

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, JUNE 19, 2008**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, June 19, 2008, 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 9:45 a.m. and led 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
Stradford A. Goins
Larry A. McKee
Ricardo S. Pineda
Sara Lee St. Vincent
Louis E. Wittie

Absent:

Abril B. Sutherland, Vice President
David P. Barnes, Jr.
Thomas L. Jackson

OPENING COMMENTS:

Mr. Doody advised that a number of Speaker's Comment Cards were received concerning the 17th Street Canal. Since the 17th Street Canal was not an agenda item, the cards would be held and comments received after the Board finished the Authority's business, which he anticipated would be after the lunch break.

Mr. Doody commented that there has been a lot of press recently relative to the flooding in Iowa and concerns expressed about possible local impact. The U.S. Army Corps of Engineers (USACE) has reported that although a slight bump in the system is expected, it is not anticipated to be a concern locally. The Bonne Carre Spillway is opened when the river stage reaches 17-ft. The current river stage is 13-ft. and it is not expected to come close to a level where the Spillway would need to be opened.

Mr. Doody reported on the status of the financial disclosure legislation and that as it currently stood the Board would be included in Tier 2.1. The list of information required under Tier 2.1 was read by Mr. Barry.

Mr. McKee commented that numbers were drawn by the members of the Board for the length of their initial terms and that his appointment ends June 30, 2008. He was contacted by the Chairperson of the Committee that recommended the members of the Board to the Governor, and he requested that Mr. McKee remain on the Board until there is a replacement. Mr. McKee advised he would do so; however, he placed a limit of October on this continuation of his appointment. The only caveat would be final shape of the disclosure act in the Legislature. If he found it onerous and something he did not wish to abide by, he would terminate his service on June 30th.

Mr. Doody advised the Authority and USACE have agreed to attempt to determine by use of an outside, independent peer review firm what is causing the leaks along the 17th Street Canal and, once identified, whether those leaks pose any threat of a failure. Mr. Doody requested that Mr. McKee oversee the peer review selection process for the Authority. He hoped to have a list of names from the ASCE by Monday.

Mr. Doody noted that several recent news reports discussed the dangers that still exist locally due to hurricanes and flooding and that the public should take precautions. An Associated Press (AP) article using information provided by Dr. Roy Dokka reported that a strong Category 2 storm would pose a potential for overtopping or flooding in the system. Also, an ASCE article reported that there is a 10 percent chance that a storm could happen in the next 50 years that would completely inundate the system. He thought that the Authority should play a part in educating the public about the threat that exists today and that will exist in the future. He stressed the Board needs to remain focused on the task ahead and cautioned against complacency.

Mr. Pineda concurred that there are still residential risks. Even after the 100 year level of protection is completed, over a thirty year period there will still be a 26 percent chance that the system could experience an event greater than the design. He stressed the importance of the levee districts having the best Emergency Operations Plans possible and on a day-to-day basis performing the best and most stringent operations and maintenance activities. The Authority must also work with the USACE and LA DOTD to improve the system and identify and correct any possible hidden deficiencies.

Mr. Barry thanked Mr. McKee and Mr. Jackson for their service on the Board. It was noted that Mr. McKee's and Mr. Jackson's terms expire on June 30, 2008; however, both have agreed to continue serving until replaced, subject to the final version of the current disclosure legislation.

RESOLUTION #06-19-08-01 – ADOPTION OF AGENDA

Mr. Barry requested and the Board agreed to add Item XIII.A.8, "Discussion of the possible amendment of the Board's bylaws" to the agenda.

On the motion of Mr. Wittie,

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

"A resolution to adopt the agenda, as amended, for the Board Meeting of June 19, 2008."

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

RESOLUTION #06-19-08-02 – APPROVAL OF MINUTES

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

“A resolution to approve the minutes of the Board Meeting of May 15, 2008.”

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

PRESENTATIONS: USACE – HOEY’S BASIN.

Col. Jeffery Bedey, USACE Hurricane Protection Office Commander, presented a report on the status of Hoey’s Basin–Pump to the River as it stands today and the possible direction based upon proposed language in the Senate version of the Supplemental. He began the presentation by showing a depiction of the area known as Hoey’s Basin. Included as part of the interior drainage components are the Monticello Canal Improvements, Hoey’s Bypass Canal and the Hoey’s Pump to the River alternative, which would divert water out of the 17th Street Canal and into the Mississippi River.

Congress ordered the USACE in the 5th Supplemental Appropriation Bill to investigate three options and to provide a technical report no later than three months after the bill’s enactment. The report was sent for review on August 25, 2007, and was finally received in late November, 2007, by the Congress.

The USACE was directed in the 5th Supplemental to investigate the following options: (Option 1) operating new pump stations at the mouths of the three outfall canals in series with the existing non-federal pump stations; (Option 2) removing existing temporary pump stations and configuring new pump stations and associated canals to handle all associated discharges to the lakefront and (Option 2a) in combination with discharges directly to the Mississippi River in Jefferson Parish; and (Option 3) replacing or improving the floodwalls and levees adjacent to the outfall canals.

Option 3 would mean going back to parallel protection, such as was in place in August, 2005. While no one specific option was recommended over the other, the USACE investigated the technical advantages and disadvantages and was able to say with some degree of certainty that Option 3 was probably not a very viable option in the aftermath of all the technical forensics after Hurricane Katrina.

Option 1 is technically feasible and through either authority or appropriation is what the USACE is limited to do at this time. Option 1 would include the placement of a pump station in some form that would allow for surge protection; however, interior pump stations would have to operate in series with the lakefront pump station in order to handle interior drainage rain water.

The USACE does not have the authority and/or appropriation to implement Option 2, which would be an opportunity to integrate interior drainage with hurricane protection from a systems approach. The USACE's mission is to provide the 100 year level of protection to the Greater New Orleans Area. As a result of the USACE's investigation, it was learned that should Option 2 be implemented, there are potential opportunities that would need future engineering and analysis to divert flow out of the outfall canals. Option 2 would move the pump stations to the lakefront and would require re-grading or relining of the canals for gravity flow, which would eliminate the main interior pump stations, such as Pump Station 6. Theoretically, Option 2 would be an opportunity to optimize the system by diverting water. There would still be ancillary interior pump stations moving water into the main canals.

Col. Bedey reiterated at this time the USACE does not have the authority and/or appropriation required to implement Option 2, which goes beyond hurricane protection and integrates interior drainage. The "Pump to the River" in and of itself is not an option relative to providing hurricane protection; however, it could be considered later as an enhancement or improvement.

