

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, SEPTEMBER 20, 2007**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, September 20, 2007, in the Second Floor Council Chambers of the Joseph Yenni Building, 1221 Elmwood Park Boulevard, Harahan, Louisiana, after due legal notice of the meeting was sent to each member and the news media and posted.

Mr. Doody called the meeting to order at 9:35 a.m., and led the Board in the pledge of allegiance.

The roll was called and a quorum of the Board was present.

Present:

Timothy P. Doody, President
Abril B. Sutherland, Vice President
George Losonsky, Ph.D., Treasurer
David P. Barnes, Jr.
Stradford A. Goins
Thomas L. Jackson
Larry A. McKee
Ricardo S. Pineda
Sara Lee St. Vincent
Louis E. Wittie

Absent:

John M. Barry, Secretary

OPENING COMMENTS:

Mr. Doody informed the Board that two meetings ago it requested an opinion be sought from the Louisiana Attorney General on per diem payments for meetings. An opinion was received from the Attorney General on September 17, 2007, which advised the Authority's per diem payments were in accordance with the law.

Mr. Doody requested updates on the weather system which was at that time located south of Florida and preparations being made by the levee districts.

Mr. Barnes explained the possible scenarios for the weather system, which was located off the coast of Florida approximately 700 miles from New Orleans, and conditions that could be anticipated.

Ms. Fran Campbell, Interim Regional Director, reported non-essential floodgates were being closed and the Bayou Bienvenue and Bayou Dupre structure gates were closed, with Bayou Bienvenue being opened only to allow boats in that were outside the

structure. The situation would be monitored and employees were on alert for possible duty over the weekend. All USACE contractors had emergency plans. Contractors were contacted during the past couple of days to assure equipment would be moved to the protected side of flood protection and materials were pre-placed to close gaps.

RESOLUTION #09-20-07-01 – ADOPTION OF AGENDA

The following amendments were offered to the agenda: Defer Item XII.A.3 to approve an Emergency Overtime Compensation Policy. Add items for the USACE to address the Board relative to the London Avenue Canal Load Test; XII.A.7 to authorize attendance at the 72nd Annual Meeting of the Mississippi Valley Flood Control Association; XII.A.8 to authorize reimbursement for travel to Washington, D.C.; XII.B.4 to authorize approval of a right-of-entry on the 17th Street Canal for clearing trees; and IX.E. to authorize approval of the Funded Space Act Agreement between the Orleans Levee District (O.L.D.) and NASA George C. Marshall Space Flight Center for the O.L.D. Betterment of the MAF South Levee.

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

“A resolution to adopt the agenda, as amended, for the Board Meeting of September 20, 2007.”

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

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

RESOLUTION #09-20-07-02 – APPROVAL OF MINUTES

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

“A resolution to approve the minutes of the Board Meetings of May 17, 2007 and August 16, 2007.”

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

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

PUBLIC COMMENTS: Mr. Doody advised at that time he had no cards for comment; however, public comment would be allowed as topics were discussed by the Board.

PRESENTATIONS: None.

COMMITTEE REPORTS:

Finance Committee: Mr. Losonsky reported on the items discussed by the Finance Committee at its September 13th meeting, which included a revisit of the parameters for single signature checks, O.L.D. employment and retention issues, a lengthy discussion of the Emergency Overtime Compensation Policy which is still under debate, ad valorem tax collection for which data is still being collected, Capital Outlay funding requests, operational audits and equipment purchases. The October meeting of the Finance Committee will be moved up in order to discuss ad valorem tax issues. Mr. Doody added, the Authority is working on a funding source for an operational audit for all three levee districts.

Operations Committee: Mr. McKee reported all three levee districts were represented at the Committee's September 12th meeting, along with three LA Department of Transportation and Development (LA DOTD) staff members and four U.S. Army Corps of Engineers' (USACE) representatives. The Committee, with the concurrence of the President, expanded its membership to include participation by the USACE, LA DOTD and the West Authority. Mr. Jerry Colletti is the USACE's appointed representative, LA DOTD has been requested to appoint a representative, and an invitation has been extended to the West Authority. This expanded membership should assure operational policies conform with each entity's regulations. Each levee district provided its monthly status report on activities including construction projects. Additional considerations for the proposed cooperative endeavor agreement (CEA) included the Authority's involvement at the project conceptual stage, a policy to identify projects for peer review, and final acceptance of projects which should include input by the levee districts on maintenance. A dialog was opened on "design-build-maintain" projects, where a contractor would be responsible to maintain a project for a period of time before it is turned over to a levee district.

Mr. Pineda reminded the Authority the levee districts' emergency operations manuals needed to be moving towards the National Incident Management System (NIMS) structure. He also commented on the turn over of projects by the USACE and the need to look at each project and assure completed USACE Operations and Maintenance (O&M) Manuals are received.

Mr. Brett Herr, USACE Project Manager, explained the USACE's Operations Division prepares project specific O&M manuals which apply to structural features, such as floodgates and floodwalls; however, there is a generic O&M manual for levees, which is currently being reviewed and changes made as a result of Hurricane Katrina.

Legal Committee: Ms. Sutherland advised Legal Committee meetings have been rescheduled from the first Friday to the first Thursday of the month. Notable issues discussed at the Committee's September 6th meeting and recommended for approval were mutual aid agreements between the three levee districts and their respective parishes, a mutual aid agreement between the East and West Authorities, and the consent to assign a mineral lease by Parke Energy to Aspect Energy.

Special Issues Committee: Mr. Goins advised a formal Committee meeting was not held; however, he and Mr. Jackson have been attending the USACE HPO's (Hurricane Protection Office) bi-weekly huddle meetings, which has resulted in the USACE's agreement to provide information on LaCPR and SELA projects, and East Jefferson projects not included under the HPO, so that the Authority will have a comprehensive list and information on all on-going projects under its jurisdiction. Also, Mr. Goins and Mr. Barnes visited the London Avenue Canal Load Test site.

