

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, JANUARY 17, 2008**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, January 17, 2008, in the Second Floor Council Chambers, Joseph Yenni Building, 1221 Elmwood Park Boulevard, Harahan, Louisiana, after due legal notice of the meeting was sent to each member and the news media and posted.

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

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

Present:

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

Absent:

John M. Barry, Secretary

OPENING COMMENTS:

No opening comments were made.

RESOLUTION #01-17-08-01 – ADOPTION OF AGENDA

The following amendments were offered to the agenda: add a Presentation by Mr. David Waggoner relative to an upcoming visit by a Dutch delegation, which was substituted as Item VIII as St. Tammany President Kevin Davis was unable to attend today's meeting; and add Item XIII C.2, a motion to authorize the Hurricane Protection Alliance, Joint-Venture, LLC, acting as an agent to the United States of America through its contractual relationship, a right-of-entry to accomplish survey investigations for the Lake Pontchartrain and Vicinity Hurricane Protection Project, Jefferson Parish, Louisiana, in accordance with the Hurricane Protection Alliance letter dated January 3, 2008.

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

“A resolution to adopt the agenda, as amended, for the Board Meeting of January 17, 2008.”

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

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

NAYS: None

ABSENT: Mr. Barry

RESOLUTION #01-17-08-02 – APPROVAL OF MINUTES

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

“A resolution to approve the minutes of the Board Meeting of December 20, 2007.”

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

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

NAYS: None

ABSENT: Mr. Barry

PUBLIC COMMENTS:

Mr. Darryl Malek-Wiley stated he is on the Sierra Club staff and is working with the Holy Cross Neighborhood Association and other groups in the Lower Ninth Ward. He explained he heard Professor Bea's presentation at the Board's December meeting and expressed concern about the possibility that the sheetpiling for the replacement floodwall at the Inner Harbor Navigation Canal (IHNC) may not have been driven to a sufficient depth to protect the neighborhood in the event of another storm. He commented on the multi-millions of dollars of investments and development currently going into the Lower Ninth Ward. He reiterated his concern about this section of protection and commented regarding the need for additional studies and assurance that this area is not lost in the shuffle. Mr. Malek-Wiley also advised the neighborhood has placed the restoration of cypress trees in the area immediately adjacent to the Lower Ninth Ward as one of its priorities and that there are a number of different proposals to accomplish this. He advised the Lower Ninth Ward would like to be actively involved in the process and have representatives at meetings. He commented positively on the information provided on the SLFPAE web site.

Mr. Doody advised the U.S. Army Corps of Engineers (USACE) will be requested to provide a report at a future meeting on the IHNC levee/floodwall. He added, the Authority has actively pursued involvement of the Holy Cross Neighborhood Association in a mitigation project in the area discussed by Mr. Malek-Wiley.

Mrs. Kathy Haggar with Riparian, Inc., thanked the Board for not granting the USACE the right-of-entry for borrow material from unwilling sellers and asked that the Board continue to deny this request. She explained in near future the USACE will be adopting, unless they are told otherwise, the South Atlantic Supplement, which changes the rules on what is called wetlands and that basically anything with a crawfish mound would be considered a wetland. Therefore, there will be an explosion in the square miles of wetlands. In addition, there is a move towards a new method for evaluating mitigation requirements called the Charlestown method. Expanding wetlands and expanding mitigation requirements will make it virtually impossible to use wetlands. She added, hauling material from Mississippi, St. Tammany or the spillway for projects in St. Bernard must be more expensive than taking mud from willing sellers next to the levees in Verret.

Mr. Doody advised the topic of borrow material will likely be on the agenda for the Board's next meeting and that Colonel Bedey is trying to work on other avenues or alternative sources for borrow material.

Mr. Pineda commented he would attempt to obtain clarification from the USACE on the local sponsor's responsibility relative to providing borrow sites or paying cost for borrow materials and concerning contractor acquired borrow material.

