

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING AND PUBLIC HEARING  
THURSDAY, OCTOBER 18, 2007**

The regular monthly Board Meeting and Public Hearing of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, October 18, 2007, in the Lake Vista Community Center Second Floor Hall, 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.

Mr. Doody called the meeting to order at 9:42 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  
John M. Barry, Secretary (left meeting at 3:45 p.m.)  
George Losonsky, Ph.D., Treasurer  
David P. Barnes, Jr.  
Stradford A. Goins  
Thomas L. Jackson  
Larry A. McKee (left meeting at 3:45 p.m.)  
Ricardo S. Pineda (left meeting at 4:28 p.m.)  
Sara Lee St. Vincent  
Louis E. Wittie

**OPENING COMMENTS:** None.

**RESOLUTION #10-18-07-01 – ADOPTION OF AGENDA**

The agenda was amended to defer item XI.D.3 3, "Motion to authorize right of entry to the U.S. Army Corps of Engineers for the investigation of borrow sources in connection with the hurricane protection system, St. Bernard Parish"; to remove item XI.D.4., regarding a motion to authorize an attorney fee contract with Mark E. Hanna to represent the LBBLD in certain named litigation; and to add (under VIII) a motion to indefinitely table the outstanding motion from the Board's last meeting relative to right-of-entry along the 17<sup>th</sup> Street Canal.

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

"A resolution to adopt the agenda, as amended, for the Board Meeting of October 18, 2007."

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

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

**RESOLUTION #10-18-07-02 – APPROVAL OF MINUTES**

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

“A resolution to approve the minutes of 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  
ABSTAINED: Mr. Barry  
ABSENT: None

**PUBLIC HEARING (ORLEANS LEVEE DISTRICT):**

Pursuant to Article 7, Section 23(C) of the Constitution and R.S. 47:1705(B),  
Conducting a Public Hearing to consider levying additional or increased millage  
rates (in excess of the millage rates as adjusted in accordance with the  
requirements of Article 7 Section 23 (B) of the Constitution for 2008) but not to  
exceed the millage rates levied in the prior year, 2007, without further voter  
approval.

Mr. Doody advised that in accordance with the Louisiana Constitution and  
Revised Statutes, notice for the public hearing was advertised on July 3 and 5, 2007,  
and entered into the record of the meeting an affidavit from the Times Picayune on the  
publication of said notice and a copy of the press release that was issued on the public  
hearing. He asked that anyone in the public who wished to speak fill out a card in order  
to be recognized.

Mr. Doody explained the Finance Committee met yesterday at length to discuss  
this topic and that Ms. St. Vincent would provide a presentation which would cover the  
Committee deliberations. He further explained this is a reassessment year—the  
assessors have reassessed property and tax payers are given an opportunity to appeal  
the reassessed property value. After the appeal process is finalized, the City Council  
must certify the reassessments, after which the Legislative Auditor must do a calculation  
of the millages that entities are able to collect. After the Legislative Auditor certifies the  
calculation, then the Board can take up the issue of whether or not it will take action to  
roll forward millage rates. The Board is required to have this information to the City by  
November 1<sup>st</sup>. As of this time, the certified reassessment had not been received from  
the City and those numbers provided to the Legislative Auditor so that the Legislative  
Auditor could do the recalculation in order for the Board to vote and take action.

Therefore, the public hearing would be held today, as required by law, and should the City provide the certified numbers and the Legislative Auditor perform the calculation required before the meeting is adjourned, the Board could act on the resolutions to be adopted. However, should this information not be received, a special meeting of the Board would be required to take action on the resolutions. He commented on the Constitutional requirement of a 2/3's majority vote of the total membership in favor for a roll forward of millage rates to take place.

Mr. Jarrell Godfrey, representing The Godfrey Firm, explained three taxes are currently being collected by the Orleans Levee District (O.L.D.). The first is the general fund tax authorized by Article 6, Section 39A, of the Constitution. All levee districts are allowed to collect this tax; however, the O.L.D.'s millage is one-half of the other districts and was assessed last year at a millage rate of 5.46 mils. The second and third taxes, the Special Levee Improvement Tax and the Maintenance Tax, were originally authorized in special elections held in 1972, and extended and renewed pursuant to special elections held on November 19, 1983. The Special Levee Improvement tax was levied last year at the rate of 6.55 mils and the Maintenance tax was levied at .75 mils. The Special Levee Improvement tax was originally voted to construct thirteen enumerated hurricane/flood and other construction projects, and to pay the costs to the extent funds were available for any other hurricane or flood protection project deemed necessary by the Board. There is an outstanding bond issue that was authorized at the election and used to pay a substantial portion of the costs of the thirteen enumerated projects. Those bonds are currently outstanding and that tax runs until the year 2015 and then terminates unless extended or renewed by a vote of the people. The Special Levee Improvement tax is pledged first to the payment of the debt; however, the debt is only approximating about 45 percent of the annual avails and the balance of that money annually may be used to pay for hurricane or flood protection projects that the governing authority deems necessary to the extent of money available and to pay the maintenance costs of any hurricane and flood protection project.

Mr. Doody commented Hurricane Katrina had a tremendous impact on the O.L.D. The Belle of Orleans no longer produces revenues. The legislation which created this Authority directs that the Authority will not operate anything that is not a flood asset; therefore, all flood assets were transferred to the Division of Administration for management. Should the non-flood assets generate revenues in excess of expenses, those funds are to be turned over to the levee district; however, no revenues are anticipated to be generated above expenses for quite some time. This past year the Algiers Levee District was created, which will remove a net of \$750,000 from the O.L.D. Additionally, the rate of inflation is about 3.1 percent per year, or in excess of 12 percent over a four year period, which adds approximately \$2.5 million in additional costs to the O.L.D. The O.L.D. had 240 employees pre-Katrina, and post-Katrina is down to 140 employees, which is a savings in personnel costs, however, additional personnel are needed for flood protection. The O.L.D. is having difficulty attracting and hiring people at the current salaries.

Ms. St. Vincent explained the Finance Committee discussed what happened in 2007, what was anticipated for 2008, and the impact not only to the O.L.D., but also to the taxpayers in the district. In 2007 income was received from ad valorem taxes,

oil/gas revenues and investments; operating expenses included employees, professional services, contracts, materials/supplies and equipment. Differences anticipated for 2008 include the need to hire additional employees, increased equipment costs, litigation costs, inflation, which increases the costs of salaries, contracts, materials and supplies, and potential legal settlements.

Considerations for 2008, in addition to routine operating expenses and maintenance, are Bayou Bienvenue Dewatering (estimated at \$400,000) and Flood Gate Gasket Replacement (estimated at \$400,000), which are scheduled maintenance items, net money to Algiers Levee District, recordation and right-of-way study, project management, borrow and rights-of-way, and a safehouse, at a "best guess" estimated total of \$2.2 million.

The Committee determined, if the same amount of taxes is collected in 2008 as was collected in 2007, the total ad valorem tax revenue would be \$19 million. By using the figure of \$19 million with the assumed assessment of \$2.3 billion, the total millage would roll back to approximately 9.54 mills. Looking at FY2008 operating expenses and using a millage rate of 9.54, the O.L.D. would have a deficit of \$4.9 million with the additional spending and a deficit of \$2.7 million without the additional spending.

Using a 2008 assessment of \$2.3 billion, calculations were done to determine how much money would be left over if the maximum millage rate was assessed, and how much the millage rate could be dropped in order not to have a surplus, with the following results:

- With Additional Spending
  - 12.76 mills: \$1.5 million surplus
  - 12.00 mills: \$0.0 million surplus
- Without Additional Spending
  - 12.76 mills: \$3.7 million surplus
  - 10.91 mills: \$0.0 million surplus

Mr. Jackson pointed out the Bayou Bienvenue dewatering and flood gate gasket replacement were costs that should be taken from the Special Levee Improvement (SLIP) Fund.