Mr. Goins asked, if Option 2 was approved, would the federal government pay the cost of the interior drainage improvements. Col. Bedey replied that the question of funding would depend on how the Congress may or may not choose to fund the additional dollars required to do that work. All the hurricane protection work is 100 percent federally funded, with the exception of the levee work that goes from the previously authorized protection to the 100 year level of protection, which is cost shared. The permanent pump stations are 100 percent federally funded; however, interior drainage work is still cost shared. The same level of hurricane surge protection is achieved in both Options 1 and 2.

Col. Bedey explained the intent of Congress for the investigation of Option 2 may have been so that it could take a look at how such an option could be implemented. Option 2 would have to be designed in a very meticulous manner and accomplished in a phased approach. The first phase would be the hurricane surge protection component, designed to be adaptable for future enhancements. He briefly described additional possible phases, depending on authority and appropriation, that could include optimizing opportunities to divert water and the re-grading of the canals. The last phase would be the decommissioning of the interior non-federal pump stations, such as Pump Station 6. Option 2 challenges include time, authority and money. Re-grading the canals would also have to include work on the bridges crossing the canals.

Col. Bedey ended the presentation by reiterating that the USACE investigated the technical advantages and disadvantages of the options and drew some general conclusions. However, the USACE did not have enough time or technical information

from which to make solid, sound engineering determinations relative to one option over the other. The USACE is trying to posture itself to be in a position to respond to Congress within a 90 day period should the current bill be passed in the manner that the Senate is suggesting in its draft language.

Billy Marchal with the Flood Protection Alliance advised he was one of the stakeholders in the series of partnering meetings conducted by the USACE relative to the outfall canal project. He stated that with the exception of the USACE representatives at that meeting, Option 2a was considered the best technical solution of the options reviewed. The USACE advised it did not have enough analysis to determine whether Option 2a (Hoey's Pump to the River) was technically the best solution. He pointed out, however, stakeholders were not allowed to look at costs, which is now his concern. It was noted that SELA could be a possible funding source. Mr. Marchal expressed concern over the competition for funding. The latest cost estimate for Hoey's Pump to the River as a stand alone project is about \$170 million. The cost in the initial study by Jefferson Parish was \$140 to \$150 million and with property acquisition it is up to \$170 million.

Mr. Marchal explained that in looking at the big picture on the East Bank, there are other priorities for use of that \$170 million, which is not yet authorized or available. Hoey's Pump to the River would off-load water out of the 17th Street Canal, but it could be done as a separate project totally independent of the 17th Street Canal Project. He referred to the latest version of the LaCPR maps. The exposure in East Jefferson Parish is from the lakefront levees and the West Return Canal Floodwall. Mr. Marchal stated from his standpoint the best protection to enhance the big picture would be put the \$170 million towards (1) raising the West Return Canal and lakefront levees beyond the authorized 100 year level, (2) completing the existing Harahan Pump to the River Project, which is authorized but not fully funded, (3) completing other drainage projects in Jefferson Parish that affect a much broader area of population and (4) Hoey's Pump to the River. He suggested, if the Board is asked to recommend or back a project, it could back the Hoey's Pump to the River because it is a very good technical solution; however, it is down on the priority list.

Mr. Doody commented that the Board is a regional authority that must set priorities to protect the entire region, which is the reason the presentation was requested.

John Hummel, a retired Shell engineer, advised that he works with a volunteer group called "Pump to the River – Jefferson-Orleans". He wanted the Board to understand the beneficiaries of this project. He stated that Option 2a had the best technical merits. The project draws together Orleans and Jefferson Parishes in a regionally cooperative manner and the beneficiaries of this project are roughly 85,000 in Orleans Parish and 15,000 in Jefferson Parish. Regional cooperation would go beyond flood protection and would serve as a precursor to cooperation in many other areas. He asked the Board to think about regional cooperation as an additional benefit of this project.

Henry Kinney - Mariner's Cove Townhomes Tennis Courts.

Mr. Kinney advised he is an attorney representing the Mariner' Cove Townhome Association located adjacent to the 17th Street Canal and due south of property leased

by the Orleans Levee District (O.L.D.) to the operator of a tennis facility that was severely damaged by Hurricane Katrina and today lies in a state of disrepair. In March the Association began engaging SLFPAE in an attempt to have something done about the former tennis facility, which is affecting the ability of the townhouse development to rebuild. He requested that the Authority assist his client and expedite a solution for the damaged facility.

It was pointed out that the Authority is prohibited by law from dealing with the O.L.D.'s non-flood assets, which are managed by the Division of Administration. Mr. Doody advised he would look into the situation and a response would probably be forthcoming from Louis Capo, Director of O.L.D. Non-Flood Assets.

COMMITTEE REPORTS:

Finance Committee: Chairman Losonsky reported that on June 17th Jim Bollinger attended the Legislative Auditor's meeting for selecting the auditor for East Jefferson Levee District (EJLD), O.L.D. and SLFPAE. Resolutions or discussion items have been placed on the agenda for approval of a contract with RFBA for an actuarial study, O.L.D. FY'08 Budget Revisions, public hearings for the levee districts relative to ad valorem millage rates, various insurance issues and an equipment purchase.

Operations Committee: Chairman Wittie advised that a meeting was not held this month due to scheduling conflicts.

Legal Committee: Mr. Doody advised that a Committee meeting was not held this month. He noted that the Board had pre-approved a group of law firms for the Authority. The second step is to engage these firms with a contract and this is currently being done.

Special Issues Committee: Chairman Goins advised that the Committee did not hold a meeting this month. He reported next month a presentation must be given to DOTD in order to procure some of the twin span concrete. Also, in looking at the 17th Street Canal fattened levee section in Lakewood South, he noted two issues, the first dealing with surveys lines, and the second dealing with the floodwall monoliths.

Mr. Pineda reported that a selection team consisting of himself, Fran Campbell, Gerry Gillen and Jason McCrossen, interviewed five consulting engineering firms at the EJLD office in response to a Request for Qualifications to assist SLFPAE in the design and construction management of \$10 million of shoreline protection work. Scores are anticipated to be finalized next week and a recommendation of the best qualified firm presented to the Board at its July meeting.

REGIONAL DIRECTOR'S REPORT: Mr. Doody advised that the Regional Director, Robert Turner, was attending a meeting being held at the USACE concerning the Inner Harbor Navigation Canal Surge Reduction Project and was therefore unable to attend today's Board meeting.

