

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, APRIL 16, 2009**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, April 16, 2009, 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 9:37 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
David P. Barnes, Jr.
Stephen Estopinal
Stradford A. Goins (arrived at 10:45 a.m.)
Thomas L. Jackson
Ricardo S. Pineda
Louis E. Wittie

Absent:

Abril B. Sutherland, Vice President
Sara Lee St. Vincent

OPENING COMMENTS:

Mr. Doody advised that this is the high water season for the Mississippi River and that the levee district police are currently monitoring the river stage.

Mr. Doody commented on the need to be vocal on the Governor's request of the Legislature to allocate \$200 million, which would allow the State to purchase the lands, servitudes and rights-of-ways necessary to complete the 100 year level of protection. He asked the public to contact their legislators to voice their support of this allocation.

Mr. Doody advised that House Bill 61 was filed in the Legislature by Representative Wooten from Plaquemines Parish, which seeks to take property, most of which is outside of the Bohemia Spillway, and revenues from that property and transfer that ownership to Plaquemines Parish and the Plaquemines Parish Levee District. He explained that the historical accounts of that transaction show that the Orleans Levee District actually purchased the land not acquired by expropriation and paid off the bonds

of the former Grand Prairie Levee District, which was close to bankruptcy at that time. This bill will cost in excess of \$35 million to the Orleans Levee District or the State of Louisiana. This cost would severely hamper the Orleans Levee District's ability to provide future flood protection. In addition, Senate Bill 153 was filed by Senator Morrell which seeks to transfer the management of the Orleans Levee District's non-flood assets to the City Park Improvement Association, along with 30 percent of the ad valorem tax revenue. The transfer of 30 percent of the Orleans Levee District's ad valorem tax revenues to the City Park Improvement Association would leave the district unable to provide flood protection to the City of New Orleans.

Mr. Barry commented on the amount of energy spent by the Authority in fighting legislation that is detrimental to flood protection. He added that if Plaquemines reimbursed the amount of money spent by the Orleans Levee District adjusted for inflation and with interest, then Plaquemines Parish would owe the Orleans Levee District money. The Bohemia Spillway has continued to provide flood protection for that area. The Bohemia Spillway has been open more often than the Bonnet Carre Spillway and has in the past lowered the stage at Carrollton by more than one foot.

Wilma Heaton pointed out that these bills provide an opportunity to put the challenges faced by the Authority before the Legislature and to educate its members about the Authority's roll and responsibilities.

ADOPTION OF THE AGENDA:

A motion was offered by Mr. Barnes, seconded by Mr. Wittie and unanimously adopted, to approve the agenda as presented.

RESOLUTION #04-16-09-01–APPROVAL OF MINUTES

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby approves the minutes of the Board Meeting held on March 19, 2009.

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

PUBLIC COMMENTS:

Robert Counce, representing the Bayou St. John Conservation Alliance, informed the Board that HB 433, which was filed by Representative Ernst and co-authored by

Representative Murray, includes \$100,000 for the studies that the Authority requested to be done on Bayou St. John. In addition, the bill requests money for City Park to remove the waterfall dam since City Park has the Wallop Breaux matching grant.

PRESENTATIONS:

1. Presentation on completion of Financial Disclosure Form. (Courtney Jackson)

Courtney Jackson with the Louisiana Ethics Administration Program explained that the Financial Disclosure Form is due each year by May 15th. The form is a report of the previous calendar year and must be filed for each year that a Commissioner serves on the Board, as well as for the year following the end of the Commissioner's term on the Board. There is currently no mechanism to file the report electronically; therefore, it must be submitted by fax or U.S. mail. If the form is submitted by U.S. mail, it must be postmarked by May 15th. She recommended that it be sent by certified mail.

Ms. Jackson reviewed the form and explained the information that must be included. This is the "original" report covering calendar year 2008. All of the information that must be disclosed on the form is for the Commissioner as well as his/her spouse. The final two sets of boxes on page 1 of the form are to certify that every transaction entered into by this Board during the 2008 reporting period did not present a conflict of interest personally or for immediate family members. If there was a conflict, an additional page must be attached describing the conflict and explaining the action taken to overcome that conflict; e.g., recusal or divestiture of ownership interest in a company. Schedule A deals with employment information and requires information for each full and part time employer of both the Commissioner and his/her spouse. Self-employment is listed under Schedule C – Positions-Business.

Ms. Jackson explained that actual income is listed on Schedule B. This includes any income received by a Board member, his/her spouse or a business in which a Board member or spouse has a greater than 10 percent ownership interest and the reporting income that the Board member or spouse or that business receives from the State or a political division of the State. Per diem is considered income from a political subdivision and should be reported on Schedule B. Income from the State of Louisiana or any local unit of government, such as a parish, municipality, boards and commissions, or any public source within the State would be included on Schedule B. If a Board member or his/her spouse has a business and owns more than 10 percent of that business, and that company contracts or does business with the State or political subdivision, the income received by that business should be disclosed. Income for a business is the gross income minus cost of goods sold and operating expenses; i.e., net income. Retirement income from a State or municipal retirement system within the State must be disclosed. Income from Social Security is excluded. Income received by a Board member, his/her spouse, or a business in which there is a 10 percent or greater ownership interest which is derived for services related to a gaming interest must be disclosed.

Ms. Jackson explained that businesses in which a Board member or his/her spouse has an ownership interest of 10 percent or greater, and the Board member or his/her spouse is a director, officer, owner, partner, member or trustee of that business are disclosed on Schedule C. The percentage of ownership, not the value of the ownership interest, must be disclosed. Schedule D is for the disclosure of non-profit organizations in which a Board member or his/her spouse serves as a director or an officer. If a Board member or his/her spouse is a director on a board of directors or an officer, then the name of the organization, the nature of his/her association with that organization, the address and a description of that organization must be disclosed. A Board member or his/her spouse who is just a member of an organization and does not hold an office or is not a director would not have to disclose anything. Schedule E applies to elected officials. Ms. Jackson asked that the Board members file a complete report and indicate N/A (not applicable) on items for which there is no information to be disclosed. Disclosure forms will be scanned by staff for completeness and then posted on the web site.

Robert Lacour, SLFPA-E Interim Counsel, commented that in his review of the form there were some terms that needed defining, such as immediate family and political subdivision. He advised that he would e-mail information to the Board members concerning these terms.

COMMITTEE REPORTS:

Finance Committee: Mr. Losonsky reported that at its April 9th meeting the Committee discussed the re-certification of millage rates for the Lake Borgne Basin Levee District (LBBLD) for calendar year 2009. Millage rates were rolled forward to the maximum allowable rates in calendar year 2008. He pointed out that Mr. Jackson had commented in the Committee meeting concerning the LBBLD's operating deficit of \$1.5 million per year. The deficit is currently being funded through prior year's savings; however, those reserves will be exhausted in two years. The LBBLD's current revenues are insufficient to fund all of its operational responsibilities, which include flood protection, drainage canals and pump stations. Mr. Doody and Mr. Turner will meet with St. Bernard Parish President Craig Taffaro and Bond Counsel Jarrell Godfrey concerning the development of a strategy to address this problem. The Committee also discussed the renewal of property insurance for the Orleans Levee District (O.L.D.) and flood insurance and police bond for the East Jefferson Levee District (EJLD). Motions for the renewal of these coverages are included in the Board's agenda. Quotes for procurement of health insurance for the EJLD were not available at the time the Finance Committee met and will be considered under Board agenda item XIII.B.2.

