as well as a Second Waiver and Third Waiver and Fourth Waiver of Prescription and are willing to enter into this Sixth Waiver of Prescription, extending the First Waiver for an additional year in order to preserve the respective rights of the Board and the Succession of Marie Krantz, each party preserving its right to assert positions as they existed or may have existed if suit had been filed as of the date of the First Waiver;

**NOW THEREFORE, BE IT RESOLVED**, the Southeast Louisiana Flood Protection Authority – East authorizes its president, to enter into the Sixth Waiver of Prescription for the reasons set forth herein above.”

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION #04-19-07-015 -  
CORPS STUDIES AND ANALYSES FOR EAST JEFFERSON LEVEE  
DISTRICT LAKE PONT. LEVEE/17<sup>TH</sup> STREET CANAL/ WEST RETURN**

President Jackson explained after materials are received from the USACE from this initial request for the East Jefferson Levee District, a determination can be made as to what should be requested for the Orleans and Lake Borgne Basin Levee Districts.

On the motion of Mr. Barry,  
Seconded by Mr. McKee, the following resolution was offered:

“Resolution requesting the Corps to supply SLFPA-E with all post-Katrina studies and analyses that they have conducted on the Hurricane Protection System of the East Jefferson Levee District including the 17<sup>th</sup> Street Canal, the West Return Levee Floodwall and the Lake Pontchartrain Levee.”

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION #04-19-07-016 - EAST JEFFERSON LEVEE DISTRICT, JEFFERSON  
PARISH DRAINAGE DISTRICT AND THE CORPS - COOPERATIVE AGREEMENT  
FOR RESTORATION AND REHABILITATION LAKE PONTCHARTRAIN**

Ms. Campbell explained in December, 2006, a Project Information Report (PIR) was received from the USACE covering the Third Supplemental Appropriation. The authorized, funded work in Jefferson, St. Bernard, St. Charles and Orleans Parishes totaled \$2.4 billion. The PIR Executive Summary states the work in East Jefferson takes \$328 million and the money allocated to the project for all four parishes is \$288 million. The USACE subsequently indicated the total of East Jefferson’s rehabilitation work was \$38 million. A USACE representative had indicated \$288 million was left to cover these parishes after the money was divided up. A Cooperative Agreement is recommended to cover only the projects for which the USACE has money. She suggested, especially with the shortage of funding, that the SFLPA-E become involved with the USACE in prioritizing projects.

Mr. Brett Herr, representing the USACE, pointed out the amount of money in the Third Supplemental Appropriation is not adequate to cover the work; however, most of that work was floodwall replacement, which is included in the Fourth Supplemental work and will be at 100 percent federal funding.

On the motion of Mr. Losonsky,

Seconded by Mr. Goins, the following resolution was offered:

“A resolution for East Jefferson Levee District, Jefferson Parish Drainage District and the Corps to enter into a Cooperative Agreement for rehabilitation and restoration of the Lake Pontchartrain and Vicinity to provide the level of protection for which the project was designed.”

**NOW THEREFORE, BE IT RESOLVED**, the Southeast Louisiana Flood Protection Authority – East authorizes its President to sign the above mentioned Cooperative Agreement on behalf of the East Jefferson Levee District.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Doody

#### **RESOLUTION #04-19-07-017 - RELOCATION OF GABRIEL PIPE**

On the motion of Mr. Barry,

Seconded by Mr. Losonsky, the following resolution was offered:

“A resolution to request the services of the DOTD District 02 Office to provide engineering design and project management services to the East Jefferson Levee District to relocate the landside runoff control pipe on the Gabriel property; and

**WHEREAS**, the landside control project runs through private property and must be relocated;

**WHEREAS**, the Landside Runoff Control Project was constructed to divert water runoff from the East Jefferson lakefront levees and is an important component of the Lake Pontchartrain Hurricane Protection System;

**THEREFORE, BE IT RESOLVED**; that the Southeast Louisiana Flood Protection Authority – East requests, on behalf of the East Jefferson Levee District, the services of the Department of Transportation and Development District 02 Office to provide engineering design and management for the construction project to relocate the landside runoff control drainage pipe currently going through private property owned by Gabriel Properties, LLC and the Succession of Marie G. Krantz.”

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Doody

#### **RESOLUTION #04-19-07-018 – ADVERTISE ARCHITECT-ENGINEER QUALIFICATIONS**

On the motion of Mr. Barry,

Seconded by Mr. Losonsky, the following resolution was offered:

“A resolution authorizing the East Jefferson Levee District to advertise for Architect-Engineer qualifications for the design of the replacement of the riprap lost along the Jefferson Parish Lake Pontchartrain shoreline, to be reimbursed by FEMA.