Mr. Kelly Haggar with Riparian, Inc., explained he is a wetlands consultant and expressed his support for the Violet diversion project, which he felt would be cost effective and would solve many problems. In a USACE November, 2006, report, the existing canal may be altered at a cost of over \$100 million and may involve the high rise over the canal. As an alternative, Riparian has three different clients who control about 80 percent of the vacant land in the rectangle with the Violet Canal on the north, the 40 arpent levee on the east, the two subdivisions at Southlake on the south and Bayou Road on the west, and are applying for borrow permits from the USACE. He commented on costs and methodologies involved in the concepts. He added, those attempting to provide borrow will have overburden which is not good soil for borrow, but material that can be placed on the east side of the 40 arpent levee for elevation and cypress tree restoration. He felt it was possible for this program to come together and get the benefits of borrow, overburden, mitigation and restoration of cypress trees.

Mr. Arthur Sargent, a resident on Bellaire Drive along the 17th Street Canal and a board member of the Lakewood Property Owners Association, explained he requested information from the USACE that included the cross section of the levee and the reason for taking his trees and fence. He expressed concern regarding the removal of the fence because of issues involving security, liability due to a pool, securing of pets, and the fence replacement cost. He stated the USACE's line crosses his property diagonally, with a portion of the fence and trees being taken and a portion being left, and felt the line should at least be parallel to the floodwall. He asked for an independent study to determine what is going on and that the Board require the USACE to look further into this issue and come up with alternative solutions when it comes for the right-of-way.

Mr. Doody advised the USACE will be coming to the Board at its next meeting to ask for a right-of-entry, not necessarily to take down trees and fences, but to do some additional surveys.

Mr. Brett Herr, USACE representative, explained at the last public meeting several residents requested boring and section information, which the USACE is putting together to provide to the individual land owners. The plan at this time is to come to the February Board meeting to request a right-of-entry to lay out the theoretical toe, the property line and toe plus six feet.

Mr. Doody clarified this is the area referred to as the fattened levee section. The USACE looked at alternatives and the solution was to determine how the levee would look today if they were starting from scratch—this was drawn up and laid over the current levee section. The USACE extended this out six feet and drew a theoretical line from the theoretical toe. The USACE will request right-of-entry at the Board's next meeting to do additional surveys basically to say that this is now the theoretical toe plus six feet.

Mr. Herr clarified, the line is drawn on the map, but the USACE would like to lay it out in the field in order to know the exact impact. The USACE can then work with the individual landowners and in some cases attempt to minimize the impact.

Mr. Doody explained there are no houses or outside exterior structures involved with the theoretical levee section and theoretical toe plus six feet--only fences and trees.

Mr. Pineda pointed out the interim vegetation management guidance promulgated by the USACE throughout the United States for its flood control projects essentially tells non-federal sponsors that there should be 15 foot clearance from the landside toe; therefore, it would be fortunate if a waiver is obtained to have a 6-foot clearance.

PRESENTATIONS:

Presentation by Mr. David Waggonner.

Mr. David Waggonner explained he is an architect and a citizen advocate for a comprehensive approach to the planning process. In January, 2006, Mr. Waggonner visited the Netherlands with the delegation led by Senator Landrieu, which looked at the larger scale features of flood protection, and was involved in recovery processes for St. Bernard and New Orleans. He reported on subsequent visits to the Netherlands, in December, 2006, and in 2007, including a visit in April with the head of the American Planning Association. Mr. Waggonner explained he was attempting to ascertain those individuals in the Dutch community with an interest and/or expertise from which we could benefit and could begin and strengthen relationships. The question the Dutch asked was, "What does New Orleans want?", and this began the difficult exercise of determining who would be receivers of the information. He felt SLFPA-E, as a primary participant, could benefit from this Dutch knowledge network, which includes civil engineers, landscape architects, urbanists working with water and infrastructure

architects. A funding request is in process for a visit and two delegations are anticipated to visit south Louisiana from the Netherlands; first, an official delegation during the week of March 3-7; and second, a corollary planning delegation that Mr. Waggonner is attempting to organize with 10 to 12 Dutch experts, including risk managers, which will include a workshop hosted by the Port on March 4-6. Mr. Waggonner stressed the importance of developing and strengthening relationships with the Dutch in order to benefit from their expertise.

Mr. Doody thanked Mr. Waggonner for the information provided.