Operations Committee: Mr. Wittie reported that the Committee met on April 9th and received a presentation by NOLA Rising relative to the painting of a mural on the floodwall located in the lower Ninth Ward and heard comments from the opposition. Approval for painting on the floodwall will be required from the U.S. Army Corps of Engineers (USACE) and the Committee is awaiting additional information from the USACE. Mr. Losonsky discussed the topic of seismic testing of levees at the

Committee meeting. LSU had proposed a testing program for the SLFPA-West that would include two miles of levee; however, the West Authority did not take advantage of the proposal. The Committee discussed the possibility of taking on the testing program or perhaps splitting the program with the West Authority. Authorization for this testing will be needed from the USACE, which will be provided with a technical description of the method to be used for its evaluation. An update by Murray Architects was provided to the Committee on the O.L.D.'s safe house design. Each levee district provided its monthly status report.

The Board briefly discussed the erosion problem along west bank of the 17th Street Canal. Robert Turner, SLFAP-E Regional Director, explained several changes have taken place in the canal since Hurricane Katrina that altered the flow in the canal to some degree. The Authority is interfacing with the USACE concerning this problem. The Office of Coastal Protection and Restoration (OCPR) has agreed to provide resources to perform an analysis to determine the cause and potential methods to arrest the erosion. Once the analysis which is currently being done is completed, the Authority will have a better idea of what needs to be done and how soon it needs to be done so that a time line can be developed. The Authority will try to get the USACE to install erosion protection along the west bank of the canal. Board members asked that they be kept apprised of this matter.

Legal Committee: The Legal Committee did not hold a meeting in the month of April.

Special Issues Committee: The Special Issues Committee did not hold a meeting in the month of April.

Mr. Barry requested that future Board agendas include reports on the CPRA (Coastal Protection and Restoration Authority) and Louisiana Legislature. The CPRA anticipates holding regular meetings on the third Wednesday of the month. Mr. Barry reported that two substantive issues were discussed at the April 15th CPRA meeting. The first issue concerned the funding referenced in the opening comments. This funding is a part of the CPRA annual plan and was unanimously passed by the CPRA. The CPRA annual plan must go to the Legislature, which must agree to spend the money according to the priorities set. The second issue concerned a resolution regarding Lower Mississippi River Management and the Louisiana Coastal Protection and Restoration Draft Final Technical Report. This resolution is also included on the Board agenda for consideration. Presentations were provided at the CPRA meeting by Karen Durham-Aguilera, USACE Task Force Hope Director, on Option 1 for the Outfall Canals and by Robert Turner, SLFPA-E Regional Director, on the National Levee Safety Program. He commented that at the CPRA meeting the question was brought up concerning whether the USACE has the authority to do Option 2. The USACE has argued that it currently does not have authority to deal with anything except Option 1. However, CPRA Chairman Garrett Graves, who was involved in the Congressional legislative process when the law was passed thinks that the USACE does have authority. The USACE was also asked whether it had any authority to do work on the drainage canals. Ms.

Durham-Aguilera evaded the question, but stated that should any work be necessary that it would be done.

Mr. Turner added that the USACE is looking at the outfall canal system. If it is determined after the review that the risk levels are actually higher, then they will take a second look and possibly do some type of mitigation.

Mr. Estopinal commented that the USACE talked about phased construction at the outfall canals. His concern was that if Option 1 is constructed, even if it is called a phase, that it would be all that would be constructed.

Mr. Jackson commented on a USACE meeting, which included Congressman Scalise, Jefferson Parish Councilman Young and representatives of the Sewerage and Water Board, relative to the outfall canal issue. He suggested that if the Congressional authorization was clarified and the USACE approached the project as a two phased construction project, there could be a number of benefits over the current stance that is being taken by the USACE. He further suggested that if Option 2 is selected, the first phase could consist of the construction of the lakefront station, which would bring about benefits that do not currently exist. One benefit would be that the USACE could install equipment to pump against a storm surge from a suction basin level equivalent to the maximum water level that can be handled by the systems in Orleans and Jefferson Parishes. This would involve bigger pumps and engines than are currently being planned for the station. He pointed out that should the USACE have to go from its present plan for Option 1 to Option 2, all of the equipment in the station would need to be replaced. Another advantage would be that the USACE would remain responsible for the interior canals until they are modified and lowered under Option 2. At the end of the meeting Congressman Scalise indicated that he would introduce a bill or an amendment to specify that Option 2 be provided and asked Ms. Aguilera about the USACE providing necessary drafting services.

Mr. Barry advised that he had spoken with New Orleans City Council President Jackie Clarkson and Councilmember Shelley Miruda concerning the possibility of a City ordinance to address a problem in connection with property takings for flood protection projects and the Orleans Parish tax that must be paid by a property seller.

REGIONAL DIRECTOR'S REPORT:

Mr. Turner reviewed the Regional Director's Report (copy appended to minutes). He advised that an additional Upcoming Event is the Geological Symposium that will be held after July 16th the Board meeting.

In connection with the Request for Qualifications for ID-IQ contracts for surveying services, Mr. Estopinal advised that he anticipated selecting six respondents for ID-IQ contracts because of the number of parcels that may need to be acquired. Mr. Pineda recommended that classifications be established for the ID-IQ contracts; e.g., principal engineer, technician 1 or 2. Rates would then be established for those classifications.

RESOLUTION #04-16-09-02–BAYOU ST. JOHN

Mr. Doody stated that the resolution before the Board supports a healthy Bayou St. John. He thanked the Bayou St. John Conservation Alliance for its efforts and commented that this shows what can be accomplished working together.

It was pointed out that the valves in the waterfall dam no longer work and remain open; therefore, for all practical purposes it is not serving a flood control purpose.

There was a brief discussion about Senate Bill 153, which would transfer 30 percent of the Orleans Levee District's ad valorem tax revenue to the non-flood assets and would severely impact the District's ability to provide flood protection. Mr. Barry pointed out that a Memorandum of Understanding (MOU) had been negotiated with the State under which a fairly substantial amount of cash was given to the Non-Flood Assets Division. The State agreed that no additional monetary contribution would be made except that the cost of the O.L.D. would be split.

Robert Counce stated that he was not familiar enough with the ad valorem tax issue and the proposed legislation to comment on the Senate Bill; however he would be interested in learning more about this issue. He explained that the Bayou St. John Conservation Alliance fully supports the Authority and that the Alliance's first priority is also flood protection. The focus of the Alliance is on Bayou St. John and it is seeking funding for the Authority so that the objectives concerning the Bayou can be accomplished. The Bayou St. John Sector Gate is a flood protection structure. The USACE has not accepted responsibility in its flood protection mandate to do anything more than privately state it will de-water and inspect it. The USACE would then turn the Sector Gate over to the Authority to do the mechanical inspections and repairs. He added that the Authority may wish to better educate the public about how much money it has to work with and its sources of revenue.

