

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

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, December 20, 2007, at the St. Bernard Public School Board Building, 200 East St. Bernard Highway, Chalmette, 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
John M. Barry, Secretary
George Losonsky, Ph.D., Treasurer
David P. Barnes, Jr.
Stradford A. Goins
Thomas L. Jackson
Ricardo S. Pineda
Louis E. Wittie

Absent:

Abril B. Sutherland, Vice President
Larry A. McKee
Sara Lee St. Vincent

OPENING COMMENTS:

Mr. Doody welcomed everyone to St. Bernard Parish. He informed the Board since its last meeting he met with members of the Southeast Louisiana Flood Protection Authority-West and discussed reconciliation of taxes collection in 2007 and an ownership claim on assets. He mentioned the reports and presentations listed on the agenda that would be provided during the meeting, and commented on the Association of Levee Boards' Annual Meeting held on December 5-8, the recent levee school attended by some of the members, and a site visit to borrow pits located in St. Bernard.

RESOLUTION #12-20-07-01 – ADOPTION OF AGENDA

The following amendments were offered to the Board agenda: changing Item XI.A.2 from "Discussion of Operational Study" to "Discussion of Drainage and Polder Study"; under Item X Executive Session, adding (2.) Katrina Litigation update, In re:

Katrina Canal Levee Breaches Consolidated Cases, USDC EDLA 05-4182; deferring to a future meeting Item XI.C.1 regarding right-of-entry to investigate borrow sources in connection with the hurricane protection system, St. Bernard Parish; and adding Item XII.A.6 SLFPA-E Financial Report.

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

A resolution to adopt the agenda, as amended, for the Board Meeting of December 20, 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. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. McKee

RESOLUTION #12-20-07-02 – APPROVAL OF MINUTES

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

A resolution to approve the minutes of the Board Meeting of November 8, 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. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. McKee

PUBLIC COMMENTS:

Mr. Phil Shall, a resident on Moss Street in New Orleans, provided a two page handout on Bayou St. John Flood Control. Mr. Shall stated the U.S. Army Corps of Engineers (USACE) has indicated its willingness to build the option of a gate, as opposed to a levee, at the mouth of Bayou St. John, provided the Authority is willing to accept responsibility, which was originally the Orleans Levee District's. He requested and urged the Authority to accept the responsibility for the gate should it be built.

Mr. Stevan Spencer, Orleans Levee District (O.L.D.) Executive Director, explained the current Flood Control Structure at Bayou St. John, which is about 1,000 feet offset from the lakefront, is closed mainly because of silt filling in the channel and the lake usually being higher than the Bayou. Three culverts are used to control the water level and are a part of the hurricane system. The valves at the waterfall structure at Robert E. Lee are inoperable. There have been discussions about replacing the

structure with a solid levee and culverts vs. renovations to the current structure.

Mr. Jackson suggested this issue be discussed at a future meeting with the distribution of proper information, and commented on the inoperability of the structure due to silting.

Mr. Doody added, information has been received; however, the designs have not been completed. He stated he had spoken to individuals relative to vitalization of the Bayou and hoped a compromise could be reached that would most wisely utilize taxpayers' dollars and at the same time keep the waters of the Bayou fresh.

Mr. Shall stated the USACE indicated it has the monies to do this structure and is willing to do it, assuming this Authority will take responsibility for it. He added, according to the permit, the structure gates were supposed to remain open at all times, except during hurricane conditions; however, the Orleans Levee District never maintained or operated it the way it was intended.

PRESENTATIONS:

1. "WITHOUT ADEQUATE FLOOD PROTECTION NOTHING ELSE CAN MATTER VERY LONG" – PROFESSOR BOB BEA.

Mr. Barry thanked Professor Bea for coming to New Orleans and generously spending four days in the area pro bono. He commented on the importance of the exchange of information with Professor Bea's visit and of listening to his criticisms of the USACE.

Professor Bea indicated he would be commenting on his observations over the past 2-1/2 years on flood protection. He explained he had lived in the area for many years and during that time lost his home due to Hurricane Betsy. At this point he has spent 6,000 hours pro bono learning every foot of this area's flood protection system.

Professor Bea began the presentation with the topic of current protection. He became concerned with the Lower Ninth Ward when he saw an illustration on the USACE website showing a new T-wall with batter piles driven to -70 feet and sheetpiling driven to a penetration of -19 feet. A graph labeled USACE 'picture' (5/15/2007) was shown that raised the question, "could there be seepage happening under this floodwall", and Professor Bea commented about his concerns and areas that are underlain by buried swamp. He also explained how a red flag showed up in September, 2005, while tracking holes in the IHNC east bank industrial area, which was being cleared for a USACE lock expansion project, and discussed photographs taken before and after Hurricane Katrina of this area. A geologic profile showed marsh layers and the locations of the IHNC south and north breaches. Professor Bea explained growth faults have been found in this area and have been mapped through the center of the south breach. These growth faults extend hundreds to thousands of feet below the surface and collect course materials that act as water conduits. He described

conditions experienced when drilling soil borings in the area. The on-going analyses are beyond any of the work that the various teams that have studied this area have worked on. Excessive uplift hydrostatic pressures from the Industrial Canal were found under the wall. Although the wall is at elevation 15 feet, after understanding the mechanics of what is happening, the prediction is the wall will fail due to water coming under it at a water elevation of approximately 12 feet. A photograph was presented of an interim protection levee capped with clay on Lake Borgne which showed rivulets in the berm. The Dutch were consulted about clay capped levees and their response was that it would not work because the clay develops cracks. Further details were provided by Professor Bea regarding this problem.