Ms. St. Vincent outlined the placement of the additional 2008 items, as follows:

Special Levee Improvement Fund (SLIP Fund):

Bayou Bienvenue Dewatering  
Flood Gate Gasket Replacement  
Recordation and Rights-of-Way Study  
Borrow and rights of way  
Safehouse

General Fund:

Net Money to Algiers Levee District  
Project Management

Ms. St. Vincent explained, when looking at the additional spending and the maximum millage that could be collected, the SLIP Fund would have a surplus of \$5.2

million and the General Fund a deficit of \$3.6 million, resulting in an overall surplus of \$1.5 million.

Mr. Jackson commented that any surplus in the SLIP Fund should be banked for maintenance costs and future projects for which a local share is required.

Mr. Doody responded the cost of the O.L.D.'s Maintenance Department, which takes care of floodgates, valves, levee maintenance, etc., alone is approximately \$5 million annually and is currently budgeted in the General Fund. He explained all expenditures must be kept in their various funds, and it is the intent to do that now and in the future; however, a movement may be needed from the SLIP Fund to the General Fund to cover the maintenance costs that are currently borne in the General Fund. In the future the Maintenance Department may have to be moved into the SLIP Fund in order to account for it in that fund.

Mr. Barry asked the standing for the most recent fiscal year, and Mr. Doody replied the numbers reviewed by the Committee at its meeting yesterday, with actual costs through September and budgeted figures for the remainder of the fiscal year, showed a deficit of \$800,000 in total for FY 2007-2008.

Mr. Barry asked the reason the deficit increases for the next fiscal year (2008-2009). Ms. St. Vincent explained the additional monies for 2008-2009 include litigation, additional salaries and benefits, an additional \$500,000 in equipment and maintenance (only \$28,000 was spent last year), and close to \$2 million for legal settlements.

Ms. St. Vincent showed the following chart, based on a \$200,000 assessed property value with homestead exemption, to indicate the impact to taxpayers.

Millage	Additional Spending	Surplus/ Deficit	Additional ad valorem tax v. 9.54mills
9.54	No	\$(2.7M)	-
9.54	Yes	\$(4.9M)	-
12.76	No	\$3.7M	\$402.50
10.91	No	\$0.0M	\$171.25
12.76	Yes	\$1.5M	\$402.50
12.00	Yes	\$0.0M	\$307.50

Mr. Pineda commented he participated in yesterday's Finance Committee meeting, at which there was a lengthy discussion on the additional expenses (i.e., rights-of-way and borrow responsibilities, flood gate gasket replacement, etc.), and

these are basically pay now or pay later situations that are needed to be in the best possible position to implement the USACE's 100 Year Protection Project.

Ms. St. Vincent added, no projects are included in this budget.

Mr. Barry asked whether a deficit could be drawn from the reserve fund. Mr. Doody responded the deficit would have to be drawn from the SLIP Fund. GO ZONE bonds are currently paying the O.L.D.'s bond indebtedness and the amount that is owed to the GO ZONE goes up until next year when the O.L.D. must begin to pay down the bonds itself. Therefore, the attempt is being made, as much as possible, not to touch any money in the SLIP Fund so that in the future the bond indebtedness can be paid off. He reiterated a deficit would have to come out of the SLIP Fund and the Board would be putting off to the future an emergency need for cash to pay off the bond indebtedness.

Mr. Barry stated he was for increasing taxes and there was no question in his mind that more money is needed; however, he believed in principal that voters should have the opportunity to approve those tax increases. He inquired about the next election in which the Board could place an issue on the ballot.

Mr. Doody indicated, in preparing for today's meeting, the matter of an election was discussed, and the better situation would be to use an election in which there is public interest and not one that is limited to a single issue or one or two candidates. An additional concern is the cost of holding an election could be as much as \$300,000. He added, the Authority's primary charge and responsibility is to provide flood protection for the public.

Mr. Barry asked could the Authority wait until the next national election, have a special millage dedicated to erasing the operating deficit and would then expire, and authorize the Authority to go forward and increase revenues.

Mr. Godfrey explained the Louisiana Constitution and statutes allow levee districts to have elections to increase the taxes permitted to be charged by a levee district under Article 6, Section 39. An election call would have to be formulated and registration made with the Secretary of State. Relative to a special millage to erase a deficit, Mr. Godfrey explained the Authority could do anything it wished, within general limits, as long as it is expressed and voted on at the polls.

Mr. Doody reminded the Board that it has the authority to roll millage rates forward to 12.76 mils, or something short of that if it so chooses, and an opportunity in the next year to do an evaluation of income needs and have another public hearing.

Mr. Jackson pointed out the Authority, with the O.L.D. in particular, has two huge financial cliffs it will be facing soon; i.e., the payment of bond indebtedness and the local participation for 100 year flood protection. The position of the U.S. Army Corps of Engineers (USACE) at this point is that the 100 year protection plan, less two major projects that are 100 percent federal (Industrial Canal Complex and Lakefront Pumping Station Projects), will be cost shared 70/30% or 65/35% (federal/local participation). He felt the Authority will likely have to go to the voters on one or both of these issues in

order for the O.L.D. to financially survive. While he felt the public should not be taxed without their approval, he also felt the two scheduled maintenance projects could be taken from the SLIP Fund reserves, leaving a \$1.7 to \$2 million deficit, which would be a reasonable place for the Authority to be considering the turmoil of the past six months with the loss of non-flood asset revenues, inflation and loss of Algiers revenues, and that millages could be increased to that point in order to cover the deficit.

Mr. McKee stated he appreciated Mr. Barry's comments and felt normally a public entity would want to have an election regarding a tax increase. However, with ad valorem taxes, the Constitution gives various public entities the right to levy a certain amount of tax to support their operations. In theory, as the cost of operations increase, the value of property supporting those operations with ad valorem taxes increases; therefore, with a reassessment, if the millage is not changed, more total dollars would be received because the assessment has gone up, but in theory it matches the operational cost of that entity. Therefore, if the total revenue is increased by using the same amount of millage, in essence taxes are not being raised.

Ms. Sutherland commented that in order to determine whether she will vote for a tax she looks at the project it supports. Some Board members feel the Authority needs to begin acquiring the real estate rights-of-way for 100 year protection now, since the USACE will not begin projects until 100 percent of the required real estate is acquired. A year's delay for an election also delays having funds to at least begin the real estate acquisition portion of 100 year protection. She stated she has a house in New Orleans that is not homestead exempt and she is willing to pay a little more to support the O.L.D. so that it has the funds needed to protect the public. She asked her fellow Commissioners to consider that the projects which are needed must be paid for.

Mr. Barry stated he also resides in New Orleans and that he is eager to pay to protect the region. However, he felt if people are going to be paying more taxes in total, whether or not the millage is constant, that constitutes a tax increase, and it comes down to the principal of whether this should be done without voter approval. He added, if he could convince himself that this is an emergency situation, then he would be willing to support it. He stated the presentation was sobering, and at the point that a vote is required, he would make the decision as to whether or not he felt the presentation equals an emergency. These increases would not be enough to pay the local cost share for 100 year protection, which would be a different proposition.

Mr. Doody explained the \$750,000 net figure for the Algiers Levee District and other expenses were best guess estimates. He also reminded the Board that the Special Levee Improvement tax would expire in 2015.

Mr. Doody then called on members of the public who wished to speak.

Mrs. Mary Haas stated she has been a resident and property owner in Lake Vista since 1943. She quoted portions of the subdivision building restrictions relative to upkeep of the lawns, shrubs and trees in the lanes, and Lake Vista parks. She objected to the Authority taxing the public for the upkeep of the parks and added she would not pay taxes for that maintenance.

Mr. Doody explained the maintenance of the parks is now a non-flood issue and referred Mrs. Hass to the Director of O.L.D. Non-Flood Assets.

Mr. Billy Marchal advised he was appearing as a resident of Orleans Parish and representing the Flood Protection Alliance. He said no one likes taxes raised, whether or not there is a special election; however, the pay later option does not build in the exposure in the interim. As volunteers, the Board is not subject to political whims and being re-elected and it will have to make the hard decisions, and if it means more taxes on the citizens of Orleans Parish, then the Board will have to do it. He assumed the maintenance projects presented were not put there unless they were deemed critical, otherwise they should not be there given the current priorities. He urged the Board to realize it is not subject to outside political pressure and must do the job the members volunteered to do.