Mr. Doody pointed out that the cost to operate and maintain \$7 billion worth of flood protection projects that are on the books and underway will severely burden the system.

Mr. Barry asked that the Authority investigate whether credit could be received as part of the local cost share contribution for the construction of the Lakefront seawall. Mr. Pineda recommended enrolling the seawall in the PL 84-99 program.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority East (SLFPA-E) recognizes flood protection as its first priority; and
WHEREAS, the SLFPA-E also recognizes the great historical, cultural and recreational value of Bayou St. John to the citizens of New Orleans; and

WHEREAS, the SLFPA-E desires to support initiatives that promote a healthy bayou through a best practices approach; and

WHEREAS, the SLFPA-E recognizes that proper operation of the Flood Protection Sector and Sluice Gate Structure at the mouth of the Bayou serves a dual purpose, providing first and foremost - flood protection, as well as controlling the flow of water from Lake Pontchartrain; and

WHEREAS, the Orleans Levee District is responsible for operation of the gates to provide flood protection; and

WHEREAS, the Scenic Rivers System permit, issued on March 9, 1984 to allow construction of this Structure, states, "The sector gate shall normally be kept in an open position with closures only during the hurricane season and at other times when there is a threat of flooding along Bayou St. John"; and

WHEREAS, environmental changes have take place since the issuance of the Scenic Rivers System permit, including the subsidence of lands adjacent to the Bayou and sea level rise; and

WHEREAS, the SLFPA-E recognizes the need to collect more analytical data before decisions can be made to open the sector gate, given the risk of flooding; and

WHEREAS, in order to improve and maintain the water quality of Bayou St. John and the lagoon system in City Park which receives flow from the Bayou, planning and coordination is needed between those entities having jurisdiction and responsibility of those water bodies and with the operation of the structures and facilities that control the flow of water into the Bayou and drainage from the Bayou; and

WHEREAS, the SLFPA-E supports the development of a "Water Management Plan" for the Bayou and lagoon system; and

WHEREAS, the SLFPA-E lacks the funding needed to immediately pursue these objectives but considers them a priority and desires to advise all elected and appointed officials of this position; and

WHEREAS, the SLFPA-E appreciates the efforts of the Bayou St. John Conservation Alliance to help promote and secure funding for the implementation of these objectives.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority East will pursue all reasonable means available and at its disposal to provide a fully operable sector gate at Bayou St. John and the removal of the "waterfall dam".

BE IT FURTHER RESOLVED, that the Southeast Louisiana Flood Protection Authority-East supports the development of a Water Management Plan for Bayou St. John.

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

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

NAYS: None

ABSENT: None

**RESOLUTION #04-16-09-03–
PLAQUEMINES PARISH COASTAL RESTORATION PROJECT–REACH B-2**

Mr. Doody advised that a presentation was provided at the Board’s last meeting on the proposed Plaquemines Parish Coastal Restoration Project.

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

WHEREAS, the Plaquemines Parish Government is seeking to enhance protection for residents in their parish through the development of coastal restoration projects that also enhance storm protection through the reduction of the impacts of tidal surge; and

WHEREAS, the development of “forested ridge and wetlands” adjacent to hurricane protection levees in Plaquemines Parish is being considered as one promising alternative for joining coastal restoration and storm protection into a common initiative; and

WHEREAS, the protection of wetland habitat and flood protection in Plaquemines Parish is of extreme importance to all residents in the region and the entire state of Louisiana; and

WHEREAS, the Plaquemines Parish Government is submitting a Joint Use Permit to the Louisiana Department of Natural Resources and the U.S. Army Corps of Engineers for Coastal Use Permits and Section 10/404 Permits, respectively for Reach B-2 (from Boothville to Venice), which will be the pilot project for the “forested ridge and wetland” initiative in the parish.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) does hereby support the efforts of the Plaquemines Parish Government in their Coastal Restoration and flood protection initiatives and offers no objection to the Plaquemines Parish Government’s construction of Reach B-2 or the continuation of the “forested ridge and wetlands” initiative in the parish.

BE IT FURTHER RESOLVED, that the SLFPA-E Regional Director or SLFPA-E Regional Chief Engineer is hereby authorized to sign any and all documents to carry out the above.

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

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

NAYS: None

ABSENT: None

RESOLUTION #04-16-09-04– APPROVAL OF SLFPA-E STRATEGIC PLAN

Mr. Doody explained that the Strategic Plan had been discussed at the last Board meeting. The Board members were requested to review the plan and circulate comments or concerns.

Mr. Jackson stated that he would vote to approve the plan because it lays out some organizational and forward planning and that what is said in the plan is good and proper; however, it did not meet the same standard as the strategic plans of other organizations with which he had been involved.

Mr. Losonsky clarified that the Board would be voting on the Strategic Plan and not the Organizational Study.

Mr. Jackson requested that the resolution state that the Board is approving the Strategic Plan, but not the final payment for the Consultant until the contract requirements and products have been reviewed. There was no objection to including this wording in the resolution.

Mr. Doody advised that the Consultant had not been invited to attend this meeting.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) by Resolution No. 05-15-08-08 approved the selection of SSA Consultants to provide the Consulting Services for an Organizational Study and Strategic Plan.

BE IT HEREBY RESOLVED, that the SLFPA-E approves the "Southeast Louisiana Flood Protection Authority-East Strategic Plan dated March 2009" prepared by SSA Consultants.

BE IT FURTHER RESOLVED, that the aforementioned approval by the SLFPA-E of the "Southeast Louisiana Flood Protection Authority-East Strategic Plan dated March 2009" shall not be considered approval of the final payment for SSA Consultants until the contract requirements and products have been reviewed.

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

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

NAYS: Mr. Losonsky

ABSENT: None

**RESOLUTION #04-16-09-05–
LOWER MISSISSIPPI RIVER MANAGEMENT AND THE LOUISIANA COASTAL
PROTECTION AND RESTORATION DRAFT FINAL TECHNICAL REPORT**

Mr. Barry explained that numerous scientists in the scientific community are in favor of taking bold action on the Mississippi River for the rebuilding of coastal lands. The major step that is contemplated would basically create a new mouth for the Mississippi River well upriver from the current mouth. The precise site has not yet been determined. This proposal is included in the State's Master Plan. He stated he did not know if anyone has actually done a complete scientific study of this proposal. The scientific

community expected that this proposal would be considered when the USACE presented its LaCPR. The only mention of this plan in the first draft of the LaCPR was that it was outside of the scope of the study. The National Academies of Science, which was doing the review of the LaCPR, specifically criticized the USACE for stating that the plan was outside of the scope of the study and said that the USACE should look at this proposal. The second draft of the LaCPR states that this proposal needs further study. He explained the rapid progress that could be experienced if the land that is being built at the mouth of the Atchafalaya Basin is transposed to the east and west banks about thirty miles upriver from the present mouth of the river.