COMMITTEE REPORTS:

Finance Committee: Chairman Losonsky advised the Committee met and considered an insurance issue for which a resolution will be presented later in the meeting and had a preliminary discussion of the Orleans Levee District (O.L.D.) Fiscal Year 2009 budget. He noted the East Jefferson Levee District (EJLD) and Lake Borgne Basin Levee District (LBBLD) FY 2009 budgets will be discussed at a future meeting and the SLFPAE budget will be discussed at the next Committee meeting.

Operations Committee: Chairman McKee advised the Committee met and considered the following items:

- Tractor cages, which will be further reviewed;
- West Return Floodwall seepage – the Rapid Response Team’s action was revised, soil borings will be performed by Eustis Engineering and a report provided, however, the structure appears stable;
- Seeding/grass specifications for levees—the USACE will provide a copy to the Committee and Mr. Wittie will respond with recommended improvements;
- Levee district reports were received;
- Inspections—information generated from the levee school relative to inspections was discussed (this will be subject of on-going discussions by the Committee);
- Vehicle policy—it is anticipated that something would be brought to the next Board meeting on this issue.

Mr. Spencer advised the USACE seeding and grass specifications were provided to the Louisiana Department of Transportation and Development (DOTD) for review, and they were very complimentary and provided only a few comments.

Mr. Doody noted DOTD has requested that the levee districts standardize their reports.

Legal Committee: Chairwoman Sutherland reported the Committee met and worked on clarifying billing procedures for outside counsel, which will be presented to the Board for addition at some point to the policies and procedures manual; approved legal invoices for all three levee districts and the Authority totaling just over \$36,000 for the month of December; and addressed issues regarding pending litigation and potential attorney conflict matters in Executive Session. She noted East Jefferson Levee District vs.

Salvador Ferrara was settled with payment to be made to EJLD in the amount of \$3,125 and Powell vs. Treasure Chest, et al, which included the EJLD, was dismissed.

Special Issues Committee: Chairman Goins reported no meeting was held.

Mr. Pineda advised he is working with Ms. Wilma Heaton to finalize a proposed Request for Proposals (RFP), which he anticipated to bring to the Board next month for approval, for an organizational audit and the beginning of the development of a strategic plan. He pointed out the importance of completing an organizational audit and strategic plan so that the Authority can demonstrate to the Legislature that it has a well thought out plan to accomplish its mission, determined what is needed to carry out its goals and objectives and can seek the funding necessary to do so.

Mr. Pineda addressed the USACE's LaCPR study, which is the vehicle by which Congress will potentially be provided information to authorize projects for Category 5 protection for coastal Louisiana. More than \$20 million has been allocated thus far for this study and \$3 million has been allowed for this Federal fiscal year to continue the work which is being managed out of the Protection and Restoration Office (PRO) in partnership with the Hurricane Protection Office (HPO). The goal of the LaCPR is to define a series of plans or alternatives for different planning units which will provide Category 5 protection, such as structural components (e.g., levees, floodwalls and gates), coastal restoration components (e.g., wetlands and fresh water diversions), and non-structural features (e.g., buy outs and raising homes outside levee systems). Currently, LaCPR reports are undergoing review by USACE headquarters and a final internal technical review by the USACE New England District. The reports will then go to the National Academy of Sciences (NAS) and Academy of Engineers (NAE) for a six month independent technical review. The USACE will review and potentially incorporate NAS and NAE comments, and then begin another round of the stakeholders process to define the final selected plans. Planning Unit One consists of St. Tammany, St. John, St. Charles, Orleans, St. Bernard, Jefferson, Plaquemines, Tangipahoa and Livingston Parishes. Multiple measures will be linked to form alternatives with the objective of Category 5 protection; however, Category 5 protection may be unachievable in some areas. He stressed the importance of participation and input by this Board and other entities in the stakeholders process. This massive effort is the vehicle for the highest level of protection feasible and building out this dynamic plan may take up to 25 years or more.

Mr. Doody commented he hoped in future meetings for a report from Mr. Jackson and Mr. Goins, due to their attendance at regularly held USACE meetings, on the status of the USACE on a variety of projects.

REPORT BY SLFPA-E REGIONAL DIRECTOR:

Mr. Doody advised Regional Director Robert Turner was unable to attend the Board meeting due to the USACE's request that he attend an IHNC meeting today.