RESOLUTION #09-20-07-03 – FUNDED SPACE ACT AGREEMENT

Mr. McKee explained NASA is concerned about possible additional flooding of the Michoud Facility prior to the completion of the 100 year protection system, which is projected to be completed in three to four years, and sought a method of increasing the existing level of protection by raising it approximately two feet. The MAF South Levee is approximately 8,200 feet in length and this additional protection is estimated to cost in the neighborhood of \$12 million. Restrictions on interagency transfer of funds prevents NASA from funding the project directly through the USACE; therefore, NASA has requested that SLFPA-E be the conduit. SLFPA-E would receive \$12 million from NASA and in turn would contract with the USACE to build this levee protection. The possibility exists that if this additional protection is not accomplished, future contracts coming from NASA to Michoud could be terminated, which would mean a loss of local employment. Mr. McKee felt this was a good opportunity for SLFPA-E to take action so that this work can be done quickly. Construction is anticipated to begin in November, 2007. The agreement, which has a term of two years, has been under review by Ms. Denise Fitzgerald, Assistant Attorney General, and must still be finalized.

Mr. Doody added, the USACE has done all of the design work on this project and will probably use its hired labor to do the project. Basically, without SLFPA-E's involvement, the work could not be done and the region could be in jeopardy of losing some 4,500 jobs; therefore, this agreement was worked out. He saw nothing but up-side potential with this agreement. The agreement will include a provision that no additional funding will be sought from either the O.L.D. or SLFPA-E; the figure of \$12 million was used to accommodate almost any USACE contingency.

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

“A resolution to authorize the President of the Authority to enter into the Funded Space Act Agreement between the Orleans Levee District and NASA George C. Marshall Space Flight Center for Orleans Levee District Betterment of the MAF South Levee.”

WHEREAS, the NASA George C. Marshall Space Flight Center (NASA MSFC) and the Orleans Levee District (O.L.D.) wish to provide for the betterment of the NASA MSFC Michoud Assembly Facility (MAF) South Levee in order to provide an increased level of protection for hurricane induced high-water and flooding; and

WHEREAS, the New Orleans District of the U.S. Army Corps of Engineers (Corps) has substantially completed an engineering design that can be utilized by the District to effect the aforementioned betterment; and

WHEREAS, the parties have estimated that the total cost of the betterment work to be performed by the USACE, involving applicable relocation, construction, contingency and supervision and construction, will not exceed \$12 million; and

WHEREAS, through the efforts of the President of the Southeast Louisiana Flood Protection Authority and representatives of NASA MSFC a method was devised to expedite and accomplish this increased level of flood protection through the execution of an agreement between NASA MSFC and the O.L.D. for the transfer of funds to the O.L.D., which will, in turn, be used to engage the USACE to perform the betterment work; and

WHEREAS, the O.L.D. will not incur any costs as a result of requesting the USACE to perform the betterment work.

BE IT RESOLVED, that the President of the Southeast Louisiana Flood Protection Authority, acting on behalf of the Orleans Levee District, is hereby authorized to execute the Funded Space Act Agreement between the Orleans Levee District and NASA George C. Marshall Space Flight Center for Orleans Levee District Betterment of the MAF South Levee.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry

RESOLUTION #09-20-07-04 - SLFPA-E SINGLE SIGNATURE CHECKS

Mr. Losonsky pointed out this is a revisiting of a motion from last month's meeting and explained the need for this measure due to the levee districts' staff shortage. As a result of the discussion at last month's meeting, Assistant District Attorney Denise Fitzgerald reviewed the issue and could not find a problem with its legality. Mr. Doody added, he contacted the Legislative Auditor's Office and the auditor who audited the Authority and neither had any opposition to single signature authority for amounts up to \$500.

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

WHEREAS, by Resolution #03-15-07-004, Resolutions Nos. 01-26-07-014 and 03-07-07-009 were amended and restated to provide for an operating checking account in the name of the Southeast Louisiana Flood Protection Authority – East ("SLFPA-East") at Capital One Bank for which two authorized signatures shall be required for checks or other documents for withdrawal of funds from that account, with the four officers of the SLFPA-East as the authorized signatories for that account, and

WHEREAS, Resolution #07-19-07-012 further granted the Regional Director of the SLFPA-E signatory powers on all SLFPA-E bank accounts containing funds of the SLFPA-East.

BE IT HEREBY RESOLVED, That checks or other documents for the withdrawal of funds under \$500.00 from the above account shall require one signature by one of the five above authorized signatories.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry

RESOLUTION #09-20-07-05 - O.L.D., EJLD AND LBBLD -- AUTHORIZATION FOR SINGLE SIGNATURE CHECKS AND ADDITIONAL SIGNATORY

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

WHEREAS, in order to promote efficiency and expedite the business of the Orleans Levee District (O.L.D.), East Jefferson Levee District (EJLD) and Lake Borgne Basin Levee District (LBBLD), it is the intention of the Southeast Louisiana Flood Protection Authority-East to establish a policy that checks or other documents for withdrawal of funds under \$500.00 shall only require one signature, and

WHEREAS, under certain circumstances or in the event of an emergency, those individuals authorized as signatories for the aforesaid levee districts may be unavailable, and an additional signatory may be required in order to conduct the banking business of the district.

BE IT HEREBY RESOLVED, That the SLFPA-E Regional Director is granted signatory powers on O.L.D., EJLD and LBBLD bank accounts.

BE IT FURTHER RESOLVED, That checks or other documents for the withdrawal of funds under \$500.00 shall only require one signature by one of the previously authorized signatories of the respective levee district or the SLFPA-E Regional Director.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry

RESOLUTION #09-20-07-06 – MUTUAL AID AGREEMENTS

Ms. Campbell, Interim Regional Director, explained this originated when Jefferson Parish requested a mutual aid agreement with the EJLD. Ms. Fitzgerald conferred with the parties and mutual aid agreements were developed for the three levee districts with their respective parishes.

