

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
PUBLIC HEARING AND BOARD MEETING
THURSDAY, NOVEMBER 19, 2009**

The Public Hearing and regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, November 19, 2009, in the Second Floor Hall of the Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, after due legal notice of the meeting was sent to each Board 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.

PRESENT:

Timothy P. Doody, President
Stradford A. Goins, Vice President
George Losonsky, PhD, Secretary
Stephen Estopinal, Treasurer
David P. Barnes, Jr. (left meeting at 3:00 p.m.)
Thomas L. Jackson
Ricardo S. Pineda (left meeting at 12:25 p.m.)
Louis E. Wittie

ABSENT:

John M. Barry

OPENING COMMENTS:

Mr. Doody commented that the ruling by Judge Duval concerning the U.S. Army Corps of Engineers' (USACE) mismanagement of the maintenance of the MRGO vindicates what many people have said for a long time. He added that he hoped with this ruling the USACE would listen better to suggestions and that changes would be achieved.

Mr. Doody explained that at the suggestion of the Legislature last year, the Coastal Protection and Restoration Authority (CPRA) created a commission to study and determine what should be done with the non-flood assets of the Orleans Levee District (O.L.D.). The Commission consists of approximately 16 members, including Mr. Doody, Mr. Barry, the O.L.D. Executive Director, the Director of O.L.D. Non-Flood Assets, the CPRA Chairman, Garrett Graves, a number of elected officials and several lakefront civic association presidents. The Commission members agreed at its first meeting last week that the non-flood assets should provide some income for flood protection. It also recognized that the O.L.D. is only able to collect one-half of the Constitutional millage collected by other levee districts in the State because of the non-flood assets. He pointed out that if the non-flood assets are reassigned to another entity, there would be a tremendous pressure to take some portion of the millage with those assets.

Mr. Doody advised that a "dear colleague" letter was circulated in the U.S. House of Representatives requesting comments and inclusions to the WRDA bill. He stated that

he conveyed to Congressman Melancon's staff the request for inclusion of language in the WRDA bill to reassign the operations and maintenance for the IHNC Surge Barrier to the USACE. He stressed the need to engage all the members of the Congressional delegation in this effort.

Mr. Doody reported that a proposed draft of the language developed by the Authority, Jefferson Parish, the Sewerage and Water Board of New Orleans (S&WB) and the CPRA for inclusion in the Project Partnership Agreement (PPA) would be sent to the USACE in the next couple of days. The Authority's primary concern is that the floodwalls meet the current criteria for the safe water elevations defined by the USACE.

Mr. Doody advised that the Flood Protection Summit will be held on Monday, November 23rd from 9:00 a.m. to 11:00 a.m. at the Hotel InterContinental. Speakers will include General Walsh, Senator Vitter, Garrett Graves and Carlton Dufrechou. Some of the subjects anticipated to be covered in the Summit include: identifying obstacles and solutions for the completion of the 100 year level of protection, the status of the 100 year protection projects, how to achieve a higher level of protection, Federal funding, implementation of the State's Master Plan and an overview of coastal restoration.

ADOPTION OF AGENDA:

The agenda was amended as follows:

- to take Item XIV.D.1 as the next order of business after the adoption of the agenda;
- to add Item XIV.B.1 – discussion of the discovery of contaminated fill material (construction debris) placed in a section of the East Jefferson lakefront levee;
- to add Item XIV.A.1 – consideration of a resolution of appreciation to Governor Jindal and the State of Louisiana for their commitment to flood protection;
- to defer Items XIV.C.4 and 5 to the Finance Committee.

A motion was offered by Mr. Wittie, seconded by Mr. Goins, and unanimously adopted by a roll call vote to approve the amended agenda.

Ms. Sabra Matheny with the Godfrey Firm congratulated the Lake Borgne Basin Levee District (LBBLD) on the passage of the ten year renewal of the 4.27 mil tax. She stated that President Doody would now declare and canvass the results of the October 17, 2009 election in open public session.