RESOLUTION #01-17-08-03 - SUPPORT OF MITIGATION PROJECTS

Mr. Mark Schexnayder with the LSU AgCenter and Louisiana Sea Grant Program explained work has been done on a series of coastal restoration projects immediately adjacent to the levees to help break wave energy and provide ecological benefits. The first project is in the LaBranche wetlands area and consists of a series of projects that includes closing off the Parish Line Canal to prevent salt water intrusion, reintroduction of water and sediments from the River, and a sewerage outfall treatment system. The second project is the Lake Pontchartrain Foreshore Protection Project, which is a concept the Lake Pontchartrain Basin Foundation has been working on and is included in their comprehensive management plan. Design concepts for this project were done by LSU landscape architect students and presented to the Jefferson Parish Council. Foreshore protection could be considered from the St. Charles Parish line, along Jefferson and Orleans Parishes, except where the seawall is located. The third project is in the Ninth Ward area and St. Bernard along the 40 arpent canal and would bring sediment from the River in order to build a ridge of trees to provide a wave barrier and restore the ecology in the area.

Mr. Doody explained some of these projects may already be included in the State's master plan and LaCPR plan and would provide an example of how the 500 year level of protection could look in the future. The hope is to jump start some of these projects by using some of the current USACE mitigation dollars, instead of waiting until the longer term.

Mr. Schexnayder commented, in addition to mitigation funds, innovative funding mechanisms are being sought to get these projects done quickly.

Mr. Pineda asked whether the information developed will be fed into the LaCPR process, and Mr. Schexnayder explained through efforts of the Lake Pontchartrain Basin Foundation, along with others, shoreline protection is included in both the State's master plan and the USACE plan. Mr. Doody requested that Mr. Schexnayder contact the CPRA to assure these projects are not in conflict with their plan and reiterated the hope is to receive seed money to begin the projects and show how they will look.

Mr. John Porthouse advised he formerly worked with the State Project Director for the Master Planning effort. Shoreline protection which allows for marsh creation behind it and the Violet diversion project are in the State's plan. He did not know whether the LaBranche project was included in the State's plan because historically there have been issues with landowners and permits; however, the project is consistent with the concept of dedicated dredging from the River and recreating wetlands.

Mr. Doody pointed out the resolution is loose in what the Authority is asking the USACE in order to allow any necessary leeway. He felt there was no downside in approving this resolution, or as far as providing this additional protection between lake waters and the levee; however, as the concepts are further developed and proceed to the planning stage, there may be complaints because of the effects in certain areas. He felt the Authority owed it to the public to do whatever it can to provide a greater degree of safety and protection.

Mr. Losonsky felt if the resolution is not adopted by the Board, it could send the message that the Board does not understand the importance of non-structural protection features. He added, this is a cost effective way of approaching flood protection and stressed the high awareness nationally of the importance of this type of protection.

Mr. Barnes pointed out the resolution only requests that the USACE strongly consider these projects as priorities in their consideration of mitigation projects. Mr. Doody commented on prior discussions with the USACE concerning this matter and that the USACE felt conceptually all the projects have some potential. He hoped funding could be obtained to construct at least a small pilot project to show the potential.

Mr. Jackson explained, historically, proposals have been made for reclamation and/or development projects along the shorelines of Jefferson and Orleans Parishes. He commented on one such proposal that was voted down overwhelmingly in 1968 by the voters of Jefferson Parish, and a second proposal for a barrier island project along the Orleans Parish shoreline that did not come to fruition. He felt the people living along and using the Orleans and Jefferson Parish lakefront are sensitive to development and that the public may not want wetlands along the lakefront. He noted, however, that erosion protection is needed along the Jefferson Parish lakefront levee. Mr. Jackson commented on the ability of features outside of the protection system to survive storms, and felt the levees will need to be able to protect themselves, because when the tidal surge comes up and non-structural features are submerged, they offer very little resistance, if any, to the water's attack on the hurricane protection system. He felt the LaBranche wetlands proposal is excellent and the enhancement of the LaBranche wetlands is a valuable project environmentally; however, because it is a completely different set of circumstances than the coastal area, it would not do anything in terms of hurricane protection. He felt the area west of Paris Road referred to as the dead marsh or dead wetland because of the lack of fresh water should be restored as a valuable wetland or, if restoration is not possible, then the area filled and developed as it serves no purpose in its present condition. He stated he had a problem giving carte blanche approval to the proposals, particularly because of the lakefront proposal, and felt it served no purpose to propose projects that historically have been proposed and shot down by the public. He reiterated his support for the projects in the LaBranche area and the area known as the "dead wetland", but had considerable reservations about the lakefront project, particularly in East Jefferson Parish, which is the community he represents.