RESOLUTION #06-19-08-03 – ELECTION OF OFFICERS

Mr. Doody requested nominations for officers. An amended slate of officers consisting of Mr. Doody for President, Ms. Sutherland for Vice President, Mr. Losonsky for Treasurer and Mr. Barry for Secretary was offered by Mr. McKee, seconded by Mr. Wittie and unanimously approved by the Board.

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

“A resolution providing for the election of Officers of the Southeast Louisiana Flood Protection Authority-East for a term of one year commencing July 1, 2008.”

WHEREAS, at a Special Board Meeting held on May 2, 2007, the Board adopted Bylaws, which provide in part for the designation and election of Officers of the Board, and

WHEREAS, Article IV, Officers, Section 1, provides for the designation of the offices of President, Vice President, Secretary and Treasurer, which shall be elected from among the members of the Board, and

WHEREAS, Article IV, Section 2, provides that, “Officers shall be elected to serve one (1) year terms, except that the terms of the first Officers of the Authority shall expire on June 30, 2007.”

BE IT RESOLVED that, in accordance with elections held this date, the Officers of the Southeast Louisiana Flood Control Authority-East shall be as follows for the term commencing July 1, 2008:

President – Timothy P. Doody
Vice President – Abril B. Sutherland
Treasurer – George Losonsky
Secretary – John M. Barry

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

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

NAYS: None

ABSENT: Mr. Barnes and Mr. Jackson

Mr. Barry commented that e-mails had gone out in the past several weeks soliciting Board members’ interests had they wished to serve as an officer of the Board.

RESOLUTION #06-19-08-04 – SELECTION OF OFFICIAL JOURNAL FOR SLFPA-E, E.J.L.D., O.L.D. AND LBBLD

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

WHEREAS, R.S. 43:171 provides that levee districts and other political subdivisions shall have the proceedings of their board and such financial statements required by the legislative auditor published in a newspaper, which shall be selected at the first meeting in June of each year for a term of one year, and

WHEREAS, R.S. 43:171 further provides that the newspaper shall meet certain criteria relative to location and publication, and

WHEREAS, the Times Picayune meets the aforementioned criteria for the Southeast Louisiana Flood Protection Authority-East, East Jefferson Levee District and Orleans Levee District; and

WHEREAS, the St. Bernard Voice meets the aforementioned criteria for the Lake Borgne Basin Levee District.

BE IT HEREBY RESOLVED, that the Times Picayune is hereby selected as the Official Journal for publications as required under R.S. 43:171 for the Southeast Louisiana Flood Protection Authority-East, East Jefferson Levee District and Orleans Levee District for a one year term commencing July 1, 2008.

BE IT FURTHER RESOLVED, that the St. Bernard Voice is hereby selected as the Official Journal for publications as required under R.S. 43:171 for the Lake Borgne Basin Levee District for a one year term commencing July 1, 2008.

BE IT FURTHER RESOLVED, that the SLFPA-E President, SLFPA-E Regional Director or appropriate Levee District Executive Director are authorized to sign any and all documents necessary to accomplish the above.

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

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

NAYS: None

ABSENT: Mr. Barnes and Mr. Jackson

RESOLUTION #06-19-08-05 – LEVEE INFORMATION SYSTEM

Fran Campbell advised that Mr. Turner has spoken with members of the water board in the Netherlands and they are very supportive of this proposal. Mr. Doody added that this project had been discussed for some time and would benefit the Authority.

Mr. McKee commented on the maturing of the Authority since its inception. He noted, however, that geographically the Authority is not given much thought by Legislators in the northern part of the State. He stressed that the Authority must decide how it will achieve the goal it has set for itself. One of the decisions that the Board needs to make is whether it wants to be a regional authority in the truest sense of the word and begin working on legislation to make it regional, instead of a federation of three separate levee districts, and on creating regional funding mechanisms, in lieu of appropriated funding by the Legislature. He recommended that direction should be given in the contract for the Organizational Study.

Mr. Doody pointed out the development of a Strategic Plan is included as a component of the Organizational Study and would assist the Board in defining its short and long term goals and map out a strategy to obtain these goals.

Mr. Pineda advised at its last meeting the Board approved the selection of SSA for the development of a Strategic Plan and Organizational Study. A mission statement, visions, guiding principals, goals and objectives would be developed as part of the Strategic Plan.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) does not currently have access to a digital information system for storage of information related to the flood protection system; and

WHEREAS, the SLFPA-E Regional Director, Robert Turner, has met with Mr. S.N. (Bas) Jonkman, Phd., Flood Risk Management Advisor, Coastal and Rivers Division, Haskoning Nederland B.V., a company of Royal Haskoning, relative to a cooperative project for the development of a levee information system; and

WHEREAS, the objective of the pilot project is to develop a levee information management system with relevant information regarding the characteristics of the system to include flood defenses, geotechnical information, and information related to management, maintenance, inspection and observed problems and phenomena; and

WHEREAS, the aforementioned information would be made accessible to SLFPA-E staff for various purposes, including planning, management, maintenance, inspection, prioritization of measures, and emergency management; and

WHEREAS, the current participants include the Dutch partners of Royal Haskoning (project lead), HKV consultants, Fugro, and the Delfland Water Board, with participation by the Southeast Louisiana Flood Protection Authority–East as a Partner/beneficiary in the United States; and

WHEREAS, the information to be stored in the system will be determined in cooperation with the stakeholders, especially SLFPA-E; and

WHEREAS, a pilot application will be developed for a certain area, e.g. the New Orleans East ‘polder’; and

WHEREAS, the expected project period is from October, 2008, through August, 2009; and

WHEREAS, the project is funded by a Dutch government subsidiary and no financial contribution of partners in the United States is expected or allowed; and

WHEREAS, the SLFPA-E Regional Director strongly recommends that the SLFPA-E endorse and support the aforementioned project proposal.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East endorses and enthusiastically supports the “Proposal: Development of a levee information management system for the Southeast Louisiana Flood Protection Authority–East”.

BE IT FURTHER RESOLVED, that the Southeast Louisiana Flood Protection Authority-East expresses its sincerest gratitude and appreciation to the Dutch government, Royal Haskoning, HKV consultants, Fugro, the Delfland Water Board, and Mr. Jonkman for including SLFPA-E in this project proposal.

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

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

NAYS: None

ABSENT: Mr. Barnes and Mr. Jackson

RESOLUTION #06-19-08-06 - ACTUARIAL CONSULTING SERVICES

Mr. Doody explained that the correct name of the selected firm is RFBA, LLC, and that these services are for calculating benefit costs, which must be done by an actuary.

