

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, JUNE 18, 2009**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, June 18, 2009, 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 9:40 a.m. and led in the pledge of allegiance.

Mr. Barry advised that Sara Lee St. Vincent has resigned from the Board. 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. (left meeting at 2:00 p.m.)
Stephen Estopinal
Stradford A. Goins
Thomas L. Jackson
Ricardo S. Pineda
Abril B. Sutherland, Vice President
Louis E. Wittie

OPENING COMMENTS:

Mr. Doody stated that we have just entered into hurricane season. Defenses are better and are improving daily; however, they will not be completed for another two years. He stressed the importance of communicating to the public the dangers that exist and the need to heed evacuation warnings issued by public officials.

Mr. Doody commented on the high stage of the Mississippi River, which was at elevation 11.8 ft. yesterday and predicted to reach elevation 11.4 ft. today. He explained that although the Bonnet Carre Spillway is not open, there is a flow of waters through its needles presumably taking some pressure off the system. This same type of non-official opening applies to the Bohemia Spillway, which also takes pressure off the system.

Mr. Doody stated that the 100 year level of protection is projected to be completed in 2011. He stressed that the Authority must not lose sight of the longer term vision of a much higher level of protection for the region. Many of the processes were sped up after Hurricane Katrina. However, the memory of Katrina is fading and the achievement

of a higher level of protection will take a tremendous amount of energy and effort on everyone's part. He stated that the concept of a barrier to restrict the flow of water into Lake Pontchartrain was envisioned long ago and should be a focus of the Authority. Such a barrier would be of tremendous benefit to the Authority's entire jurisdiction.

Mr. Doody commented that coastal restoration projects must be prioritized, engineered and funded as soon as possible. The erosion of the coast, which provides a natural protection from surges, is continuing daily.

Mr. Doody advised that Karen Durham-Aguilera, U. S. Army Corps of Engineers (USACE) Director of Task Force Hope, recently traveled to the Czech Republic. While there she met with individuals who operate and maintain barrier systems similar to the IHNC surge barrier system. He stressed that the Authority must continue its effort to obtain the language necessary for the USACE to operate the IHNC surge barrier system. He asked Ms. Durham-Aguilera to comment on this issue later in the meeting.

Mr. Doody advised that the Authority was invited by the USACE to participate in the peer review process on the outfall canal floodwall study using the new criteria. The initial reports for two of the canals were issued on June 8th. The Authority has been in discussions with Robert Bachus and Ray Martin, the engineering consultants who participated in the London Avenue Canal load test, to determine whether they can participate in this peer review.

Mr. Jackson reported that he received a call two weeks ago from Senator Vitter's office requesting that he testify at the Senate Environment and Public Works Committee meeting that took place last Tuesday. The USACE was represented at the meeting by General Walsh and Ms. Durham-Aguilera. He stated that it was a good meeting in terms of bringing focus on the Outfall Canals Option 2 and Option 2A issues. Option 2A is the Pump to the River scenario which is supported by residents in Jefferson Parish. At the meeting an attempt was made to define the reason or cause for the USACE's resistance to taking a detailed look at Options 2 and 2A. General Walsh had advised that a detailed study would cost \$17 million. Mr. Jackson stated that it appeared that the Senators, including Senators Landrieu, Vitter and Boxer, would proceed with authorizing and funding the \$17 million detailed study. This would go a long way in satisfying the rising demand that the best solution for Orleans and Jefferson Parishes be thoroughly investigated. If the study shows that Option 2 is the best solution, then the Congress would have to fund that option, which is significantly more expensive. The two resolutions adopted by the SLFPA-E Board in support of Option 2 were included in the Congressional record. Mr. Jackson stated that written and oral versions of his testimony were available.

Mr. Goins observed that General Walsh had testified that the USACE was only responsible for surge protection. He stated that the Authority's position is that the USACE's responsibility is protection from both surge and the rain that is produced by a storm event that results in flooding. He pointed out that post-Katrina there was an effort to develop a budget before designs were completed and the USACE provided an

estimate for Option 1 only. He stated that the Authority and USACE must work together to obtain the system that is needed and that looks ahead to the next 50 years.

ADOPTION OF AGENDA:

A motion was offered by Mr. Barry, seconded by Mr. Jackson, to adopt the agenda.

RESOLUTION #06-18-09-01 – APPROVAL OF MINTUES

On the motion of Mr. Barry,
Seconded by Mr. Estopinal, 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 May 21, 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:

Mr. Doody asked whether any members of the public wished to comment.

There was no comment from the public.

PRESENTATIONS:

- 1. Introduction of Colonel Robert Sinkler, Commander of the U.S. Army Corps of Engineers (USACE) Hurricane Protection Office, by Karen Durham-Aguilera, Director of Task Force Hope, and Status of the IHNC Surge Barrier Project.**

Karen Durham-Aguilera discussed the conference entitled “Flood Control Principles of the World” that was held in the Czech Republic. Representatives of the USACE were invited to attend the conference. A presentation was provided by Ms. Durham-Aguilera on the work that is going on in the Greater New Orleans area. Presentations were also provided on the shared risk philosophy wherein responsibility is shared for the reduction of risks by federal and local governments and flood plain managers and on the history and current state of GIS modeling. Ms. Durham-Aguilera noted that in speaking to representatives from different countries that (1) those countries that were undertaking massive systems were doing so as a result of a catastrophic event and (2) a combination of surge barriers, perimeter floodwalls and interior floodgates were being used. Studies are taking place on higher levels of protection using eco-system features.

A common issue was risk communication to the public and explaining the 100 year level of protection.

Ms. Durham-Aguilera explained that the Netherlands has massive surge barriers similar to the IHNC surge barrier system. She advised that she spent a lot of time speaking to the individuals who work for the government agency that is similar to the USACE which is responsible for the operation and maintenance of those elements. She stated that she realized how much is involved in the operations and maintenance (O&M) of those structures, which includes budgeting, planning for long term maintenance and other complexities. She explained that she told Mr. Doody that she had talked to USACE headquarters about looking at what would be involved should the USACE be tasked with the O&M. She pointed out that the law would have to be changed not only to task the USACE with the responsibility for O&M, but also so that the USACE would be given the ability to budget for it. She stressed that the Authority would have to be its own advocate; however, the USACE is looking hard at the effort that will be required. She advised that her international colleagues have offered to share their O&M manuals for surge barriers so that the USACE could benefit from their experience.

Mr. Barry asked about the standard of protection used by the United Kingdom (UK). Ms. Durham- Aguilera responded that the standard of protection used by the UK is one-in-one hundred. She noted that the Netherlands in some areas has a level of protection of one-in-ten thousand; however, this level of one-in-ten thousand, which took over 40 years to build at a cost of over a trillion dollars, was for a maximum surge of 11 feet. Hurricanes Gustav and Ike, which were Category 2 storms, had surges of 12-ft. and 15-ft., respectively. The maximum surge of record in the 1950's that the Netherlands built its system around was 11 feet. She also pointed out that New Orleans also has ten times the amount of annual rain fall as the Netherlands. She stressed that individuals should not look only at the level of protection, but also at the hydrological conditions. Most countries have a 20, 50 or 100 year level of protection.

Mr. Estopinal asked about post flood infrastructure recovery. Ms. Durham-Aguilera replied that the Czech Republic as a matter of law requires business and home owners in a flood plain to have a flood protection plan that must be submitted to local government. Individuals are required to take actions at their expense to flood proof homes and businesses. She explained some of the techniques used.

Ms. Durham-Aguilera showed a chart of the organization that the USACE set up specifically for the mission of constructing the Hurricane and Storm Damage Risk Reduction System. The entire effort was ascribed to Task Force Hope, which is a Mississippi Valley Division forward office located in New Orleans. Colonel Robert Sinkler, Commander of the Hurricane Protection Office (HPO), and Colonel Alvin Lee, Commander of the Protection Restoration Office (PRO), are responsible for the construction and execution of all of the work in the system. She pointed out that every district in the Mississippi Valley Division is engaged in the effort to complete the system in 2011. She noted that Colonel Sinkler is the former commander of the Rock Island District; therefore, he is familiar with the risk reduction system.