Mr. Marty Rowland stated he is a professional civil and environmental engineer and felt the chart that was shown was great as far as simplicity and straightforwardness; however, in the future the Board should present everything in terms of revenues and outlays on one sheet of paper in order to provide a total picture. He commented the Board is grappling with getting itself off and running. People are expecting quality levees, and if the Board has the authority to get 12.75 mils and have a cushion, residents are expecting it to do the job it was set out to do. He said he wanted to present to the Board the idea of transparency, accountability and building trust with the people who will need at some point to have an election. The Board was selected to do a job and should tell the people what needs to be done and do it. He added, the problem faced in Katrina was a lack of quality levees.

Ms. Carol Byran, a resident along the 17<sup>th</sup> Street Canal, stated her property value has decreased, and yet her property taxes have gone up almost six times.

Mr. Doody explained at the Board's last meeting when tree and fence removal along the 17<sup>th</sup> Street Canal was discussed he stated he would work with the residents and assessors and went on to describe some of the measures that were being taken regarding this issue. Part of the feedback was that the property must be assessed at some value to assure ownership is established; the question remained as to the extent of the degradation in value along the 17<sup>th</sup> Street Canal.

Ms. Byran commented that approximately 80 percent of the property owners in New Orleans experienced flooding and their properties have devalued, however, their taxes have gone up.

Mr. Doody responded that home owners should have received the reassessed value from the tax assessors and had an opportunity to appeal. The Board is waiting for the City Council to certify, after all the appeals are heard, the new assessed values. He suggested that anyone present, if they have not already done so, participate in that appeal process and have his/her voice heard on that issue. The reassessed values certified by the City Council will be used by the Legislative Auditor for the calculations that will be presented to the Board for its decision on what will be done to maintain the



operations of the Orleans Levee District. He added, the Board is trying hard to earn the trust of the public and wants to encourage people to come back while fulfilling its mission of flood protection.

Mr. Pineda commented that in looking to the future safer levees are needed nationwide. The Finance Committee spent considerable time looking at millage rates to raise money desperately needed this year and the activity related to the millages is for work that must go on now. Funding for the local share of the 100 year protection plan is a separate issue and would be appropriate to go to the voters as a new project once numbers are received from the USACE for Orleans, St. Bernard and Jefferson Parishes. He added, he read that the President wants to put the federal share of the 100 year project in this current fiscal year; therefore, the Board should do everything that it can to send a message to Washington that this area is willing to do what it has to do to be ready, including operating and maintaining its existing facilities to the best of its capabilities. He voiced his support for the recommendation of the Finance Committee.

Mr. Barry explained, relative to comments offered regarding Commissioners as appointees and, in essence, popularity, it is a question of the appropriate use of power. He felt that no government agency at any level should take advantage of its authority. While this would not be an abuse of authority and the Board would have the legal justification to go forward, Mr. Barry stated it troubled him because in principal he felt the voters should have the opportunity to approve an increase. He did not think any of the Board members doubted that the money is needed and the projects needed to be done. He felt if this was an emergency situation, he would vote in favor of it, and asked what would happen if the Board does not roll forward millage rates and whether it would be more than just a case of deficit spending.

Mr. Doody responded that he would like this operation to be a pay as you go operation and for the Board to assess the taxes necessary to operate on a current basis, and not go into money set aside for bond debt that is known will be forthcoming.

Mr. Losonsky added, the budget calculations were low and included only projects that were determined absolutely necessary and assumptions were made on the low end; e.g., the increase in cost for contractors was calculated at 3 percent. This budget does not have any buffer and started with a bare bones operations cost.

Mr. Barry reiterated the issue is whether or not he could convince himself that the Authority is in an emergency situation, and commented he was not far from seeing it that way.

Mr. Jackson commented on the difficulty in making this decision and that no one likes to raise taxes, however, the Board has an extremely important mission for the City of New Orleans. He felt the Board will have to tell the public that in order to do what it needs to do, it will have to roll forward the millage rate to some level; however, he did not know to what level.

Mr. Doody stated the final recommendation from the Finance Committee is to go someplace between (in the middle of) a full roll back and a full roll forward of rates,

which is anticipated to be somewhere in the neighborhood of 10.9 mils, with a strong indication that another public hearing may be necessary next year to address this issue at which time the Authority will have better numbers on up coming USACE projects and better information on O.L.D. operations. The strong indication is the Authority may anticipate increasing rates again and will probably have another public hearing, which will be advertised in July, to determine whether or not to go up to the 12.76 mils that was previously authorized.

Mr. Marchal stated he agreed with the principal of not taxing the public without representation; however, the legislature gave the levee districts the authority to do this type of taxing. He felt if this was three years ago with the old levee board, there may be a problem with public acceptance; however, the public voted 85 percent in favor of creating the Board as it stands today, and he felt the public is behind it.

There were no further public comments. Mr. Goins offered a motion, seconded by Mr. Barry, to close the public hearing portion of the meeting, which was unanimously adopted.

#### **Right-of-entry for tree and fence removal along the 17<sup>th</sup> Street Canal.**

Mr. Jackson offered a motion, seconded by Mr. Barry, to indefinitely table the resolution that was tabled at last month's meeting, regarding the 17<sup>th</sup> Street Canal Right-of-Way, which was unanimously adopted.

#### **Presentations:**

##### **1. Presentation by U.S. Army Corps of Engineers (USACE) on LA Coastal Protection and Restoration (LaCPR)– Category 5. (Mr. Al Naomi)**

Mr. Jackson explained he and Mr. Goins participate in the USACE Hurricane Protection Office's internal staff meeting every second Friday, which is an excellent indicator of the relationship being built between the Authority and USACE. He requested that a presentation be made on the status of the LaCPR--the federal plan that will integrate the State's plan and become this region's ultimate plan for flood protection.

Mr. Al Naomi, USACE Project Manager, presented a Power Point presentation on the status of the LaCPR. Congressional direction was provided in a post-Katrina Supplemental Appropriations Act for a comprehensive analysis and design of a full range of flood control, coastal restoration and hurricane protection measures across the entire coastal area of the State of Louisiana. The preliminary technical report has been submitted and the USACE is working closely with the State of Louisiana on the final technical report which is due to be submitted to Congress this year.

Technical assessments were described, along with the measures used to obtain information and vital interests from stakeholders for the development of plans. Analyses are being performed for a range of storm inundation of 100 year, 400 year and 1,000 year frequencies. The base assumption for the New Orleans metro area is that the storm damage reduction system improvement for 100 year frequency will be in place. Mr. Naomi described the coordinated efforts that included information generated

from the IPET report, working with the State of Louisiana and its master plan, working with State and Federal Agencies, including the Louisiana Recovery Authority, academics, Dutch and other foreign engineering expertise, and as well as the strong public involvement, including numerous public workshops, public scoping and stakeholders meetings to formulate alternatives and develop plans. For quality review, in addition to its internal technical review, the USACE will be going to the National Academy of Sciences for external peer review when the December report is completed.

Mr. Naomi described risk factors, what can be done to address and reduced the consequences of risks and risk exposure, and residual risks and residual risk tolerance in individual locations. He spoke of the public being risk informed, so that individuals understand the risks they face and can make the appropriate decisions. The LaCPR will be looking at adaptive management, developments that may occur in fifty or 100 years, and how the project can be adapted over time to handle any increased risk. Benefit-cost ratios will not be looked at in order to make decisions; however, risk will be incorporated in every decision and a means to score and rank plans based on risk and other metrics will be used. Everything will be very transparent in public meetings, and scoping and stakeholders meetings where conclusions are presented. The USACE will use adaptive planning and engineering so that projects can be adapted and changed over time as environmental or other changes occur and can be made better.