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

WHEREAS, a Request for Proposals for Actuarial Consulting Services to implement Government Accounting Standards Board (GASB) Statement Number 45 requirements was advertised with proposals received on or before March 28, 2008; and

WHEREAS, the proposals and qualifications were reviewed by the Chairman of the Finance Committee and the O.L.D. Comptroller and their recommendation was presented to the Finance Committee at its meeting held on May 1st at which time the Committee concurred with the recommendation.

WHEREAS, the Board by Resolution No. 05-15-08-07 approved the selection of RFBA, LLC to perform the above mentioned Actuarial Consulting Services and authorized the SLFPA-E Regional Director to negotiate a final fee and contract for said services.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the contract with RFBA, LLC and authorizes the execution of said contract by the President.

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

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

NAYS: None

ABSENT: Mr. Barnes and Mr. Jackson

**RESOLUTION #06-19-08-07 –
CONTRACT FOR ORGANIZATIONAL STUDY AND STRATEGIC PLAN**

Mr. Pineda advised he had just received a copy of the contract this morning and had not had time to review the document. He asked that he, Mr. Doody and Ms Heaton be allowed to finalize the details of the proposed contract, with input from any Board member who wished to participate in the review, and that the Board authorize the President to sign the contract once it is completed. The Request for Proposals (RFP) asked for qualifications and proposals for an Organizational Study based on the guidelines provided and a Strategic Plan based on the components set forth in the RFP.

Mr. McKee reiterated his recommendation that SLFPAE work towards becoming a regional authority and a single entity, in lieu of the existing three separate levee districts. If the Board concurred, he wanted the consultant to be informed so that they would not automatically assume the organization wanted to continue operating as currently structured.

Mr. Pineda explained that Mr. McKee could put forth his vision or goal during the discernment process in the development of the Strategic Plan. The RFP laid out requirements for a vision, mission statement, goals, objectives, guiding principals, and any further elements appropriate for a Strategic Plan. The RFP provided for the

selected consultant to engage both the Board and the public, and specified interviews were to be held with the officers of the Board and that at least one public workshop would be held, along with any necessary additional meetings.

Mr. Losonsky asked whether the contract pre-defined or limited the flexibility to adjust or change the organization.

Mr. Pineda responded that it did not and that the purpose of the Organizational Study was to continue the movement towards efficiencies of scale which has been occurring on a small scale.

Mr. Losonsky indicated that it was not necessary to hold up the contract to consider this idea. He pointed out that the consultant could be informed and Mr. McKee's idea could be considered and incorporated into their work at the beginning of the process.

Mr. Pineda pointed out that a full scale organizational audit would cost several hundred thousand dollars. This is very small scale costing approximately \$50,000 for both the Strategic Plan and Organizational Study components. The consultant may be able to complete the Strategic Plan within that funding; however, the Organizational Study may provide a Phase One analysis and recommendations for a detailed Phase Two.

President Doody called for the question on the motion and advised that Mr. Pineda would work with Ms. Heaton to finalize the contract, with input from any Board member wishing to do so, and upon finalization the contract would be executed by the President.

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

WHEREAS, a Request for Proposals (RFP) for Consulting Services for an Organizational Study and Strategic Plan was advertised with proposals received on or before March 31, 2008; and

WHEREAS, subsequent to the review and interview process, the selection team recommended SSA Consultants as the best qualified consultant to perform the organizational study and develop a strategic plan for the SLFPAE.

WHEREAS, the Board by Resolution No. 05-15-08-08 approved the selection of SSA Consultants to provide the Consulting Services for the aforementioned Organizational Study and Strategic Plan consistent with the RFP and authorized the SLFPA-E Regional Director to negotiate a final fee and contract for said services.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the contract with SSA Consultants and authorizes the execution of said contract by the President.

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

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

NAYS: None

ABSENT: Mr. Barnes and Mr. Jackson

RESOLUTION #06-19-08-08 – REQUEST FOR 8/29 COMMISSION

Mr. Barry explained that a 8/29 commission has been discussed almost since the day after Hurricane Katrina. SLFAPE has never gone on record calling for such a commission and he thought that it should do so. This resolution differs a little from others calling for such a commission; however, the goal ultimately is the same. This resolution brings attention to both the issue and the area. It asks the commission to take a more comprehensive look at the entire Mississippi Valley System from New York State to Idaho and the impact to this area. Dams on the upper Missouri River, for example, impact the amount of sediment in the river, which in turn impacts erosion. If the nation understood the reality of the negative impacts that those things that benefit the nation have on this metropolitan area, it would realize the national responsibility and funding from the federal government would follow. Therefore, a commission that looks at the big picture would be useful. In addition, there are disputes over the narrower picture, such as the precise mechanisms of failure. Although a new independent look may or may not resolve those disputes, with the perspective of time a fresh look could be useful and beneficial to this area, as well as other hard hit areas.

The Board concurred with Mr. Goins recommendation that St. Tammany and Plaquemines Parishes be included in the resolution.

Colonel Bedey was requested to provide comment on this issue. Col. Bedey advised as a representative of the Administration and the U.S. Army, he was not in a position to comment on what is essentially a political decision. However, as a citizen he suggested the Board look hard at the terminology that speaks to “the failure of the federal levees”, and suggested that if there is any type of investigation done, it should look holistically at the events that led up to and ultimately became what is known as “8/29”.

The Board proceeded with the call of the question on the motion with the stipulation that the resolution would include language that would be provided by Mr. Barry reflecting Col. Bedey’s comments.

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

A Resolution to urge and request the Congress of the United States to conduct an independent, bipartisan investigation into the failure of the federal levees on August 29, 2005, which flooded 80% of the City of New Orleans and the surrounding region, including St. Bernard, Jefferson, Orleans, St. Charles, St. Tammany and Plaquemines Parishes.