Ms. Durham-Aguilera advised that the contract for the Mississippi River Gulf Outlet (MRGO) rock closure is scheduled to be completed by the end of July, 2009. Photographs were shown of the rock closure, which is now visibly out of the water.

Ms. Durham-Aguilera summarized the Administration's position on the Outfall Canals. The USACE is authorized and funded to do the permanent replacement of the temporary gates and structures currently in place and to build the permanent replacement with a deepened sill. The USACE is authorized to do the study for Option 2 or 2A that was mentioned by Mr. Jackson; however, the USACE is not funded to do the study, which is estimated to cost \$15.6 million. The study would be an engineering feasibility type study and would include site work, NEPA compliance and design for Option 2 or 2-A. She stated that her impression from the Senate Committee hearing was that the Senators would try to seek funding. She pointed out that the Environment and Public Works Committee is an authorization committee and not the appropriations committee. She stated that if the study is funded, then the USACE would carry out the study. She also pointed out that the USACE is not authorized or funded to construct Option 2 or Option 2A. She explained that the USACE moved in as quickly as it could to construct the temporary closure structures to prevent lake water from entering into the canals and to install temporary pumps after the parallel protection failed in 2005. The permanent replacement of the temporary outfall canal structures currently in place was the basis for the problematic cost estimate that was formed by July, 2007. No study or cost estimate was done for any other option. She explained that increasing wear and tear and corrosion is being found at these temporary structures and that the USACE is currently spending about \$5 million a year for their O&M. As time goes on the O&M of these temporary structures will become even more of a burden. There are no immediate catastrophic vulnerabilities relative to the existing pumps and structures as long as the USACE maintains its O&M schedule.

Ms. Durham-Aguilera advised that safe water elevations were established for the canals and that the safe water elevations are being re-evaluated. The operating scenario is not for the canals to hold water. The operating protocol is for the outfall canal pumps to be operated in tandem with the Sewerage & Water Board pumps based on established safe water elevations.

An overview of HPO activities was provided. Colonel Sinkler explained that the Hurricane and Storm Damage Risk Reduction System (HSDRRS) involves five parishes and over 350 miles of levees and floodwalls. The USACE is in the process of entering into a major construction phase for the system. HPO projects total 137; about 60 projects have been completed and about 80 projects are on-going. He discussed the support that is being provided by the districts within the Mississippi Valley Division. He emphasized that the HSDRRS is clearly the number one priority in the Mississippi Valley Division and the number one domestic priority in the nation.

Rick Kendrick, Deputy for Program Execution, provided an update on the Seabrook gate structure. The Seabrook and Lake Borgne gates are a part of the IHNC system.

The Seabrook gate will be 18 feet deep and 95 feet wide. The proposed recommended site is 2,500 feet south of the Senator Ted Hickey Bridge. The NEPA process is on-going.

Mr. Kendrick reported that the deep soil mixing has been completed along the IHNC west wall; therefore, the Hesco baskets that were used in this area last year will not be needed this year. Work started in June on the relief wells on the IHNC east wall. The project should be completed in July or early August. The number of relief wells is being increased in order to produce a high level of confidence in this area.

Victor Zillmer, the resident engineer for the IHNC surge barrier, provided an update on the project. The first pile for the surge barrier was driven on May 9th. The 5-1/2 foot wide spun cast piles are strung together to a length of 144 feet. As of this date, 273 piles have been driven. Closure piles are being driven to close the gaps between the 66-inch piles. Two work faces are being used to drive piles with two shifts per day per work face. Work is going on seven days per week—construction of the wall is taking place six days and materials are re-supplied and equipment maintenance takes place on the seventh day. At the current work rate 700 piles (55 percent) are expected to be driven by August 1st and 1,000 piles (78 percent) by September 1st. The barge gate is progressing and at this time approximately 70 of the barge gate piles are in position. The barrier will have two gates in order to provide early protection and to keep a channel open for navigation. The barge gate will be operational while the sector gate is being constructed. Mr. Zillmer advised that he has a staff of 48 individuals, eight of which are quality assurance personnel.

Ms. Durham-Aguilera informed the Board that the reallocation request was completed last Friday for moving \$540 million to the IHNC corridor from the armoring that will be done on the protected side of the earthen levees after the levees are raised. This armoring is not scheduled to be done until 2011. The USACE has an on-going research and development effort to determine the best ways to do the armoring.

Mr. Goins commented that the Flood Protection Alliance (FPA) provided a presentation at the Board's last meeting and concern was expressed about the hydraulic modeling.

Ms. Durham-Aguilera explained that different parameters were put into each of the modeling runs. The modeling brought up by the FPA was based on the LaCPR, which used different assumptions than the very extensive modeling being used for the entire system. In addition, it did not fully accommodate the 100 year design currently under construction, but more important neither one of those studies is exact or detailed enough to provide an idea of the interior modeling. She explained, for example, that under SELA comprehensive interior modeling is done to figure out how to build interior connections. She suggested that the objective be defined first and then a determination made as to what modeling needs to be accomplished in order to get to that objective instead of trying to reconcile the different modeling and assumptions. She recommended that Mr. Turner meet with Heath Jones with the USACE to investigate this matter.

2. Status of condition of Reach 5 East Jefferson Lakefront Levee. (USACE)

Brett Herr, representing the USACE, explained that the contract for Reach 5 was awarded in November of 2008. Reach 5 extends from Causeway Boulevard to the 17th Street Canal. The estimated completion date at the time of contract award was August, 2009. Two significant modifications were issued to the contract since its award that will cause the completion date to be extended towards the end of 2009. Mississippi River stages exceeded the sill of the Bonnet Carre diversion causing water to flow through the spillway and ultimately flood the borrow pit for Reach 5. On May 16th the contractor pulled his equipment out. The river stage has gone down and the spillway is drying out. The contractor should begin pumping out the pit today and in two weeks begin hauling material to the job site. A 5,000 foot work zone is allowed by the specifications during non-hurricane season; however, during the peak of hurricane season (mid-August to mid-October) the contractor is only allowed to work about 2,000 linear feet of levee. As soon as the contractor recommences hauling material he will try to close the 3,500 foot gap to 2,000 feet. The work between Causeway Boulevard and Bonnabel has essentially been completed. The contractor seeded and fertilized the area and grass is beginning to grow. Government inspectors check the site on a daily basis.

Mr. Herr further explained that the USACE had furnished the contractor a list of government approved borrow pits as soon as it was determined that the spillway was going to flood. However, it would have one to one-and-a-half months for the contractor to mobilize his equipment to one of the contractor furnished borrow pits, clear the pit and then begin excavating and processing the material. Therefore, it did not make sense to mobilize the contractor to a new pit after projecting the duration that the spillway pit would be flooded. A borrow pit was located on the west bank that had excavated and processed material, but it would have cost an additional \$600,000 to haul about 40,000 cubic yards of material to the site. Reach 5 had very limited room to stockpile material and the contractor did not feel that he had enough room to haul material to the site, process and place it. The USACE will have identified stock pile sites in place for the next hurricane season.

Mr. Herr provided a report on the recent tree and fence removal activities. Work was completed on the west side of the IHNC Floodwall. Work in New Orleans East is about 75 percent complete and should be finished by the end of this month. The contract has been awarded for work on the west side of the 17th Street Canal. The contractor should begin work tomorrow and be finished by the middle of July. The USACE will remove trees in the levee toe plus six foot zone on the west side of the 17th Street Canal.

3. Riverfront Development Project.

Mr. Barry introduced Allen Eskew. Mr. Eskew is a leading, award winning architect who has been involved with the riverfront for a number of years. Mr. Barry stated that the Reinventing the Crescent project will do much for the quality of life of the local citizenry and for the resurgence of New Orleans.