Mr. Barry explained that the resolution before the Board expresses the Authority's disappointment in the USACE for not taking this proposal more seriously and calls upon the USACE to actually study the plan. This resolution was adopted by the CPRA at its April 15th meeting. He added that he spoke briefly with Garrett Graves about the State funding a study. He pointed out that the resolution is clear that the Authority recognizes that navigation has a legitimate interest. The Authority does not want to interfere with the navigation industry's long term best interest; however, he pointed out that the long term best interest of the navigation industry is that there be a community there that is thriving and that in the long term doing nothing is not sustainable because erosion will continue. The most rapid erosion caused by the levee system is downriver where the levees protect the navigation channel. A study of the proposal is needed in order to conclude whether or not the plan is feasible.

Mr. Pineda recommended that the Authority use Community Development Block Grant funding to hire a consultant or an interim employee to extract information from the LaCPR related to the Authority's footprint for a higher level of protection, including the new outlet. The Authority could begin building its plan for a higher level of protection consistent with the State and Federal plans.

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

A Resolution Regarding Lower Mississippi River Management and the Louisiana Coastal Protection and Restoration Draft Final Technical Report

WHEREAS, a primary cause of the land loss in coastal Louisiana is the reduction of riverine freshwater, sediment, and nutrient delivery to coastal wetlands and the interruption and restriction of delta building processes; and

WHEREAS, the construction of levees on the Mississippi and Atchafalaya Rivers has provided effective, safe navigation and flood control benefits to Louisiana and the United States but has also isolated Louisiana's deltaic plain from those delta building processes; and

WHEREAS, numerous coastal restoration plans including, Coast 2050: Toward a Sustainable Coastal Louisiana (1998), Louisiana Coastal Area Ecosystem Restoration Study (2004), and Louisiana's Comprehensive Master Plan for a Sustainable Coast (2007) among others recognize the importance of lower

Mississippi River management as essential to addressing Louisiana's coastal wetland loss problem and achieving comprehensive restoration; and

WHEREAS, the Water Resources and Development Act of 2007 directs the United States Army Corps of Engineers (Corps) to investigate and study "the maximum effective use of the water and sediment of the Mississippi and Atchafalaya Rivers for coastal restoration purposes consistent with flood control and navigation"; and

WHEREAS, the Technical Group of more than thirty scientists and engineers including experts in geology, ecology, coastal geomorphology, oceanography, engineering, and economics who participated in the 2006 symposium "Envisioning the Future of the Gulf Coast" found that "sustainable restoration of Louisiana's coast and all it supports can be achieved only by redirecting the freshwater and sediments of the Mississippi river onto the nearshore, stemming the direct loss of these valuable resources to the deep waters of the Gulf of Mexico"; and

WHEREAS, the Technical Group further found that "harnessing the resources of the Mississippi River is the only way to move toward a sustainable landscape in the face of continued subsidence, rising sea levels, and more frequent intense hurricanes"; and

WHEREAS, a consensus is building in the scientific and engineering community that only bold comprehensive lower Mississippi River management including, but not limited to, modifications to the operation of the Old River Control Structure, large scale freshwater and sediment reintroductions, improved sediment management, and realignment of the navigation channel will succeed in rebuilding and protecting coastal Louisiana; and

WHEREAS, one specific proposal with broad scientific support and the potential to deliver large amounts of sediment to wetlands in Louisiana's deltaic plain is the realignment of the lower Mississippi River; and

WHEREAS, the National Academies' National Research Council Committee on the Review of the Louisiana Coastal Protection and Restoration (LACPR) Program specifically criticized the Corps for failing to seriously study the option of major lower Mississippi River realignment in its March 2008 LACPR Technical Report; and

WHEREAS, the March 2009 LACPR Draft Final Technical Report fails to seriously address such a proposal as well;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) expresses its disappointment in the Corps over its failure to include an assessment of comprehensive lower Mississippi River management in the LACPR Technical Reports;

BE IT HEREBY RESOLVED FURTHER, that the SLFPA-E urges the Corps to include an assessment of comprehensive lower Mississippi River management, including its positive and negative impacts on flood protection and coastal restoration, the best site or sites for any realigned navigation channel or redirected stem of the river, and an assessment of its impact on navigation and of the solutions to any problems such alternatives may cause for navigation interests in the LACPR Final Technical Report;

BE IT HEREBY RESOLVED FURTHER, that a copy of this resolution be transmitted to the Louisiana Congressional delegation, the Assistant Secretary of the Army for Civil Works, the Chief of Engineers for the Corps, the Mississippi Valley Division Commander, the director of Task Force Hope, and the New Orleans District Commander.

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

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

NAYS: None

ABSENT: None

EXECUTIVE SESSION:

1. Legal issues arising from Act 475 of the 2007 Legislative Session.

A motion was offered at 12:00 p.m. by Mr. Estopinal, seconded by Mr. Wittie and unanimously adopted, for the Board to convene in Executive Session to discuss the item listed on the agenda.

A motion was offered at 12:38 p.m. by Mr. Estopinal, seconded by Mr. Jackson and unanimously adopted, for the Board to reconvene in regular session.

RESOLUTION #04-16-09-06—

EJLD RENEWAL OF POLICE BOND AND FLOOD INSURANCE COVERAGE

Fran Campbell, EJLD Executive Director, advised that there was no increase in cost for the police bond or flood insurance coverage for the Administration Building.

On the motion of Mr. Losonsky,

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

WHEREAS, the fidelity bond for the East Jefferson Levee District (EJLD) Police Department and flood insurance coverage for three EJLD buildings are due to expire and quotations for renewal were received through Arthur Gallagher Risk Management Services; and

WHEREAS, Western Surety Company has offered to renew the police fidelity bond at an annual premium rate of \$735; and

WHEREAS, the EJLD Administration Building (203 Plaque) can be renewed under National Flood Insurance Plan at an annual premium of \$2,171 with coverage of \$330,000 on building and \$80,000 on contents, each with a \$500 deductible.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes renewal of the EJLD Police Bond with Western Surety Company and Flood Insurance Coverage, as hereinabove provided, under the National Flood Insurance Plan through Arthur Gallagher Risk Management, and

authorizes the EJLD Executive Director to sign any and all documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: None

RESOLUTION #04-16-09-07–EJLD HEALTHCARE RENEWAL

Ms. Campbell explained that the cost of healthcare coverage for this year (approximately \$39,000) is significantly less than last year (approximately \$50,000).

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

WHEREAS, the East Jefferson Levee District (EJLD) healthcare coverage will expire on June 1, 2009, and Blue Cross Blue Shield of Louisiana has offered to provide coverage effective June 1, 2009, at a 32% percent decrease in cost over the current Humana premium; and

WHEREAS, the total estimated current monthly premium is \$39,251.00, subject to change based upon employee enrollment.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of employee healthcare coverage with Blue Cross Blue Shield of Louisiana and authorizes the EJLD Executive Director to sign any and all documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: None

RESOLUTION #04-16-09-08 SELECTION OF PROFESSIONAL ARCHITECTURAL-ENGINEERING-REAL ESTATE CONSULTANT FOR EJLD SAFE HOUSE

Mr. Wittie advised that five Statements of Qualifications were received in response to the Request for Qualifications. Each member of the selection committee rated the submittals. The top two respondents, Waggoner and Ball Architects and SCNA Corporation, were interviewed and competitively rated. The selection committee unanimously recommended the selection of Waggoner and Ball Architects. Mr. Jackson stated that if the Authority fails to negotiate a contract with selected firm that the selection would automatically go to the second ranked firm SCNZ Corporation.