WHEREAS, the United States Army Corps of Engineers (Corps) has sole authority over the design and construction of metropolitan New Orleans flood protection and water management as authorized by Congress in the Lake Pontchartrain Hurricane Protection Project in the Flood Control Act of 1965; and

WHEREAS, a significant portion of the flooding of metropolitan New Orleans after Hurricane Katrina was an avoidable man-made disaster, both because unintended consequences of engineering decisions that benefited the entire nation

greatly increased the vulnerability of the region and because floodwalls and levees catastrophically failed throughout the metropolitan area, many collapsing well below design thresholds and others collapsing after a brief period of overtopping caused by scouring or erosion of the earthen levee walls; and

WHEREAS, the Corps now admits that faulty design specifications and substandard construction of certain levee segments, not a hurricane, was the primary cause of the flooding damage in the New Orleans area; and

WHEREAS, several different scientific reviews have reached somewhat different conclusions about the precise mechanisms of failure of these floodwalls and levees and about the hydrological forces at work; and

WHEREAS, the correct identification of the mechanisms of failure are necessary to properly repair and fortify the South Louisiana flood protection system, which protects the lives and property of one and a half million people; and

WHEREAS, an independent and fully comprehensive expert review panel is necessary to understand the interplay between the Mississippi River system and hurricane vulnerability in southeast Louisiana, to understand the historical local and national political interests that influenced technical decisions, to provide an objective analysis to assure that critical vulnerabilities in the levee system are addressed and all possible opportunities for improvement are considered, and to identify comprehensive lessons learned for the handling of future disastrous events.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East urges and requests the Congress of the United States to establish an independent, bipartisan commission, modeled after the 9/11 commission which examined the background of the attacks in 2001, to investigate the causes of the failure of the federal levees on August 29, 2005, which flooded eighty percent of the City of New Orleans and the surrounding region, including the parishes of St. Bernard, Jefferson, Orleans, St. Charles, St. Tammany and Plaquemines.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

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

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

NAYS: None

ABSENT: Mr. Barnes and Mr. Jackson

Discussion of dates of public hearings for LBBLD and EJLD required in order to consider levying additional or increased millage rates without further voter approval or adopting the adjusted millage rate and rolling forward to a millage rate not to exceed the prior year's maximum in accordance with Art. 7, Sec. 23(C) of the LA Constitution and R.S. 47:1705. (Advertisement previously authorized by Res. #05-15-08-06.)

The Board was advised that additional information was received since its last meeting relative to the need for the public hearings to be in conjunction with a Board meeting should it wish to consider a roll forward of millage rates and that a two-thirds vote would

be required to roll forward those rates. In addition, the Jefferson Parish Assessor advised the Board's decision was needed by August 31st.

The Board then scheduled the East Jefferson Levee District (EJLD) public hearing for August 27 at 10:00 a.m. in Jefferson Parish, with a future decision to be made as to whether this meeting would be a Special Board Meeting or a rescheduling of the regular monthly Board meeting. The public hearing for the Lake Borgne Basin Levee District (LBBLD) would be held on September 18th, which is the next regularly scheduled Board meeting held in St. Bernard Parish.

Discussion of Bylaws relative to date for election of officers.

Mr. Barry explained that several weeks ago President Doody sent an e-mail inviting the Commissioners to review the Board's Bylaws and to provide suggested changes. At that time he realized the Board's election of officers is in June; however, terms of office for Commissioners run July 1 through June 30. He suggested that the Board may wish to adjust the election date in order to both accommodate new members and take advantage of those with particular skills. He pointed out that 30 days' notice is required in order to amend the bylaws, therefore, he was bringing this issue up for discussion, so that if the Board concurred, then notice could be provided at this meeting.

The Board discussed the advantages and disadvantages of adjusting the election date. It was pointed out that Commissioners could be appointed to serve on Committees immediately after their appointment, and that with the election being in June new Commissioners would be given time to familiarize themselves with the Authority and its operations before serving as an officer. The consensus of majority of the Board members was to not change the election date; therefore, no further action was taken on this matter.

EXECUTIVE SESSION:

Billie Breuille, Josephine H. Spencer, Gilbert J. Fortier, III., Mary Francis Fortier Klein, Estate of Charlotte Spencer Johnson, John E. Boagni, Jr., Irene E. Shute and Evelyn G. Bennett v. Board of Levee Commissioners of the Orleans Levee District, No 2006-14371, Division G, Section 11, Civil District Court for the Parish of Orleans.

At 12:00 noon a motion was offered by Mr. Goins, seconded by Mr. Barry and unanimously adopted, for the Board to convene in Executive Session to consider the item listed on the agenda.

The Board reconvened in regular session at 1:10 p.m. and the meeting was called back to order.

RESOLUTION #06-19-08-09 – EJLD EMPLOYMENT CONTRACT WITH CYNTHIA TAYLOR

Fran Campbell, EJLD Executive Director, advised this is a renewal of a previous contract. Ms. Taylor is currently documenting encroachments and making files for each with pictures, after which letters will be sent, along with other assigned duties.

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

A resolution authorizing the SLFPAE President to execute an employee contract with Cynthia Taylor on behalf of the East Jefferson Levee District.

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

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

NAYS: None

ABSENT: Mr. Barnes, Mr. Barry and Mr. Jackson

RESOLUTION #06-19-08-10 – FY 2008 O.L.D. BUDGET REVISIONS

Jim Bollinger, O.L.D. Comptroller, explained that the ad valorem tax collection for this year was greater than anticipated and that the O.L.D. was unable to hire as many employees as it had hoped; therefore, there is an increase in revenues and reduction in costs. In the last budget revision, \$1.75 million was estimated to be required from the Special Levee Improvement Fund to subsidize maintenance efforts; however, this will no longer be necessary due to the higher revenues and reduction in expenses. Equipment authorized by the Board has also allowed a reduction in contractual services and maintenance costs. The expected surplus in the General Fund is approximately \$2 million due to the State's payment of the O.L.D.'s debt service, which will end in 2009. The surplus is being set aside in the amount of the debt service that is being deferred in order to retire the debt that continues to rise as the State makes this payment.

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

WHEREAS, by Resolution No. 03-15-07-008, the Board approved the General Operating Budget and Special Levee Improvement Projects (SLIP) Fund Budget for Fiscal Year 2008 to provide for required expenditures for personnel services, contractual services, operating supplies, equipment, annual debt service and capital projects; and

WHEREAS, when actual results or expectations change materially, adjustments are considered and proposed as amendments for the Board's approval, as done in February, 2008 by Resolution No. 02-21-08-09; and

WHEREAS, a review of the operating results through the end of May indicate that budget revisions to the Flood Control Operating and SLIP Fund budgets are necessary to comply with applicable state law, which requires that budgets be changed to reflect new expectations. Such revisions are detailed on the financial schedules attached hereto and made a part hereof; and

WHEREAS, the following summarized adjustments are determined to reflect the projected operating results of the flood control operations based on the latest revenue and expenditure estimates.