Mr. Eskew explained that the master plan for Reinvesting the Crescent was completed last spring and includes six miles of riverfront from the Jackson Avenue Ferry (upriver) to the Holy Cross Levee (downriver). The master plan sets a development frame work for recovery. The master plan client is the New Orleans Building Corporation. The project is funded with Community Block Grant Funding through the LRA, as the fiduciary manager of the funds, for the City of New Orleans through the New Orleans Building Corporation. Federal funding of \$30 million was received for Phase 1 which stretches from the foot of Esplanade Avenue to Manzant Street (about 1.5 miles).

Mr. Eskew advised that the Phase 1A project boundary includes about 40 acres (1.5 miles) of real estate. Approximately 1.25 miles or 20 acres of park area remains after the railroad footprint and batture are removed. The portion of the Mandeville Street Wharf that was burned in a fire a few days after Hurricane Katrina has been removed. Half of the Piety Street Wharf was saved during a major fire on May 15th. An elevated pedestrian ramp will be constructed at the foot of Esplanade Avenue. The ramp will go over the rail corridor and the floodwall and into the remaining portion of the Mandeville Street Wharf, which will become a 60,000 square foot covered pavilion. The 15 foot zone required by the Orleans Levee District and the 23 foot clearance required by the railroad has been maintained in the design of the elevated pedestrian ramp at Esplanade Avenue and the proposed elevated stair crossing at Piety Street.

Mr. Eskew showed renderings of the proposed elevated walkway, park, gardens, playground and elevated stairway. A 20 foot pedestrian promenade will be maintained through the project site. One new walkout pier will be introduced at Gallier Street. In order to maintain bank stability, Mr. Eskew is working with the USACE relative to landscaping. Thirteenth public meetings have been held on the plan. Information is posted on the web site www.neworiverfront.com.

Mr. Eskew was requested to contact Stevan Spencer, SLFPA-E Regional Chief Engineer, concerning regulatory review by the Authority.

Mr. Eskew advised that the regulatory review package would be submitted today to the USACE. Eustis Engineering has completed the bank stability analysis. The environmental review is in its last week. The design criteria has been negotiated with the Public Belt Railroad. After bids are received, construction is estimated to start by the middle of December and be completed in 18 months. The total gross funding is \$30 million; however, the net funding for construction is approximately \$23.5 million. Advanced discussions are being held with the Audubon Institute concerning long term maintenance of the park. One hundred percent of the property in the project has been deemed surplus maritime by the Port of New Orleans. The project was developed in complete coordination with the Port and no surrendering of active maritime space has taken place.

COMMITTEE REPORTS:

Finance Committee: Mr. Losonsky reported that the Finance Committee met on June 4th and discussed the following items:

- Life insurance coverage for the East Jefferson Levee District (EJLD), which is under study.
- A comparison of levee district benefits.
- A report on the corrected Orleans Levee District (O.L.D.) ad valorem tax collection rate.
- Renewal of flood insurance coverage for the EJLD police/maintenance complex and sandbagging building. The Board will receive a revised quote for the coverage.
- Renewal of the O.L.D.'s Workers Compensation Insurance Coverage.
- Renewal of the O.L.D.'s primary and excess flood insurance coverage.
- Selection of the Times Picayune as the official journal for the Authority, O.L.D. and EJLD and the St. Bernard Voice for the Lake Borgne Basin Levee District (LBBLD).

Operations Committee: Mr. Wittie reported that the Operations Committee met on June 4th and discussed the receipt of bids for the LBBLD Trash Screen Repair Project at Pump Stations 2, 3 and 5 and Blue Bird and Artillery Ditch Project. The Committee also discussed the West Authority's decision not to participate in the Seismic Testing of Levees Study. Mr. Wittie recommended that the East Authority approve the Seismic Testing Study at a cost of \$30,000 for one mile of levee. Mr. Spencer provided information at the Committee meeting about the Easement/Servitude Agreement required between the City of New Orleans and the O.L.D. for the construction of LPV 101.02. The levee districts provided monthly status reports to the Committee.

Legal Committee: Mr. Goins reported that the Legal Committee approved legal invoices, discussed a Federal case that was dismissed, received an update on House Bill (HB) 61 and discussed the renewal of legal contracts.

Special Issues Committee: The Special Issues Committee did not hold a meeting in June. Mr. Goins reported that he reviewed several projects for the EJLD.

CPRA Report: The CPRA meeting was postponed until June 29th.

Legislative Report: Mr. Barry advised that a number of Board members have been involved in several pieces of legislation. He noted that the two Board members who testified concerning House Bill (HB) 61 were very effective. HB 61 was originally designed to allow Plaquemines Parish and some private land owners to make additional claims against the O.L.D. that could potentially total \$65 million and destroy the O.L.D. The current status of this piece of legislation is that a study of the issues will take place. The details concerning the study are still in flux; however, the Authority is proceeding in good faith. The Authority is trying to assure that any study that is done includes the historic information, in addition to determining how the financial aspect can be resolved.

Mr. Barry explained that the USACE had opposed all spillways until the 1922 flood, which still holds the record for high water for the City of 21.7 feet. A crevasse was created about 15 miles downriver and the water level at New Orleans dropped. This convinced everyone in Louisiana that a spillway was needed. This is the reason that the Legislature in 1924 authorized the Orleans Levee District to build the Bohemia Spillway. The Bohemia Spillway lowered the flood height at the Carrollton gage 50 miles upriver by a foot. He pointed out that Plaquemines Parish has benefited more from the Bohemia Spillway than Orleans Parish. He stated that it was also important that the study take the larger view in terms of what impact any expenditure would have on the Orleans Levee District's ability to protect about half a million people.

Mr. Doody added that the Orleans Levee District was legislated to build a spillway after a tragic event. A real estate transaction enabled the building of the spillway. The Bohemia Spillway operates with a fuse plug levee that gives away when the river reaches a certain level and reduces the pressure on the system.

Mr. Barry reported that the proposed legislation to transfer the O.L.D. Non-Flood assets to the Department of Transportation and Development and the legislation filed by Senator Morrell to transfer the Non-Flood assets to City Park along with 30 percent of the O.L.D.'s ad valorem tax revenue were placed on hold while a study is conducted.

Mr. Barry discussed HB 796, which would remove St. Charles and St. John Parishes from the Authority's jurisdiction. He stated that several members of the Board had concern about the Authority's jurisdiction over the Pontchartrain Levee District. He pointed out that the Authority has not had a single review of anything going on in that district. He noted that a problem is created because two members of the Board represent those parishes. The Board has not taken a formal position on HB 796. Mr. Barry stated that he personally thought it was important that the jurisdiction be clarified. He explained that Mr. Goins had raised a question at the last Board meeting about incorporating the entire region. Mr. Doody was to contact Steve Wilson, President of the Pontchartrain Levee District, and attempt to schedule a meeting with the President of the Senate to discuss returning to the original concept of one board over the lake and entire metropolitan area.

Mr. Doody advised that he communicated with Steve Wilson and requested that a meeting be scheduled after Mr. Goins returned to town; however, he was unable to follow up with Mr. Wilson due to a personal tragedy. He stated that he would follow up on this matter.

Mr. Barry commented that he was in Washington recently concerning the influenza pandemic and directly involved with individuals on the Homeland Security Council and in the Administration. He explained that these individuals are avenues through which he has also been attempting to advance the Authority's agenda. A commitment was received from individuals at high levels at the White House that they would at least read a hand out laying out the Authority's situation and the reason for the urgent need. He stated that he had suggested that Senator Landrieu follow up with these individuals.

EXECUTIVE SESSION:

1. Sims, et al v. Board of Commissions, et al, Civil Action #06-5116.
2. Yacht Home of Gabriel, LLC v. EJLD, et al, 24th JDC, #626-181.
3. Schudmak v EJLD, US Eastern District Court, #06-0893.
4. 17th Street Canal Coalition, et al, vs. Orleans Levee District No. 08-6979 CDC.