On the motion of Mr. Wittie,

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

WHEREAS, by Resolution No. 10-16-08-06, the Board approved the advertisement of a Request for Qualifications (RFQ) for Professional Architectural-Engineering-Real Estate Consulting Services for a study to investigate safe housing for employees, including recommendations and alternative recommendations with respect to existing facilities and safe housing for the East Jefferson Levee District (EJLD); and

WHEREAS, the Statements of Qualifications submitted in response to the RFQ were reviewed, competitively rated and a short list of firms developed; and

WHEREAS, the two short listed firms were interviewed and competitively rated by the selection team; and

WHEREAS, the selection team has recommended the selection of Waggoner and Ball Architects for a study investigating alternatives for safe housing of EJLD employees, including recommendations with respect to existing facilities, a new facility and possible alternative sites.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the selection of Waggoner and Ball Architects for the aforementioned study.

BE IT FURTHER RESOLVED, that the SLFPAE Regional Director is authorized to negotiate the final Contract with Waggoner and Ball Architects, and that the SLFPAE President is hereby authorized to execute said Contract with Waggoner and Ball Architects.

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

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

NAYS: None

ABSENT: None

RESOLUTION #04-16-09-09–ADDENDUM TO EASEMENT/SERVITUDE AGREEMENT WITH WASTE MANAGEMENT OF LOUISIANA, L.L.C.

Mr. Doody explained that this servitude amendment is in connection with flood protection improvements that will be constructed at the NASA facility. After this document is executed, a right of entry will be issued and the money received from NASA will be transferred from the Orleans Levee District to the USACE for the project.

On the motion of Mr. Barry,

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

WHEREAS, a perpetual levee/floodwall protection easement and right-of-way is required over and across Tract Nos. 404E-1 and 404E-2 for the construction of U.S. Army Corps of Engineers' Lake Pontchartrain, Louisiana & Vicinity Hurricane Protection Project, Orleans Parish, Louisiana, New Orleans East Bank, Michoud Slip to Michoud Canal; and

WHEREAS, the use and possession of these tracts were obtained through certain commandeering orders signed by the Mayor of the City of New Orleans and dated May 15, 2006, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*; and

WHEREAS, an Easement/Servitude Agreement shall be executed by Waste Management of Louisiana, L.L.C., the owner of Tract Nos. 404E-1 and 404E-2, conveying the rights, servitude and easement in and on said tracts unto the Orleans Levee District; and

WHEREAS, an Addendum setting forth certain terms to the Easement/Servitude Agreement is required between Waste Management of Louisiana, L.L.C., and the Orleans Levee District.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the Orleans Levee District Executive Director to execute the Addendum to Easement/Servitude Agreement by and between Waste Management of Louisiana, L.L.C. and the Orleans Levee District.

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

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

NAYS: None

ABSENT: None

**RESOLUTION #04-16-09-10—ORLEANS LEVEE DISTRICT FLOOD DIVISION
PRIMARY PROPERTY HAZARD (WIND/FIRE) INSURANCE COVERAGE**

Gerry Gillen, O.L.D. Executive Director, advised that this \$5 million of primary coverage is for the Administration and Warehouse buildings on Franklin Avenue.

On the motion of Mr. Jackson,

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

WHEREAS, the Orleans Levee District Flood Division (wind/fire) property insurance coverage will expire on April 20, 2009; and

WHEREAS, Eagan Insurance Agency shopped the market for said coverage, and obtained a quote for \$5 Million in primary coverage from Ironshore Specialty Insurance Company, a non-admitted insurance carrier, AM Best Rated A- XI, at a annual premium of \$179,909, plus \$8,995 in Surplus Line Tax and \$8,995 in TRIA premium, for a total annual cost of \$197,899; and

WHEREAS, said coverage contains a 3 percent deductible per building or a \$100,000 minimum deductible per building for wind, hail and cyclone, and a \$25,000 per occurrence deductible for fire; and

WHEREAS, the properties to be insured are under the jurisdiction of the Orleans Levee District Flood Division.

BE IT HEREBY RESOLVED, That the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of primary property (wind/fire) insurance coverage for properties under the jurisdiction of the Flood Division of the Orleans

Levee District from Ironshore Specialty Insurance Company through the Eagan Insurance Agency at an estimated annual premium of approximately \$200,000, for a period of one year, commencing April 20, 2009 and expiring on April 20, 2010.

BE IT FURTHER RESOLVED, That the Orleans Levee District Executive Director is hereby authorized to execute any and all documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: None

**RESOLUTION #04-16-09-11–ORLEANS LEEVE DISTRICT FLOOD DIVISION
EXCESS PROPERTY (Wind/Fire) INSURANCE COVERAGE**

Mr. Gillen explained that this is a second layer of coverage of \$10 million for the Administration and Warehouse Buildings that will be provided between two providers.

On the motion of Mr. Losonsky,

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

WHEREAS, the Orleans Levee District Flood Division excess property (wind/fire) insurance coverage is due to expire on April 20, 2009; and

WHEREAS, Eagan Insurance Agency shopped the market for said coverage and obtained a quote for \$5 million of coverage from Landmark American Insurance Company at an annual premium of \$37,500, plus a Surplus Line Tax of \$1,875, and a TRIA premium of \$1,875, and a quote for \$5 million of coverage from Arch Specialty Insurance at a annual premium of \$37,500, plus a Surplus Line Tax of \$1,875, and a TRIA premium of \$1,875, at a total annual cost of \$82,500 for \$10M in excess coverage; and

WHEREAS, Landmark American Insurance Company is AM Best Rate AXII and Arch Specialty Insurance Company is AM Best Rate A; and

WHEREAS, the properties to be insured are under the jurisdiction of the Orleans Levee District Flood Division.

BE IT HEREBY RESOLVED, That the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of excess property (wind/fire) insurance coverage for properties under the jurisdiction of the Flood Division of the Orleans Levee District from Landmark American Insurance Company and Arch Specialty Insurance Company through the Eagan Insurance Agency at an estimated annual cost of \$82,500, for a period of one year, commencing April 20, 2009 and expiring on April 20, 2010.

BE IT FURTHER RESOLVED, That the Orleans Levee District Executive Director is hereby authorized to execute any and all documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: None

Public comments on Adoption of an Ordinance levying and imposing millage rates and assessments for tax year 2009 on all the property subject to taxation in the LBBLD.

Mr. Doody called for public comment on Ordinance No. 1. There was no one in the public who wished to comment.

Mr. Doody read aloud Ordinance No. 1 in full. A roll call vote was conducted on Ordinance No. 1 with Mr. Barnes, Mr. Barry, Mr. Doody, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie voting in favor of the ordinance.