Stakeholders are being engaged to identify problems and needs, objectives will be structured to meet those needs, and there will be a clear linkage between the objectives and the metrics used to evaluate those plans. Mr. Naomi listed the basic planning objectives and risk metrics that will be used. A scenario analysis will also be done on probable futures. Structural and non-structural ways to reduce risks were reviewed. Storm modeling and impacts were discussed.

Some of the plans will be presented shortly and the methods that will be used for surveying government partners and stakeholders, ranking alternatives and various analyses were described. Direct weighting will be received from government partners and stakeholders for use in the December 2007 report. Plans will be based on planning units; e.g., from the Mississippi River to the Mississippi State line and from the Mississippi River to Bayou Lafourche.

A report will be submitted to the Assistant Secretary of the Army for transmittal to Congress in December, 2007, which will include draft preliminary comprehensive plans and a suite of draft recommendations for advanced analysis, design and further study, a MRGO deep draft de-authorization report, and plan the path to move ahead. The National Environmental Policy Act work will be completed next year and a report, along with the Environmental Impact Statement (EIS), will be sent to Congress at that time with a final suite of recommendations that Congress can act on.

Factors and issues impacting the construction of flood protection structures; e.g., engineering issues, costs and benefits were described.

Mr. Naomi explained conclusions could not be presented at this point because the stakeholders' meetings have not been finished. He stressed the importance of the

levee districts sending representatives to the stakeholders' meetings to assure they are involved in the decision making process. The December report will recommend MRGO closure, which has National Environmental Protection Agency (NEPA) compliance, and will recommend a ranking in order of various alternatives that the USACE feels will address area problems; however, the USACE will not be able to provide a recommendation regarding alternatives since the NEPA EIS will not have been completed. After the EIS is completed, additional meetings will be conducted and at that time detailed, fundamental input will be received.

Mr. Jackson applauded the USACE's efforts in this endeavor and stressed the importance of input from the Authority. Mr. Doody requested closer communications between the USACE and the Authority on this effort and asked that Mr. Losonsky be the Authority's contact for LaCPR projects.

A similar study is being conducted by the USACE Mobile District for the State of Mississippi, with interchange being conducted between the New Orleans and Mobile Districts on the studies.

Social and political issues and considerations, which cannot be quantified, were briefly discussed.

Mr. Pineda complimented Mr. Naomi on the presentation and study. He clarified 100 year flood protection is in progress; however, this feasibility study is the vehicle for the next level of improvement to flood protection.

## **2. Presentation by Ms. Marjorie McKeithen, Assistant Secretary Office of Mineral Resources and State Mineral Board Secretary, on mineral leases.**

Ms. Marjorie McKeithen introduced Mr. Rick Heck, Director of the Petroleum Lands Division of the Office of Mineral Resources, and Mr. John Shot, an oil and gas auditor with the Mineral Income Division.

Ms. McKeithen began by stating both the State Mineral Board and Office of Mineral Resources wish to offer its assistance so that the Authority is able to focus on its mission of hurricane and flood protection. The State Mineral Board is an eleven member board, appointed by the Governor and confirmed by the Senate, which basically grants mineral leases. The Office of Mineral Resources handles the day-to-day operations of the State Mineral Board and monitors mineral assets with a staff of 75 individuals, including geologists, petroleum land men, accountants and attorneys. The Office of Mineral Resources currently manages approximately 5.4 million acres of State claimed water bottoms and 1.9 million acres of State claimed lands.

Ms. McKeithen explained the nomination and bidding process. The bonus (upfront money paid for the right to drill), rental (yearly payment should nothing take place) and royalties are competitively bid in a sealed bid process. Bids are evaluated by a team of geologists and awards are made to the highest bidder based on the State's best interest. After bids are awarded, a team of geologists monitor State leases at least once a year to assure companies are producing leases as they should. The State

Mineral Office has a team of auditors that audits at least 22 percent of the royalties received each year. Ms McKeithen described efficiencies and technologies utilized, and reported that there were no legislative findings in last year's legislative audit.

The State Mineral Board and Office of Mineral Resources could provide the following services to the Authority under existing law: receive and process nominations, advertise nominations for bid, evaluate bids, award leases, transmit bonus monies to the Authority and prepare leases. Authorization could be provided through a blanket resolution or as leasing opportunities arise. Conflicts relative to ownership are checked on a case-by-case basis. Ms. McKeithen offered to work with the Authority to attempt a change in the law so that in the future the Office of Mineral Resources could also manage and audit the Authority's, as well as other State agencies', leases.

Mr. Rick Heck further explained State agencies can do their own leasing, however, those leases must go before the State Mineral Board for approval, or an agency can request the State Mineral Board to lease on its behalf. An agency representative is encouraged to attend the bid sale in order to provide input or an agency may in its resolution request a minimum acceptable bid.

### **COMMITTEE REPORTS:**

**Finance Committee: Chair Losonsky** - Mr. Losonsky reported the Committee met twice this month to discuss, debate and calculate the ad valorem tax collection. Additionally, reports were provided on the levee districts' and the Authority's audit. He reported all the audits came back good; there were no problems, only unqualified opinions and no exceptions, and no reportable conditions or material weaknesses. The audits will be posted on the Authority's website. Additionally, insurance renewals were discussed and one coverage is being investigated for redundancy.

**Operations Committee: Chair McKee** - Mr. McKee reported the Committee met on October 10<sup>th</sup>. Reports were received from each levee district. The Committee discussed and approved bringing to the Board the recommendation for the formation of a quick response task force to review problems and areas along levees and floodwalls, etc. This review would be in addition to the USACE's and DOTD's review in order for the Authority to have an independent evaluation. The task force would be chaired by Mr. Robert Turner, and co-chaired by Mr. Stevan Spencer, both as engineers, who would request the presence of a member of the Authority depending on the problem and the available expertise. As part of the Committee's report, a motion was offered by Mr. McKee and seconded by Mr. Barnes to create a quick response task force.

Mr. McKee commented on provisions contained in the professional code of conduct under the licensing law, which the task force would be expected to follow, concerning notification of engineers regarding review and reporting of findings by another engineer. Mr. Doody added, the Authority would be seeking the appropriate insurance for the technical members of the Authority who would be performing any such review. Mr. Pineda suggested investigating for the future the use of volunteer professional engineers and developing a master engineering consulting contract for on-call services.

The Board discussed the need for the formation of a task force and the resources available and needed for such a task force. Mr. McKee reviewed the events that precipitated this concept; i.e., the 17<sup>th</sup> Street Canal erosion and west return levee seepage problems; problems identifying responsible entities and time issues. He felt the Authority should have an independent group having the required appropriate resources. Mr. Losonsky recommended using DOTD as a resource. Mr. Doody envisioned a quick response team that would involve, as necessary, the Sewerage & Water Board, DOTD, USACE, and others, to address and correct problems as quickly as possible, and to determine after the fact the responsible entity.

**RESOLUTION #10-18-07-03 – CREATION OF A QUICK RESPONSE TASK FORCE**

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

**BE IT RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the creation of a quick response task force to review potential problem areas within its jurisdiction that may create a hazard to the public.

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

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

Mr. McKee also reported the USACE presented its review work on specifications for grass growth and maintenance; Mr. Wittie is receiving the joint inspection reports; and Mr. Barnes is providing representation at news conferences and other events.

**Legal Committee: Chair Sutherland** – Ms. Sutherland reported the Legal Committee met the first Thursday of October and addressed the selection of legal counsel to represent the Authority and three levee districts on the myriad types of legal matters. A recommendation would be made later in the meeting.

**Special Issues Committee: Chair Goins** – Mr. Goins advised the Committee did not hold a meeting this month; however, information has been requested from the USACE on the west return levee seepage problem and the project documentation is being researched. He commented on the need to follow up on the request for the USACE's final report on the London Avenue Canal load test.

Mr. Pineda added, he visited the Orleans Levee District at which time he toured the flood protection located in the New Orleans East area and discussed 100 year protection and right-of-way issues for Orleans Parish with levee district personnel.