Mr. Schexnayder commented the concepts put forth by the LSU design team for the lakefront are substantially different from past development proposals. The proposed design contains walking trails and amphitheaters; however, from the Authority's perspective, it is foreshore protection that will break wave energy before it hits the levee and, if built high enough, could provide some storm surge protection. He hoped the project would be expanded to include more fisheries and habitat improvement. Last year the concept was placed before the Jefferson Parish Council, which voted seven-zero to support it. He added, the lakefront proposal may be, as far as a mitigation

project, the weakest in terms of fit for the USACE program; however, the USACE is being asked to look at it, and if it doesn't fit, the project can be redesigned.

Mr. Goins spoke in favor of the lakefront concept, which he felt would stop coastal erosion, increase hurricane protection by providing a buffer, and having a certain elevation of wetland would lessen the amount of water against the levee and the force acting on the levee.

Mr. Losonsky concurred with Mr. Goins, adding the Board should not jump to the conclusion that projects that are in some ways analogous to past proposals will suffer the same fate today. He added, this is the time to do the studies and consideration as requested in the resolution.

Mr. Doody pointed out a great deal of work will need to be done, including planning and seeking funding, after the passage of a resolution such as this.

Mr. Larry Ardoin, representing LADOTD, commented he also worked on the State's master plan and that the proposals are consistent with those in the master plan. However, the Coastal Protection and Restoration Authority (CPRA) is the authority that will fund the measures in the master plan through the Coastal Restoration and Protection Trust Fund. The CPRA's annual plan is the mechanism for funding projects each year through the Trust Fund. He noted a meeting would be held in New Orleans at 3:00 p.m. today to discuss funding for the next fiscal year in order to implement the master plan policy and suggested the Authority may wish to provide input. He pointed out the influence the CPRA could have on these projects and recommended the Board present its resolution to the CPRA, as well as the USACE.

Mr. Stevan Spencer, O.L.D. Executive Director, pointed out that foreshore protection, consisting of a large mound of rip-rap from the Lakefront Airport to South Point, is included in the USACE's design for 100 year protection. Therefore, proposals in this area must be coordinated with the USACE. He noted the O.L.D. has performed work in the past on a lakefront wetlands project, which is available for review. In addition to protecting the shoreline, he stressed the importance of keeping tidal surges out of the lake by constructing structures at Rigolets and Chef Menteur.

Mr. Jackson indicated he could support the resolution if it suggested that a pilot program be done in the lakefront area to provide an example to the public of what is proposed and the impact; however, he opposed a resolution that would allow the proposal to proceed in carte blanche fashion.

Mr. Doody responded the resolution basically asks the USACE to consider these conceptual ideas as potential for mitigation and reiterated this is an attempt to get a jump start on 500 year protection.

The Board briefly discussed whether to amend the resolution to restrict the area of the lakefront project. Mr. Losonsky pointed out there will be plenty of opportunity down the road as the projects are developed to place restrictions as needed.

Mr. Schexnayder commented the reality is that the shoreline project would probably be a demonstration-type project at this time; the State would not have the funding to do a full scale shoreline project until it receives a share of off shore oil and gas revenues.

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

WHEREAS, construction of coastal features that protect the structural integrity of levees and floodwalls and the restoration of the natural systems of Lake Pontchartrain that once protected its shoreline are important and integral to hurricane and flood protection; and

WHEREAS, a presentation was provided to the Board at its meeting held on December 20, 2007, on Lake Pontchartrain Lakeshore Restoration; and

WHEREAS, the plans proposed by Mark Schexnayder of the LSU AgCenter include the construction and/or restoration of natural features, such as barrier islands, estuaries, cypress swamp, marsh and wetlands along the shoreline of Lake Pontchartrain, in the marshes located in Orleans and St. Bernard Parishes between the non-federal levee and hurricane protection levee, and along the parish line canal in Jefferson Parish; and

WHEREAS, funding for this essential coastal protection may be available from funding established for mitigation purposes and other sources.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby declares its support and requests that the U.S. Army Corps of Engineers make the following projects a priority in their consideration of mitigation projects:

Parish-line Canal Freshwater and Sediment Delivery
Orleans/St. Bernard Freshwater and Sediment Delivery
Lake Pontchartrain Lakeshore Restoration

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

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

ABSTAINED: Mr. Jackson

NAYS: None

ABSENT: Mr. Barry

DISCUSSION OF DRAINAGE STUDY CONTRACT.