A motion was offered at 12:02 p.m. by Mr. Barnes, seconded by Mr. Goins and unanimously adopted, for the Board to convene in Executive Session to discuss the items listed on the agenda.

A motion was offered at 2:09 p.m. by Mr. Barry, seconded by Mr. Wittie and unanimously adopted, for the Board to reconvene in regular session.

REPORT BY SLFPA-E REGIONAL DIRECTOR:

Robert Turner, SLFPA-E Regional Director, reviewed the Regional Director's Report (copy appended to minutes). Mr. Turner advised that Dan Caluda would fill in and act as Executive Director for the Lake Borgne Basin Levee District (LBBLD) during a storm event. He reported that the interview process has commenced for the position. Interviews were conducted with two local people. Other individuals who submitted resumes are not local and preliminary conference calls will take place to determine interest. It was recommended that after the preliminary conference calls have taken place that video conferencing be conducted with potential candidates.

Mr. Turner reported on his recent trip to the Netherlands. He commented on the impressive monitoring systems that the Dutch have in place to regulate water between polders. The Dutch government is extremely committed to flood protection; therefore, it is well funded. The Delta Commission 2 is looking 50 to 100 years in the future at issues such as climate change and sea level rise. The Dutch do not have evacuation plans and are looking to this country to assist in developing orderly evacuation plans.

NEW BUSINESS:

Nomination and election of officers for one year term effective July 1, 2009.

Mr. Doody opened the floor for nominations.

Mr. Pineda offered and Mr. Wittie seconded the nomination of Timothy Doody for the office of President. There were no further nominations for the office of President.

Ms. Sutherland offered and Mr. Barry seconded the nomination of Stradford Goins for the office of Vice President. There were no further nominations for the office of Vice President.

Mr. Barry offered and Mr. Pineda seconded the nomination of George Losonsky for the office of Secretary. There were no further nominations for the office of Secretary.

Mr. Losonsky offered and Mr. Barry seconded the nomination of Stephen Estopinal for the office of Treasurer. There were no further nominations for the office of Treasurer.

The question was called and by unanimous vote Mr. Doody was elected to office of President, Mr. Goins was elected to the office of Vice President, Mr. Losonsky was elected to the office of Secretary and Mr. Estopinal was elected to the office of Treasurer.

RESOLUTION #06-18-09-02 – ELECTION OF OFFICERS

“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, 2009.”

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, 2009:

President – Timothy P. Doody
Vice President – Stradford A. Goins
Treasurer – Stephen V. Estopinal
Secretary – George Losonsky

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

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

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #06-18-09-03 – 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. Wittie, 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, 2009.

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, 2009.

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. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #06-18-09-04 – SEISMIC TESTING OF LEVEES

Mr. Losonsky described the geophysical process in which a hammer is used to capture a signal and produce the seismology data. The work will be performed by graduate students. The technology to be used is the same as that used in oil exploration. Mr. Doody added that a location would be selected within each of the three levee districts.

On the motion of Mr. Wittie,

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

WHEREAS, Juan Lorenzo, Ph.D., with the LSU Department of Geology and Geophysics, provided a presentation to the SLFPA-E Operations Committee at its meeting held on May 14, 2009, on the Seismic Testing of Levees and the potential information that can be obtained from such testing; and

WHEREAS, Dr. Lorenzo proposed that a demonstration study be conducted on the levees under the jurisdiction of the Southeast Louisiana Flood Protection Authority-East; and

WHEREAS, SLFPA-E would like to take advantage of this offer for the testing and study of one mile of levee under its jurisdiction at a cost of \$30,000; and

WHEREAS, the one mile of levee will be broken into reaches selected by the SLFPA-E Regional Director and located within the Orleans Levee District, East Jefferson Levee District and Lake Borgne Basin Levee District; and

WHEREAS, the costs for the testing and study within each levee district will be borne by that levee district.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the participation in the demonstration study on the Seismic Testing of Levees as described above at a cost of \$30,000.

BE IT FURTHER RESOLVED, that the SLFPA-E President or SLFPA-E Regional Director is hereby 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. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

Mr. Estopinal offered a motion, which was seconded by Mr. Barry, to consider in globo Agenda Items XIII.A 5, 6, 7, 9, 10, 12, 13 and 14.

It was pointed out that the Board selected the attorneys under consideration after a competitive selection process was conducted in 2007. The initial contracts were for a one year term and have expired. The Authority conducted a second competitive selection process in 2009 to supplement its initial selection. Last month the Board selected six additional attorneys. All contracts will have a three year term and can be terminated by the Board at any time. Contracts will be for specific types of work.

Mr. Lacour explained that the firm of McCranie, Sistrunk, Anzelmo, Hardy, Maxwell & McDaniel, PC, provides special legal services, in addition to acting as General Counsel for the Lake Borgne Basin Levee District. This was correctly stated in the resolution, but not the agenda item.

RESOLUTION #06-18-09-05 – LEGAL SERVICES CONTRACT WITH DUPLASS, ZWAIN, BOURGEOIS, MORTON, PFISTER & WEINSTOCK

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. 11-08-07-11 selected and approved a list of attorneys and firms for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, Duplass, Zwain, Bourgeois, Morton, Pfister & Weinstock was selected to enter into a contract to provide special litigation defense legal services, as needed, by the SLFPPA-E and levee districts within its jurisdiction; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law
\$100.00	Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00	Per hour for Paralegal Services
\$ 25.00	Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with Duplass, Zwain, Bourgeois, Morton, Pfister & Weinstock shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, Duplass, Zwain, Bourgeois, Morton, Pfister & Weinstock proposes to use the following staff to perform services under this contract:

- Lawrence J. Duplass -40 years experience -\$175 per hour
- Gary M. Zwain – 31 years experience - \$175 per hour
- Andrew D. Weinstock – 22 years experience - \$175 per hour
- Kevin R. Derham -9 years experience -\$150 per hour
- Joseph E. Bearden, III -10 years experience -\$175 per hour
- Gissel M. Ferriol- 5 years experience -\$150 per hour
- Nicole M. Boyer – 4 years experience -\$125 per hour
- Ryan M. Malone – 3 years experience -\$125 per hour
- Philip G. Watson – 2 years experience - \$100 per hour
- Ben S. DiPalma - 1 year experience -\$100 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with Duplass, Zwain, Bourgeois, Morton, Pfister & Weinstock to provide special litigation defense legal services on an as needed basis.

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #06-18-09-06 –
LEGAL SERVICES CONTRACT WITH THE KULLMAN FIRM, APLC**

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. 11-08-07-11 selected and approved a list of attorneys and firms for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, the Kullman Firm, APLC was selected to enter into a contract to provide special legal services in labor law, as needed, by the SLFPA-E and levee districts within its jurisdiction; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law
\$100.00	Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00	Per hour for Paralegal Services
\$ 25.00	Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with the Kullman Firm, APLC shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, the Kullman Firm, APLC proposes to use the following staff to perform services under this contract:

Stephen L. Scott – 14 years experience - \$175.00 per hour
Henry P. Julien – 37 years experience - \$175.00 per hour
Dwayne Littauer – 25 years experience - \$175.00 per hour
Rachel E. Linzy – 9 years experience - \$150 per hour
Vasillios Manthos – 3 years experience - \$125 per hour
A. Nicole Seale – 2 years experience - \$100 per hour
Claire H. McDaniel – 1 year experience - \$100 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with the Kullman Firm, APLC to provide special legal services in labor law on an as needed basis.

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

**RESOLUTION #06-18-09-07 –
LEGAL SERVICES CONTRACT WITH T. ROBERT LaCOUR, APLC**

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. 11-08-07-11 selected and approved a list of attorneys and firms for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, T. Robert LaCour, APLC was selected to enter into a contract to provide special legal services as General Counsel, as needed, by the SLFPA-E and levee districts within its jurisdiction; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law
\$100.00	Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00	Per hour for Paralegal Services
\$ 25.00	Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with T. Robert LaCour, APLC shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, T. Robert LaCour, APLC proposes to use the following staff to perform services under this contract:

T. Robert LaCour - 40 years experience - \$175.00 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with T. Robert

LaCour, APLC to provide special legal services as General Counsel on an as needed basis.