Ms. St. Vincent reported that she met with Mr. Ed O'Neil, an on-site professional facilitator for Shell, who is willing to assist the Authority with its strategic plan and the

building of a mission statement, goals and objectives, etc. She commented on some of the issues discussed and that Mr. O'Neil has offered to attend the Authority's meeting in December to discuss with the Board the building of its strategic plan.

**RESOLUTION #10-18-07-04 – REGIONAL DIRECTOR RECOMMENDATIONS**

Mr. Doody advised he requested that Mr. McKee head an informal group for the selection process for a Regional Director and asked Mr. McKee to provide his report.

Mr. McKee explained that requirements and desired experience were drafted and used to advertise locally and nationally for a Regional Director. Nine applications were received and reviewed by Mr. McKee, Mr. Jackson, Ms. Sutherland and Mr. Doody. The list of individuals was narrowed to four. Interviews were completed with three individuals; the fourth individual had withdrawn his application from consideration. The three finalists were Fran Campbell, Robert Turner and Gerry Gillen.

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

“A resolution to authorize the SLFPA-E to approve the recommendations for hiring a Regional Executive Director.”

**WHEREAS**, Louisiana Revised Statute 38:330.4 authorizes the SLFPA-E to hire a Regional Executive Director; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) by Resolution No. 06-21-07-005 approved the advertisement for hiring a Regional Executive Director and ads were placed in newspapers and periodicals; and

**WHEREAS**, the President of the SLFPA-E directed Commissioner McKee to review the responses to the advertisement and make the following recommendations to the Board of Commissioners of the SLFPA-E:

Fran Campbell  
Robert Turner  
Gerry Gillen

**WHEREAS**, the recommended applicants meet the qualifications provided for in La. R.S. 330.4(B)

**BE IT RESOLVED**, that the SLFPA-E approves the recommendations made by Commissioner McKee for the selection of a Regional Executive Director.

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

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

## **EXECUTIVE SESSION:**

1. Discuss personnel matters regarding the hiring of a Regional Executive Director from the three finalists approved by the Board.

A motion was offered at 1:17 p.m. by Mr. Barry, seconded by Mr. Goins and unanimously adopted, for the Board to convene in Executive Session to consider the item listed on the agenda.

A motion was offered by Mr. Barnes, seconded by Mr. Goins and unanimously adopted, to reconvene in regular session at 2:53 p.m.

## **RESOLUTION #10-18-07-05 – SELECTION AND APPOINTMENT OF SLFPA-E REGIONAL DIRECTOR**

Mr. McKee advised, after an Executive Session in which personnel matters were discussed regarding the hiring of a Regional Executive Director from the three finalists, the further recommendation of the committee was that the Authority employ Mr. Robert Turner as the permanent Regional Executive Director.

Ms. Sutherland stated the Board was very grateful and appreciative of the services provided by Ms. Fran Campbell to the Authority, as well as the services provided by Mr. Gillen and Mr. Turner to the Orleans and Lake Borgne Basin Levee Districts, respectively. The deliberations in reaching a final decision were difficult.

Mr. Barry added, a decision was not easy to reach in that it was very competitive. He thanked everyone for their considerable efforts.

Mr. Doody commented on the quality of the candidates from which the Board had to choose, and that each candidate had attributes that can and should be called upon and used in the best interest of the Authority.

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

“A resolution to authorize the selection and appointment of a Regional Executive Director for the SLFPA-E.”

**WHEREAS**, Louisiana Revised Statute 38:330.4 authorizes the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) to hire a Regional Executive Director; and

**WHEREAS**, by Resolution No. 06-21-07-005 the Board approved a “nationwide” search for a Regional Executive Director by advertising the position in national periodicals and electronic newsletters; and

**WHEREAS**, the President of the SLFPA-E directed Commissioner McKee to review the responses to the advertisement and provide a recommended list of qualified applicants to the Board; and



**WHEREAS**, by Resolution #10-18-07-04, the Board approved the recommendation of three qualified applicants, meeting the qualifications for in La. R.S. 330.4(B), for said position.

**BE IT RESOLVED**, that the SLFPA-E hereby selects Mr. Robert Turner for the position of Regional Executive Director of the Southeast Louisiana Flood Protection Authority-East.

**BE IT FURTHER RESOLVED**, that the SLFPA-E approves the appointment and employment of Mr. Robert Turner as the Regional Executive Director of the SLFPA-E effective this date, October 18, 2007.

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

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

## **2. Motion to select legal counsel to represent the Authority and three Levee Districts, pursuant to the RFQ for legal services.**

Ms. Sutherland explained the Legal Committee received 22 responses from which 12 firms were selected to handle legal matters regarding public bid law, contract and procurement, public finance and bond issues, environmental issues, real estate and right-of-way acquisition, oil and gas matters, general litigation, legislative issues, insurance, labor and employment law matters. The 22 proposals were reviewed by each of the three committee members. The Committee spent four hours comparing the results of their reviews and deliberating on the final selection.

A resolution (excerpt below) was presented with the Committee's recommendation, as follows:

**"WHEREAS**, after reviewing all responses submitted in response to the Request for Qualifications, the legal committee recommends the following attorneys/firms based on their experience and expertise, for approval by the SLFPA-E:

"Abbot, Simses, & Kuchler, APLC  
Law Office of Bernard L Charbonnet, Jr., APLC  
Duplass, Zwain, Bourgeois, Morton, Pfister & Weinstock  
Elkins, PLC  
T. Robert LaCour, APLC (**General Counsel for EJLD**)  
Gordon Arata McCollam Duplantis & Eagan, LLP  
The Godfrey Firm, APLC  
Haley & McKee, LLC (**General Counsel for OLD**)  
The Kullman Firm, APLC  
Mitchell & Associates, APLC  
McCranie, Sistrunk, Anzelmo, Hardy, Maxwell & McDaniel, PC (**General Counsel for LBBLD**)  
Oats & Hudson "

Ms. Sutherland explained some of the firms can handle more than one area of expertise and some specialize in certain areas. A broad array of professionals was selected that should be able to handle any legal matter that arises. Three firms were selected with the large amount of upcoming real estate acquisitions in mind.

Mr. Losonsky further explained a matrix was used to categorize specific areas of law needed and each firm was graded. He added, he made it a point not to know whether or not firms were minority firms in the interest of keeping a level field.

Mr. Doody commented he had discussions and exchanged e-mail with Ms. Sutherland regarding this matter. He felt this is was an important decision, which included identifying new general counsel for the Orleans Levee District, as well as other counsel new to the Authority, and should be well considered by the full Board.

There was a brief discussion regarding the selection. The Committee selected the firm of Oats and Hudson, which has offices in Baton Rouge as well as New Orleans, to assist in legislative matters. The Godfrey firm was selected due to Mr. Godfrey's experience in public finance. Capabilities were contemplated based on responses and experience, and the Committee took into account input received from the levee districts and Board members who had prior experience with any firms. A firm was not identified to act as general counsel for the Authority, since the Attorney General's Office is currently being used; however, should the Board decide to identify a general counsel, one of the selected firms could be used. Since some of the firms can handle multiple areas of law, the Committee did not want to contractually limit the firms and their use. The firms that are currently acting and working successfully as general counsel for the individual levee districts were included. Contracts will be effective for one year and the selection of a list of firms from which to draw counsel will preclude the Board from having to make a selection each time a legal matter or litigation arises.

Mr. Barry concurred with the importance of this decision and felt it was important that he fully understood the qualifications and records of the various firms, since one of the firms will be O.L.D. general counsel and he is the Orleans Parish representative. He asked that the motion be deferred in order for the Board members to receive information on the qualifications and experience of the selected firms.

Committee members pointed out the firm of Haley and McKee was selected as O.L.D. general counsel because it has acted as general counsel for the R.T.A., a major State agency, and had knowledge relative to major construction projects, real estate and right-of-way acquisitions, tort claims, etc.

Ms. Sutherland explained there were issues that ruled some firms out. Some firms mistakenly included their client list in their package and were eliminated based on the representations made and possible conflicts of interest. She stated she would entertain questions, but was opposed to a selection not being made today, explaining the need to select counsel to handle various legal matters that have recently come up for which extensions have been requested and the need to engage a general counsel for the O.L.D.