Professor Bea addressed factors of safety. The factor of safety traditionally used for lateral stability is 1.3, which is being used in the new 100 year criteria. He discussed a profile of the 17th Street Canal, the capacity of the canal and control of water levels, the fact that the 17th Street area is underlain by a swamp, along with pressure issues, and explained considering these issues, the probability of failure is 40 percent; therefore, the factor of safety of 1.3 is not acceptable. He pointed out the factor of safety for oil and gas platforms would be a minimum of 2.5.

Professor Bea explained he has been working on hurricane risk analyses since the 1960's. He spoke on a graph which showed the likelihood of flooding at different water elevations and the translation of that information to the flood map. He pointed out flood map language stating, "...the potential of a 1% chance (1 in 100) every year of flooding this deep from Hurricanes..." should read in part, "this deep or deeper".

A consistent roadway emerged after going through about 600 major catastrophes which revealed that failures are caused by two kinds of things; i.e., intrinsic, including natural variabilities and model uncertainties, and extrinsic, including human and organizational performance and knowledge uncertainties. He felt that the area causing 80% of the troubles is not being looked at, which is operations and maintenance; however, more than 60% of what triggers it is found back in bad, deficient or defective design. USACE flood risk analysis today includes intrinsic uncertainties, more or less, but have completely excluded extrinsic. Professor Bea commented on the issues of insufficient treatment of intrinsic uncertainties and modeling issues that have not been clearly addressed, the importance of the fact that extrinsic uncertainties have been excluded, the substantial under-estimates of likelihoods, substantial under-estimates of consequences, flawed communications of results, and diversion of resources from critically important elements.

Professor Bea addressed the Future of Flood Protection for the New Orleans Area. He commented on flood protection goals; e.g., 100 year protection for the New Orleans Area vs. 2,500 to 10,000 year protection for the Netherlands, and changing the way we think; i.e., nature first and engineered works second in order to engineer an integrated, coherent and sustainable flood protection system. He felt the expertise is here to come up with a sustainable approach, but it needs to be mobilized. He discussed the missing link between environmental restoration and flood protection.

Professor Bea concluded his presentation by discussing the concept of a Technology Delivery System (TDS), and the importance of engaging the public, government and industrial enterprise.

Mr. Goins asked Professor Bea if he would provide his findings on the assumptions of the risk assessment model, and Professor Bea commented on the assumptions issues.

The IHNC floodwall failure was briefly discussed. Professor Bea was asked whether he had found evidence of past distributaries going underneath the floodwall, and he responded that he had found such evidence. Mr. Barry commented he was at the site with the forensic team shortly after Hurricane Katrina and the results of overtopping could clearly be seen. As to whether the failure occurred due to overtopping, seepage or the barge, Professor Bea used the analogy of a horse race and explained failures do not happen instantaneously and one thing does not cause a failure—it is an accumulation of things that cause a failure. From what he could tell, the entire levee began to move, it is believed due to seepage, as the sheetpiling went to elevation -10 and the bottom of the swamp deposits is at elevation -35, and it is felt that started the unfolding. Meanwhile, the water is rising and the walls are leaning, such as occurred with the 17th Street Canal floodwall. Which horse wins the race does not matter to engineers because their job is to anticipate failure modes and eliminate them. Mr. Barry pointed out if the failure did not occur due to overtopping or the floodwall would have failed anyway even if it had not been overtopped, then the specific failure mode fix may not work, and asked whether this dispute could be resolved. Professor Bea responded that yesterday he had discussions with USACE representatives regarding a marvelous controlled test that was run on the London Avenue Canal, and asked why couldn't this test be done on the IHNC.

The subjects of protection against wave action for the MRGO levee, GIWW defenses after the closure of the MRGO, issues dealing with the factor of safety and modeling uncertainties, the Technology Delivery System, real time instrumentation and warning systems were further discussed.

Professor Bea advised information could be found on the Center for Catastrophic Risk Management website (iber.berkeley.edu/ccrm).

Mr. Doody thanked Professor Bea for his presentation and for the time he spent with members of the Board and the USACE. He also thanked Col. Bedey and Col. Starkel for the time they have spent on flood protection and invited their comments.

Colonel Bedey commented on the importance of public safety and that the comments presented today are not to be taken lightly. The USACE invites dialog and input from any and all parties and will continue to work with all of its partners and stakeholders in the most open and transparent manner possible. Col. Bedey pointed out 100 year protection is the short term intermediate goal for 2011; however, the

USACE was also given the job to do the Louisiana Coastal Restoration and Protection Plan in conjunction with the State such that over time work can be done on coastal restoration and protection.

Mr. Pineda complimented the USACE on the number of workshops and hearings being conducted related to repairs, reconstructions and future planning.

Mr. Doody commented that the closure of the MRGO appeared to be happening on a fast track.

2. LAKE PONTCHARTRAIN SHORELINE PROJECT - MARK SCHEXNAYDER AND BRUCE SHARKEY.

Mr. Mark Schexnayder advised work has been on-going with the Authority for some time on various concepts to present to the USACE for mitigation projects which at the same time will enhance storm protection and provide environmental restoration. Copies of the design book for Jefferson Parish Lakefront Restoration were distributed.

Mr. Bruce Sharkey explained he teaches landscape architecture at LSU and has been working on Katrina related projects. The proposed project deals with the non-structural side of flood protection, i.e., nature and its ability to reduce storm impact. LSU students looked at the history of the lakefront shoreline area and found that historically there was a natural system of marsh and wetlands extending as much as 600 feet into the lake that protected the shoreline. The Lake Pontchartrain shoreline supports a diverse eco-system for fish and wildlife which has been reduced over the years with the loss of marsh and wetlands. LSU students developed a series of alternative plans, including a breakwater system to hold a newly constructed marsh and wetlands system and a series of inner-connected islands of marsh and wetlands with both fresh water marsh and wetlands closer to the levee, along with ideas for the development of the Bucktown Marina area, such as a public park, outdoor recreation, venues for community events, boardwalks, fishing piers and some commercial development.