**WHEREAS**, the East Jefferson Levee District has received approval from FEMA to proceed with the preliminary engineering analysis and design of the Jefferson Parish Lake Pontchartrain shoreline project; and

**WHEREAS**, the authority will select the Architect -Engineer firm based on professional qualifications as required by the Brooks A-E Act (40 U.S.C. 1101 – 1104) and Part 36 of the Federal Acquisition Regulation (FAR);

**THEREFORE BE IT RESOLVED**, that the SLFPA-E authorizes the East Jefferson Levee District to advertise for Architect-Engineer qualifications for the design of the replacement of the riprap lost along the Jefferson Parish Lake Pontchartrain shoreline to be reimbursed by FEMA.”

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

**04-19-07-019** – Discuss entering into a cooperative endeavor agreement with Jefferson Parish regarding the batture property in Jefferson.

Item deferred.

**RESOLUTION #04-19-07-020 -  
SLFPA-E ESTABLISHING STRATEGIC PLANNING COMMITTEE**

Ms. St. Vincent felt that the Board should have a mechanism by which it and the public can measure its goals and accomplishments. The Board concurred that the committee should be redefined as the Strategic Planning Committee.

President Jackson appointed Ms. St. Vincent as the Chair of the Strategic Planning Committee and Mr. Pineda as a Committee member.

On the motion of Mr. Barry,  
Seconded by Mr. Goins, the following resolution was offered:

“A resolution to create a Strategic Planning Committee for the Board of Commissioners of SLFPA-E to focus on building a shared vision, gaining alignment, and creating both short and long term goals with measurable results.”

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) was established via Act 1 with general goals and a broad focus; and

**WHEREAS**, a Strategic Planning Committee should be formed to focus on building a shared vision of the future of the SLFPA-E, to gain alignment among the Board members, and to set and document short and long term goals with measurable results. The status of such strategic plan shall be reported to the Board at intervals to be determined by the Board;

**THEREFORE, BE IT RESOLVED**, That the SLFPA-E create a Strategic Planning Committee to focus on building a shared vision of the future of the SLFPA-E, to gain alignment among the members, and to set and document short and long term goals with measurable results. Status of the strategic plan shall be reported to the Board at intervals to be determined by the Board.”

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

**RESOLUTION #04-19-07- 021 -  
INTERIM AND PERMANENT FLOOD PROTECTION MEASURES**

President Jackson explained that he, Mr. Doody, Mr. Spencer and others have spent several days meeting with the USACE regarding the IHNC. During the first two

days of meetings the need became apparent and the push was made for interim measures. The USACE agreed to convene a group of engineers and scientists, and several days were spent in meetings, which resulted in some 36 possible interim measures. He pointed out the timeline for the environmental process is one and a half years. One of the recommendations made to the USACE was that once the environmental process comes to a point where alternatives can be selected, that some preliminary work commence. The USACE is beginning to list those things that could be done on an accelerated basis. President Jackson hoped this resolution would communicate the urgency of this effort.

The Board discussed the status of funding.

On the motion of Mr. McKee,  
Seconded by Mr. Goins, the following resolution was offered:

Resolution Urging Interim and Permanent Flood Protection Measures on the Inner Harbor Navigational Canal, Closure of Gulf Intracoastal Waterway and Re-Urging Closure of the Mississippi River Gulf Outlet and to provide for related matters.

**WHEREAS**, failure of the levees along the Inner Harbor Navigational Canal (“IHNC” a/k/a “the Industrial Canal”) presents the greatest risk of loss of life and property damage under the jurisdiction of the Southeast Louisiana Flood Protection Authority – East because such failure would result in flooding on most of the east bank of the City of New Orleans, most of St. Bernard Parish and portions of the East Bank of Jefferson Parish; and

**WHEREAS**, the United States Corps of Engineers (“USCOE”) in its ongoing environmental studies has determined that the best permanent remedy for this risk is the closure of the IHNC to hurricane tidal surges which could be accomplished by the installation of a navigation gate across the Gulf Intracoastal Waterway (“GIWW”) with closure of the Mississippi River Gulf Outlet (“MRGO”) east of the Michoud Canal and a navigable gate across the IHNC at Seabrook; and

**WHEREAS**, de-authorization of the MRGO as a navigation channel, which is still under study by the USCOE, is necessary before the design and construction of these permanent remedies can begin; and