Mr. Robert Turner, Lake Borgne Basin Levee District (LBBLD) Executive Director, informed the Board that a resolution was adopted this week by the St. Bernard Parish Council to authorize the Parish President to execute the mutual aid agreement.

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

“A resolution authorizing the Orleans Levee District, Lake Borgne Basin Levee District and East Jefferson Levee District to enter into Mutual Aid Agreements with their respective parishes.”

WHEREAS, each Parish and Levee District desires to furnish mutual aid to each other in the event of a disaster for which neither party might have sufficient equipment and personnel to cope; and

WHEREAS, when called upon in times of emergencies, each Parish and Levee District agree to respond to each other with available resources to assist the other in their flood abatement efforts; and

WHEREAS, each Parish and the Levee District agree that each will calculate the cost of the labor, equipment and materials provided to the other during a time of emergency. Reimbursement may be an “in-kind” return in services, labor, and cost of equipment and materials used, and/or full monetary reimbursement for services, labor, and cost of equipment and materials provided to the other; and

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the Orleans Levee District, Lake Borgne Basin Levee District and East Jefferson Levee District to enter into Mutual Aid Agreements with their respective parishes.

BE IT FURTHER RESOLVED, that the President of the SLFPA-E is authorized to execute any and all documents necessary to accomplish the above.

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

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

**RESOLUTION #09-20-07-07 –
SLFPA-EAST AND WEST MUTUAL AID AGREEMENT**

Ms. Campbell explained the mutual aid agreements brought before the Board today are general agreements that allow cooperation in the event of an emergency. EJLD Counsel Robert Lacour pointed out the agreements should be sent to the insurance carriers.

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

“A resolution authorizing the Southeast Louisiana Flood Protection Authority-East to enter into a Mutual Aid Agreement with the Southeast Louisiana Flood Protection-West related to emergency situations. “

WHEREAS, each Flood Protection Authority desires to furnish mutual aid to each other in the event of a disaster for which neither party might have sufficient equipment and personnel to cope; and

WHEREAS, when called upon in times of emergencies, each Flood Protection Authority agrees to respond to the other with available resources to assist the other in their flood abatement efforts; and

WHEREAS, each Flood Protection Authority agrees that each will calculate the cost of the labor, equipment and materials provided to the other during a time of emergency, and reimbursement may be made an “in-kind” return in services, labor, and cost of equipment and materials used, and/or full monetary reimbursement for services, labor, and cost of equipment and materials provided to the other.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East agrees to enter into a Mutual Aid Agreement with the SLFPA-West related to emergency situations.

BE IT FURTHER RESOLVED, that the President of the SLFPA-E is authorized to execute any and all documents necessary to accomplish the above.

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

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

Agenda Item 3. Motion to adopt an Emergency Overtime Compensation Policy for the Authority that will govern all levee districts within its jurisdiction.

Item deferred.

4. Discussion of Draft Strategic Plan for the SLFPA-E.

Mr. Pineda distributed copies of Draft 2 of the Strategic Plan and explained the plan was placed on today’s agenda only for discussion and still required a lot of work. Input was received on last month’s draft mission statement, guiding principals and goals. Mr. Pineda indicated at this meeting he hoped to consider and firm up a mission statement and for the Board to begin looking at goals and guiding principals. He commented on the future development of specific objectives.

The Board discussed the proposed mission statement and use of the term “highest level possible”, considering the limitations of funding and availability of resources.

Mr. Jackson commented the preparation of strategic plan is an extensive effort and suggested, in addition to a strategic planning committee, the Board consider the use of a facilitator who would guide the preparation of the plan. Mr. Doody further suggested strategic planning sessions with small groups of members. Participation by the SLFPA-E Regional Director, levee districts' executive directors, representatives of LA Dept. of Transportation and Development (LA DOTD) and Dept. of Natural Resources in the development of the plan, along with assistance from LSU group putting together the levee school, were recommended.

Mr. Doody requested Ms. Campbell take the appropriate actions as guided by Ms. St. Vincent and Mr. Pineda.

5. Discussion of non-federal sponsor responsibility for 100-year project.

Mr. Pineda, who requested this item be placed on the agenda, explained his concern with cost share and lands issues, as 100 year protection projects are scheduled to start in the next calendar year, and under current Water Resources Development Act rules, the cost share is 65% Federal and 35% non-federal, with the non-federal side to provide lands, easements, rights-of-way, relocations, disposal sites and borrow sites.

Mr. Doody pointed out the first project is the Inner Harbor Navigation Canal (IHNC) project, which is at full federal cost. He commented on recent discussions of non-federal sponsorship, in which LA DOTD has been discussed as the non-federal sponsor with SLFPA-E as a non-federal co-sponsor. There is a great deal of on-going discussion regarding land rights issues, and the Coastal Restoration and Protection Authority (CPRA) will be forming a smaller group to deal with land issues. He added, these discussions are going on at the highest levels.

Mr. Jackson recommended obtaining a specific report from each of the three levee districts as to what dollars they have set aside for matching funds for 100 year protection projects, and that the push that is currently being led by the Authority's President be continued.

Mr. Pineda pointed out the non-federal sponsor must submit a financing plan when entering into a USACE cost share project; however, the detail of the financing plan may be open to discussion.

Mr. Jackson suggested the Board may wish to consider use of a bond attorney to look into the subject of financing the local cost share and resulting tax issues.

Mr. Doody tasked Ms. Campbell with obtaining the amount of funding set aside for the acquisition of land rights from each levee district, and the Legal Committee, chaired by Ms. Sutherland, with the issue of contacting bond counsel regarding a plan that would fund the local cost share.

Mr. McKee pointed out Mr. Barry has spent some time in Washington, D.C., with the Louisiana Delegation and has communicated that the sentiment is the local sponsor

should pay something, but not the full 30 or 35 percent. An estimated \$7.6 billion of construction is about to commence. He felt the development of bonding scenarios may be pre-mature, since Congress has not yet decided the local cost share.