General Operating Budget

1. Increase in Revenues	\$	1,469,881
2. Decrease in Expenditures	\$	(2,178,688)
3. Decrease in Other Financing Sources	\$	(889,330)
4. Increase in Other Financing Uses	\$	93,555
5. Decrease in Use of Prior Year Funds	\$	(572,000)
Net Change	\$	2,093,684

WHEREAS, the following summarized adjustments are determined to reflect the projected operating results of the Special Levee Improvement Fund based on the latest revenue and expenditure estimates.

Special Levee Improvement Fund

6. Increase in Revenues	\$	1,104,000
7. Increase in Expenditures	\$	512,516
8. Decrease in Other Financing Uses	\$	(1,843,764)
Net Change	\$	3,460,280

BE IT HEREBY RESOLVED, That the revisions to the Fiscal Year 2008 General Operating Budget and SLIP FUND budgets are approved.

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

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

NAYS: None

ABSENT: Mr. Barnes and Mr. Jackson

RESOLUTION #06-19-08-11 – O.L.D. WORKERS COMPENSATION COVERAGE

Stevan Spencer, O.L.D. Executive Director, advised Morrison Insurance Company has shopped the market and presented the best proposal for this coverage. The estimated annual premium for the Flood Division is \$150,664.05.

Ms. Carol Kiefer explained the current three year respective program, which adjusts premiums in accordance with losses, ends on July 1, 2008. In addition, the O.L.D. has received dividends from LWCC in the amount of \$111,000 for this year, \$71,000 for last year and \$64,000 for the previous year. At this time, the premium for the current policy period for the Flood Division is \$54,000, and, as currently calculated, the O.L.D. will receive a \$260,000 premium adjustment.

Mr. Randy Maddox of Morrison Insurance Agency added, a preliminary calculation was provided by LWCC. An adjustment would be made six months after the policy period ends on July 1st. The current estimate for the adjustment is \$260,000, half of which would be received at that point in time and the remainder received six months later. The maximum was also adjusted downward based on payroll audits.

On the motion of Mr. Losonsky,

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

WHEREAS, the Orleans Levee District's (O.L.D.) Workers' Compensation insurance coverage will expire on July 1, 2008; and

WHEREAS, Morrison Insurance Agency has shopped the market for Workers' Compensation coverage and obtained two Plan Options from Louisiana Workers' Compensation Corporation (LWCC), the incumbent provider, AM best Rate A and an admitted company authorized to conduct business in the State of Louisiana; and

WHEREAS, the renewal of an additional Workers' Compensation Three Year Retrospective Premium Endorsement Plan, as offered in Option 1 by LWCC through Morrison Insurance Agency for the period of 7/01/08- 7/01/09, would result in scheduled premium adjustments until all claims experienced in the three year retrospective period are closed and is the most cost effective plan; and

WHEREAS, the total estimated annual premium of \$223,206 is subject to annual audit and will be pro-rated between the Flood Assets Division and Non-Flood Assets Division at a pro-rated estimated premium of \$150,664.05 for the Flood Assets Division and a \$72,541.95 pro-rated estimated premium for Non Flood Assets Division.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Workers' Compensation as offered by LWCC, the incumbent provider, through Morrison Insurance Agency at the pro-rata estimated annual premium of \$150,664.05 for a period of one year commencing on 7/01/08 and ending on 7/01/09 at 12:01 AM, and authorizes the O.L.D. Executive Director to execute any and all documents to carry out the above.

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

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

NAYS: None

ABSENT: Mr. Barnes and Mr. Jackson

RESOLUTION #06-19-08-12 –O.L.D. FLOOD INSURANCE COVERAGE

The flood insurance coverage is for both building and contents for the Franklin Administration Building and warehouse. Ms. Kiefer advised the \$500,000/building and \$500,000/contents coverage for the warehouse is the limit that can be procured from FEMA. She recommended and the Board concurred that an excess line of coverage should be investigated for the warehouse. Due to the age of the contents, the coverage for the Franklin Administration Building was determined to be adequate.

On the motion of Mr. Losonsky,

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

WHEREAS, the Flood Insurance Policies on the Franklin Administration Building and Franklin Warehouse Building are due to expire on July 21, 2008; and

WHEREAS, the notice to renew the current Flood insurance policies for the Franklin Administration and Warehouse Buildings were submitted by Fidelity National Insurance Company through Eagan Insurance Agency at a total cost of \$2,088 for a term of one year commencing on July 21, 2008.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of the Flood Insurance policies for the Franklin Administration Building and Franklin Warehouse Building as offered by Fidelity National Insurance Company through Eagan Agency at a total cost of \$2,088 for a term of one year commencing on July 21, 2008 and ending on July 21, 2009 at 12:01 AM, and authorizes the Orleans Levee District Executive Director to execute any and all documents to carry out the above.

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

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

NAYS: None

ABSENT: Mr. Barnes and Mr. Jackson

RESOLUTION #06-19-08-13 –

APPROVAL TO ADVERTISE PUBLIC HEARING FOR ORLEANS LEVEE DISTRICT

Mr. Doody explained the possible need to reconsider O.L.D. millage rates was discussed at length last January and the Board will have an opportunity to review the O.L.D.'s finances in November.

On the motion of Mr. McKee,

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

WHEREAS, Art. 7, Sec. 18(F) of the Louisiana Constitution requires all property subject to taxation to be reappraised or reassessed at least every four years; and

WHEREAS, after meeting all requirements of Art. 7, Sec. 23(C) of the LA Constitution and R.S. 47:1705, including the holding of a public hearing, Resolution No. 12-20-07-05, was adopted by the Board on December 20, 2007, ratifying the recalculation and certifying year 2008 downward adjusted millage rates (as required by Article 7 Section 23 (B) of the Constitution) to (i) General Tax 3.97 mills, (ii) SLIP Tax 4.76 mills, and (iii) Maintenance Tax .55 mills, totaling 9.28 mills, and upward adjusted millage rates (as permitted by Article 7 Section 23 (C) of the Constitution) to (i) General Tax 4.13 mills, (ii) SLIP Tax 4.95 mills, and (ii) Maintenance Tax .57 mills, totaling 9.65 mills for the 2008 tax year; and

WHEREAS, there is a need for the Board to consider levying increased millage rates without further voter approval (up to a maximum General Tax 5.46 mills; SLIP Tax 6.55 mills, and Maintenance Tax .75 mills, totaling 12.76 mills) in order to meet the financial needs of the levee district.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the advertising of a public hearing on November 13, 2008, in conjunction with its regular monthly Board meeting, for the Orleans Levee District, as required in order to consider levying additional or increased millage rates without further voter approval by rolling forward to a millage rate not to exceed the maximum rates in accordance with Art. 7, Sec. 23(C) of the LA Constitution and R.S. 47:1705.