**WHEREAS**, the USCOE has estimated that these permanent measures will be accomplished no sooner than the 2011 hurricane season and the estimates of the USCOE regarding the completion date of flood protection projects in Southern Louisiana have often been overly optimistic, thus this tremendous risk to life and property will remain for four (4) or more Hurricane seasons; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority - East has been informally advised that there are insufficient funds appropriated at this time for the construction of these permanent measures, thus construction of these permanent measures will most likely be later than 2011, if ever; and

**WHEREAS**, interim measures must be immediately implemented to reduce the intolerable risk to life, property and the rebuilding of the New Orleans area under the present situation; and

**WHEREAS**, all alternatives suggested by the convened study team must be investigated for immediate implementation including replacement of all of the “I” wall levees along the Industrial Canal so as to lessen the tremendous risk of loss of life and property damage and is the minimum flood protection measure acceptable at this time; and

**WHEREAS**, it is absolutely necessary that some interim measures immediately be undertaken to reduce this risk.

**NOW THEREFORE**, be it resolved by the Southeast Louisiana Flood Protection Authority – East, acting as the Board of Commissioners for the Orleans Levee District, the Lake Borgne Levee District and the East Jefferson Levee District that:

**Section 1.** The United States Corps of Engineers (“USCOE”) is hereby strongly urged to quickly complete its study of de-authorizing the Mississippi River Gulf Outlet (“MRGO”) as a navigable channel and the United States Congress is hereby strongly urged to quickly act to de-authorize the MRGO as a navigation channel so that this channel can be closed to hurricane tidal surges as quickly and cheaply as possible;

**Section 2.** The USCOE be authorized to begin as soon as possible the design of a permanent gate across the Inner Harbor Navigational Canal at Seabrook and closures of Mississippi River Gulf Outlet and Gulf Intracoastal Waterway and that the United States Congress is strongly urged to appropriate all necessary funding for the design and construction of those urgently needed flood protection projects;

**Section 3.** The United States Environmental Protection Agency is hereby strongly urged to grant approval for acceleration of the environmental process required to begin construction of these vital flood control measures;

**Section 4.** The USCOE is hereby strongly urged to immediately begin to construct any and all interim measures necessary to reduce the risk of flooding that would result from the failure of the levees along the Inner Harbor Navigational Canal (“IHNC”), and that, at a minimum, all of the “I” wall levees be rehabilitated and reinforced with higher levees or “T” walls along the IHNC and the Gulf Intracoastal Waterway to lessen the tremendous risk of loss of life and property damage that exists at this time;

**Section 5.** The Southeast Louisiana Flood Protection Authority – East shall distribute this resolution to the President of the United States, the Governor of the State of Louisiana, the United States Corps of Engineers, the United States Environmental Protection Agency, the Louisiana Delegation to the United States Congress, as well as the Orleans Parish, St. Bernard Parish and Jefferson Parish Delegations to the Louisiana Legislature, the elected Parish Officials of the Parishes of Orleans, Jefferson and St. Bernard and the Secretary of the Louisiana Department of Transportation and Development and the Secretary of the Louisiana Department of Natural Resources and any other appropriate officials and entities.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

#### **RESOLUTION -04-19-07-022 –**

#### **L.B.B.L.D. – LITIGATION OVER ASSESSMENT AND AD VALOREM TAXATION**

Mr. Robert Turner, Lake Borgne Basin Levee District (L.B.B.L.D.) Executive Director, explained this matter concerned tax payments made under protest.

On the motion of Mr. Barry,  
Seconded by Mr. Losonsky, the following resolution was offered:

**WHEREAS**, there is on-going litigation over the assessment and ad valorem taxation of certain pipeline property located in St. Bernard Parish and the Assessor and Sheriff have been named as defendants in the following suits and/or proceedings:

*Southern Natural Gas Co. v. Louisiana Tax Commission, et al.*  
Suit No. 528,556, 19<sup>th</sup> Judicial District Court

*Southern Natural Gas Co. v. Louisiana Tax Commission, et al.*  
Suit No. 539,827, 19<sup>th</sup> Judicial District Court

*Southern Natural Gas Co. v. Louisiana Tax Commission, et al.*  
Suit No. 551,245, 19<sup>th</sup> Judicial District Court

*Tennessee Gas Pipeline Co. v. Louisiana Tax Commission, et al.*  
Suit No. 528,554, 19<sup>th</sup> Judicial District Court

*Tennessee Gas Pipeline Co. v. Louisiana Tax Commission, et al.*  
Suit No. 539,828, 19<sup>th</sup> Judicial District Court