Mr. Schexnayder estimated the cost to be in the order of \$10 million per mile. There is \$750 million in the mitigation account for levee building that must be spent on habitat restoration and one-half billion dollars of CF monies are available. He pointed out the need for foreshore protection, and advised historical records and studies had been reviewed.

Public use was discussed and it was noted that the question of access is addressed in the design book. Mr. Losonsky suggested an economic analysis could be done to show that the economic benefits returned to the public far outweigh the cost and would present a good investment for the future. The concept and design book have been presented to representatives of the USACE.

Mr. Sharkey explained the primary motivation for this project is storm protection.

Project benefits would include its service as the front line of defense, sustainability, its contribution towards maintaining the structural integrity of the existing levee and floodwall, providing a habitat for fisheries and wildlife and diverse recreation opportunities, improving water quality, and it would contribute to the economy of the area through tourism and improved property values.

Mr. Stevan Spencer, O.L.D. Executive Director, mentioned that the Orleans Levee District in the recent past had a consultant, Burk-Kleinpeter, Inc., do studies and designs for a proposed wetlands and marsh project in the New Orleans East Lakefront area and those documents are available for the USACE's review for a possible mitigation project.

Mr. Schexnayder advised the USACE would need a request from the Authority suggesting that it consider this project as a potential mitigation project. Mr. Doody advised a resolution could be considered at the next Board meeting and further requested that Mr. Goins become involved in the review of this project.

Mr. Schexnayder commented on two additional potential mitigation projects: the first dealing with the St. Charles Parish/Jefferson Parish shoreline and closure of the canal at the lake, rebuilding the Labranche wetlands and creating a conduit for sediment transportation pipelines for area projects; and the second dealing with building a wetlands area against the lower Ninth Ward and St. Bernard Parish levee system and establishing an estuary area. Information can be viewed at the Louisiana Sea Grant website (laseagrant.org).

COMMITTEE REPORTS:

Finance Committee: Chair Losonsky reported the Committee met and a wide range of insurance issues were considered, which are addressed in resolutions under New Business.

Operations Committee: Mr. Doody advised Mr. McKee who Chairs the Committee was unable to attend today's meeting; however, Mr. Pineda would provide a report later in today's meeting on the drainage study.

Legal Committee: Mr. Goins reported three items were considered by the Committee, which are addressed in resolutions under New Business.

Special Issues Committee: No Committee meeting was held in the month of December.

EXECUTIVE SESSION:

At 11:45 a.m. Mr. Barnes offered a motion, seconded by Mr. Goins and unanimously adopted, for the Board to convene in Executive Session to discuss the items on the Board agenda.

A motion was offered by Mr. Goins, seconded by Mr. Jackson and unanimously adopted, for the Board to reconvene in regular session at 1:00 p.m.

RESOLUTION #12-20-07-03 - EAST JEFFERSON LEVEE DISTRICT V. SALVADOR P. FERRERA, FIRST PARISH COURT NO. 138167”B”.

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East accepts the proposed recommendation for settlement from counsel which was reached in executive session in the litigation entitled East Jefferson Levee District v. Salvador P. Ferrera, First Parish Court No. 138167”B”.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Lososky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. McKee

DISCUSSION OF SLFPA-E STRATEGIC PLAN.

Commissioners were previously provided with a very basic draft of a strategic plan by Mr. Pineda. In accordance with the recommendation at a prior Board meeting, Mr. Pineda advised he would work with Regional Director Bob Turner on securing a plan facilitator and hoped to have the project launched in the next few months.

DISCUSSION OF DRAINAGE AND POLDER STUDY.

Mr. Pineda explained Act 1, which created the Authority, also directed that it conduct a comprehensive drainage study, essentially addressing the pros and cons of consolidating drainage management within St. Bernard, Orleans and East Jefferson Parishes. A Request for Qualifications was issued and Statements of Qualifications were received. The Committee, consisting of Mr. McKee, Mr. Jackson, Mr. Goins and Mr. Pineda, along with Regional Director Bob Turner, requested the top four firms to submit a draft scope of work and schedule. Three responses were received, evaluated and ranked by the Committee, as follows: 1. DMJM Harris, Inc. ; 2. Linfield, Hunter and Junius; and 3) Fenstermaker Associates. Mr. Pineda commented all three firms could do a good job on the drainage and polder study.

Mr. Jackson advised he is retired from the firm that was selected by the Committee as the number one firm. He further advised he made a formal request of the Louisiana Department of Ethics and received a letter of a formal ruling by the Ethics Commission stating that because he has no connections, financially or otherwise, with DMJM Harris, he would not have a conflict in participating in the vote. He added, he

had considered abstaining; however, he felt he made a commitment to the Board and public to participate in all matters. The Committee had voted three in favor of DMJM Harris and one in favor of Linfield, Hunter and Junius.

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

RESOLUTION #12-20-07-04 – SELECTION OF ENGINEERING FIRM FOR DRAINAGE STUDY

WHEREAS, by Resolution #07-19-07-013, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorized its President to request and receive proposals from qualified engineering firms to conduct “a study of pump drainage systems operated by entities within the territorial boundaries of the SLFPA-E” as required by Section 5 of Act 1 of the 2006 First Extraordinary Session of the Louisiana Legislature; and

WHEREAS, a Committee was formed by the President to review qualifications, carry out the selection process and provide the results to the Board; and

WHEREAS, the Committee has reported its ranking of the three top qualified engineering firms.