Mr. McKee reviewed the history of the drainage study. Act 1 mandates that Authority undertake a study of pump drainage systems within its territorial boundaries and submit a written report to the Legislature by April 1, 2007. Mr. Jackson, serving as President at the time, requested and received a one year extension of this deadline. Mr. McKee was requested by President Doody to chair a group, which includes Mr. Pineda, Mr. Goins, Mr. Jackson and Regional Director Bob Turner, to proceed with this mandate. A Request for Qualifications (RFQ) was developed and issued. Eight Statements of Qualifications were received, reviewed by the group and the group

selected four responders from whom it would continue to request information. The four selected firms were requested to develop a scope of work, which would be analyzed by the group based on the language in the legislation and used as a basis to rank the firms. One firm withdrew at this point and three firms submitted scopes of work. The documents submitted by the three firms were reviewed and there was a two and one-half hour debate and discussion of the highly qualified firms. The firm receiving the most votes, DMJM Harris, was ranked number one and was ultimately selected when the ranking was presented to the Board at its last meeting. (Linfield, Hunter and Junius was ranked second, and Fenstermaker Associates was ranked third.) Should the Authority's representatives be unable to complete negotiations with the number one firm, then negotiations would be stopped with that firm and would begin with the number two firm. A two and a half hour meeting was held with the selected firm (DMJM Harris) on the development of the scope of work and to begin negotiating a fee. DMJM Harris brought in a recommended fee to fit the scope of work it had developed. The scope was modified, and the firm was advised that the fee was in excess of what was expected. The firm was then directed to continue negotiations and development of the scope of work with Mr. Turner, the Regional Director. Ms. Sutherland was requested to work with Mr. Turner on the form of contract.

It was pointed out that each member of the group received a copy of the proposals and individually completed a matrix grading the proposals on each of about eight different areas, which were then averaged to come up with a ranking independent of discussion. The top firm was selected by three of the five members.

Mr. McKee commented on discussions amongst Board members as to the necessity of this study and feasibility of implementing the results. He noted, the Authority was also mandated by Act 1 to support the closure of the MRGO, which is has done. He reiterated that Act 1 mandates the Authority to perform the study and felt it should proceed to fulfill that mandate to the best of its ability. He recommended the process continue until a final scope of work and fee is achieved, and that this information be brought to the Board for debate in order to ultimately come up with a scope of work and fee to be presented in a final report to the Legislature. The Legislature could then review this information, knowing the cost and potential product, and make a decision whether to proceed or terminate the endeavor.

Mr. Barnes commented on the importance of this endeavor and concurred with Mr. McKee's recommendation.

Mr. Doody pointed out that some time ago the Authority thought funding was in place for the study; however, it discovered there was a miscommunication. He agreed, once the scope of work and fee are worked out, that information should be presented to the Legislature. The Legislature could be informed that the Authority's current allotment covers only its administrative and day-to-day expenses and that additional funding would be required for the study. The question of what the Legislature intended in terms of the results of this study had been discussed. It is thought the study was intended to determine whether both drainage and flood protection should be incorporated under one body, and Mr. Doody commented on the possible use of a sizeable amount of money to

conduct a study which may come back with a result that is politically impossible to accomplish.

Mr. Doody clarified the Authority would proceed with the process as recommended by Mr. McKee and a time extension would be requested from the Legislature.

RESOLUTION #01-17-08-04 - DESIGNATION OF OFFICIAL DOMICILE

On the motion of Mr. Wittie,

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

WHEREAS, the Board's Bylaws provide under Article 2 for an Official Domicile of the Southeast Louisiana Flood Protection Authority-East at such place in the territorial jurisdiction of the Authority as the Board may designate by Resolution from time to time.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East designates the location of its official domicile at 6512 Spanish Fort Boulevard, New Orleans, Louisiana.