*Tennessee Gas Pipeline Co. v. Louisiana Tax Commission, et al.*  
Suit No. 551,247, 19<sup>th</sup> Judicial District Court

**WHEREAS**, as this litigation proceeds it has become necessary for the Assessor to defend the assessments in legal proceedings;

**WHEREAS**, such a defense will necessitate the Assessor and Sheriff contracting with legal counsel;

**WHEREAS**, in an effort to limit the costs of such legal counsel, which cost is ordinarily borne proportionately by the ad valorem taxing bodies in this Parish, the Assessor intends on engaging legal counsel on a contingency fee basis, with any fees coming only from any additional taxes collected as a result of the new assessments of the above referenced tax payers; and

**WHEREAS**, the Lake Borgne Basin Levee District will benefit from the collection of any additional ad valorem taxes collected with the assistance of the legal counsel contracted by the Assessor.

**NOW THEREFORE BE IT RESOLVED** by the Southeast Louisiana Flood Control Authority - East in a duly called open meeting does hereby authorize the Assessor and Sheriff to engage BRIAN A. EDDINGTON, Attorney at Law as legal counsel for its benefit in the above referenced proceedings on a contingency fee basis, not to exceed 10% of the additional taxes, interest and penalties collected for its benefit pursuant to the decision of the Louisiana Tax Commission in the above referenced proceedings or by Judgment of a reviewing Court and does hereby obligate and encumber an amount not to exceed 10% of the additional taxes (including taxes paid under protest), interest and penalties collected for its benefit for the payment of said legal fees.

**BE IT FURTHER RESOLVED** by the Southeast Louisiana Flood Control Authority - East that the Assessor and the Sheriff be and are hereby authorized to pay said legal fees to the legal counsel contracted by the Assessor to provide legal services in the above referenced matters prior to or contemporaneously with the disbursement of any additional taxes, interest and penalties to it.

The foregoing was submitted to a vote, the vote thereon was as follows:  
YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

**23. a.** Motion calling for public comments and Board discussion regarding Adoption of Ordinance levying and imposing millage rates and assessments for tax year 2007 on all the property subject to taxation in the Lake Borgne Basin Levee District.

Mr. Barry offered a motion to open the public hearing on Item No. 23, which was seconded by Mr. Goins, and unanimously adopted.

President Jackson called for public comment for or against the motion.

There was no public comment. The public hearing was then closed.

Ordinance No. 1-2007 was publicly read into the record. Mr. Turner gave background information on the millage rates.

A roll call vote was conducted by the Secretary.

The following ordinance was offered by Mr. Barry and seconded by Mr. Goins:

**ORDINANCE NO. 1 -2007**

**AN ORDINANCE LEVYING AND IMPOSING MILLAGE RATES AND ASSESSMENTS FOR TAX YEAR 2007 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE LAKE BORGNE BASIN LEVEE DISTRICT**

WHEREAS, it is necessary for the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the governing authority of the Lake Borgne Basin Levee District, Louisiana (the "District"), to levy taxes and assessments for the year 2007;

BE IT ORDAINED by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the governing authority of said District, that:

SECTION 1. Operation and Maintenance Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following millages for special taxes are hereby levied, assessed and imposed on all the property in the Lake Borgne Basin Levee District, Louisiana (the "District"), for the year 2007, for the respective purposes described below:

2007 Millage Rate	Election Date	Years Authorized	Purpose
3.83	N/A	N/A	Constitutional Tax (La. Const. Article VI, Section 39)
4.27	Oct. 23, 1999	2001-2010	Constructing and maintaining necessary levees, levee drainage, flood protection, and hurricane flood protection and all other purposes incidental thereto.
3.00	Nov. 15, 2003	2005-2014	Constructing and maintaining necessary levees, levee drainage, flood protection, and hurricane flood protection and all other purposes incidental thereto.

SECTION 2. Local or Forced Contribution. Under the authority of Part II and Sub-Part B of Part VI, Chapter 4, Title 38 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, a local of forced contribution of Fifty-Two and 80/100 Dollars (\$52.80) per mile of railroad lines within the District is hereby levied and assessed for the year 2007, for the purpose of constructing and maintaining levees, levee drainage, and for all other purposes incidental thereto.

SECTION 3. Taxes for Payment of General Obligation Bonds. Under the authority of the Constitution and Laws of the State of Louisiana, including, without limitation, Section 551.9 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, a special tax of two and seventy-five hundredths (2.75) mills is hereby levied, assessed and imposed on all the property in the District for the payment of principal and interest of the District's outstanding General Obligation Refunding Bonds, Series 2003.