BE IT RESOLVED, that the SLFPA-E approves the ranking by the Committee of the top qualified engineering firms, as follows:

1. DMJM Harris, Inc.
2. Linfield, Hunter and Junius
3. Fenstermaker Associates

BE IT FURTHER RESOLVED, that the SLFPA-E delegates authority to the SLFPA-E Regional Executive Director to finalize the scope of work and cost for the drainage study, and directs that the proposed contract be submitted to the Board for approval.

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

ABSTAINED: Mr. Barry

ABSENT: Mr. McKee

It was noted that a notice to proceed with the study would not be issued until funding is in hand. Mr. Doody advised it was his intention to use the existing committee to carry out negotiations.

RESOLUTION #12-20-07-05 - RATIFYING THE RE-CALCULATION AND CERTIFICATION OF MILLAGE RATES BY THE ORLEANS LEVEE DISTRICT.

Mr. Doody explained the Board had previously rolled back Orleans Levee District

millage rates as required by law and then slightly rolled those millage rates up to cover additional costs. The Southeast Louisiana Flood Protection Authority-West had decided to roll the rates completely back for the Algiers Levee District. The Legislative Auditor's Office subsequently required a blended rate based upon the assessed values so that the total dollars returned will be precisely what the East and West Authorities approved.

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

RESOLUTION #12-20-07-05

A Resolution Ratifying the Re-calculation and Certification of Millage Rates by the Orleans Levee District Staff and Other Matters in Connection Thereof.

WHEREAS, the commissioners of the Southeast Louisiana Flood Protection Authority-East (the "Authority") acting as the governing authority of the Orleans Levee District (the "OLD") at its November 8, 2007 meeting adopted three resolutions dealing with millage rates for the three ad valorem taxes levied by the OLD as follows:

- 1) Resolution No. 11-08-07-03 which rolled back (reduced) the millage rates levied in year 2007 to the levels required to yield the same dollar amount of tax revenues received in year 2007 as required by Article VII Section 23 (B) of the Louisiana Constitution of 1979 (the "Constitution") setting such rates for year 2008 at (i) 4 mills for the General Tax, (ii) 4.79 Mills for the SLIP Tax, and (iii) .55 mills for the Maintenance Tax for a total of 9.34 mills;
- 2) Resolution No. 11-08-07-04 which as permitted by Article VII Section 23 (C) of the Constitution by a 2/3rds vote rolled forward (increased) the millage rates as roll back (reduced) by Resolution 11-08-07-03 to the millage rates deemed necessary to produce in year 2008 the tax revenues needed to operate the OLD setting such rates for year 2008 at (i) 4.12 mills for the General Tax, (ii) 4.95 Mills for the SLIP Tax, and (iii) .57 mills for the Maintenance Tax for a total of 9.64 mills; and
- 3) Resolution No. 11-08-07-05 which certified to the City of New Orleans (the "City") the annual levy by the OLD taxes at 9.64 mills.

(Collectively all three resolutions are referred to as the "Resolutions.")

WHEREAS, the three individual millage rates and the total millage established or certified in the Resolutions stated they were based upon the taxable property assessed valuations determined by the City Council of the City (the "Council") at its meeting of October 18, 2007;

WHEREAS, each of the Resolutions provided in its last section that in the event the Council determined some mistake was made in its October 18 assessments and certified a different set of assessments or any change was made by the Tax Commission to any of the assessments by the Council, the proper officers of the District and its staff were authorized and directed to

recalculate the millages established in the Resolutions using the final adjusted assessed valuations certified by the Council, certify and advise the City Finance Department and the Legislative Auditor of such revised millage rates and prepare a resolution of this Authority ratifying such adjusted millage rates;

WHEREAS, the Council did in fact determine that its October 18 assessments contained mistakes and another determination of assessments was certified by the Council subsequent to October 18, 2007;

WHEREAS, in accordance with the authority contained in the last paragraph of each of the Resolutions, the OLD staff recalculated the three individual millage rates and total millage as set forth in the Resolutions based upon final revised assessed valuations certified by the Council and pursuant to a letter Dated December 5, 2007 from Steven Spencer Executive Director of the OLD addressed to Sharon B. McDonald Treasury Chief of the Finance Department of the City, a copy of which is attached hereto as Exhibit "A" did advise the City of the revised individual millage rates and total millage; and

WHEREAS, the Authority desires to adopt a resolution ratifying the recalculated individual millage rates and total millage made by the OLD staff as contemplated by the last paragraph of each of the Resolutions.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST as the governing authority of the Orleans Levee District that:

SECTION 1. Ratification of Staff's Recalculation of the Downward Adjustment of Millage Rates Established in Resolution No. 11-08-07-03. The Authority does hereby ratify, confirm and establish the recalculated individual millage rates and total millage made based upon the final revised assessed valuations certified by the Council and in accordance with methods and computations authorized by the Louisiana Legislative Auditor's Office by the OLD Staff of the rolled back reduced millage rates required by applicable law, including Section 23 (B) of Article 7 of the Constitution, and La. R. S. 47: 1705 B. (2) (a), for each of the three (3) taxes authorized to be levied by the OLD to the millage rates that would yield total ad valorem tax receipts in year 2008 that would equal the prior year's, 2007, total tax collections within the OLD such recalculated millage rates being as follows:

1. 3.97 mills for the District's General Tax;
2. 4.76 mills for the District's SLIP Tax; and
3. .55 mills for the District's Maintenance Tax.

Totaling 9.28 mills

The calculation of the above final recalculated millage rates is reflected in the schedules attached hereto as Exhibit "B." All references to the rolled back (reduced) individual millage rates and total millage to be levied in year 2008 referred to in Resolution No. 11-08-07-03 are amended to be the individual millage rates and total millage specified in this section 1.

