

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
PUBLIC HEARING & SPECIAL BOARD MEETING
WEDNESDAY, AUGUST 27, 2008**

The Public Hearing and Special Board Meeting of the Southeast Louisiana Flood Protection Authority – East (Authority or SLFPA-E) was held on Wednesday, August 27, 2008, at the Kenner Pavillion, 3800 Loyola Drive, Kenner, 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 10:00 a.m. and led the Pledge of Allegiance.

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

Present:

Timothy P. Doody, President
George Losonsky, PH.D., Treasurer
David P. Barnes, Jr.
Thomas L. Jackson
Larry A. McKee
Louis E. Wittie

Absent:

Abril B. Sutherland, Vice President
John M. Barry, Secretary
Sara Lee St. Vincent
Stradford A. Goins
Ricardo S. Pineda

OPENING COMMENTS:

Mr. Doody advised that the purpose of the public hearing was for the Authority to vote to roll back the millage for 2008 and to decide whether or not the Authority would vote to roll forward. The decisions are made based on information received from the Assessor's Office; however, that information had not been furnished to the East Jefferson Levee District by the time of the meeting. The Authority would be working with information furnished by Ms. Fran Campbell, Executive Director of the East Jefferson Levee District.

RESOLUTION #08-27-08-01 – ADOPTION OF AGENDA

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

A resolution to adopt the agenda for the Public Hearing and Special Board Meeting of August 27, 2008.

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

PUBLIC HEARING (EAST JEFFERSON LEVEE DISTRICT):

Pursuant to Article 7, Section 23(C) of the Constitution and R.S. 47:1705(B), Conducting a Public Hearing for the East Jefferson Levee District 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.

PUBLIC COMMENTS:

Ms. Jean Gaul stated that she was the owner of property on the Mississippi River Levee Batture near Nine Mile Point and had been advised by the Coast Guard that the property was not useable because of marine regulations. Ms. Gaul stated that she pays property taxes on the property and the assessment keeps increasing, and that she would like the Authority to take this type of situation into consideration when addressing the millage issue.

Mr. Doody advised that everything would be taken into consideration when the millage issue is addressed, but that the Authority's duties are the maintenance of the levee systems and that it had no control over the property assessments. Ms. Gaul was advised that her concern with the assessment should be addressed to the Assessor's Office.

There were no further public comments.

There was discussion among the Authority Board members and Mr. Bob Lacour about the millage process and the wording of the Public Hearing notice. Mr. Lacour and Ms. Shannon West advised that the wording used was that required by the Legislative Auditor and the Constitution.

Mr. Doody stated that since the necessary figures had not been received from the Assessor's Office in time for the Public Hearing today, the Authority could not vote on either of the motions on the agenda relating to the millage rate for the East Jefferson Levee District. The Authority will take action on these motions at its next regular Board meeting which would be held on September 18, 2008, at 9:30 a.m., in St. Bernard Parish.

A motion was offered by Mr. Jackson, seconded by Mr. Wittie and unanimously adopted, to close the Public Hearing (East Jefferson Levee District) portion of the meeting. The Board then proceeded with the business of the Special Board Meeting.

Motion to adopt the adjusted millage rate(s) determined in accordance with the provisions of Article 7 Section 23 (B) of the Constitution and La. R. S. 47:1705 B for the tax year 2008.

The motion was deferred to next regular Board Meeting.

Motion to roll forward the adjusted millage rate(s) for 2008 to a rate(s) not to exceed the prior year's, 2007, maximum millage rate for the tax year 2008.

The motion was deferred to next regular Board Meeting.

RESOLUTION #08-27-08-02 – ACQUISITION AND/OR EXPROPRIATION FOR INNER HARBOR NAVIGATION CANAL PROJECT.

Mr. Doody explained that at the August 21st Board meeting action was deferred on this motion until today's meeting. The Board's concern was the substantial operations and maintenance cost for the IHNC structure, which consists of a surge barrier with floodgates. The Coastal Protection and Restoration Authority (CPRA) has signed the Agreement with the U.S. Army Corps of Engineers (USACE) as the local sponsor; however, the CPRA is seeking to execute a Cooperative Endeavor Agreement (CEA) with the Authority that would transfer responsibility for operations and maintenance of the structure to the levee districts.