Mr. Barry offered a motion to defer the resolution on the table until the next Board meeting, which was seconded by Mr. Jackson.

Mr. Pineda felt the Committee did its due diligence; however, he was not opposed to deferring the matter to assure everyone was comfortable with the selection.

Mr. Doody commented on litigation costs and stressed the importance of this decision. He wanted to assure all the members of the Board had an opportunity to approve this selection, and pointed out that this type of decision usually comes under a great deal of scrutiny.

A suggestion was offered by Mr. McKee that the Board consider the firms selected with the removal of the designation for general counsel for the O.L.D. Ms. Sutherland explained the roll of levee district general counsel; i.e., handling routine matters, outsourcing matters requiring specialized attention, managing case loads and scrutinizing invoices. Mr. Barry indicated his acceptance of Mr. McKee's suggestion and withdrew his motion to defer; however, after discussion the decision of the Legal Committee was to leave the designation. Mr. Goins added, the Committee did not want to give the appearance that any one firm was being singled out.

Mr. Barry re-offered his motion to defer action on the resolution until the November Board meeting, which was seconded by Mr. Pineda and carried by a majority vote.

**RESOLUTION #10-18-07-06 - CLAIMS SERVICE AGREEMENT WITH F.A. RICHARD & ASSOCIATES, INC. FOR GENERAL LIABILITY INSURANCE**

Mr. Doody explained the general liability insurance coverage for the three levee districts provides for a \$25,000 self-insured retention per claim and a third party administrator is legally required to handle those claims. The resolution presented authorizes the hiring of F.A. Richard & Associates as the third party administrator.

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

**WHEREAS**, at its meeting held on July 19, 2007, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority East (SLFP AE) approved acquiring general liability insurance coverage with ACE Insurance Company (ACE), through Arthur Gallagher Risk Management Services, Inc., for the Orleans Levee District (O.L.D.), East Jefferson Levee District (EJLD) and Lake Borgne Basin Levee District (LBBLD); and

**WHEREAS**, the aforementioned coverage provides a self-insured retention of \$25,000 (deductible) per claim, which is required by law to be managed by a third party administrator; and

**WHEREAS**, ACE has recommended the firm of F. A. Richard & Associates as the third party administrator; and

**WHEREAS**, F. A. Richard & Associates has offered to provide this third party administrator service at a cost of \$3,500 for each levee district within the

territorial jurisdiction of the SLFP AE for the policy period, plus any additional costs due to actual claims management.

**BE IT RESOLVED**, that the President is hereby authorized to execute a claims service agreement between F. A. Richard & Associates, Inc. and the Authority on behalf of the O.L.D., EJLD and LBBLD to provide third party administrator services for general liability insurance coverage through ACE Insurance Company.

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

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

**4. Discussion and/or motion relative to the regular monthly meeting date for November, 2007 (as per bylaws second Thursday in November).**

The Board discussed the possibility of rescheduling its Board meeting for November, 2007, which is set by the bylaws as the second Thursday of the month for November, and concluded that the Board Meeting should remain on November 8, 2007.

**XI. B. Orleans Levee District (O.L.D.):**

- 1. Motion to adopt the adjusted millage rate(s) determined in accordance with the provisions of Article 7 Section 23 (B) of the Constitution and La. R. S. 47:1705 B. (2) for the tax year 2008.**
- 2. Motion to roll forward the adjusted millage rate(s) for 2008 to a rate(s) not to exceed the prior year's, 2007, maximum millage rates for the tax year 2008.**
- 3. Motion to certify millage rates to the Council of the City of New Orleans for the purpose of causing the tax to be entered on the tax rolls and collected by the Department of the Treasury for the tax year 2008.**

Mr. Losonsky explained the Board is required to adjust or roll back millage rates for the Orleans Levee District; however, it was unable to do so at that time because the numbers required in the resolution had not been received. The Board was advised that the Legislative Auditor's Office had been contacted and it was unlikely those numbers would be received by the day's end. Since the resolutions were tentatively required for presentation to the New Orleans City Council by October 30<sup>th</sup>, the Board discussed the possible need to schedule a special meeting in order to take action on Agenda Items XI.B.1, 2 and 3 relative to the adjustment of millage rates for the Orleans Levee District.

**RESOLUTION #10-18-07-07 - ORLEANS LEVEE DISTRICT CAPITAL OUTLAY PROGRAM FUNDING REQUEST**

O.L.D. Executive Director Stevan Spencer explained the first item is for the construction of a 2,300 foot section of promenade, consisting of a reinforced slab on timber piling between the seawall and back curb of Lakeshore Drive, similar to the promenade constructed in the vicinity of the Mardi Gras Fountain. A vinyl sheet pile wall would be driven at the top of the seawall to prevent scour and erosion under the seawall and protect the area between the seawall and the roadway from erosion.

Funding requested for this project is \$5 million, with an estimated 20 percent O.L.D. cost share. The lakefront promenade project has been broken into phases. Should this funding be received, it would also provide for the completion of the design of an additional section along the lakefront which was started prior to Hurricane Katrina. The second item is for the construction of a combination safe house/E.O.C./I.T. center at the Franklin facility with an estimated cost of \$2.5 million and \$500,000 O.L.D. cost share. The on-line Capital Outlay application process was explained.

Mr. Doody pointed out Capital Outlay funding is extremely competitive and projects labor for years moving through the priority process until finally approved. He recommended support of these submissions.

Mr. Pineda suggested that an application be submitted for FEMA's Pre-disaster Mitigation Program should a positive response not be received from the Capital Outlay Program.

Mr. Doody advised the Board that while he was in Washington he discussed the need to federalize the lakefront seawall and make it part of the federal protection program; however, this decision would not be received anytime in the near future. Mr. Pineda suggested a request for the seawall to be included in the federal project be prepared, and should a favorable response not be received, then application be made for the non-federal project program.

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

**WHEREAS**, the Orleans Levee District (O.L.D.) has successfully obtained funding from the State of Louisiana Capital Outlay Program (COP) for the design of several vital projects over the past years; and

**WHEREAS**, the State of Louisiana COP funding applications are required to be submitted by November 1, 2007, with a Resolution requesting sponsor funding; and

**WHEREAS**, the O.L.D. has projects that require funding from the COP in order to initiate design and/or construction phases of said projects.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Control Authority-East on behalf of the O.L.D., by this Resolution, formally requests the State of Louisiana COP to fund the following O.L.D. projects for Fiscal Year 2008-2009 in the amounts shown:

- |           |   |                     |
|-----------|---|---------------------|
| <b>A.</b> | <b>Seawall Flood Protection Modification, Phase II<br/>(at Lakeshore Drive)</b> | <b>\$ 5,000,000</b> |
| <b>B.</b> | <b>Safehouse/EOC/IT Build Out at Franklin Facility</b>                          | <b>\$ 2,000,000</b> |

**BE IT FURTHER RESOLVED**, that the O.L.D. does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources

have been considered and rejected as not being feasible or readily acceptable at this time.

3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

**BE IT FURTHER RESOLVED**, that the O.L.D. is committed to providing a local project match to the extent it is economically able to for the amounts required/recommended and necessary by the State.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director be authorized to sign any and all documents necessary to accomplish the above.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is hereby authorized and designated to act on behalf of O.L.D. in all matters pertaining to each of the aforementioned Projects for which Capital Outlay funds are being requested including requests for State disbursements.

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

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

#### **RESOLUTION #10-18-07-08 –**

#### **ORLEANS LEVEE DISTRICT AUTOMOBILE LIABILITY INSURANCE RENEWAL**

Mr. Spencer reported Clarendon Insurance Company has offered to renew the O.L.D.'s automobile liability insurance coverage at a 10 percent reduction in premium. The premium has been apportioned between the O.L.D. flood and non-flood divisions.

Mr. Losonsky added, the possibility of one coverage for all three districts was explored, however, it was not allowable. He recommended renewal of this coverage.

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

“A resolution to authorize the renewal of Automobile Liability Insurance coverage for the Orleans Levee District Flood Division from Clarendon Insurance Company through Morrison Insurance Agency.”