SECTION 2. Ratification of Staff's Recalculation of the Adjustment Upward of Millage Rates for 2008 Established in Resolution No. 11-08-07-04. The Authority does hereby ratify, confirm and establish the recalculated individual millage rates and total millage made based upon the final revised assessed

valuations certified by the Council and in accordance with methods and computations authorized by the Louisiana Legislative Auditor's Office by the OLD Staff of the adjusted upward millage rates for year 2008 permitted by Section 23 (C) of Article 7 of the Constitution and La. R. S. 47: 1705 for each of the three (3) taxes authorized to be levied by the OLD such recalculated millage rates being as follows:

1. 4.13 mills for the District's General Tax;
 2. 4.95 mills for the District's SLIP Tax; and
 - 3 .57 mills for the District's Maintenance Tax.
- Totaling 9.65 mills.

All references to the adjusted upward individual millage rates and total millage to be levied in year 2008 referred to in Resolution No. 11-08-07-04 are amended to be the individual millage rates and total millage specified in this section 2.

SECTION 3. Ratification of Staff's Recalculation of the Adjusted Upward Millage Rates for 2008 and Total Millage to be Levied in 2008 to be Certified to the City Established in Resolution No. 11-08-07-05. The Authority does hereby ratify, confirm and establish the recalculated individual millage rates and total millage, made based upon the final revised assessed valuations certified by the Council and in accordance with methods and computations authorized by the Louisiana Legislative Auditor's Office by the OLD Staff of the adjusted upward millage rates and total millage to be levied in year 2008 to be certified to the City and the Legislative Auditor such recalculated millage rates being as follows:

1. 4.13 mills for the District's General Tax;
 2. 4.95 mills for the District's SLIP Tax; and
 3. .57 mills for the District's Maintenance Tax.
- Totaling 9.65 mills.

A total of 9.65 mills shall be levied in 2008.

All references to the adjust upward individual millage rates and total millage to be levied in year 2008 referred to in Resolution No. 11-08-07-05 are amended to be the individual millage rates and total millage to be levied specified in this section 3.

SECTION 4. Repeal of Conflicting Resolutions and Portions of Resolutions. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Exhibits and Attachment to Resolution:

Exhibit "A" - Letter of Steven Spencer, Executive Director to Sharon B. McDonald dated December 5, 2007.

Exhibit "B" - Calculation of Final Adjusted Millage Rates for 2008.

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. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. McKee

RESOLUTION #12-20-07-06 - SLFP AE PARTICIPATION OGB

Mr. Turner explained this proposal is to place the three employees of the Authority under the Office of Group Benefits. Premiums will be paid 75 percent by the Authority and 25 percent by the employee.

Mr. Doody commented briefly concerning the question of across the board standardization of benefits and recent on-going discussions with Civil Service relative to the issue of retroactively standardizing benefits and pay rates and the detrimental impact this may have on two of the levee districts.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFP AE) has been determined eligible for participation in the Office of Group Benefits (OGB) programs, which include employee health and accident plans and group life insurance coverage.

BE IT RESOLVED, That the Southeast Louisiana Flood Protection Authority-East hereby elects and authorizes participation in the Office of Group Benefits programs for SLFP AE employees.

BE IT FURTHER RESOLVED, That the SLFP AE Regional 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. Barry, Mr. Goins, Mr. Jackson, Mr. Lososky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. McKee

RESOLUTION #12-20-07-07 - SLFP AE OFFER OF DENTAL/VISION PROGRAMS

Mr. Turner advised this resolution would allow employee payroll deductions should an employee elect to participate in this program.

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

WHEREAS, dental and vision programs are available through Starmount for Southeast Louisiana Flood Protection Authority-East (SLFP AE) employees with 100 percent of the cost to be borne by the employee.

BE IT RESOLVED, That the Southeast Louisiana Flood Protection Authority-East extends the offer to SLFP AE employees to participate in the Starmount dental and vision programs at employee's cost.

BE IT FURTHER RESOLVED, That the SLFP AE Regional 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. Barry, Mr. Goins, Mr. Jackson, Mr. Lososky,
Mr. Pineda and Mr. Wittie

NAYS: None
ABSENT: Mr. McKee

REPORT ON MEETING WITH GOVERNOR-ELECT JINDAL'S STAFF.

Mr. Barry reported he and Mr. Doody, Mr. McKee, Mr. Turner met with Mr. Stephen Waguespack, the Governor-elect's Chief of Policy and Transition, and Mr. Garrett Graves of Senator Vitter's office to review the current activity on 100 year protection. Mr. Graves is confident that Congress will improve OMB's proposal once it is received. The State does not wish to come up with a dollar figure at this point as it could affect the actions of OMB and Congress. It is felt that that 100 percent federal funding is not achievable.

Mr. Turner commented the first project that would require the execution of a PCA in about June of 2008 is the Inner Harbor Navigation Canal Project, which is a 100 percent federally funded construction project; however, the local sponsor would be required to assist with land acquisition and provide operation and maintenance.

Mr. Barry further commented Governor-elect Jindal had only a couple of days before he met with the President in the White House and made some of the Authority's points. An attempt is being made to get funding in a Supplemental Appropriation that would move through Congress during the Spring, in lieu of the regular budget cycle.

RESOLUTION #12-20-07-08 – APPROVAL OF A PORTION OF EXPENSES FOR PROFESSOR ROBERT BEA

Mr. Doody explained this resolution would be to cover a portion of Professor Bea's airfare, hotel and incidental expenses.

Mr. Jackson commented that in today's presentation and in meetings during his visit Professor Bea had brought some very important issues back to the forefront.

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the payment of a portion of the expenses of Professor Robert Bea for airfare, hotel and incidental expenses for his trip to New Orleans from December 18 – 22, 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. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. McKee

DISCUSSION OF REQUEST FOR THE COASTAL PROTECTION AND RESTORATION AUTHORITY (CPRA) TO SET UP A SUBCOMMITTEE

ON REAL ESTATE ISSUES FOR 100 YEAR PROTECTION.