Mr. Doody declared that the total votes cast for the proposition was 479, the total votes cast against the proposition was 167 and that the majority votes for the proposition was 312. Therefore, the proposition was carried.

On the motion of Mr. Estopinal,

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

RESOLUTION # 11-19-09-01

SLFPA-EAST – A RESOLUTION DECLARING THE RESULTS OF A SPECIAL TAX ELECTION HELD ON SATURDAY, OCTOBER 17, 2009, APPROVING A PROCES

VERBAL AND PROCLAMATION OF THE CANVASS OF THE VOTES CAST IN SAID ELECTION AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority East (the "Governing Authority") as the governing authority of the Lake Borgne Basin Levee District (the "District") desires to, in open and public session pursuant to La. R.S. 18:1292, declare the results of a special election held on Saturday, October 17, 2009 in order to renew a special ad valorem tax of four and twenty-seventh hundredths (4.27) mills on all property subject to taxation within the District for ten years beginning with the year 2011 and ending with the year 2020 pursuant to Title 18, Chapter 6-A of the Louisiana Revised Statutes of 1950 as amended for the purposes of constructing and maintaining necessary levees, levee drainage, flood protection, hurricane and flood protection projects and all other purposes incidental thereto; and

WHEREAS, the Governing Authority desires to approve a *proces verbal* and proclamation of the canvass of the votes cast in the above described special election held on Saturday, October 17, 2009 in the District which is attached hereto as Exhibit "A"; and

WHEREAS, the Governing Authority desires to promulgate the results of the special election held on Saturday, October 17, 2009 in the District by publishing the *proces verbal* and proclamation in accordance with La. R.S. 18:1293; and

WHEREAS, the Governing Authority desires to forward a copy of the *proces verbal* and the proclamation to the Secretary of State and the Clerk of Court for St. Bernard Parish for recordation once executed as required by La. R.S. 18:1293.

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

SECTION 1. Findings and Determinations. The Governing Authority hereby finds and determines the following:

- (i) the following proposition was presented to all qualified voters voting in the special election held on Saturday, October 17, 2009 in the District, to wit:

TAX RENEWAL PROPOSITION

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

(the "Proposition");

(ii) There was a total of 479 votes cast in favor of the Proposition and a total of 167 votes cast against the Proposition; and

(iii) The Proposition was duly carried by a majority of 312 of the votes cast by the qualified electors voting in the special election held on Saturday, October 17, 2009.

SECTION 2. Approval of *Proces Verbal* and Proclamation. The Governing Authority hereby approves the *proces verbal* and proclamation as set forth in Exhibit "A" attached hereto and incorporated herein by reference the same as if it were set forth herein in full. The President and the Secretary of the Governing Authority are hereby authorized and directed to execute said *proces verbal* and proclamation.

SECTION 3. Promulgation of Results of Special Election. The Governing Authority hereby authorizes and directs the promulgation of the results of the special election by publication of the *proces verbal* and proclamation as set forth in Exhibit "A" hereto once in both the *Times Picayune* and the *St. Bernard Voice* as required by La. R.S. 18:1292.

SECTION 4. Recordation of *Proces Verbal*. The Governing Authority hereby authorizes and directs the appropriate staff of the Lake Borgne Basin Levee District to forward an executed copy of the *proces verbal* and proclamation as set forth in Exhibit "A" hereto to the Secretary of State for recordation, and to the Clerk of Court for the 34th Judicial District Court for St. Bernard Parish, Louisiana for recordation in the mortgage records as required by La. R.S. 18:1293. An executed copy of the *proces verbal* and the proclamation shall be retained in the archives of the office of the Governing Authority.

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

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

NAYS: None

ABSENT: Mr. Barry

This resolution was declared adopted this 19th day of November 2009.

EXHIBIT "A"

PROCES VERBAL AND PROCLAMATION OF THE CANVASS OF THE VOTES CAST AT THE SPECIAL ELECTION HELD IN THE LAKE BORGNE BASIN LEVEE DISTRICT, LOUISIANA ON SATURDAY, OCTOBER 17, 2009.