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #06-18-09-08 – LEGAL SERVICES CONTRACT WITH
McCRANIE, SISTRUNK, ANZELMO, HARDY, MAXWELL & McDANIEL, PC**

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. 11-08-07-11 selected and approved a list of attorneys and firms for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, McCranie, Sistrunk, Anzelmo, Hardy, Maxwell & McDaniel, PC was selected to enter into a contract to provide special legal services and act as General Counsel for the Lake Borgne Basin Levee District, as needed, by the SLFPA-E and levee districts within its jurisdiction; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law
\$100.00	Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00	Per hour for Paralegal Services
\$ 25.00	Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with McCranie, Sistrunk, Anzelmo, Hardy, Maxwell & McDaniel, PC shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, McCranie, Sistrunk, Anzelmo, Hardy, Maxwell & McDaniel, PC proposes to use the following staff to perform services under this contract:

Mark E. Hanna - 20 years experience - \$175 per hour

Thomas P. Anzelmo - 36 years experience - \$175 per hour
Burgess McCranie - 44 years experience - \$175 per hour
Eugene Rhee - 7 years experience - \$150 per hour
Kevin Kress - 2 years experience - \$100 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with McCranie, Sistrunk, Anzelmo, Hardy, Maxwell & McDaniel, PC to provide special legal services and act as General Counsel for the Lake Borgne Basin Levee District on an as needed basis.

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

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

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #06-18-09-09 –
LEGAL SERVICES CONTRACT WITH DYSART & TABARY, L.L.P.

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. 11-08-07-11 selected and approved a list of attorneys and firms for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, Dysart & Tabary, L.L.P. was selected to enter into a contract to provide special litigation legal services, as needed, by the SLFPPA-E and levee districts within its jurisdiction; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law
\$100.00	Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00	Per hour for Paralegal Services
\$ 25.00	Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with Dysart & Tabary, L.L.P. shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, Dysart & Tabary, L.L.P. proposes to use the following staff to perform services under this contract:

Daniel L. Dysart – 28 years experience - \$175.00 per hour
Paul A. Tabary, III – 30 years experience - \$175.00 per hour
Elizabeth Borne – 3 years experience - \$125.00 per hour
J. Ross Hughes – 3 years experience - \$125.00 per hour
Lacey Tabary – 1 year experience - \$100 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with Dysart & Tabary, L.L.P. to provide special litigation legal services on an as needed basis.

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

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

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #06-18-09-10 – LEGAL SERVICES CONTRACT WITH ELKINS, PLC

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. 11-08-07-11 selected and approved a list of attorneys and firms for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, Elkins, PLC was selected to enter into a contract to provide special litigation legal services, as needed, by the SLFPPA-E and levee districts within its jurisdiction; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law

\$100.00 Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00 Per hour for Paralegal Services
\$ 25.00 Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with Elkins, PLC shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, Elkins, PLC proposes to use the following staff to perform services under this contract:

Gary J. Elkins – 30 years experience - \$175 per hour
Pamela W. Hammond – 16 years experience - \$175 per hour
Susan J. Burkenstock – 27 years experience - \$175 per hour
F. Paul Simoneaux – 18 years experience - \$175 per hour
Michael L. Mancuso – 15 years experience - \$175 per hour
Sherry S. Landry – 13 years experience - \$175 per hour
Yvonne Chalker – 25 years experience - \$175 per hour
Andrew L. Kramer – 15 years experience - \$175 per hour
Shawn J. Richard – 14 years experience - \$175 per hour
Deborah Daigle-Davis – 11 years experience - \$175 per hour
Jordan B. Monsour – 9 years experience - \$150 per hour
Binford E. Parker, III – 1 year experience - \$100 per hour
Debbie G. Levy – Paralegal - \$45 per hour
Trisha Faliverno – Paralegal - \$45 per hour
Charlene Dolese – Paralegal - \$45 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with Elkins, PLC to provide special litigation legal services on an as needed basis.

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

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

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #06-18-09-11 – LEGAL SERVICES CONTRACT WITH GORDON, ARATA, McCOLLAM, DUPLANTIS & EAGAN, LLP

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. 11-08-07-11 selected and approved a list of attorneys and firms for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, Gordon, Arata, McCollam, Duplantis & Eagan, LLP was selected to enter into a contract to provide special litigation and mineral law legal services, as needed, by the SLFPPA-E and levee districts within its jurisdiction; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services, unless otherwise specifically provided for in the contract and approved by the Attorney General. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law
\$100.00	Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00	Per hour for Paralegal Services
\$ 25.00	Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with Gordon, Arata, McCollam, Duplantis & Eagan, LLP shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, Gordon, Arata, McCollam, Duplantis & Eagan, LLP proposes to use the following staff to perform services under this contract:

Michael E. Botnick – 34 years experience - \$200 per hour
Scott A. O'Connor – 20 years experience - \$200 per hour
C. Peck Hayne, Jr. – 22 years experience - \$200 per hour
Loulan Pitre – 23 years experience - \$200 per hour
Steve Copley – 25 years experience - \$200 per hour
Blake G. Arata – 56 years experience - \$200 per hour
John M. McCollam – 50 years experience - \$200 per hour
Aimee Williams Hebert – 11 years experience - \$200 per hour
Sara E. Mouledoux – 6 years experience - \$150 per hour
Abaigeal Van Deerlin – 3 years experience - \$125 per hour
Dana Dupre – 2 years experience - \$100 per hour
Wesley W. Sharples – 2 years experience - \$100 per hour
Benjamin S. Allums – 2 years experience - \$100 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with Gordon, Arata, McCollam, Duplantis & Eagan, LLP to provide special litigation and mineral law legal services on an as needed basis.

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #06-18-09-12 –
LEGAL SERVICES CONTRACT WITH THE GODFREY FIRM, APLC**

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. 11-08-07-11 selected and approved a list of attorneys and firms for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, The Godfrey Firm, APLC was selected to enter into a contract to provide special legal services as Bond Counsel, as needed, by the SLFPPA-E and levee districts within its jurisdiction; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law
\$100.00	Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00	Per hour for Paralegal Services
\$ 25.00	Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with The Godfrey Firm, APLC shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, The Godfrey Firm, APLC proposes to use the following staff to perform services under this contract:

Jarrell E. Godfrey, Jr. – 42 years experience - \$175 per hour
Elizabeth Earnest – 30 years experience - \$175 per hour
Sabra Matheny – 6 years experience - \$150 per hour
John S. Godfrey – 5 years experience - \$150 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with The Godfrey

Firm, APLC to provide special legal services as Bond Counsel on an as needed basis.

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #06-18-09-13 – LEGAL SERVICES CONTRACT WITH
THE LAW OFFICE OF BERNARD L. CHARBONNET, JR., APLC**

Mr. Goins requested that the resolution for the Law Office of Bernard L. Charbonnet, Jr. be modified to add litigation. There was no objection by the Board.

On the motion of Mr. Barry,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) by Resolution No. 11-08-07-11 selected and approved a list of attorneys and firms for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, the Law Office of Bernard L. Charbonnet, Jr., APLC was selected to enter into a contract to provide litigation and real estate legal services, as needed, by the SLFPPA-E and levee districts within its jurisdiction; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law
\$100.00	Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00	Per hour for Paralegal Services
\$ 25.00	Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with the Law Office of Bernard L. Charbonnet, Jr., APLC shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, the Law Office of Bernard L. Charbonnet, Jr., APLC proposes to use the following staff to perform services under this contract:

- Bernard L. Charbonnet, Jr. - 31 years of experience- \$175 per hour
- Darryl Harrison - 25 years of experience - \$175 per hour
- Berryl F. Thompson, II - 6 years of experience - \$150 per hour
- Tiffany Peters - 6 years of experience - \$150 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with the Law Office of Bernard L. Charbonnet, Jr., APLC to provide litigation and real estate legal services on an as needed basis.