Mr. Doody recommended bonding scenarios be developed on a high and a low figure, which could be useful information for the Louisiana Delegation.

Ms. Sutherland pointed out the expectation of the appropriating bodies is for the State to participate in the local cost share and asked about SLFAP-E efforts in this regard.

Mr. Doody indicated SLFPA-E would go to the State for a portion of this funding through its membership on the CPRA Board; however, there will be a lot of competing interests for funding.

Mr. Pineda commented on recent briefings he received on 100 year protection. From a rights-of-way perspective the situation did not seem bad in East Jefferson, since most of the work along the lakefront would be within the existing footprint; however, there were several complex exceptions. An Engineering Analysis Report is being prepared by the USACE for St. Bernard Parish looking at all the alternatives for providing 100 year protection for all levees except the Mississippi River levee. He noted the preliminary selected plan for St. Bernard Parish is estimated to cost \$3.3 billion. Borrow material presents an unpredictable factor in costs for earthen projects and alternatives are being considered. Mr. Pineda hoped to meet next month with the USACE Project Manager for Orleans Parish.

**RESOLUTION #09-20-07-08 – SLFPA-E –
ASSOCIATION OF LEVEE BOARDS’ 67th ANNUAL MEETING**

The Board concurred that all Commissioners should be authorized to attend the Association of Levee Boards’ Annual Meeting. It was pointed out that costs within the guidelines of PPM 49 are reimbursable for Board authorized travel.

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

WHEREAS, the 67TH Annual Meeting of the Louisiana Association of Levee Boards (ALBA) will be held in New Orleans on December 5-6, 2007; and
WHEREAS, the registration fee per member representative is \$250.00.
BE IT RESOLVED, that the Commissioners of the Authority are hereby authorized to attend the 67th Annual Meeting of the Association of Levee Boards at a cost of \$250.00 per member.

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

RESOLUTION #09-20-07-09 – SLFPA-E – MISSISSIPPI VALLEY FLOOD CONTROL ASSOCIATION 72ND ANNUAL MEETING

Mr. Doody noted the Mississippi Valley Flood Control Association's meeting will be held at the same location and immediately after the Association of Levee Boards' meeting.

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

WHEREAS, the 72nd Annual Meeting of the Mississippi Valley Flood Control Association will be held in New Orleans on December 6-8, 2007; and
WHEREAS, the registration fee per member representative is \$250.00.
BE IT RESOLVED, that the Commissioners of the Authority are hereby authorized to attend the 72nd Annual Meeting of the Mississippi Valley Flood Control Association at a cost of \$250.00 per member.

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

RESOLUTION #09-20-07-10 – SLFPA-E – APPROVAL OF TRAVEL BY THE AUTHORITY PRESIDENT TO ATTEND A CONGRESSOINAL MEETING IN WASHINGTON, D.C.

Mr. Doody explained on Monday he received an invitation from United States Senator Mary Landrieu to go to Washington, D.C., to speak about the importance of the passage of the Water Resources Development Act (WRDA) to this region and requested the Board authorize this travel.

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

WHEREAS, United States Senator Mary Landrieu has invited and requested the President of the SLFPA-E to attend a meeting in Washington, D.C. with Senate Majority Leader Harry Reid regarding the Water Resources Development Act (WRDA) on Wednesday, September 26, 2007 at 3:00 pm; and
WHEREAS, the passage of WRDA is critical to the flood protection for this region and the conveyance of information pertinent to this region and its needs is of utmost importance.
BE IT RESOLVED, that President of the Authority is hereby authorized to travel to Washington, D.C. to participate in the aforementioned meeting and that the payment of expenses in accordance with the Authority's policy for said travel from SLFPA-E funds is approved.

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

EXECUTIVE SESSION:

Ms. Sutherland offered a motion at 11:22 a.m., which was seconded by Mr. Goins and unanimously adopted, for the Board to convene in Executive Session to discuss the items listed on the agenda.

On motion by Mr. Jackson, seconded by Mr. Goins and unanimously adopted, the Board reconvened in regular session at 1:50 p.m.

Report by the USACE on the London Avenue Canal Load Test:

Ms. Karen Aguilera, Director of Task Force Hope, advised USACE representatives were present to provide an update on the London Avenue Canal load test and safe water elevation. She noted this was an excellent demonstration of collaboration with the O.L.D. and Sewerage & Water Board (S&WB). The intent was to determine whether the safe water elevation of the canal could be raised. During the test, water was held in the cofferdam, along the 150 foot section of wall considered the most vulnerable, in elevations from four to seven feet. After analysis, it was determined that the safe water elevation could be raised by one foot. Further tests, investigations and analysis would be required for any further raising of this elevation.

Dr. John Greishaber, the technical lead for the test, explained the load test was an isolation of what was considered the weakest link in the entire wall. The test was designed in two phases: the first phase was to try to mimic the gap analysis that IPET prescribed as the mode of failure, and second phase dealt with the question of seepage coming down into the aquifer from the bottom of the canal. He described the procedures used during the second phase of the test and noted that elevation seven was reached, however, a gap propagating from the top of the sheet to the bottom of the sheet pile tip was not found. He commented IPET originally assumed in its 2006 report that the failure elevation in the canal was around 7 feet; however, IPET revisited its analysis and revised the failed elevation to around 8.2 feet. He described how the factors of safety were worked for the gap analysis by comparing the factors of safety to 1.5. At the test site, the gap analysis factor of safety was almost 3, and without a gap the factor of safety was 3.1. Subsurface investigation was done at two additional sections. At the second section the factor of safety was 1.9 for a gap and 3.2 for no gap, and at the third section the factor of safety was 3 for a gap and 6.6 for no gap. An analysis was run for a blow out, which was the Katrina mode of failure for the London Avenue Canal at Mirabeau; however, even with going to elevation seven at the test site (reach A) excess pore pressure was not achieved above the ground, therefore, that analysis could not be done. The other two reaches (B and C) were looked at and factors of safety were 1.85 and 2.45, respectively, which should be carried against a factor of safety of 1.6.