The following ordinance was offered by Mr. Barry and seconded by Mr. Losonsky:

ORDINANCE NO. 1 - 2009

AN ORDINANCE LEVYING AND IMPOSING MILLAGE RATES AND ASSESSMENTS FOR TAX YEAR 2009 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE LAKE BORGNE BASIN LEVEE DISTRICT

WHEREAS, it is necessary for the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the governing authority of the Lake Borgne Basin Levee District, Louisiana (the "District"), to levy taxes and assessments for the year 2009;

BE IT ORDAINED by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the governing authority of said District, that:

SECTION 1. Operation and Maintenance Taxes. Under the authority of the Constitution and Laws of the State of Louisiana, the following millages for special taxes are hereby levied, assessed and imposed on all the property in the Lake Borgne Basin Levee District, Louisiana (the "District"), for the year 2009, for the respective purposes described below:

2009 Millage Rate	Election Date	Years Authorized	Purpose
3.83	N/A	N/A	Constitutional Tax (La. Const. Article VI, Section 39)
4.27	Oct. 23, 1999	2001-2010	Constructing and maintaining

necessary levees, levee drainage, flood protection, and hurricane flood protection and all other purposes incidental thereto.

3.00

Nov. 15, 2003

2005-2014

Constructing and maintaining necessary levees, levee drainage, flood protection, and hurricane flood protection and all other purposes incidental thereto.

SECTION 2. Local or Forced Contribution. Under the authority of Part II and Sub-Part B of Part VI, Chapter 4, Title 38 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, a local of forced contribution of Fifty-Two and 80/100 Dollars (\$52.80) per mile of railroad lines within the District is hereby levied and assessed for the year 2009, for the purpose of constructing and maintaining levees, levee drainage, and for all other purposes incidental thereto.

SECTION 3. Collection of Taxes. The proper administrative officials of the Parish of St. Bernard, State of Louisiana, are hereby empowered, authorized and directed to spread said taxes and assessment, as set forth above, upon the assessment roll of said Parish for the year 2009, and to make the collection of the taxes and assessment imposed for and on behalf of the District according to law, and the taxes and assessment herein levied shall become a permanent lien and privilege on all the property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

Specifically, the Assessor of the Parish of St. Bernard shall extend said taxes and assessment on said assessment roll as required by law, and the Sheriff and ex officio tax collector of the Parish of St. Bernard shall collect said taxes and assessment in the same manner as state taxes are collected and shall settle therefor with the State Treasurer, as provided by Section 404 of Title 38 of the Louisiana Revised Statutes of 1950, as amended; provided, however the proceeds of the tax levied by Section 3 of this ordinance shall be remitted to the District pursuant to the authority of Section 551.9 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

SECTION 4. Publication. Certified copies of this ordinance shall be forwarded to the St. Bernard Parish Assessor and to the St. Bernard Parish Sheriff and ex officio tax collector as complete authority to levy and collect the taxes and assessment herein provided. This ordinance shall be published one time in the official journal of District in the manner provided by law.

SECTION 5. Effective Date. This ordinance shall become effective immediately.

The foregoing ordinance was read in full; the roll was called on the adoption thereof, and the vote thereupon was as follows:

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

NAYS: None

ABSENT: None

ABSTENTIONS: None

And the ordinance was declared adopted on this, the 16th day of April, 2009.

Mr. Doody explained that the Lake Borgne Basin Levee District has a millage that expires in 2010. Action is needed as early as this month in order to obtain the Bond Commission's approval and have it placed on the ballot in October. This would also allow a second opportunity to place this issue before the voters if it fails in October.

RESOLUTION #04-16-09-12

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

SLFPA-EAST – A RESOLUTION ORDERING AND CALLING A SPECIAL TAX ELECTION TO BE HELD IN THE LAKE BORGNE BASIN LEVEE DISTRICT, LOUISIANA TO AUTHORIZE THE RENEWAL OF A SPECIAL TAX THEREIN, APPLYING TO THE STATE BOND COMMISSION FOR APPROVAL IN CONNECTION THEREWITH AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Southeast Louisiana Flood Protection Authority East (the "Governing Authority") as the governing authority of the Lake Borgne Basin Levee District (the "District") desires to call and order a special election to be held on October 17, 2009 in order to renew a special ad valorem tax of four and twenty-seventh hundredths (4.27) mills on all property subject to taxation within the District for ten years beginning with the year 2011 and ending with the year 2020 pursuant to Title 18, Chapter 6-A of the Louisiana Revised Statutes of 1950 as amended for the purposes of constructing and maintaining necessary levees, levee drainage, flood protection, hurricane and flood protection projects and all other purposes incidental thereto;

WHEREAS, the Governing Authority desires to approve a Notice of Special Election containing a statement of the proposition intended to be submitted to voters in the District and a summary thereof setting forth the substance of the proposition substantially in the form of Exhibit "A" attached hereto;

WHEREAS, the Governing Authority desires to formally request the State Bond Commission approve the proposition and the Chairman of the State Bond Commission certify such approval in writing (the "Certificate") pursuant to La. R.S. 18:1285(B)(1)(b);

WHEREAS, the Governing Authority desires to publish the Notice of Special Election in “The St. Bernard Voice,” which is the official journal for St. Bernard Parish and also the official journal of the District, and in the “Times Picayune” which is the official journal of the Governing Authority once a week for four consecutive weeks beginning on a date not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, October 17, 2009; and

WHEREAS, the Governing Authority desires to submit the Certificate and the Notice of Special Election to the Secretary of State and to the Clerk of Court and Registrar of Voters for St. Bernard Parish as required by La. R.S. 18:1285(B)(1)(b).

NOW THEREFORE BE IT HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST as the governing authority thereof that:

SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by Article VI, Sections 30, 32 and 39 of the Constitution of the State of Louisiana of 1974, the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950, as amended and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the District on Saturday, October 17, 2009, between the hours of six o'clock (6:00) a.m., and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote in the said election under the Constitution and laws of this State and the Constitution of the United States a proposition to renew a special ad valorem tax on all property subject to taxation located within the District for a duration of ten (10) years at the rate of 4.27 mills with an estimated amount to be collected for one entire year of \$1,200,000, the following proposition, to-wit:

TAX RENEWAL PROPOSITION

SUMMARY: 10-YEAR 4.27 MILL PROPERTY TAX RENEWAL FOR CONSTRUCTING AND MAINTAINING NECESSARY LEVEES, LEVEE DRAINAGE, FLOOD PROTECTION, HURRICANE FLOOD PROTECTION AND ALL OTHER PURPOSES INCIDENTAL THERETO IN THE LAKE BORGNE BASIN LEVEE DISTRICT.

Shall the Lake Borgne Basin Levee District (the “District”) continue to levy and collect a special ad valorem tax of four and twenty-seven hundredths (4.27) mills on all property subject to taxation within the District for a period of ten (10) years beginning with the year 2011 and ending with the year 2020, with an estimated amount to be collected for one entire year of \$1,200,000 for the purposes of constructing and maintaining necessary levees, levee drainage, flood protection, hurricane flood protection and all other purposes incidental thereto?

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in "The St. Bernard Voice", a weekly (Friday) newspaper of general circulation within the District, published in Arabi, Louisiana, and being the official journal of the District and also in the "Times Picayune", a newspaper of general circulation within the territorial jurisdiction of the Governing Authority, published in New Orleans, Louisiana and being the official journal of the Governing Authority, once a week for four consecutive weeks with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date fixed for the election, said Notice of Special Election shall be substantially in the form of Exhibit "A" attached hereto and incorporated herein by reference the same as if it were set forth herein in full.