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

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

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #06-18-09-14 –

LEGAL SERVICES CONTRACT WITH MITCHELL & ASSOCIATES, APLC

Ms. Sutherland requested that the resolution for Mitchell & Associates be modified to add real estate legal services. There was no objection by the Board

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. 11-08-07-11 selected and approved a list of attorneys and firms for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, Mitchell & Associates, APLC was selected to enter into a contract to provide special litigation and real estate legal services, as needed, by the SLFPPA-E and levee districts within its jurisdiction; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services. The hourly fee schedule for these contracts shall be as follows:

- \$175.00 Per hour for Attorneys having experience of ten years or more in the practice of law
- \$150.00 Per hour for Attorneys having experience of five to ten Years in the practice of law
- \$125.00 Per hour for Attorneys having experience of three to five Years in the practice of law

\$100.00 Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00 Per hour for Paralegal Services
\$ 25.00 Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with Mitchell & Associates, APLC shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, Mitchell & Associates, APLC proposes to use the following staff to perform services under this contract:

Craig B. Mitchell - 13 years experience - \$175 per hour
Kiana Mitchell - 8 years experience - \$150 per hour
Chris Wilson - 9 years experience - \$150 per hour
Randy Cresap - 7 years experience - \$150 per hour
Donald D'Aunoy - 2 years experience - \$100 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with Mitchell & Associates, APLC to provide special litigation and real estate legal services on an as needed basis.

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #06-18-09-15 –
LEGAL SERVICES CONTRACT WITH MIDDLEBERG, RIDDLE & GIANNA**

Mr. Goins explained that Middleberg, Riddle & Gianna was retained specifically for an on-going Civil Service case and that services should be restricted to that case. The Board concurred with the amendment of the resolution to specifically provide for legal services in the Theodore Lange Civil Service case.

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

WHEREAS, Middleberg, Riddle & Gianna was selected to enter into a contract to provide special legal services in the Theodore Lange Civil Service case, as needed, by the SLFPPA-E and the Orleans Levee District; and

WHEREAS, the aforementioned contract has expired and there is a real need to continue the engagement to perform these special legal services as needed; and

WHEREAS, attorney fee rates in said contract for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law
\$100.00	Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00	Per hour for Paralegal Services
\$ 25.00	Per Hour for Law Clerk Services

WHEREAS, a copy of this Resolution and contract with Middleberg, Riddle & Gianna shall be submitted to the Louisiana Office of the Attorney General for approval; and

WHEREAS, Middleberg, Riddle & Gianna proposes to use the following staff to perform services under this contract:

Alan Dean Weinberger – 29 years experience - \$175.00 per hour

BE IT HEREBY RESOLVED, that the SLFPA-E approves and authorizes the SLFPA-E President to execute a contract for a term of three years with Middleberg, Riddle & Gianna to provide special legal services in the Theodore Lange Civil Service case on an as needed basis.

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

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

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #06-18-09-16 – EAST JEFFERSON LEVEE DISTRICT FLOOD INSURANCE RENEWAL

Hardie Edgecombe with Arthur J. Gallagher Risk Management Services stated that coverage limits were revised in accordance with the Finance Committee’s recommendation.

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

WHEREAS, the Flood Insurance Coverage for the EJLD Police/Maintenance Complex (1135 Lesan Drive) and the Sandbagging Building (1135 Lesan Drive Rear) are due to expire on July 7, 2009; and

WHEREAS, quotations were received for renewal of this coverage by Fidelity National Insurance Company through Arthur J. Gallagher Risk Management Services, Inc., of \$1,704 for the Police/Maintenance Complex and \$540 for the Sandbag Building at a total cost of \$2,244 for a term of one year, commencing on July 7, 2009; and

WHEREAS, the limits of coverage for the Police/Maintenance Complex are \$86,600 on the building and \$100,000 on contents and for the Sandbag Building, \$38,400 on the building and \$10,000 on contents.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of the Flood Insurance Coverage for the Police/Maintenance Complex (1135 Lesan Drive) and the Sandbagging Building (1135 Lesan Drive Rear) by Fidelity National Insurance Company through Arthur J. Gallagher Risk Management Services as provided above at a total cost of \$2,244 for a term of one year.

BE IT FURTHER RESOLVED, that the East Jefferson 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. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #06-18-09-17 – AGREEMENT FOR CONSTRUCTION,
OPERATION AND MAINTENANCE OF JEFFERSON PARISH
PUMP STATIONS FRONTING AND BREAKWATER PROTECTION**

Fran Campbell, EJLD Executive Director, advised that the number of breakwaters will increase from two to four. Jefferson Parish has agreed to maintain the breakwaters which will be located at each of the Parish's four pumping stations.

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

WHEREAS, the State of Louisiana through the Coastal Protection and Restoration Authority of Louisiana (CPRA) and the Department of the Army entered into a Project Partnership Agreement on September 22, 2008, where CPRA as the sole non-Federal Sponsor agreed to pay 100 percent of the operation, maintenance, repair, replacement, rehabilitation costs of the completed Lake Pontchartrain and Vicinity Modified Project; and

WHEREAS, part of the Modified Project was the construction of fronting protection and breakwaters at each of Jefferson Parish's four (4) pumping stations, namely Pumping Station No. 1, located in the Bonnabel Canal; Pumping Station No. 2, located in the Suburban Canal; Pumping Station No. 3, located in the Elmwood Canal; and Pumping Station No. 4, located in the Duncan Canal ("Fronting Projects"); and

WHEREAS, the subject pumping stations are on property owned by Jefferson Parish and provide storm drainage for Jefferson Parish; and

WHEREAS, the CPRA and Southeast Louisiana Flood Protection Authority-East do not have jurisdiction over Jefferson Parish's drainage system including its pumping stations; and

WHEREAS, Jefferson Parish wishes to maintain and operate the Fronting Projects after construction and is in the best position to operate and maintain, repair, replace and rehabilitate the Fronting Projects after the construction.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the Agreement between SLFPA-E and Jefferson Parish for the Construction, Operation and Maintenance of Jefferson Parish Pump Stations Fronting and Breakwater Protection Under the Lake Pontchartrain and Vicinity Hurricane Protection Project and authorizes the SLFPA-E President to execute said Agreement.

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #06-18-09-18 –
ORLEANS LEVEE DISTRICT PRIMARY FLOOD INSURANCE RENEWAL**

Carol Kiefer, O.L.D. Risk Manager, advised that the premium for the primary flood insurance coverage is \$2,104 with limits of coverage as referenced in the resolution.

On the motion of Mr. Barry,

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

WHEREAS, the Flood Insurance Coverage for the Franklin Administration and Warehouse buildings is due to expire on July 21, 2009; and

WHEREAS, the notice to renew the current Flood insurance policies for the Franklin Administration Building and the Franklin Warehouse buildings were submitted by Fidelity National Insurance Company through Eagan Insurance Agency at a total cost of \$2,104 for a term of one year, commencing on July 21, 2009 and ending on July 21, 2010 at 12:01 a.m.; and

WHEREAS, the limits of coverage for the Administration Building are \$500,000 for the building and \$328,400 for contents, and limits for the Warehouse are \$500,000 for the building and \$500,000 for contents.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of the Flood Insurance coverage for the Franklin Administration Building and the Franklin Warehouse as offered by Fidelity National Insurance Company through Eagan Agency at a total cost of \$2,104 for a term of one year, commencing on July 21, 2009 and ending on July 21, 2010 at 12:01 a.m.

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. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

Motion to authorize the procurement of Excess Flood Insurance Coverage offered by Lexington Insurance Company through the Eagan Insurance Agency for the Franklin Warehouse Building and Contents at a total cost of \$34,319 for a period of one year.

Ms. Kiefer explained that the excess flood insurance coverage is through a private carrier with coverage limits of \$4.5 million for the warehouse building and \$1.5 million for contents.