Mr. Jackson stated his support for raising the safe water elevation one foot during emergencies that require it in order to allow adequate pumping to drain the city.

Col. Jeffrey Bedey commented on the importance of reducing risks and the ability to do so under the umbrella of the site specific load test. He noted there have been three events since December 30th in which the elevation in the canal exceeded elevation four (December 30 - 4.4, January 4 - 4.3 and May 4 - 4.3) for only very short periods of time measured in minutes

A resolution was offered and read by Mr. Jackson setting forth SLFPA-E's concurrence with the recommendation by the USACE to raise the London Avenue Canal safe water elevation one foot during emergency events, which was seconded by Mr. McKee.

Mr. McKee commented this test was performed under static conditions and only on a portion of the canal; however, the actual occurrence will be under dynamic conditions. He noted the USACE complied with SLFPA-E's request for an external peer review and included components recommended by the peer review team. A tremendous amount of safety considerations were included in the testing of this 150 foot section, which represents a good broad section of the conditions of the entire canal.

Ms. Aguilera advised the safe water elevation of five feet would become effective immediately following this meeting and would be incorporated into the USACE's operations protocol. Additional piezometers would be installed to monitor conditions.

Col. Bedey pointed out at elevation five feet, 70 percent of the wall will only see one foot of water.

Mr. Jackson asked that the frequency of visual inspections be increased, particularly around large rain fall events in which the elevation would be up to five feet.

Mr. Goins commented on his concern regarding the pulsating of the wall during pumping.

Coordination and monitoring prescribed under the operations protocols were described and additional information was presented concerning the monitoring of the piezometers and the data that will be obtained. Horizontal survey of the canal walls was discussed and Dr. Greishaber advised the canal had been surveyed since Katrina and a base line developed.

Mr. Jackson felt this exercise was a good example of the USACE and SLFPA-E working together in a cooperative effort with the safety of the public paramount.

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

RESOLUTION #09-20-07-11 - LONDON AVENUE CANAL SAFE WATER ELEVATION

“A resolution setting forth the Southeast Louisiana Flood Protection Authority-East’s concurrence with the recommendation by the U.S. Army Corps of Engineers to raise the safe water elevation for the London Avenue Canal to five feet.”

WHEREAS, the U.S. Army Corps of Engineers (USACE) proposed that a load test be conducted in the London Avenue Canal to determine the possibility of increasing the Post-Katrina safe water canal elevation of four-feet in order to enhance the reduced drainage canal capability of the Sewerage and Water Board of New Orleans; and

WHEREAS, by Resolution #04-19-07-004, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) granted the USACE authorization for entry for the construction of a cofferdam and Load Test at Site 1 in the London Avenue Canal, subject to an external peer review of the test and the certain additional requirements; and

WHEREAS, after receiving the report of the external peer review panel, by Resolution #06-21-07-003 SLFPA-E granted approval on behalf of the Orleans Levee District for the USACE to proceed with the London Avenue Canal site specific load test; and

WHEREAS, the aforementioned test has been accomplished and the USACE has recommended that the safe water elevation for the London Avenue Canal be raised to five-feet only during emergencies and for an interim period until the permanent pumping stations are completed; and

WHEREAS, SLFPA-E concurs with the recommendation of the USACE relative to the safe water elevation, and encourages the USACE to perform additional testing and monitoring of the floodwalls along the London Avenue Canal in order to guarantee their continued stability and detect and avert any possible concerns in the future.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East concurs with the U.S. Army Corps of Engineers’ recommendation that the safe water elevation for the London Avenue Canal be raised to five-feet for emergency periods.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry

Discussion of right-of-entry along 17th Street Canal for tree removal.

Mr. Stephan Finnegan, USACE Project Manager, explained the tree and fence removal along the London Avenue has been completed and a successful “six foot from levee toe” corridor has been achieved. The USACE is requesting a right-of-entry for the Orleans side of the 17th Street Canal between addresses 5814 and 6772 Bellaire Drive

under two Louisiana statutes: LA R.S. 19:14, the doctrine of unopposed use, and LA R.S. 38:225, which authorizes levee districts to remove obstructions within six feet of the levee toe. Last Friday a total of 116 letters were mailed to property owners which covered four categories of encroachment or non-encroachment. A GIS map showing the levee toe plus six feet and identifying encroachments was attached to each letter. Forwarding addresses were used to send notices to residents living out of town, the information has been placed on the USACE web site, an announcement will be placed in the newspaper, and block captains, who are networking with many of the residents, have been notified. A two to three week window was provided for comment and should a right-of-way be disputed, boundary surveys would be initiated by the USACE for those properties to confirm the right-of-way from a boundary standpoint. The current USACE map shows the levee toe plus six feet in a virtual state. The USACE is requesting right-of-entry to survey and stake the levee toe plus six feet on the ground, and for right-of-entry for tree and fence removal.

Mr. Jackson offered a motion, seconded by Mr. Goins, to provide authority to the O.L.D. Executive Director to execute all documents with regards to rights-of-entry for tree removal on the 17th Street Canal as per USACE letter dated September 19, 2007.

Mr. Finnegan explained the importance of a cleared corridor from the levee toe plus six feet to accomplish visual inspections and the removal of encroaching trees, which, if overturned, could present a seepage mechanism during a storm. He identified obstructions as being trees and fences, etc., which impede visual inspection. Currently, there are some structures within the six foot zone, which are being handled separately by the levee district and could be permitted or removed.

Mr. Jackson noted the right-of-entry being discussed today does not include the section of Bellaire Drive that is generally known as the “fattened” levee section. The Authority had requested the USACE to perform investigations, which are still on-going, in that particular section relative to the determination of a normal levee section.

Relative to the handling of the structures by the levee district, Mr. Finnegan explained the USACE is attempting to make the system safe and maintain the integrity of the levees during a storm, wind or water event. If a structure is cut into the levee, that presents a problem; however, it would not overturn and create a seepage problem. Mr. Spencer added, the O.L.D. would send letters to residents concerning structures, and residents’ responses would be sent to the USACE for response on an individual basis.