Mr. Barry advised an e-mail was sent to Ms. Sidney Coffee, CPRA Chair, concerning this issue and Ms. Coffee was not opposed to setting up such a subcommittee. He then offered a motion to amend the agenda to introduce a resolution calling for the CPRA to establish a real estate committee, which was seconded by Mr. Wittie and unanimously adopted.

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

**RESOLUTION #12-20-07-09 –
REQUEST FOR CPRA TO ESTABLISH A SUBCOMMITTEE**

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East requests the Coastal Protection and Restoration Authority (CPRA) to set up a subcommittee on lands, easements, rights-of-way and relocations for all projects under the CPRA to include a member from the Southeast Louisiana Flood Protection Authority-East.

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. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. McKee

SLFPA-E FINANCIAL REPORT.

Mr. Losonsky provided a report on the SLFPA-E Statement of Revenues, Expenditures and Changes in Fund Balance. The Authority started with a fund balance in the beginning of the year of \$118,009. Total revenues were \$208,871 and total expenditures were \$104,023, leaving a fund balance on November 30th of \$222,857.

Mr. Jackson commented that he had requested a second report on a pre-budget basis so that the Board could know on an on-going basis where it stood on its limited budget and whether or not it would be able to financially obligate itself prior to voting on matters.

RESOLUTION #12-20-07-10 - O.L.D. HEALTH AND DENTAL INSURANCE

Mr. Losonsky noted the Finance Committee reviewed this matter and recommended approval of Alternate 3.

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

WHEREAS, health and dental insurance coverages offered to eligible Orleans Levee District employees and retirees will expire on January 1, 2008; and

WHEREAS, Thomas C. Besselman and Wayne J. Francingues have shopped the market for health care and dental insurance plans; and

WHEREAS, United Health Care has offered to renew health coverage under its Alternate 3 at an estimated total annual premium of \$2,575,408, and Crescent Dental has offered to renew dental coverage at an estimated total annual premium of \$102,080; and

WHEREAS, the aforementioned annual premiums will be appropriately prorated between the O.L.D. Flood and Non-Flood Divisions.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of health coverage offered by United Health Care utilizing Alternate 3 for the period commencing January 1, 2008 and ending January 31, 2008, and renewal of the current dental care plan offered by Crescent Dental for the period January 1, 2008 and ending December 31, 2008.

BE IT FURTHER RESOLVED, That the O.L.D. Executive Director is hereby 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. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. McKee

**RESOLUTION #12-20-07-11 -RIGHT OF ENTRY AUTHORIZATION
IN CONNECTION WITH THE LAKE PONTCHARTRAIN AND VICINITY,
NEW ORLEANS, LOUISIANA HURRICANE PROTECTION MITIGATION LANDS.**

O.L.D. Executive Director Stevan Spencer explained the USACE is following up on Task Force Guardian work and this requested right of entry is to investigate a privately owned 140 acre tract in order to provide mitigation.

On the motion of Mr. Goins,

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

WHEREAS, by letter dated November 5, 2007, the United States Army Corps of Engineers (USACE) requested that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) on behalf of the Orleans Levee District (O.L.D.) grant right-of-entry to conduct surveys, environmental and cultural resources investigations, and hazardous, toxic and radioactive waste (HTRW) investigations in connection with the Lake Pontchartrain and Vicinity, New Orleans, Louisiana Hurricane Protection Mitigation Lands, as soon as possible, but not later than November 16, 2007, for a period 12 months; 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 on behalf of the Orleans Levee District authorizes the United States Army Corps of Engineers a right-of-entry to conduct surveys, environmental and cultural resources investigations, and hazardous, toxic and radioactive waste (HTRW) investigations in connection with the Lake Pontchartrain and Vicinity, New Orleans, Louisiana Hurricane Protection Mitigation Lands, in accordance with USACE letter dated November 5, 2007.

BE IT FURTHER RESOLVED, that the O.L.D. Executive Director be 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. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. McKee

RESOLUTION #12-20-07-12 - RIGHT OF ENTRY AUTHORIZATION IN CONNECTION WITH THE LAKE PONTCHARTRAIN AND VICINITY HURRICANE PROTECTION PROJECT, INDIVIDUAL ENVIRONMENTA REPORT (IER) #6 (CAMPS ALONG LAKE PONTCHARTRAIN) ORLEANS PARISH, LOUISIANA.

Mr. Spencer explained this right-of-entry is in connection with future design work for the lakefront levee east of Downman Road and Haynes Boulevard where fourteen property owners own property under the levee and soil borings will be needed.

Mr. Losonsky commented on USACE contractors not following DOTD grouting standards after doing soil borings and requested those guidelines be noted.

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

WHEREAS, by letter dated December 10, 2007, the United States Army Corps of Engineers (USACE) requested that the Orleans Levee District (O.L.D.) grant right-of-entry to conduct surveys, soil borings, environmental and cultural resources investigations, and hazardous, toxic and radioactive waste (HTRW) assessments in connection with the Lake Pontchartrain and Vicinity Hurricane Protection Project, Individual Environmental Report (IER) #6 (Camps along Lake Pontchartrain), Orleans Parish, Louisiana, as soon as possible, but not later than December 20, 2007, for a period 24 months; 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 on behalf of the Orleans Levee District authorizes the United States Army Corps of Engineers a right-of-entry to conduct surveys, soil borings, environmental and cultural resources investigations, and hazardous, toxic and radioactive waste (HTRW) assessments in connection with the Lake Pontchartrain and Vicinity Hurricane Protection Project, Individual Environmental Report (IER) #6 (Camps along Lake Pontchartrain), Orleans Parish, Louisiana, in accordance with USACE letter dated December 10, 2007.