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

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

NAYS: None

ABSENT: Mr. Barry

RESOLUTION #01-17-08-05 - EJLD PROPERTY INSURANCE COVERAGE

Mr. Losonsky advised the Finance Committee discussed this matter and recommended adoption of the resolution.

On the motion of Mr. McKee,

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

WHEREAS, Property Insurance Coverage on the three buildings (administrative, maintenance and police buildings) owned by the East Jefferson Levee District (ELJD) is due to expire on February 1, 2008, and quotations for renewal were received through Arthur Gallagher Risk Management Services; and

WHEREAS, a quotation has been received to renew fire insurance coverage with Chubb Insurance at an estimated annual premium of \$8,347.50, and to bind wind and hail insurance coverage with Lloyds of London at an estimated annual premium of \$10,611.30.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Property Insurance Coverage for the EJLD as stated above through Arthur Gallagher Risk Management Services for the period February 1, 2008 through February 1, 2009.

BE IT FURTHER RESOLVED, that the EJLD Executive Director is 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. McKee,
Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barry

**RESOLUTION #01-17-08-06 - RIGHT OF ENTRY AUTHORIZATION IN
CONNECTION WITH LAKE PONTCHARTRAIN AND VICINITY HURRICANE
PROTECTION PROJECT, JEFFERSON PARISH, LOUISIANA.**

Ms. Fran Campbell, EJLD Executive Director, advised this matter concerns a right-of-entry for a USACE contractor to perform surveys in connection with the West Return Floodwall.

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

WHEREAS, by letter dated January 3, 2008, the Hurricane Protection Alliance, Joint-Venture, LLC, (HPA), acting as an agent to the United States of America through its contractual relationship, requested that the East Jefferson Levee District (EJLD) grant right-of-entry to accomplish survey investigations for the Lake Pontchartrain and Vicinity Hurricane Protection Project, Jefferson Parish, Louisiana, for a period three months; and

WHEREAS, the project area description and areas to be accessed both inside and outside of the EJLD existing right-of-way are more fully described in the HPA letter dated January 3, 2008, which is attached to and made a part of this resolution; 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 East Jefferson Levee District authorizes the Hurricane Protection Alliance, Joint-Venture, LLC, (HPA), acting as an agent to the United States of America through its contractual relationship, a right-of-entry to accomplish survey investigations for the Lake Pontchartrain and Vicinity Hurricane Protection Project, Jefferson Parish, Louisiana, in accordance with HPA letter dated January 3, 2008.

BE IT FURTHER RESOLVED, that the EJLD Executive Director be 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. McKee,
Mr. Pineda and Mr. Wittie
NAYS: None
ABSENT: Mr. Barry

Ms. Sembera, representing the Lake Borgne Basin Levee District (LBBLD), reported one bid was received and is currently being reviewed for the LBBLD's new office building.

Mr. Doody advised the Regional Director is conducting interviews for the position of LBBLD Executive Director. The position was advertised and published electronically.

EXECUTIVE SESSION:

1. Waiver of conflict of interest for Gordon, Arata, McCollam, Duplantis & Eagan, LLP.

At 11:30 a.m., a motion was offered by Mr. Goins, seconded by Mr. Losonsky and unanimously adopted for the Board to convene in Executive Session to discuss the item listed on the agenda.

The Board reconvened in regular session at 12:12 p.m. and the meeting was called back to order. Mr. Lacour reported that as a result of the discussion in Executive Session a resolution was recommended to waive the potential conflict of interest that the Gordon, Arata firm may have in its representation of the Orleans Levee District.

RESOLUTION #01-17-08-07 – WAIVER OF CONFLICT OF INTEREST

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East consents to and waives the potential conflict of interest of Gordon, Arata, McCollam, Duplantis & Eagan, LLP, regarding representation of the Orleans Levee District in the Bohemia Spillway litigation and its existing client Clayton Williams Energy, Inc.

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

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

NAYS: None

ABSENT: Mr. Barry

The next regular monthly Board meeting will be held on February 21, 2008, and hosted by the Orleans Levee District at the Lake Vista Community Center.

There was no further business, therefore, the meeting was adjourned at 12:15 p.m.