SECTION 3. Canvass. This Governing Authority, acting as the governing authority of the District, shall meet at its regularly scheduled meeting on Thursday, November 19, 2009 at the 2nd Floor Hall, Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, at 9:30 a.m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places set forth in the aforementioned Notice of Special Election are hereby designated as the polling places at which to hold the said election and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 1287, shall hold the said special election as herein provided and shall make due returns of said election for the meeting of the Governing Authority to be held on Thursday, November 19, 2009, as provided in Section 3 hereof. All registered voters in the District are entitled to vote at said special election and voting machines shall be used at said special election at all polling places.

SECTION 6. Authorization of Officers. The Secretary of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the President and/or Secretary of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election, including but not limited to, appropriate submission to the United States Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Clerk of Court and Ex-Officio Custodian of Voting Machines in and for the Parish of St. Bernard, State of Louisiana and the Registrar of Voters in and for said Parish, as notification of the

special election herein called in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is hereby made to the State Bond Commission for approval of the proposition and consent and authority to hold the aforesaid special election as herein provided, and in the event said election carries for further consent and authority to continue to levy and collect the special tax provided for therein, and a certified copy of this resolution along with the Notice of Special Election shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application and the issuance of the Certificate required by pursuant to La. R.S. 18:1285(B)(1)(b) which shall be submitted to the Secretary of State and the Clerk of Court and Registrar of Voters for St. Bernard Parish, Louisiana.

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

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

NAYS: None

ABSENT: None

This resolution was declared adopted this 16th day of April 2009.

EXHIBIT "A"

NOTICE OF SPECIAL ELECTION

Pursuant to the provisions of a resolution adopted by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority East (the "Governing Authority") as governing authority of the Lake Borgne Basin Levee District, Louisiana (the "District") on April 16, 2009, NOTICE IS HEREBY GIVEN that a special election will be held within the District on Saturday, October 17, 2009, and that at the said election there will be submitted to all registered voters in the District qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

TAX RENEWAL PROPOSITION

SUMMARY: 10-YEAR 4.27 MILL PROPERTY TAX RENEWAL FOR CONSTRUCTING AND MAINTAINING NECESSARY LEVEES, LEVEE DRAINAGE, FLOOD PROTECTION, HURRICANE FLOOD PROTECTION AND ALL OTHER PURPOSES INCIDENTAL THERETO IN THE LAKE BORGNE BASIN LEVEE DISTRICT.

Shall the Lake Borgne Basin Levee District (the "District") continue to levy and collect a special ad valorem tax of four and twenty-seven hundredths

(4.27) mills on all property subject to taxation within the District for a period of ten (10) years beginning with the year 2011 and ending with the year 2020, with an estimated amount to be collected for one entire year of \$1,200,000 for the purposes of constructing and maintaining necessary levees, levee drainage, flood protection, hurricane flood protection and all other purposes incidental thereto?

The said special election will be held at the following polling places situated within the District, which polls will open at six o'clock (6:00) a.m. and close at eight o'clock (8:00) p.m. in accordance with the provisions of La. R.S. 18:541:

<u>PRECINCT</u>	<u>LOCATION</u>
A-10	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette
A-11	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette
A-12	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette
A-13	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette
A-14	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette
A-15	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette
A-16	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette
B-20	Nunez Community College Gym, 3700 Lafontaine St., Chalmette
B-21	Nunez Community College Gym, 3700 Lafontaine St., Chalmette
B-22	Nunez Community College Gym, 3700 Lafontaine St., Chalmette
B-23	Nunez Community College Gym, 3700 Lafontaine St., Chalmette
B-24	Nunez Community College Gym, 3700 Lafontaine St., Chalmette
B-25	Nunez Community College Gym, 3700 Lafontaine St., Chalmette
C-30	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette
C-31	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette
C-32	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette
C-32A	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette
C-33	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette
C-34	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette
D-40	Trist Middle School Cafeteria, #1 Pirates Cove, Meraux
D-41	Trist Middle School Cafeteria, #1 Pirates Cove, Meraux
D-42	Trist Middle School Cafeteria, #1 Pirates Cove, Meraux

D-42A	Trist Middle School Cafeteria, #1 Pirates Cove, Meraux
D-43	Trist Middle School Cafeteria, #1 Pirates Cove, Meraux
D-44	Trist Middle School Cafeteria, #1 Pirates Cove, Meraux
D-45	Trist Middle School Cafeteria, #1 Pirates Cove, Meraux
D-46	Trist Middle School Cafeteria, #1 Pirates Cove, Meraux
E-50	Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard
E-51	Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard
E-52	Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard
E-53	Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard
E-54	Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard
E-55	Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard
E-56	Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard
E-57	Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard
E-58	Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard

The polling places set forth above are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, shall be those persons designated according to law.

The said special election will be held in accordance with the applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, and the officers appointed to hold the said election, as provided in this Notice of Special Election, or such substitutes therefore as may be selected and designated in accordance with La. R.S. 18:1287, will make due returns thereof to said Governing Authority, and NOTICE IS HEREBY FURTHER GIVEN that the Governing Authority will meet at its regular meeting on **THURSDAY, NOVEMBER 19, 2009 at the 2nd Floor Hall, Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, at 9:30 a.m.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of said special election. All registered voters of the District are entitled to vote at said special election and voting machines will be used thereat.

A motion was offered by Mr. Goins, seconded by Mr. Losonsky and unanimously adopted, to suspend the rules to amend the agenda to add an item for the approval of legal invoices.

A motion was offered by Mr. Estopinal, seconded by Mr. Wittie and unanimously adopted by a roll call vote, to amend the agenda to add an item for the approval of legal invoices.

RESOLUTION #04-16-09-13–APPROVAL OF LEGAL INVOICES

Mr. Losonsky distributed a recap of the legal invoices that were to be approved. It was pointed out that the legal invoices had been reviewed by Mr. Losonsky, Mr. Jackson and Mr. Goins.

The motion to approve the legal invoices was amended to include T. Robert Lacour's invoices.

Mr. Jackson asked the status of the quarterly reports on litigation. Mr. Lacour explained that the Committee decided that the attorneys should be requested to provide quarterly reports on litigation. Some time passed between the decision and the Authority's notice to the attorneys.

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Control Authority-East approves the legal invoices listed on the spreadsheet (Legal Invoices as of 4/19/09) with the addition of the legal invoices submitted by T. Robert Lacour.

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

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

NAYS: None

ABSENT: None

The Board concurred that due to the Association of Levee Boards' Workshop on May 7-8 that the Committee meetings for the month of May would be rescheduled for May 14, 2009.

The next regular monthly meeting of the Board will be held on May 21, 2009, and hosted by the Orleans Levee District.

There was no further business, therefore, the meeting was adjourned at 1:15 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

April 16, 2009

100 Year Level of Protection

Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

Design work on the project continues. Many components have been submitted for 60% design review and comment. Overall design is about 70% complete. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

Pile load testing will be completed in May. Results from many of the tests have already been tabulated and are being used to calculate actual pile lengths required for the floodwall and gates.