The handling of encroaching structures was further discussed. If a permit had not been issued for a structure, an after the fact permit would be necessary. The levee districts officially issue permits; however, permit requests are sent by the levee district to the USACE for evaluation and recommendation. Mr. Pineda pointed out the requirements under the Federal statutes which require the USACE to approve every encroachment on a Federal flood control project.

Ms. Amy Sins, a resident on Bellaire Drive, stated she is a block captain and that communication with the USACE has been difficult in that it has been difficult to obtain a

common story from different members of the organization. She stated it was her understanding that the State law had previously been found unconstitutional, but was reenacted by the Louisiana Legislature; however, she did not know what changes may have been made to the statute when it was reenacted and requested that the Authority consider its validity. She explained the toe of the levee appears to have moved; the old levee toe was staked and then the new levee toe was staked, which encroaches the levee toe further onto her property. She felt if the property is required and her fence, trees and buildings must be removed, then the property should be purchased. Ms. Sins explained the liability issues with which she is currently faced due to people from tour buses walking on the sloped levee adjacent to her property, which is six houses away from the levee break. Ms. Sins also explained she must have a fence because of a swimming pool, and when the fence is moved she will effectively lose use of thirty feet of yard on the other side of the fence, which devalues the entire property. In addition, Ms. Sins explained the tax and maintenance liabilities on the property which cannot be used or fenced. She requested that the Authority consider the rights of the effected property owners who returned and rebuilt their homes.

Mr. Roy Arrigo, a resident on Bellaire Drive, stated his property description did not include any easements, rights-of-way or servitudes; however, one is mentioned outside the property line. He explained when he attended a USACE meeting, he was dumbfounded to hear his land would be staked and that a fence and permitted structure would have to be cleared. He commented on the unconstitutionality of private property being taken without just compensation, and indicated he was all for levee protection, but the issue comes down to just compensation, pointing out that the property owners are being denied the complete use of their property. Mr. Arrigo advised the “six feet from levee toe” reaches approximately 30 feet into his yard.

Public safety, levee inspection and maintenance issues were discussed.

Mr. Jackson felt the property owners should be compensated for the loss of property usage and stated he would support such an effort; however, he stressed the Authority’s primary responsibility is public protection and he could not support delaying what must be done for flood protection.

Mr. McKee voiced his support for compensation for property which is taken out of commerce for flood protection and for the replacement of the fences.

Ms. Sutherland pointed out the Authority cannot impede flood control and the proper venue is the Louisiana Legislature or a court of law.

Ms. Sins asked, if the Authority did not allow right-of-entry, whether the USACE would go through its standard real estate procedures and purchase the property.

Ms. Aguilera advised fence removal has been an on-going issue and she would go back and revisit the issue with Col. Lee.

Mr. Doody commented that the Authority could assist property owners by assuring this devaluation is reflected in property assessments and reminded property

owners of the opportunity regarding surveying previously mentioned by the USACE. He reiterated the Authority's responsibility is flood protection, pointing out that should the Authority not grant right-of-entry, it runs the risk of having the levees decertified by the USACE.

Mr. Arrigo indicated he would obtain an injunction if it is done the way he felt was illegal and violated property owners' rights; therefore, it would not be the faster way to get it done. He stated the way to expedite this is to do it the right way and use the legal processes to purchase the property at fair market value from the property owners.

Ms. Sins added, her neighbors on the other side of the levee break are in negotiation with the USACE to have 40 feet of their property purchased.

Mr. Herr explained a real property interest for 40 feet was purchased from property owners between the levee breach and Hammond Highway for an access road to the breach. As far as the other areas, operations and maintenance are a non-federal responsibility. The USACE has a Project Cooperation Agreement executed by the Orleans Levee District that states it will provide right-of-entry in areas where it can do so. The USACE is prohibited by law for paying for that property if it can be provided to the USACE by the levee district. He explained the USACE is only doing this work because the non-federal sponsors, the Orleans Levee District and the SFLPA-E, would be granting right-of-entry. If right-of-entry is not granted, the USACE cannot do this work. This is a non-federal responsibility the USACE is offering to do because of the resources available.

Ms. Sutherland stated she would be willing to support including on the Authority's legislative agenda the seeking of compensation and acquiring the property.

Mr. Larry Audoin advised this issue has been addressed many times by levee districts and suggested contacting LA DOTD's staff and attorneys for insight and advice.

Relative to replacement of fences, Ms. Aguilera clarified she would go back and meet with Col. Lee and re-look at the issue.

Mr. Goins offered an amendment to the motion to make the right-of-entry contingent upon replacement of fencing.

Mr. Aguilera explained the USACE is doing its best for public safety; however, she felt uncomfortable with tying the fencing to the right-of-entry.

Mr. Jackson pointed out the Authority decided to accelerate this action and take this issue up at today's meeting; therefore, he recommended tabling the motion and re-addressing the right-of-entry at next month's meeting.

Mr. Herr indicated construction would not have commenced for two to three weeks; therefore, it could result in a two to three weeks' delay.

The Board discussed the replacement of relocated fences, and the responsibility of the local sponsor for operations and maintenance. Mr. Pineda pointed out the repercussions should the work not be done; i.e., the levee could be placed on the USACE's maintenance deficiency list and lose its certification.

Mr. Goins offered a motion to table the motion which was offered until next month, which was seconded by Mr. Losonsky and unanimously adopted.

XII.B1. Motion to authorize the engagement of Gordon, Arata, McCollam, Duplantis & Eagan, LLP, as special counsel pursuant to R.S. 42:263 to represent the O.L.D. in certain legal matters.

Ms. Sutherland offered a motion to defer item XII.B.1, which was seconded by Mr. Wittie and unanimously adopted.