BE IT FURTHER RESOLVED, that the O.L.D. Executive Director be 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. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. McKee

RESOLUTION #12-20-07-13 - O.L.D. – LONDON AVENUE CANAL

Mr. Doody explained discussions were held with the USACE concerning its taking down fences along the 17th Street Canal and the possibility of replacing those fences at the USACE's expense, and at the same time placing fencing along the London Avenue Canal. Action has been delayed along the 17th Street Canal, but no mention was made concerning the London Avenue Canal; however, this issue was discussed internally. The USACE is having legal difficulty finding a way to place fencing along the London Avenue Canal. One method by which this problem may be solved is by calling it an "on-going" construction site, which would allow the USACE to place the fencing along the London Avenue Canal at the levee toe plus six feet. Rather than wait until April for action, the SLFPA-E would present this request to the USACE for sooner action along the London Avenue Canal.

Mr. Jackson added, several alternatives were discussed with Colonel Starkel. The option of passing an ordinance was dismissed due to potential problems. It was pointed out the USACE would put up a six foot chain link fence and not a replacement in kind.

Mr. Pineda noted that homeowners may possibly be able to work out an agreement with the USACE to upgrade their fence at their expense. He also pointed out that the levee district should obtain aerial photos or surveys once the fencing is replaced.

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby requests the U.S. Army Corps of Engineers to declare the parallel servitudes along the London Avenue Canal as construction sites requiring safety fencing.

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 #12-20-07-14 - EJLD 2008 INSURANCE

Mr. Losonsky advised this resolution is a result of the Finance Committee's discussion of this matter.

Mr. Doody added, this resolution will save the EJLD approximately \$40,000. The increasing expenses of the Authority were also discussed by the Committee. He explained formerly each levee district individually carried Public Officials Liability Insurance Coverage, which is now being picked up by the Authority. Should information from the Attorney General's Office be correct and the cost can be allocated to the individual levee districts, the Authority would be able to recover the total cost of this coverage. He requested that Mr. Turner work on an allocation to be presented to the Board for approval. It was noted that Ms. St. Vincent had begun some work in this regard.

On the motion of Mr. Jackson,

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

WHEREAS, certain insurance coverages for the East Jefferson Levee District (EJLD) will expire on January 1, 2008, and quotations for renewal were received through Arthur Gallagher Risk Management Services; and

WHEREAS, Louisiana Workers Compensation Corporation has offered to renew Workers Compensation coverage at an estimated annual premium of \$112,360; and

WHEREAS, Indian Harbor has offered Law Enforcement Liability coverage at an estimated annual premium of \$55,459; and

WHEREAS, Travelers has offered to renew Inland Marine coverage at an estimated annual premium of \$14,553; and

WHEREAS, EJLD's Public Official's Liability Insurance will move to the Master AIG Public Official's policy with no charge for coverage effective January 1, 2008.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of the aforementioned insurance coverages as stated above for the EJLD effective January 1, 2008 through January 1, 2009.

BE IT FURTHER RESOLVED, that the EJLD Executive Director is hereby authorized to execute any and all documents necessary to carry out the above.

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

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

NAYS: None
ABSENT: Mr. Barry and Mr. McKee

RESOLUTION #12-20-07-15 - EJLD PURCHASE OF POLICE VEHICLES

EJLD Executive Director Fran Campbell explained the EJLD had not purchased any new vehicles for its police department since Hurricane Katrina. This item was within the budget.

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

WHEREAS, funding has been budgeted in East Jefferson Levee District's (EJLD) 2007-2008 budget for three new Ford Expeditions with Police Packages for the EJLD Police Department.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the purchase of the three aforementioned vehicles through Jefferson Parish Sheriff Office Contract #712601 Item 13D at a cost of \$22,624.00 per vehicle.

BE IT FURTHER RESOLVED, that the EJLD Executive Director is hereby 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 #12-20-07-16 - LBBLD WORKERS COMP

Mr. Losonsky noted the Finance Committee recommended approval of this resolution. Mr. Doody added, the LBBLD pays a higher cost for Workers Compensation coverage because of the higher risk due to pump operations.

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

WHEREAS, Lake Borgne Basin Levee District's (LBBLD) Workers Compensation insurance coverage will expire on December 31, 2007; and

WHEREAS, Louisiana Workers Compensation Corporation, AM Best Rated AX, Admitted, has offered to renew said coverage at an estimated annual premium of \$117,450 through the Arthur J. Gallagher Risk Management Service, Inc.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Workers Compensation insurance coverage for the LBBLD from Louisiana Workers Compensation Corporation for the period December 31, 2007 through December 31, 2008.

BE IT FURTHER RESOLVED, that the LBBLD Executive Director is hereby authorized to execute any and all documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. McKee

**RESOLUTION #12-20-07-17 – LAKE BORGNE BASIN LEVEE DISTRICT
REPLACEMENT OF SILENCERS AT DRAINAGE PUMP STATIONS 6 AND 7**

Mr. Turner explained this item concerns the necessary replacement of the large mufflers that stop the noise on six 1,000 hp diesel engines at two of the drainage pumping stations. Specifications were prepared and placed out for public bid, with bids due on December 28th. Mr. Turner requested the ability to select the lowest responsible and responsive bidder and award the contract, which is estimated at less than \$50,000.

Mr. Pineda commented at a previous meeting he had recommended that larger contracts be executed by both the levee district executive director and SLFPAE Regional Director. Mr. Losonsky advised at this time that requirement is not in place; therefore, Mr. Turner would be awarding this contract as the levee district executive director. Mr. Doody requested that Mr. Turner draft some procedures for all such public bid work. Mr. Goins asked whether a separate committee should be set up for the review of bids, suggesting a \$25,000 threshold, and Mr. Doody requested that Mr. Turner include this issue in his procedures.