The Board discussed the excess coverage available through private carriers over and above the National Flood Insurance Program. The warehouse building structure, contents and the risk of exposure to flooding were discussed. The building's floor slab is at elevation 7-ft. Since the coverage would not expire until July 29, Mr. Doody recommended that the motion be deferred until the next Board meeting, which would provide time for the O.L.D. Executive Director to re-examine the need for coverage.

Mr. Losonsky offered a motion, which was seconded by Mr. Barry, to table the motion to the July Board Meeting.

RESOLUTION #06-18-09-19 – ORLEANS LEVEE DISTRICT WORKERS' COMPENSATION INSURANCE COVERAGE RENEWAL

Ms. Kiefer explained that this is the second year renewal under a three year retrospective plan for Workers Compensation insurance coverage. Under the three year retrospective plan, premiums are calculated after six months and every year thereafter until the plan is closed. The O.L.D. received one \$135,000 retrospective payment on the last retrospective period from 2005 to 2008 and will receive another \$135,000 payment in January, 2010.

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

WHEREAS, the 1st year of the Orleans Levee District 3 Year Worker's Compensation Retrospective Plan, USL&H & Employers Liability Insurance Coverage will expire on July 1, 2009 at 12:01 a.m.; and

WHEREAS, the renewal of the 2nd year of the Workers' Compensation 3 Year Retrospective Premium Endorsement Plan as offered by LWCC through Morrison Insurance Agency, with scheduled premium adjustments until all claims experienced in the 3 year retrospective period are closed, is the most cost effective plan; and

WHEREAS, the total estimated annual premium of \$254,389.00 is subject to annual audit and shall be pro-rated between Flood Division and Non-Flood Assets Division; and

WHEREAS, the pro-rated estimated premium for the Flood Division is \$178,073.30.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Workers' Compensation Coverage offered by LWCC, the incumbent provider, through the Morrison Insurance Agency at the pro-rata estimated annual premium of \$178,073.30 for a period of one year, commencing on 7/01/09 and ending on 7/01/10 at 12:01 a.m.

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. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #06-18-09-20 –
CITY OF NEW ORLEANS SERVITUDE/EASEMENT – LPV 101.02

Mr. Spencer explained that bids were received by the USACE for the construction of LPV 101.02. The contract award is being held up until a right-of-entry is received from the O.L.D. The project is for the replacement of the Orleans Marina I-wall with a T-wall and for the tie-ins at the Lake Marina Drive Floodgate and 17th Street Canal. The property involved is owned by the O.L.D., with the exception of the two east bound lanes of Lake Marina Drive that are owned by the City of New Orleans. The pile tips of the batter piles for the T-wall will encroach about 15 feet into City property about 65 feet underneath the street. An agreement is needed with the City of New Orleans for the underground pile tips. The USACE has developed a right of entry for construction form between the O.L.D. and the City of New Orleans, which has been submitted to the City for its review. Two agreements will be required; i.e., one for construction and a second for a servitude. He added that in an attempt to expedite the project the USACE received bids for three levels for completion of the project (18 months, 20 months and 24 months) and will determine how the prices fall within the government's estimate.

On the motion of Mr. Barry,

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

WHEREAS, the U.S. Army Corps of Engineers has requested right of entry for the construction of LPV 101.02 17th Street Canal to Topaz Street, 100-Year Protection, Lake Pontchartrain, Orleans Parish; and

WHEREAS, perpetual and assignable servitudes, rights and easements over and in certain pieces of immovable property is required between the Orleans Levee District and the City of New Orleans, as more fully shown on pages RW100 through RW121 of the map entitled, Department of the Army, U.S. Army Corps of Engineers, New Orleans District, 17th Street Canal to Topaz Street, 2057 100-Year Protection, Lake Pontchartrain, Orleans Parish, LPV101.02, Right of Way Maps, Orleans Parish, Louisiana, dated April 15, 2009, File No. H4-46764.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves any Easement/Servitude Agreements by and between the City of New Orleans and the Orleans Levee District for the Lake Pontchartrain and Vicinity Hurricane Protection Project 101.02 17th Street Canal to Topaz Street, Orleans Parish, Louisiana, and authorizes the SLFPA-E President to execute said documents on behalf of the Orleans Levee District.

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

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

NAYS: None

ABSENT: Mr. Barnes

Mr. Barry recommended that the Board's bylaws be amended so that the President would be authorized to sign documents in the absence of the Secretary when the documents are needed for an immediate purpose. Written notice of the amendment will be provided on the July Board meeting agenda and a resolution provided for a vote at the August Board meeting.

Mr. Estopinal offered a motion to amend the agenda to add item XIII.C.5 -- a resolution to approve the execution of any easement/servitude agreements which may be required for the construction of LPV 104.01A. The motion was seconded by Mr. Goins and unanimously adopted by a roll call vote.

RESOLUTION #06-18-09-21 –
CITY OF NEW ORLEANS SERVITUDE/EASEMENT – LPV 104.01A

Mr. Spencer explained that LVP 104.01A is to raise five Lakefront roadway ramps to the full height of the levee at Canal Boulevard, both side of Elysian Fields, Franklin Avenue and Camp Leroy Johnson. The agreement that was approved by the Board last month with the University of New Orleans has been received. An agreement was also received from the Army Reserve for the Camp Leroy Johnson ramp. The approval of the City of New Orleans is required for three ramps. The USACE will bid the project soon. All five ramps will be constructed concurrently and are anticipated to be completed in six to eight months.

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

WHEREAS, the U.S. Army Corps of Engineers has requested right of entry for the construction of LPV 104.01A, London Avenue to IHNC, Orleans Parish, Louisiana; and

WHEREAS, perpetual and assignable servitudes, rights and easements over and in certain pieces of immovable property is required between the Orleans Levee District and the City of New Orleans, as more fully shown on Department of the Army, U.S. Army Corps of Engineers, New Orleans District, Lake Pontchartrain and Vicinity, LPV 104.01a, London Avenue to IHNC, Orleans Parish, Louisiana, Map, File No. H-8-46830, Drawing R-001, undated; and Map File No. H-8-46780, Drawings R-101 through R-108A and Drawings R-109 through R-120, all dated December 19, 2008.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves any Easement/Servitude Agreements by and between the City of New Orleans and the Orleans Levee District for the Lake Pontchartrain and Vicinity Hurricane Protection Project 104.01A, London Avenue to IHNC, Orleans Parish, Louisiana, and authorizes the SLFPA-E President to execute said documents on behalf of the Orleans Levee District.

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #06-18-09-22 – STATE PROJECT NO. 579-44-0001
TRASH SCREEN REPAIRS AT PUMP STATIONS 2, 3 AND 5 (PHASE 5)**

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

WHEREAS, the Lake Borgne Basin Levee District (LBBLD) advertised and received bids for State Project No. 579-44-0001 Trash Screen Repairs at Pump Stations 2, 3 and 5 (Phase 5); and

WHEREAS, the bids were reviewed and the lowest responsive and responsible bid pursuant to Louisiana law was submitted by Gill's Crane & Dozer Service, Inc., in the amount of \$394,350.00.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) Director is hereby authorized to award a contract in the amount of \$394,350.00 to Gill's Crane & Dozer Service, Inc., the lowest responsive and responsible bidder pursuant to Louisiana law, for State Project No. 579-44-0001 Trash Screen Repairs at Pump Stations 2, 3 and 5 (Phase 5).

BE IT FURTHER RESOLVED, that the President is authorized to execute the aforementioned contract with Gill's Crane & Dozer Service, Inc.

BE IT FURTHER RESOLVED, that SLFPA-E Regional Director is authorized to execute all minor change orders costing under \$20,000 or other documents concerning ancillary matters in connection with the administration of the contract for State Project No. 579-44-0001 Trash Screen Repairs at Pump Stations 2, 3 and 5 (Phase 5).

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

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

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #06-18-09-23 –STATE PROJECT NO. DSR 087-05-054K,
DSR 087-05-058K BLUE BIRD AND ARTILLERY DITCH PROJECT**

Peggy Sembera representing the LBBLD pointed out that the bid award would be conditioned upon approval by the Natural Resources Conservation Service (NRCS).