RESOLUTION #09-20-07-12 - INTERGOVERNMENTAL AGREEMENT BETWEEN ORLEANS LEVEE DISTRICT AND ALGIERS LEVEE DISTRICT

Mr. Doody explained he and Mr. McKee worked very diligently on this interagency agreement. The O.L.D. will continue to maintain the Algiers Levee District (A.L.D.) at a cost of \$2,000 per day until October 31st, at which time the A.L.D. will obtain bids for maintenance. Tax collections were calculated and applied to both income and expenses, and it is felt the resulting net figure will be \$600,000. It was agreed that \$250,000 would be sent to the A.L.D. until such time as this calculation is confirmed and opined upon by a Postlethwaite & Netterville CPA.

Mr. McKee added, the figure of \$2,000 per day came from the O.L.D. and includes labor, equipment, etc. He felt this agreement is prudent and gives the A.L.D. some flexibility.

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

“A resolution authorizing the Orleans Levee District to enter into an Intergovernmental Agreement with the Algiers Levee District.”

WHEREAS, effective July 13, 2007, Act 475 of the 2007 Regular Session of the Louisiana Legislature reorganized the political subdivision then known as the “Orleans Levee District” and formed into a levee district the portion of Orleans Parish on the east side of the Mississippi River to be known as the “Orleans Levee District” (O.L.D.) and the portion of Orleans Parish on the west side of the Mississippi River into a levee district to be known as the “Algiers Levee District” (A.L.D.); and

WHEREAS, the Parties desire to ensure the continuous and uninterrupted maintenance of the newly created A.L.D. until the A.L.D. is ready to assume its maintenance responsibilities, through the execution of an Intergovernmental Agreement which shall begin on July 13, 2007, the effective date of Act 475, and shall terminate on October 31, 2007; and

WHEREAS, the O.L.D. shall continue maintaining the A.L.D. in the manner it has done so in the past years and the A.L.D. shall pay the costs of said maintenance to the O.L.D. in the amount of \$2,000 per work day from July 13, 2007 until October 31, 2007 (total \$162,000); and

WHEREAS, the Southeast Louisiana Flood Control Authority-West (SLFPA-W), on behalf of the A.L.D., agrees to make a good faith effort to be ready to assume responsibility for A.L.D.'s maintenance by October 31, 2007, and in the event SLFPA-W is not ready to do so, this agreement can be extended for two additional months or until December 31, 2007, upon written request no later than October 31, 2007.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the Orleans Levee District to enter into an Intergovernmental Agreement to Ensure Continuous and Uninterrupted Maintenance of the Portion of the Parish of Orleans on the West Bank Until the Newly Created Algiers Levee District is Ready to Fully Assume the Responsibility.

BE IT FURTHER RESOLVED, that the President of the SLFPA-E is authorized to execute any and all documents necessary to accomplish the above.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry

RESOLUTION #09-20-07-13 - RIGHT OF ENTRY REAUTHORIZATION OR EXTENSION FOR THE LAKE PONTCHARTRAIN AND VICINITY HURRICANE PROTECTION PROJECT, IHNC NAVIGABLE FLOOD GATES PROJECT, ORLEANS PARISH

O.L.D. Executive Director Stevan Spencer advised a right-of-entry request was received from the USACE to perform soil borings, surveys and hazardous materials investigations, etc., east of the convergence of the GIWW and MRGO where the USACE is looking into placing a permanent structure. Certified letters providing the required advanced notice was sent to eight area property owners. Recommendation to grant right-of-entry was received from the State (LA DOTD). The right-of-entry and attorney's opinion were executed.

There was a brief discussion on the proper authority to grant rights-of-entry. LBBLD Executive Director Robert Turner explained that rights provided under R.S. 38:301(D) require Board authorization, and that, traditionally, the levee district executive directors granted right-of-entry on properties owned by the districts; however, authorization by the Board is required in situations where right-of-entry is required on property not owned by the district.

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

RIGHT OF ENTRY REAUTHORIZATION OR EXTENSION FOR THE LAKE PONTCHARTRAIN AND VICINITY HURRICANE PROTECTION PROJECT, IHNC NAVIGABLE FLOOD GATES PROJECT, ORLEANS PARISH, LOUISIANA SECTIONS 16, 17, 37 AND 41, TOWNSHIP 12 SOUTH RANGE 13 EAST

WHEREAS, the United States Army Corps of Engineers has requested that the Orleans Levee District extend and reauthorize the Lake Pontchartrain and vicinity hurricane protection project, IHNC Navigable Flood Gates Project, for an additional 24 months or approximately through September 6, 2009; and

WHEREAS, the area is from the junction of the Mississippi River Gulf Outlet (MRGO) and the Gulf Intracoastal Waterway (GIWW) east of Michoud Slip and southeast of Bayou Bienvenue Control Sectors; and

WHEREAS, the Orleans Levee District granted right of entry by Authorization for Entry on September 6, 2006 to the U. S. Army Corps of Engineers for access, surveys, soil borings and environmental clearances, but the U. S. Army Corps of Engineers has not yet completed the required investigations and requests additional time; and

WHEREAS, pursuant to Louisiana Revised Statute 38:301(D), levee boards and levee and drainage boards and their authorized agents and employees have the power to enter upon lands, waters and premises in the State for the purposes of making such surveys, soundings, drillings and examinations as are deemed necessary or convenient;

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority - East authorizes the United States Army Corps of Engineers an additional 24 months or approximately through September 6, 2009 to complete the Lake Pontchartrain and vicinity hurricane protection project, IHNC Navigable Flood Gates Project and for access, surveys, soil borings and environmental clearances for same.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry

**RESOLUTION #09-20-07-14 –
EJLD - PURCHASE OF TEN MOTOROLA RADIOS**

Mr. Losonsky reported the Finance Committee discussed the need for these radios, which was to provide the same ratio of radios to officers, and the Committee found this budgeted item to be an appropriate expense.

Mr. Pineda reminded the Board concerning the shared responsibility to provide bullet proof vests for O.L.D. police officers. A report on this matter was requested at the next meeting.