**WHEREAS**, the Orleans Levee District's (O.L.D.) Automobile Liability Insurance coverage will expire on November 1, 2007 at 12:01 a.m., and a renewal quote was received from Clarendon Insurance Company at a 10 percent reduction in premium through Morrison Insurance Agency; and

**WHEREAS**, the renewal coverage is offered for a period of one year, commencing on November 1, 2007 and expiring on November 1, 2008 at 12:01 a.m., at a total annual premium of \$172,802.00; and

**WHEREAS**, the apportioned premium for the O.L.D. Flood Division is approximately \$114,050 and the apportioned premium for the O.L.D. Non Flood Division is approximately \$58,753.00.

**BE IT RESOLVED**, that the Southeast Louisiana Flood Protection Authority- East authorizes the procurement of Automobile Liability Insurance coverage from Clarendon Insurance Company through Morrison Insurance Agency at the approximate apportioned annual premium for a period of one year, commencing on November 1, 2007, and authorizes the O.L.D. Executive Director to execute all documents necessary to carry out 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. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry and Mr. McKee

**6. Motion to authorize renewal of Boiler and Machinery Insurance coverage for the O.L.D. Flood Division from CNA Insurance Company through Eagan Insurance Agency.**

Mr. Spencer advised the Finance Committee requested that the need for this coverage be reviewed and it was determined that no claim had been filed since obtaining coverage in 1994. This risk is an exclusion on property insurance coverage and is not covered under any other coverage. The premium for coverage is \$8,800. The equipment to be covered and covered risks were briefly discussed. It was found that some of the equipment that was being covered is no longer in use and should be "moth balled" and removed from service. The Board voted unanimously against renewing O.L.D. Boiler and Machinery Insurance Coverage.

**RESOLUTION #10-18-07-09 – BULLET PROOF VESTS FOR O.L.D. POLICE**

Mr. Pineda explained several months ago he, along with Mr. Barry and Mr. Doody, visited the O.L.D. Police Department. The officers who patrol and carry weapons were asked whether they had bullet proof vests, and the response was some officers had vests prior to Hurricane Katrina; however, many of the vests were lost or damaged. The feeling was that each officer in the field should have a vest to use as he chooses. Mr. Barry made inquiries to the Police Foundation and obtain a commitment for one vest. The Director of Non-Flood Assets, Mr. Louis Capo, and the Director of the O.L.D. flood side have each indicated a willingness to pay half the cost for the vests.

Mr. Spencer advised 27 vests are needed. The vests are on Louisiana State Contract at a cost range of \$500 to \$800 per vest, with the total cost being between \$13,500 and \$21,600. He proposed the officers select the type of vest to be used.

Mr. Doody requested follow ups on a commitment from a neighborhood association for three vests and with FEMA relative to funding for this cost. It was also pointed out the New Orleans Police Department received substantial funding through the State for bullet proof vests and a follow up could be made on this source.

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

**WHEREAS**, the Orleans Levee District Police Department (OLDPD) is in need of 27 bullet proof vests for the protection of its officers; and

**WHEREAS**, certain entities have offered to donate one or more of these vests; however, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) wishes to provide this protection to all OLDPD officers; and

**WHEREAS**, said vests can be purchased through Louisiana State Contract at a cost in the range of \$500.00 to \$800.00 per vest; and

**WHEREAS**, in accordance with the Memorandum of Understanding executed between SLFPA-E and the Division of Administration, the cost of operating the OLD levee police force shall be shared equally by the Non-Flood Asset Division and the O.L.D. flood protection side; and

**WHEREAS**, the O.L.D. Non-Flood Asset Division has agreed to pay 50 percent of the cost of the required bullet proof vests.

**BE IT RESOLVED**, that the SLFPA-E approves the purchase of the aforementioned required bullet proof vests, with the costs of said vests to be apportioned 50 percent to each the Non-Flood Asset Division and the flood protection side of the O.L.D.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is authorized to sign 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. Barnes, Mr. Goins, Mr. Jackson,  
Mr. Losonsky, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barry and Mr. McKee

#### **RESOLUTION #10-18-07-10 - EAST JEFFERSON LEVEE DISTRICT CAPITAL OUTLAY PROGRAM FUNDING REQUEST**

Ms. Fran Campbell, EJLD Executive Director, explained the EJLD has been working with FEMA in an attempt to have this project done as mitigation work. Should FEMA approval be received, this request could be pulled from the Capital Outlay process. Some preliminary engineering has been done at no cost by Burk-Kleinpeter to begin the process. The purpose of this bulkhead would be to hold the foreshore protection and rock in place.

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

**WHEREAS**, the State of Louisiana COP funding applications are required to be submitted by November 1, 2007, with a Resolution requesting sponsor funding; and

**WHEREAS**, the East Jefferson Levee District (EJLD) has projects that require funding from the COP in order to initiate design and/or construction phases of said projects.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Control Authority-East on behalf of the EJLD, by this Resolution, formally requests the



State of Louisiana COP to fund the following EJLD projects for Fiscal Year 2008-2009 in the amounts shown:

**LAKE PONTCHARTRAIN FORESHORE PROTECTION BULKHEAD**

<b>Phase 1</b>	<b>Reach 1</b>	<b>\$10,016,060</b>
<b>Phase 2</b>	<b>Reach 2</b>	<b>\$ 5,440,570</b>
<b>Phase 3</b>	<b>Reach 5</b>	<b>\$ 3,778,940</b>
<b>Phase 4</b>	<b>Reach 4</b>	<b>\$ 9,386,830</b>
<b>Phase 5</b>	<b>Reach 3</b>	<b>\$12,395,920</b>
<b>TOTAL</b>		<b>\$41,018,320</b>

**BE IT FURTHER RESOLVED**, that the EJLD does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

**BE IT FURTHER RESOLVED**, that the EJLD is committed to providing a local project match to the extent it is economically able to for the amounts required/recommended and necessary by the State.

**BE IT FURTHER RESOLVED**, that the EJLD Executive Director be authorized to sign any and all documents necessary to accomplish the above.

**BE IT FURTHER RESOLVED**, that the EJLD Executive Director is hereby authorized and designated to act on behalf of EJLD in all matters pertaining to each of the aforementioned Projects for which Capital Outlay funds are being requested including requests for State disbursements.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. McKee

**RESOLUTION #10-18-07-11 - LAKE BORGNE BASIN LEVEE DISTRICT CAPITAL OUTLAY PROGRAM FUNDING REQUEST**

Mr. Robert Turner, LLBLD Executive Director, explained the first item is for drainage improvements to go along with roadway improvements that were done several years ago; Categories 2 and 5 funding for this project was included in last year's legislative act, and application must be made again for funding previously in Categories 3 and 4. The second item is the Repair/Renovation of Taintor Gage Systems at Drainage Pump Stations Nos. 1 and 4, which are two of the older pump stations designed by DOTD in the '70's; these gates are almost 40 years old and are in dire need of repair and renovation. The third item is for generic flood and drainage improvements; e.g., cleaning canals around roadway and bridge crossings.

Concerning item four, Drainage Pump Station and Channel Improvements, Mr. Turner explained around 2000-2001 the USACE did a reconnaissance study in St. Bernard Parish and determined there was a federal interest to do a feasibility study in regards to drainage and drainage improvements, particularly in the main basin between Orleans Parish and Paris Road. The feasibility study, which is approximately 80 percent complete, has come to a stop because the St. Bernard Parish government, one of the local sponsors, has stopped contributing; however, attempts are being made to get the study moving again. Once the feasibility study is completed, recommendations will be presented, one of which may be for additional capacity at Pump Station No. 6. Therefore, Capital Outlay funding is being requested to provide the local matching funds for this federal project. The requested \$11,550,000 would be spread over a four to five year period.

The fifth item concerns the 60 miles of drainage canals located in St. Bernard Parish. Over half of these canals are located in residential areas, with problems occurring due to property lines being located immediately adjacent to the canals. Funding is being requested for bulkheading to alleviate those problems in the worse areas. Mr. Turner briefly explained the legislative process for Capital Outlay funding.