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

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

RESOLUTION #06-19-08-14 – BREUILLE VS. O.L.D.

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the settlement recommended by the Authority's Counsel in the litigation entitled, *Billie Breuille, Josephine H. Spencer, Gilbert J. Fortier, III., Mary Francis Fortier Klein, Estate of Charlotte Spencer Johnson, John E. Boagni, Jr., Irene E. Shute and Evelyn G. Bennett v. Board of Levee Commissioners of the Orleans Levee District, No 2006-14371, Division G, Section 11, Civil District Court for the Parish of Orleans*, in the amount recommended by said Counsel during the Executive Session held this date.

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

RESOLUTION #06-19-08-15 – LAKE BORGNE BASIN LEVEE DISTRICT – INLAND MARINE/EQUIPMENT INSURANCE COVERAGE

Peggy Sembera, representing the LBBLD, advised the premium quoted is a savings of approximately \$23,000 over last year's premium.

Mr. Doody reported that the O.L.D. was able to realize a substantial savings of approximately \$40,000 on employment practices liability insurance coverage due to efficiencies previously put in place by the Board.

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

WHEREAS, the Lake Borgne Basin Levee District's (LBBLD) Inland Marine/Equipment Insurance coverage will expire on June 15, 2008; and
WHEREAS, Great American Insurance Company, an admitted AM Best Rated A XIII company has submitted a quote through Arthur J. Gallagher Risk Management Services for renewal of the subject coverage an annual cost of \$6,612 for a term of one year commencing on June 15, 2008.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Inland Marine/Equipment Insurance coverage from Great American Insurance Company, through Arthur J. Gallagher Risk Management Services, at an annual cost of \$6,612 for a term of one year commencing on June 15, 2008.

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

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

NAYS: None

ABSENT: Mr. Barnes, Mr. Jackson and Mr. McKee

**RESOLUTION #06-19-08-16 - LBBLD PURCHASE OF
NON-GROUND BEARING DETACHABLE NECK LOWBOY TRAILER**

On the motion of Mr. Wittie,

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

WHEREAS, a real necessity exists for the Lake Borgne Basin Levee District (LBBLD) to purchase a Non-Ground Bearing Detachable Neck Lowboy Trailer, which was publicly advertised for sealed bids pursuant to law; and

WHEREAS, bids were received on May 28, 2008, and in accordance with Resolution No. 05-15-08-14 the bids were opened and subsequently evaluated; and

WHEREAS, two responsive bids were received, with the lowest responsive bid submitted by Lee Tractor Co., Inc., in the amount of \$41,300; and

WHEREAS, funding for said equipment is included in the LBBLD Budget.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves and authorizes the LBBLD Executive Director to award the purchase of a Non-Ground Bearing Detachable Neck Lowboy Trailer to Lee Tractor Co., Inc., the lowest responsive bidder, in the amount of \$41,300, and authorizes the President to sign appropriate documents.

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

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

NAYS: None

ABSENT: Mr. Barnes, Mr. Jackson and Mr. McKee

RESOLUTION #06-19-08-17 – LBBLD – VESSEL INSURANCE COVERAGE

Ms. Sembera advised the carrier, premium and terms are the same as the expiring coverage. This insurance will cover a 15-ft. air boat, a 20-ft. flatboat, and three non-motorized boats.

On the motion of Mr. Barry,

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

WHEREAS, the Lake Borgne Basin Levee District's (LBBLD) Vessel Insurance Coverage will expire on June 26, 2008; and

WHEREAS, WFT has submitted a renewal quote, with the premium, terms and conditions being the same as expiring, through Arthur J. Gallagher Risk Management Services for the subject coverage with an annual cost of \$25,085 for a term of one year commencing on June 26, 2008.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Vessel Insurance Coverage from

WFT, through Arthur J. Gallagher Risk Management Services, at an annual cost of \$25,085 for a term of one year commencing on June 26, 2008.

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

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

NAYS: None

ABSENT: Mr. Barnes, Mr. Jackson and Mr. McKee

PUBLIC COMMENTS:

Mr. Doody advised a number of people had requested to speak on the 17th Street Canal, many of whom had deferred their time to Dante Maraldo.

Epsie Hennessy, a resident on Bellaire Drive in the overbuilt levee section, thanked Mr. Goins and Mr. Wittie for their courageous vote last month, stating that it is well known that the USACE threatened to decertify the levee if the Board did not comply with its demand to remove fences and woody vegetation on the theoretical toe plus six feet. She asked, if the trees, fences and woody vegetation are removed along the levee behind her home, would the levee be certified and how would that be possible? The levee is still seeping by the breach and the Board has agreed to an independent review. She asked why the Board had not called for one on their case. She commented the new levee behind some homes in Lakewood North and Lakeview does not meet USACE standards for certification and that the ten foot crest requirement has been eliminated in some areas such as Lakewood North. Surveys have been changed on several properties in Lakewood South and some homes are clear of the USACE's grasp, while the two end sections have not been adjusted even though they run parallel to the levee and the canal. The toe moves in and out between properties in close proximity to each other, and in some cases it would only be a matter of inches to save fences from destruction. She commented the only section of the 17th Street Canal that is strong, compacted and robust is the overbuilt section in Lakewood South, and that now thanks to the Board it may also become a victim of the USACE's over zealous, over engineering. She further commented on the Board's vote last month and on the inaction of prior boards on servitudes or claims for many years. She commented she met with USACE representatives concerning the logistics of her yard. She asked whether her chain link fence and ligustrum were a threat to the levee, and was told, no, but the property still needed to be taken only because someone may plant an oak tree in ten or twenty years on that small portion of the land. She also asked had any thought been given to putting more dirt on the water side of the wall to widen the crest a few feet in order to move the theoretical toe plus six feet out of her yard. The answer was, no, that's not my department, but that the team had discussed many options concerning the situation with the residents, DOTD and the levee district and the only solution was to take the property. She disagreed with this and commented it seemed the only people not included in the deliberations were the property owners. The levee on both sides of the wall are overbuilt with a 5.1 slope, however, the USACE has assured that it has no plans to excavate the levee to achieve the theoretical 3.1 slope. Therefore, she asked why did it matter how the theoretical toe was drawn when there was more levee than needed and the theoretical toe is beneath the overbuilt levee. She further commented

that the Board voted to take property without paying for it and on the ramifications on the vote.