Mr. Doody advised that the Authority would continue to push for the Federal government, possibly the USACE and/or U.S. Coast Guard, to maintain and operate the structure and that a request has been placed in the upcoming WRDA bill. The USACE has taken the position that this is a flood control structure, however, the gated structure would not be necessary were it not for the maritime industry. Colonel Bedey, Commander of the USACE Hurricane Protection Office, has referred to the IHNC as the Achilles heel of the system. Therefore, construction of this protection project is necessary; however, the Board is duly concerned about whether it can maintain the structure. He suggested that the Board take action on the motion and that discussions continue with the USACE and CPRA for support.

Mr. Doody requested that the Board allow him, together with Robert Turner, Regional Director, Robert Lacour, Interim General Counsel, and Irys Allgood, Assistant Attorney General, to work out the terms of the CEA, and that he be able to execute the CEA when they are comfortable with the document.

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

WHEREAS, the Coastal Protection and Restoration Authority ("CPRA") and the United States Corps of Engineers ("USACE") entered into a Project Partnering Agreement dated April 1, 2008 for the Design and Construction of the Inner Harbor

Navigation Canal Hurricane Protection Work, Louisiana” (the “IHNC Work”), to be constructed by USACE in Orleans and St. Bernard Parishes in order to improve the hurricane protection of the Greater New Orleans area; and

WHEREAS, the Southeast Louisiana Flood Protection Authority - East (“SLFPAE”) and CPRA are in the process of entering into a Cooperative Endeavor Agreement (“CEA”), whereby SLFPAE will agree to operate and maintain the IHNC Work upon its completion and to acquire land, easements, and rights-of-way required for the construction, operation, and maintenance of the IHNC Work; and

WHEREAS, the IHNC Work furthers the levee purpose of flood and hurricane protection, and the IHNC Work will greatly enhance the protection of persons and property within the territorial jurisdiction of SLFPAE; and

WHEREAS, certain lands, easements, or rights-of-way are required for the construction, operation, or maintenance of the IHNC Work (the “Required Property”); and

WHEREAS, pursuant to Louisiana Revised Statutes 38:306 and 38:351, the Orleans Levee District and the Lake Borgne Levee District may acquire and/or expropriate land, easements, and rights-of-way needed for levee purposes, including for flooding and hurricane protection purposes, within their territorial jurisdictions;

THEREFORE BE IT RESOLVED that the Orleans Levee District, by its Board of Commissioners of the Southeast Louisiana Flood Protection Authority - East, by its President, Timothy Doody, is hereby authorized and directed to acquire any and all of the Required Property in Orleans Parish identified in the files of USACE as being necessary for the IHNC Work, as described in those files and as the descriptions thereof may change from time to time through the date of such acquisition, for the public purpose of improving the hurricane protection of the Greater New Orleans area through construction, operation, and maintenance of the IHNC Work. The District is hereby authorized to acquire said properties in fee simple less minerals, as a temporary or permanent servitude, or through right of use. The District is hereby authorized and directed to acquire said properties by any due and lawful means, either amicably by offer and acceptance or if necessary by expropriation pursuant to La. R.S. 38:351, et seq.

BE IT FURTHER RESOLVED that the Lake Borgne Levee District, by its Board of Commissioners of the Southeast Louisiana Flood Protection Authority - East, by its President, Timothy Doody, is hereby authorized and directed to acquire any and all of the required Property in St. Bernard Parish identified in the files of USACE as being necessary for the IHNC Work, as described in those files and as the descriptions thereof may change from time to time through the date of such acquisition, for the public purpose of improving the hurricane protection of the Greater New Orleans area through construction, operation, and maintenance of the IHNC Work. The District is hereby authorized to acquire said properties in fee simple less minerals, as a temporary or permanent servitude, or through right of use. The District is hereby authorized and directed to acquire said properties by any due and lawful means, either amicably by offer and acceptance or if necessary by expropriation pursuant to La. R.S. 38:351, et seq.

BE IT FURTHER RESOLVED that the President of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority, Timothy Doody, is hereby authorized and directed to execute any and all documents, including the CEA, and to take any and all actions necessary to carry out the foregoing, upon receipt of the CEA in form and content acceptable to the President and Counsel to the Board.

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

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

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Pineda

There was no further business, therefore, the meeting was adjourned at 10:27 a.m.