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

**WHEREAS**, the Lake Borgne Basin Levee District (LBBLD) has successfully obtained funding from the State of Louisiana Capital Outlay Program (COP) for several vital projects over the past years; and

**WHEREAS**, the State of Louisiana COP funding applications are required to be submitted to Facility Planning and Control by November 1, 2007, with a Resolution requesting sponsor funding; and

**WHEREAS**, the LBBLD requires funding from the COP for various projects.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Control Authority-East on behalf of the LBBLD, by this Resolution, formally requests the State of Louisiana COP to fund the following LBBLD projects for Fiscal Year 2008-2009 in the amounts and priority shown:

LIST OF PROJECTS

- |  |              |
|--|--------------|
| 1. Drainage Improvements to (Complement) LA 46 Roadway and Drainage Improvement Project Between Paris Road and Webster Road, Planning and Construction | \$ 2,320,000 |
| 2. Repair/Renovation of Taintor Gate Systems at Drainage Pump Stations Nos. 1 and 4, Planning and Construction   | \$ 2,300,000 |
| 3. Flooding and Drainage Improvements, Planning and Construction   | \$ 360,000   |
| 4. Drainage Pump Station and Channel Improvements, Land Acquisition, Planning and Construction   | \$11,550,000 |
| 5. Bulkheading of Canals, Planning and Construction  | \$ 2,040,000 |

**BE IT FURTHER RESOLVED**, that the LBBLD does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for this non-recurring project appropriation.
4. No surplus and/or unobligated funds are available.

**BE IT FURTHER RESOLVED**, that the LBBLD is committed to providing a local project match to the extent it is economically able to for the amount required/ recommended and necessary by the State.

**BE IT FURTHER RESOLVED**, that the LBBLD Executive Director is hereby authorized to sign any and all documents necessary to accomplish the above.

**BE IT FURTHER RESOLVED**, that the LBBLD Executive Director is hereby authorized and designated to act on behalf of LBBLD in all matters pertaining to each of the aforementioned Projects for which Capital Outlay funds are being requested including requests for State disbursements.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. McKee

**2. Motion to authorize the LBBLD to request proposals to obtain bids for consultants for debris pickup.**

Mr. Turner explained the St. Bernard Parish government elected to hire its own debris contractor and told FEMA it did not want the USACE to pick up debris in St. Bernard Parish. He further explained the problems encountered in attempting to use the Parish's contractor and the attempts to have FEMA task the USACE with debris removal for the LBBLD. The USACE cleaned the canals but did not haul off the debris that has stacked up at the drainage pumping stations and on the outside of the levees. FEMA recommended a contractor be hired for this debris removal, which would be reimbursable. Mr. Turner explained the procedures necessary to hire a contractor, which included the need to put together a bid package for which he recommended a consultant be hired. As an option, a memorandum of understanding between the St. Bernard Parish government and the LBBLD is under review, which if acceptable to all parties, could possibly be used to have the Parish's contractor do the debris removal.

Mr. Goins pointed out the City of New Orleans is currently advertising for bids for debris removal and recommended contacting the City regarding use of information in its bid package. Ms. Sutherland further recommended the use of LBBLD counsel in putting together the bid package. Mr. Turner advised he would contact the City of New Orleans and would continue working with FEMA for a possible solution to this problem.

The Board concurred that the motion be deferred indefinitely.

A Special Board Meeting was tentatively scheduled for Friday, October 26, 2007, at 1:00 p.m. at the Lake Vista Community Center to take action on Agenda Items XI.B.1, 2 and 3 relative to the adjustment of millage rates for the Orleans Levee District. Mr. Losonsky advised the situation would be monitored to assure the required numbers are available by October 26<sup>th</sup> in order to have the Special Board Meeting.

The next regular monthly meeting of the Board will be held on Thursday, November 8, 2007.

There was no further business, therefore the meeting was adjourned at 4:43 p.m.

# The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

## Orleans Levee District PUBLIC NOTICE

Notice is hereby given pursuant to Article 7, Section 23(C) of the Constitution and R.S. 17:1705(B) that a public hearing of the Orleans Levee District will be held in the Lake Vista Community Center Second Floor Hall, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, on Thursday, October 18, 2007 at 9:30 a.m., and at 7001 River Road, Marrero, Louisiana, on Friday, October 26, 2007 at 1:00 p.m., to consider levying additional or increased millage rates without further voter approval or adopting the adjusted millage rate and rolling forward to a millage rate not to exceed the prior year's maximum.

## Orleans Levee District PUBLIC NOTICE

Notice is hereby given pursuant to Article 7, Section 23(C) of the Constitution and R.S. 17:1705(B) that a public hearing of the Orleans Levee District will be held in the Lake Vista Community Center Second Floor Hall, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, on Thursday, October 18, 2007 at 9:30 a.m., and at 7001 River Road, Marrero, Louisiana, on Friday, October 26, 2007 at 1:00 p.m., to consider levying additional or increased millage rates without further voter approval or adopting the adjusted millage rate and rolling forward to a millage rate not to exceed the prior year's maximum.

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Robert J. Chiasson who deposes and says that he is the Accounts Receivable Manager, of The Times-Picayune Publishing Corporation, a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached MAIN NEWS/PAGE A-4, & A-12

Re: Orleans Levee District Public Notice a public hearing of Orleans Levee District held in Lake Vista Community

Advertisement of State of La. Orleans Levee

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New Orleans, La. 70122

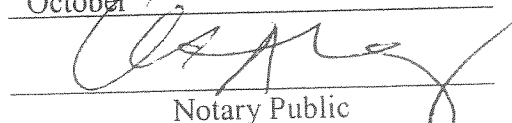
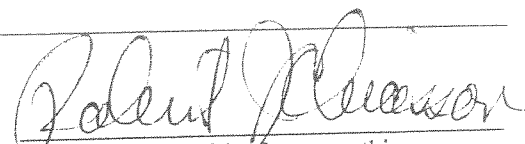
Was published in The Time Picayune

3800 Howard Ave.  
New Orleans, La. 70125

On the following dates July 3, 5, 2007

8th

Sworn to and subscribed before me this  
Day of October



Notary Public

My commission expires at my death.  
Charles A. Ferguson, Jr.

Notary identification number 23492

**ORLEANS LEVEE DISTRICT**

6920 Franklin Avenue, New Orleans, LA 70122

Telephone: (504) 286-3100

and

**ALGIERS LEVEE DISTRICT**

1400 Brooklyn Avenue, New Orleans, LA 70114

Telephone: (504) 286-3100

**October 15, 2007**

		<b>Fax No.</b>	<b>Telephone No.</b>
WWL-TV(CBS)	CHRIS FINCH	529-6472	529-6316
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CITY BUSINESS	TERRY O'CONNOR	832-3550	834-9292
GAMBIT	KANDACE GRAVES	483-3116	486-5900

**PRESS RELEASE**

Two separate public hearings will be conducted, pursuant to Article 7, Section 23(C) of the Constitution and La. R.S. 47:1705(B) as follows:

1) Orleans Levee District.

by the Southeast Louisiana Flood Protection Authority-East for the Orleans Levee District at 9:30 a.m. on Thursday, October 18, 2007 in the Lake Vista Community Center Second Floor Hall, 6500 Spanish Fort Boulevard, New Orleans, Louisiana; and

2) Algiers Levee District.

by the Southeast Louisiana Flood Protection Authority-West for the Algiers Levee District at 1:00 p.m. on Friday, October 26, 2007 at 7001 River Road, Marrero, Louisiana,

Both are being held for the purpose of considering levying within the geographic boundaries of each respective levee district additional or increased millage rates in excess of the millage rates as adjusted in accordance with the requirements of Article 7 Section 23 (B) of the Constitution for year 2008, but not to exceed the millage rates levied in the prior year, 2007, adopting the adjusted millage rates, and rolling forward to a millage rate not to exceed the prior year's, 2007's, maximum millage rate, without further voter approval.