Carol Byram commented that the residents spent a lot of time trying to come up with information to prove what they have been trying to tell the Board. She said that on several occasions Mr. Jackson stated the Board would not allow the USACE to do anything on the levee until it was given proof by the USACE that it was absolutely necessary. She stated the residents lost an entire year while they were secure in the fact that the Board would not do anything because the residents knew that the USACE could not provide proof. She was told that her trees would have to be taken even though her area is secure. The Board's mission is to make levees safer, however, she stated in this case the Board has failed and has done the opposite on this particular levee.

Dante Maraldo, President of the 17th Street Canal Coalition (Coalition) and a Bellaire Drive resident, clarified when referencing the USACE, he was primarily referencing the offices in Vicksburg and Washington, D.C., from which local representatives receive orders. On June 3 and June 16, 2008, the 17th Street Canal Coalition requested that the Board add the reconsideration or stay of the right-of-entry and right-of-use along the 17th Street Canal granted to the USACE to today's agenda. The Board denied the Coalition's request out of concern for the USACE's response and threats to decertify the levee. The remaining alternative was to offer the Coalition's presentation under the Public Comments period. He stated several members who were present this morning had deferred their time to him so that he could pass along the Coalition's position.

Mr. Maraldo advised he would address the issues that have arisen since May 15th. It is the Coalition's position that the USACE should not be allowed to take any action along the 17th Street Canal levee until the independent third party completes its investigation of the extensive seepage in the 17th Street Canal breach area. Several facts support this request. The USACE has misled the public for approximately forty years regarding the flood protection being provided by the 17th Street Canal. Hurricane Katrina exposed much of the USACE's misstatements and deceptions. The USACE has made misrepresentations to the Board and the public about the 17th Street Canal since Hurricane Katrina and a number of those issues were expressed at the May 15th meeting. The USACE has had over two and one-half years to fix the breach along the 17th Street Canal. The USACE exercised complete and total discretion in repairing the levee in the area of the breach and removed all the trees along the breach area. The result of the USACE's efforts is extensive seepage throughout the entire area of the 17th Street Canal levee breach. Dr. Donald Gray warned the Board at its May 15th meeting that seepage was a critical danger associated with the removal of trees along the levee. The USACE has theories, but does not know the cause of the seepage, and has not excluded tree removal as a possible cause. The Board has called for an independent, third party investigation of the cause of the extensive seepage along the 17th Street Canal breach area. The USACE has said it is embracing the idea, but wants to proceed with its tree and fence removal program along the remainder of the 17th Street Canal.

Mr. Maraldo stated it was the Coalition's position that the Board has an obligation and duty to determine the cause of the extensive seepage in the area where the USACE

has had complete and total discretion to do what it wants before allowing it to engage in activity that may cause additional extensive seepage all along the 17th Street Canal. Prudence dictates that the Board confirm that the USACE's tree removal is eliminated as a cause of seepage before allowing it to remove additional fences and trees along the entirety of the 17th Street Canal. The Coalition's position is that the Board has a duty and responsibility to stay the granting of the right-of-entry and right-of-use to the USACE until the independent third party completes its review of the extensive seepage problems along the breach. If the trees did not have anything to do with it, then the Board can recommence or reinstitute its granting. However, if the trees do have something to do with it, then that should be looked into before every tree is removed.

Mr. Maraldo explained that at the May 15th meeting Col. Lee stated the tree and fence removal program was necessary along the 17th Street Canal because it was an important part of the hurricane protection system. In order to defuse the public's concern about the extensive seepage in the 17th Street Canal breach area, Mike Park, USACE Hurricane Protection System Program Manager, contradicted Col. Lee by stating in a May 29, 2008 news story that if there was a threat of a storm surge, the interim control structure at the mouth of canal would be closed and the area would be isolated from a storm surge in any circumstance. He stated that due to the USACE's acknowledgement that the 17th Street Canal would be isolated from a storm surge in any circumstance, the Board should immediately reconsider the USACE's right-of-entry and right-of-use. The USACE has misrepresented the basis and need for this program and the roll of the 17th Street Canal in the hurricane protection system.

Mr. Maraldo advised there are still surveying issues along the 17th Street Canal. The USACE had repeatedly represented to the Board that properties along the 17th Street Canal have been surveyed. The USACE sent out contracted surveyors the week of June 9th to resurvey properties in Lakeview North. The surveyors placed stakes on properties indicating the toe plus six-foot location upon which the USACE claims a levee servitude. The same contracted surveyors advised Lakeview residents on June 13th that the USACE had provided them with bad information and that the surveys they had conducted were wrong and would have to be performed again. The residents along the 17th Street Canal question the accuracy of the surveys.

Mr. Maraldo stated that the Coalition requests that the Board require the USACE to answer the following questions prior to allowing any further actions along the 17th Street Canal: What bad information did the USACE provide to its surveyors? Why did they provide bad information to the surveyors? Why is the USACE still surveying properties and needing to identify the toe plus six-feet just a week or two before the planned implementation of the program? Why is it taking nearly three years after Hurricane Katrina and over two years after the initial report recommending tree removal to implement the program?

Mr. Maraldo stated that for the reasons presented the Coalition requests that the Board stay the granting of the right-of-entry and right-of-use along the 17th Street Canal granted to the USACE at its May 15th meeting until the independent third party completes its investigation of the extensive seepage in the canal breach area, the USACE confirms the accuracy and/or resurveys the affected properties, includes

residents in what is going on, advises what type of information was provided and why so many surveys have had to be done, and responds to the four questions just presented.

Mr. Maraldo presented for the record the June 3 and 16, 2008 e-mail requests to place an item on the Board's agenda, the Times Picayune (NOLA.com) article "Third Party to sort out seepage at 17th Street Canal", and WWL-TV.com article "Corps says seepage at 17th Street Canal is normal".

Mr. Doody thanked Mr. Maraldo and the residents for their professionalism in this very personal and emotional issue. He explained that the Board acted after a year and a half of consideration and that the decision was taken very seriously and was well considered. He added that a consideration of some Board members when making their decision was the fact that Professor Bea had specifically mentioned trees as a huge potential threat to levees.

The next Board meeting will be held on Thursday, July 17, 2008, and hosted by the EJLD.

There being no further business, the meeting was adjourned at 2:05 p.m.