On the motion of Mr. Barry,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) by Resolution No. 03-19-09-20 authorized the execution of an agreement with the United States Department of Agriculture, Natural Resources Conservation Service (NRCS) for the Blue Bird Ditch (DSR 087-05-054K) and the Artillery Ditch (DSR 087-05-058K) project; and

WHEREAS, the Lake Borgne Basin Levee District (LBBLD) advertised and received bids for State Project No. DSR 087-05-054K, DSR 087-05-058K Blue Bird and Artillery Ditch Project; and

WHEREAS, one bid was received and reviewed, which was submitted by Southern Services & Equipment, Inc. in the amount of \$302,442.87.

BE IT HEREBY RESOLVED, that the SLFPA-E Regional Director is hereby authorized to award a contract in the amount of \$302,442.87 to Southern Services & Equipment, Inc., the lowest responsive and responsible bidder pursuant to Louisiana law, for State Project No. DSR 087-05-054K, DSR 087-05-058K Blue Bird and Artillery Ditch Project, subject to approval by the NRCS.

BE IT FURTHER RESOLVED, that the SLFPA-E President is authorized to execute the aforementioned contract with Southern Services & Equipment, Inc..

BE IT FURTHER RESOLVED, that SLFPA-E Regional Director is authorized to execute all minor change orders costing under \$20,000 or other documents concerning ancillary matters in connection with the administration of the contract for State Project No. DSR 087-05-054K, DSR 087-05-058K Blue Bird and Artillery Ditch Project.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,

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

The next Board meeting will be held on July 16, 2009, and hosted by the East Jefferson Levee District. A Geological Symposium will be held jointly by the SLFPA-East and West Authorities after the Board meeting.

There was no further discussion; therefore, the meeting was adjourned at 3:38 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

June 18, 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. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

The towers on the proposed Bayou Bienvenue lift gate are currently shown as being constructed with steel framing. We have requested the USACE consider concrete towers to reduce maintenance costs. We have also requested the USACE to place the control room of the new Bayou Bienvenue Lift Gate on the south side of the structure for easier access and O&M. The current design places it on the north side, requiring access by boat in most cases.

Approximately 20% of the 66" diameter concrete piles have been driven, with no major difficulties. Pile driving operations for the Barge Gate foundation started earlier this month and is now about 12% complete. Batter pile installation will begin at the end of June 2009 and floodwall cap installation is scheduled to begin at the end of July 2009.

Fill operations in the MRGO segment of the project have begun and are scheduled for completion in August 2009.

The Project Team has begun meeting weekly to discuss hurricane preparedness and evacuation plans.

East Jefferson Levee District:

Reach 5. The Contractor began work about five months ago (280 day contract duration). Flooding in the spillway has shut down the borrow pit, thus suspending work on the project. Work will restart in July when conditions in the spillway allow for resumption of borrow operations.

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

Bonnabel Breakwater Project Contract has been awarded and the Contractor has begun mobilization.

Orleans Levee District:

LPV 101.02 (17th St. Canal to Topaz Street):

The Construction Contract is ready for award. We are awaiting ROE from the City of New Orleans for a deep pile tip easement. The Corps has contacted the City in an effort to expedite the process.

LPV 102 and 103 – Phase I (West End Blvd. to Orleans Canal to London Canal):

The Project is 100% complete. Final inspection took place on June 2, 2009. These segments will soon be turned over to OLD for OMRRR.

LPV 104 – Phase I (London Canal to IHNC West Bank):

The Project is 100% complete. There are still a few small areas on this project where the USACE is trying to obtain better grass growth.

Lake Borgne Basin Levee District:

LPV 144 – Bayou Dupre Control Structure:

Design is continuing. We have requested design modifications to allow for manual closure of the sector gates without having to secure the services of a tug boat. The IER for this Project is ready for signature.

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 IER is complete and was signed on May 26, 2009.

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

The USACE is considering use of a stop log structure as opposed to a sector gate at this location. Closure of a stop log structure will have to be undertaken well in advance of an approaching storm, thereby eliminating Caernarvon Canal as a safe harbor for marine vessels.

The IER is still being drafted and should be released for public comment in July 2009.

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 and Outfall Canals:

According to the USACE, they are authorized and funded to design/construct perimeter protection only (Option 1). They are authorized but not funded to do an engineering study, which would include modifying the outfall canals to allow for gravity flow to the new pump stations at the lake and removing the existing upstream pump stations (Option 2/2a). This study would include a risk assessment of Option 1. Funding for the study would probably have to be included in the Corps' Federal Works Appropriations Budget.

According to USACE, design and construction Option 2/2a is neither authorized nor funded. All agree, however, that Option 2/2a is technically superior to Option 1 alone. In any case, it is imperative that the new pump stations be designed and constructed with deep sills to accommodate construction of Option 2/2a. Failure to do at least this would make conversion of the outfall canals to gravity flow low level interior drainage channels impracticable.

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 2009. The map can be found at the following web address:

http://www.mvn.usace.army.mil/hps2/pdf/100-Year%20Status%20Map_051209_Final.pdf

Coastal Protection and Restoration

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 just under 12' at the Carrollton Gage in New Orleans. It is predicted to fall to 11' on July 21, 2009. Every other day inspections are continuing.

Design and Construction

East Jefferson Levee District:

The USACE has installed piezometers to monitor groundwater fluctuations for an area showing signs of seepage on Levee Reach 4. EJLD personnel are visually monitoring the area.

Orleans Levee District:

Work is complete on the LPV 101.01 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.

Construction on LPV 108 began two months ago. 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 the second quarter of 2010.

Tree removal along LPV 109 alignment (Southpoint to CSX) is underway and is nearing completion. It is scheduled for completion this month.

LPV 120 (West Side IHNC) work is nearly complete. The project utilizes soil stabilization techniques to attain a sufficient safety factor for slope stability. It is scheduled for completion this month.

The USACE has awarded the construction contract for LPV 117 Project (East Side IHNC). The project involves the installation of approximately 20 relief wells. It is scheduled for completion in July 2009.

Murray Architects is proceeding with the Safe House plans and specification for Orleans Levee District and will be approximately 30% complete by the end of this month.

Lake Borgne Basin Levee District:

The Verret Highway floodgate repair is complete. The cost of the repairs was \$18, 575.

LPV 148.01 - Verret to Caernarvon Reach is 99% complete. The project is scheduled for completion in June 2009. The contractor has experienced some weather related delays.

Bids for the fabrication and installation of new trash screens at Drainage Pump Stations 2, 3, and 5 came in on June 3, 2009.

Bids for the Bluebird and Artillery Canal Cleaning Project came in on June 9, 2009. This Project is funded through NRCS.

Work is continuing on the Taintor Gate Repairs at P.S. Nos. 1 & 4. The project is on schedule for completion in late September 2009.

Internal Affairs

The end of the year audit process started last month. The auditor continues to meet with each levee district.

Second Quarter Levee Inspections will be completed before the end of June 2009.

ID/IQ Contracts for Coastal, Geotechnical, and Hydraulic engineering services have been sent to the Consultants for final review and signature.

Sample contracts for the Safe House in EJLD and Safe Rooms at selected LBBLD pump stations have been developed. Scope of work development and fee negotiations are underway and nearing completion.

ID/IQ contracts for land surveying work will be drafted this month.

We met with the Coast Guard earlier this month to review plans for the IHNC area in case of an approaching storm. The IHNC will not be used for safe harbor. During the meeting, the Commander showed us pictures of empty tanks, boats, and other things on land between the water and the floodwall which might float during a flood event. We have contacted the Port of New Orleans to try to address this issue.

The USACE will issue new reports on computed Safe Water Elevations for the three outfall canals in Orleans Parish. The analysis included in the reports will utilize the most recent design criteria. Reports for London and Orleans Canals are due out this month. The report for the 17th Street Canal is due out in September.

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