Fill operations in the MRGO will begin shortly. Piles for the floodwall will begin to be driven in mid May 2009. Construction on the barge gate abutment will also begin in mid May 2009.

There is a special meeting taking place today to discuss major proposed changes to various components of the project, including the sector gates at Bayou Bienvenue and the GIWW.

Reach 5 – East Jefferson Levee District:

The Contractor began work about three months ago (280 day contract duration). This work is progressing on schedule. The Project should be completed in August 2009.

Construction contracts are scheduled to be executed for Reaches 1, 2, 3, and 4 in the 2nd quarter of this year.

LPV 145, 146, and 148 – Bayou Dupre to Caernarvon Levee/Floodwall:

The USACE's proposed alternative for improving the Chalmette Loop of the LPV is a T-Wall floodwall atop a levee section for nearly the entire 22 mile reach. The final decision will be made after the IER has been completed.

LPV 149 Caernarvon Floodwall – Lake Borgne Basin Levee District:

It appears that the USACE will now recommend a realignment of the Caernarvon levee/floodwall to a location east of the Caernarvon Canal. This will require a new Control Structure in the Caernarvon Canal. The project still has to be vetted

through the IER process. The St. Bernard Parish Government and the general public (particularly residences and businesses near the existing floodwall alignment) favor the USACE's proposed alignment change.

We have to develop and execute an agreement with Plaquemines Parish Government because the new alignment for this project is located outside the jurisdictional boundaries of Lake Borgne Basin Levee District. The agreement would allow for construction of the project in Plaquemines Parish and would place the responsibility for maintenance with LBBLD.

Permanent Pump Stations:

The "90 Day Report" on the Permanent Pump Stations and Outfall Canals in Orleans Parish has been submitted to Congress. The report lists estimated costs for Options 1, 2 and 2a. Option 1 is estimated at less than 1 billion dollars and Options 2 and 2a are estimated at over 3 billion dollars. It should be noted, however, that there may be considerably higher risks associated with Option 1 because the existing I-Walls along the outfall canals between the proposed permanent pump stations and the existing internal pump stations will not be modified or replaced. Current federal appropriations are insufficient for Option 2 or 2a.

Elevation Map:

The USACE has published a map showing the 100 year level of protection elevations for the hurricane protection levee system in the metro New Orleans area. The elevations depicted are current as of June 13, 2008. The map can be found at the following web address:

http://www.mvn.usace.army.mil/hps2/pdf/2008_Storm_Vulnerabilit_Elev_ed_1_1.pdf

Coastal Protection and Restoration

Governor Jindal said he will ask the Legislature to appropriate \$300 million in surplus dollars from the 2009 fiscal year for coastal restoration and hurricane protection efforts. At the CPRA meeting yesterday, Garret Graves urged the CPRA to dedicate \$200 million of those potential surplus dollars to the state's obligation to purchase lands needed by the Army Corps of Engineers to continue to build the hurricane protection system for the New Orleans area.

Lake Borgne Basin Levee District:

The Violet Freshwater Diversion siphon is in operation at 100% capacity. LBBLD is preparing specs for the purchase of a new vacuum pump. LBBLD will be reimbursed by DNR for the cost of the pump.

Flood Fight

The Mississippi River is above 11' at the Carrollton Gage in New Orleans. It is predicted to rise slightly above 12' on April 19, 2009. We are currently in a First Stage Alert Status.

Debris removal along the Mississippi River is continuing in EJLD.

Design and Construction

East Jefferson Levee District:

Causeway Crib Wall repairs and West Return Wall jet grouting work has been completed.

OCPR has conducted some survey activities to establish current cross-sections through the 17th St. Canal and floodwall (west side) in connection with investigations regarding continued canal bank erosion and its potential future affect on wall stability.

Orleans Levee District:

Work is complete on the LPV 101 Advance Measures sheet pile contract. The USACE is awaiting the revised set of As-Builts from the contractor before turning this project over to Orleans Levee District for O&M.

LPV 102 – Phase I (West End Blvd. to Orleans Canal) is 100% complete pending submission of As Builts

The LPV 103 – Phase I and LPV 104 – Phase I levee projects have a few small locations on each project where USACE is trying to obtain more sufficient grass growth.

The NTP has been issued for LPV 108. This project will bring the elevation of the levee to pre-Katrina authorized elevation, which is higher than the new 100 year elevation. It is scheduled for completion in August 2009.

The USACE has executed a contract for LPV 120 (West Side IHNC) and work is underway. The project will utilize soil stabilization techniques to attain a sufficient safety factor for slope stability. It is scheduled for completion in June 2009.

Prices obtained by USACE for the LPV 117 Project (East Side IHNC) were significantly higher than anticipated. The Corps is taking another look at the proposed design for the project and may make some changes in the proposed relief well configuration.

Murray Architects is proceeding with the Safe House plans and specification for Orleans Levee District. The Operations Committee suggested modifications to the proposed floor plan. Revised plans may be available for review at the next committee meeting.

Lake Borgne Basin Levee District:

LPV 148.01 - Verret to Caernarvon Reach is 90% complete. The project is scheduled for completion in June 2009. The contractor has experienced some weather related delays.

LBBLD solicitation of bids for the last remaining drainage canal clearing work will be issued this month. The cost of the project will be funded through NRCS. A new state statute requires us to allow contractors to submit bids electronically.

LBBLD, with the help of LDOTD, will rebid the trash screen project for Pump Stations 2, 3, and 5. Bids should be on the market in April 2009. Work is continuing on the Taintor Gate Repairs at P.S. Nos. 1 & 4. The project is on schedule.

Contract negotiations with Digital Engineering for the LBBLD Safe House Project will be completed this month.

Internal Affairs

First Quarter Levee Inspections have been completed.

A sample Contract has been drafted for use for ID/IQ work for Coastal, Geotechnical, and Hydraulic engineering services. Contract negotiations with the selected consultants will begin this month.

The deadline for submittal of SOQ's for Land Surveying Services was February 27, 2009. The review process is nearly complete.

We are awaiting the final report from Dr. Martin and Dr. Bachus on the 17th Street Canal Seepage area.

We are continuing to send employees from LBBLD and OLD to apply for TWIC cards. The cards are necessary for access to the fenced-in/gated levees for maintenance and inspection. The cost is about \$140.00 per employee. This requirement seems to conflict with other CFR's, which require unobstructed entry for levee maintenance.

Upcoming Events

- April 16 GIWW and BB Technical Discussion Meeting
Shaw Engineering Offices
One Shell Square
Touchdown Conference Room from 8:00AM-12:00PM
- May 6 SLFPAE Committee Meetings
- May 7 – 8 24th Annual ALBL Workshop
Holiday Inn Select
Baton Rouge, LA
- May 13 SELA Meeting
9:30 - 11:30 am
USACE New Orleans District
DARM A
- May 13 – 15 OLD Hurricane Protection Levee Annual Inspection with USACE
- May 14 Coast Guard Joint Hurricane Team Spring Prep. Mtg.
10:00 am
D8 Basement Conf Room
Contact: Raymond Butler Cell (713) 882-9750
- May 19 EJLD Hurricane Protection Levee