SECTION 4. Collection of Taxes. The proper administrative officials of the Parish of St. Bernard, State of Louisiana, are hereby empowered, authorized and directed to spread said taxes and assessment, as set forth above, upon the assessment roll of said Parish for the year 2007, and to make the collection of the taxes and assessment imposed for and on behalf of the District according to law, and the taxes and assessment herein levied shall become a permanent lien and privilege on all the property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

Specifically, the Assessor of the Parish of St. Bernard shall extend said taxes and assessment on said assessment roll as required by law, and the Sheriff and ex officio tax collector of the Parish of St. Bernard shall collect said taxes and assessment in the same manner as state taxes are collected and shall settle therefor with the State Treasurer, as provided by Section 404 of Title 38 of the Louisiana Revised Statutes of 1950, as amended;

provided, however the proceeds of the tax levied by Section 3 of this ordinance shall be remitted to the District pursuant to the authority of Section 551.9 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

SECTION 5. Publication. Certified copies of this ordinance shall be forwarded to the St. Bernard Parish Assessor and to the St. Bernard Parish Sheriff and ex officio tax collector as complete authority to levy and collect the taxes and assessment herein provided. This ordinance shall be published one time in the official journal of District in the manner provided by law.

SECTION 6. Effective Date. This ordinance shall become effective immediately.

The foregoing ordinance was read in full; the roll was called on the adoption thereof, and the vote thereupon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky, Mr. McKee, Mr. Pineda,  
Mr. Wittie and Mr. Jackson  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody  
ABSTENTIONS: None

**RESOLUTION #04-19-07-024 -  
L.B.B.L.D. – DEPARTMENT OF NATURAL RESOURCES TEMPORARY EASEMENT**

Mr. Turner explained this particular piece of land owned by the L.B.B.L.D. is accessible only by boat. The Department of Natural Resources (DNR) would like to place a monitoring station at that location.

A DNR representative explained the monitoring that would take place and Mr. Turner recommended approval of this matter.

On the motion of Mr. Barry,  
Seconded by Mr. Goins, the following resolution was offered:

“A Resolution granting, on behalf of the Lake Borgne Basin Levee District, the Department of Natural Resources Temporary Easement, Servitude and Right-of-Way Easement for Monitoring and Access in order to place a Coastal Restoration Monitoring site on property assessed to the Lake Borgne Basin Levee District in Township 14 South-Range East in Section 22 in the South ½ of the North East ¼ and also authorizing Robert Turner, Jr. to execute same.”

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

26. A resolution adopting a competitive selection process for professional services.

Item deferred.

27 A resolution adopting by-laws for the operations of the SLFPA-E and its member districts.

Item deferred

**RESOLUTION #04-19-07-027 -  
TO AUTHORIZE LETTER TO DNR AND DOTD REQUESTING SERVICES  
PROVIDED BY LOUISIANA HOMETOWN PRODUCTIONS, INC.**

On the motion of Mr. Barry,  
Seconded by Mr. Losonsky, the following resolution was offered:

**WHEREAS**, the Coastal Restoration and Preservation Authority (‘CPRA’), has oversight over the Southeast Louisiana Flood Protection Authority-East, and of



which the Dept. of Natural Resources and the Dept. of Transportation and Development are an integral part of;

**WHEREAS**, the jurisdiction and responsibilities of the SLFPA-East is of direct concern to those agencies as well as to the public in furtherance of the discussion and advocacy of improved flood protection and coastal restoration to the Greater New Orleans metropolitan region;

**WHEREAS**, Louisiana Hometown Productions, Inc. has provided a service to both to the Southeast Louisiana Flood Protection Authority-East and to the general public by videotaping issues involving flood protection and coastal restoration at its Board meetings, and distributing this information to television stations and broadcasts on cable TV systems in the state; and

**WHEREAS**, the SLFPA-E would like to continue this practice, but has limited funding which must finance the many expenses incurred in accomplishing the mission of the Authority.

**RESOLVED**, That the Southeast Louisiana Flood Protection Authority-East authorizes its President to request the Louisiana Department of Natural Resources and the Department of Transportation and Development by letter to assist SLFPA-East in continuing this valuable communication service to the public.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Barry, Mr. Goins, Mr. Losonsky,  
Mr. McKee, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barnes and Mr. Doody

There was no further business, therefore, the meeting was adjourned at 6:20 p.m.