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

BE IT HEREBY RESOLVED, that the purchase by the East Jefferson Levee District (EJLD) of ten (10) Motorola XTS 2500 radios with interoperability for the EJLD Police Department at a cost not to exceed \$25,000.00 is approved, and that the EJLD Executive Director is 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. Barnes, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry

RESOLUTION #09-20-07-15 - CONSENT TO ASSIGN MINERAL LEASE

Ms. Sutherland reported this item was discussed by the Legal Committee and recommended its approval.

Mr. Del Barnes explained this is an assignment of State Lease 18758 by Parke Energy, LLC, the nominee, to the principal, Aspect Energy, LLC, and that authority to execute the consent to the assignment has been requested.

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

A resolution authorizing Robert Turner, Executive Director of the Lake Borgne Basin Levee District, to execute correspondence and/or documentation consenting to the assignment of a mineral lease by Parke Energy, LLC to Aspect Energy, LLC.

WHEREAS, the Lake Borgne Basin Levee District granted a Lease for Oil, Gas and Other Liquid or Gaseous Minerals to Parke Energy, LLC dated September 14, 2005, which lease is designated as State Agency Lease No. 18758 and is recorded in the records of the Clerk of Court of St. Bernard Parish under Entry No. 445-514; and

WHEREAS, Parke Energy, LLC now desires to assign said mineral lease to Aspect Energy, LLC; and

WHEREAS, a copy of the assignment by Parke Energy, LLC to Aspect Energy, LLC is attached.

BE IT HEREBY RESOLVED, that Robert Turner, Executive Director of the Lake Borgne Basin Levee District, be and hereby is authorized to sign letters and/or documents consenting to the assignment of State Agency Lease No. 18758 by Parke Energy, LLC to Aspect Energy, LLC.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry

RESOLUTION #09-20-07-16 -RIGHT OF ENTRY REAUTHORIZATION OR EXTENSION FOR THE LAKE PONTCHARTRAIN AND VICINITY HURRICANE PROTECTION PROJECT, IHNC NAVIGABLE FLOOD GATES PROJECT, ST. BERNARD PARISH

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

RIGHT OF ENTRY REAUTHORIZATION OR EXTENSION FOR THE LAKE PONTCHARTRAIN AND VICINITY HURRICANE PROTECTION PROJECT, IHNC NAVIGABLE FLOOD GATES PROJECT, ST. BERNARD PARISH, LOUISIANA (SECTION 20, 21 AND 41, TOWNSHIP 12 SOUTH, RANGE 13 EAST)

WHEREAS, the United States Army Corps of Engineers has requested that the Lake Borgne Basin Levee District extend and reauthorize the Lake Pontchartrain and vicinity hurricane protection project, IHNC Navigable Flood Gates Project, for an additional 24 months or approximately through August 8, 2009; and

WHEREAS, the area is from the junction of the Mississippi River Gulf Outlet (MRGO) and the Gulf Intracoastal Waterway (GIWW) east of Michoud Slip and southeast of Bayou Bienvenue Control Sectors; and

WHEREAS, the Lake Borgne Basin Levee District granted right of entry by commandeering orders on August 4, 2006 to the U. S. Army Corps of Engineers for access, surveys, soil borings and environmental clearances, but the U. S. Army Corps of Engineers has not yet completed the required investigations and requests additional time; and

WHEREAS, pursuant to Louisiana Revised Statute 38:301(D), levee boards and levee and drainage boards and their authorized agents and employees have the power to enter upon lands, waters and premises in the State for the purposes of making such surveys, soundings, drillings and examinations as are deemed necessary or convenient;

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority - East authorizes the United States Army Corps of Engineers an additional 24 months or approximately through August 8, 2009 to complete the Lake Pontchartrain and vicinity hurricane protection project, IHNC Navigable Flood Gates Project and for access, surveys, soil borings and environmental clearances for same.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry

RESOLUTION #09-20-07-17 – O.L.D. LEGAL SERVICES

Mr. Doody explained the Board previously approved an increase of half of what was requested for certain hourly rates under the current contract with the Gordon, Arata firm. This requested increase was sent to the Attorney General (AG) for approval, and in response the AG's Office asked that the Board revisit its decision. He suggested, in line with the AG's comments, the Board ask that Gordon, Arata live under the terms of the current contract.

Ms. Sutherland offered a motion to rescind the resolution adopted at the July Board meeting. She further explained that there was no one who was not pleased with Gordon, Arata's work and that they are exemplary attorneys; however, this is a matter of fiscal responsibility.

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

"A resolution to rescind Resolution #07-19-07-007 amending the legal services contract with Gordon, Arata, McCollam, Duplantis & Eagan, LLP."

WHEREAS, the Southeast Louisiana Flood Protection Authority- East (SLFPA-E) by Resolution No. 04-19-07-005 approved the engagement of the firm of Gordon, Arata, McCollam, Duplantis & Eagan, LLP, (Gordon, Arata firm) due to their experience and expertise in ongoing Bohemia litigation and claims, as well as oil and gas matters; all of which are the subject of extensive litigation substantially affecting the financial condition of the Orleans Levee District, with the current engagement commencing on January 1, 2007 and ending on December 31, 2007; and

WHEREAS, the SLFPA-E adopted Resolution #07-19-07-007 to amend certain rates for legal services for the Gordon, Arata firm performed on or after July 20, 2007, providing that said resolution be submitted to the Office of the Attorney General for the State of Louisiana for approval; and

WHEREAS, by letter dated August 29, 2007, the Office of the Louisiana Attorney General requested the Authority review and reconsider Resolution #07-19-07-007 due to fiscal issues.

BE IT HEREBY RESOLVED, that Resolution #07-19-07-007 be hereby rescinded.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry

The next Board meeting will be held on Thursday, October 18, 2007, at 9:30 a.m. at the Lake Vista Community Center in New Orleans.

There was no further business, therefore, the meeting was adjourned at 4:08 pm.