On the motion of Mr. Jackson,

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

“A resolution to authorize the Lake Borgne Basin Levee District Executive Director to open sealed bids, and award and execute a contract with the lowest responsive and responsible bidder.”

WHEREAS, a real necessity exists to install three new Silencer assemblies each at Drainage Pump Stations Nos. 6 and 7; and

WHEREAS, the Lake Borgne Basin Levee District publicly advertised for sealed bids for the Replacement of Silencers at Drainage Pump Stations Nos. 6 and 7 pursuant to law, with a deadline of December 28, 2007 for the acceptance of said sealed bids.

BE IT HEREBY RESOLVED, that Robert Turner, Executive Director of the Lake Borgne Basin Levee District, is hereby authorized to accept bids and to conduct the opening of said bids on December 28, 2007, for the Replacement of Silencers at Drainage Pump Stations Nos. 6 and 7.

BE IT FURTHER RESOLVED, that Robert Turner, Executive Director of the Lake Borgne Basin Levee District is hereby authorized to award a contract to

the lowest responsive and responsible bidder pursuant to Louisiana law for the Replacement of Silencers at Drainage Pump Stations Nos. 6 and 7.

BE IT FURTHER RESOLVED, that Robert Turner, Executive Director of the LBBLD is hereby authorized to execute a contract with the lowest responsive and responsible bidder for the aforementioned project, and 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 #12-20-07-18 - LBBLD –
COOPERATIVE ENDEAVOR AGREEMENT – FORTY ARPENT LEVEE PROJECT**

Mr. Turner explained \$5 million was appropriated for the LBBLD through the Department of Natural Resources for work on the 40 Arpent Canal Levee; however, it was not specific as to what that work would entail and discussions have ensued with DOTD regarding that issue. One of the first projects to be done is the repair of two floodwalls (the first on the west side of Pump Station No. 1 and the second on the east side of Pump Station No. 6) for which the design work has been completed and is ready to go to bid. This work cannot be placed out for bid and a contract awarded until the Cooperative Endeavor Agreement (CEA) is signed so that the LBBLD can be reimbursed. The CEA has been reviewed by an attorney for the LBBLD and some language had been corrected.

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

WHEREAS, Act 203 of the 2007 Regular Session of the Louisiana Legislature appropriated funding for the Hurricane Flood Protection, Construction and Development Program and designated the Louisiana Department of Transportation and Development (LADOTD) as the recipient of said funding; and

WHEREAS, a maximum of \$5,000,000 of the aforementioned funding has been designated for the Forty Arpent Levee Project; and

WHEREAS, a Cooperative Endeavor Agreement (CEA) setting forth the terms for administering the Project is required between LADOTD and the Lake Borgne Basin Levee District, represented by the Southeast Louisiana Flood Protection Authority-East, as the project sponsor.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the SLFPAE President to execute the Cooperative Endeavor Agreement between LADOTD and the LBBLD, represented by SLFPAE, State Project No. 579-44-0001 – Forty Arpent Levee.

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 #12-20-07-19 - REPAIRS TO FLOODWALL
VICINITY OF PUMP STATIONS NOS. 1 & 6, CHALMETTE BACK LEVEE**

Mr. Turner advised the timing could be set so that bids could be accepted just prior to the next Finance Committee meeting. Mr. Losonsky pointed out that Finance Committee meetings were already lengthy and questioned the need for the Finance Committee to evaluate competitive bids. Mr. Doody pointed out the built in checks and balance system would be functional as soon as a replacement is found for Mr. Turner as the LBBLD Executive Director. Therefore, he had requested that Mr. Turner come back with a recommendation for procedures.

Mr. Turner recommended that he be allowed to confer with Assistant Attorney General Tonya Ozene to assure procedures are legally sound.

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

WHEREAS, a maximum of \$5,000,000 has been designated for the Forty Arpent Levee Project – Phase 1 within funding appropriated under Act 203 of the 2007 Regular Session of the Louisiana Legislature for the Hurricane Flood Protection, Construction and Development Program; and

WHEREAS, in accordance with the Cooperative Endeavor Agreement (CEA) for State Project No. 579-44-0001 (Forty Arpent Levee) between the Louisiana Department of Transportation and Development (LADOTD), and the Southeast Louisiana Flood Protection Authority-East (SLFAPE), representing the Lake Borgne Basin Levee District (LBBLD), the Project shall be broken into Phase I for floodwall repair at pump stations #1 and #6 on the levee west of Paris Road, and Phase 2 to improve the St. Bernard Parish back levee from Paris Road to Violet Canal/St. Bernard Highway; and

WHEREAS, it is the intent to proceed with Phase I of the Forty Arpent Levee Project at this time.

BE IT HEREBY RESOLVED, that Robert Turner, Executive Director of the Lake Borgne Basin Levee District, is hereby authorized to advertise for, accept bids and conduct the opening of said bids, and to award a contract to the lowest responsive and responsible bidder for Repairs to Floodwall Vicinity of Pump Stations Nos. 1 & 6, Chalmette Back Levee.

BE IT FURTHER RESOLVED, that Robert Turner, Executive Director of the LBBLD, is hereby authorized to execute a contract with the lowest responsive and responsible bidder for the aforementioned project, and 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. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie
NAYS: None

ABSENT: Mr. McKee

Mr. Turner provided a brief report on the search for a replacement LBBLD Executive Director. Three resumes have been received and other individuals have been in contact. Interviews are anticipated to be conducted after January 1st.

The next Board meeting will be held on Thursday, January 17, 2008.

There was no further business, therefore the meeting was adjourned at 2:30 p.m.