BE IT KNOWN AND REMEMBERED that on Thursday, November 19, 2009 at nine thirty (9:30) a.m., at its regular meeting place hosted by the Orleans Levee District, the Lake Vista Community Center, New Orleans, Louisiana, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority East (the "Governing Authority"), acting as the governing authority of the Lake Borgne Basin Levee District, Louisiana (the "District"), and being the authority ordering the special tax election held therein on

Saturday, October 17, 2009, with the following members present: Timothy P. Doody, President, Stradford A. Goins, Vice President, George Losonsky, PhD, Secretary, Stephen Estopinal, Treasurer, David P. Barnes, Jr., Thomas L. Jackson, Ricardo S. Pineda and Louis E. Wittie.

There being absent: John M. Barry

did in open and public session, examine the official certified tabulations of votes cast at the said election, and did examine and canvass the returns of the said election, there having been submitted at said election the following proposition, to wit:

TAX RENEWAL PROPOSITION

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

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

There was found by said count and canvass that the following votes had been cast at the said special election **IN FAVOR OF** and **AGAINST**, respectively, the proposition as hereinabove set forth (the "Proposition") at the following polling places to wit:

		VOTE TABULATION	
<u>PRECINCT</u>	<u>LOCATION</u>	FOR	AGAINST
A-10	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette	13	1
A-11	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette	34	1
A-12	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette	5	3
A-13	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette	28	1

A-14	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette	5	4
A-15	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette	6	0
A-16	Andrew Jackson Elementary School Lobby, 201 Eighth St., Chalmette	9	3
B-20	Nunez Community College Gym, 3700 Lafontaine St., Chalmette	16	10
B-21	Nunez Community College Gym, 3700 Lafontaine St., Chalmette	6	2
B-22	Nunez Community College Gym, 3700 Lafontaine St., Chalmette	15	5
B-23	Nunez Community College Gym, 3700 Lafontaine St., Chalmette	5	0
B-24	Nunez Community College Gym, 3700 Lafontaine St., Chalmette	34	7
B-25	Nunez Community College Gym, 3700 Lafontaine St., Chalmette	14	0
C-30	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette	22	16
C-31	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette	27	7
C-32	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette	22	2
C-32A	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette	7	3
C-33	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette	10	1
C-34	Chalmette High School Cafeteria, 1100 E. Judge Perez Dr., Chalmette	0	0
D-40	Joe Davis Elementary School, 4101 Mistrot Dr., Meraux	5	2
D-41	Joe Davis Elementary School, 4101 Mistrot Dr., Meraux	5	4
D-42	Joe Davis Elementary School, 4101 Mistrot Dr., Meraux	26	13

D-42A	Joe Davis Elementary School, 4101 Mistrot Dr., Meraux	13	3
D-43	N. P. Trist Middle School, #1 Pirates Cove, Meraux	9	3
D-44	N. P. Trist Middle School, #1 Pirates Cove, Meraux	13	15
D-45	N. P. Trist Middle School, #1 Pirates Cove, Meraux	2	4
D-46	N. P. Trist Middle School, #1 Pirates Cove, Meraux	8	3
E-50	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet	15	3
E-51	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet	1	2
E-52	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet	14	15
E-53	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet	4	4
E-54	J. F. Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard	19	15
E-55	J. F. Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard	35	3
E-56	J. F. Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard	0	8
E-57	J. F. Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard	2	0
E-58	J. F. Gauthier Elementary School Cafeteria, 2214 Bobolink Dr., St. Bernard	4	1
ABSENTEE		26	3
TOTALS		479	167
MAJORITY FOR		312	

The polling places above specified being the only polling places designated at which to hold the said election, it was therefore shown that there was a total of **479** votes cast **IN FAVOR OF** the Proposition and a total of **167** votes cast **AGAINST** the Proposition, as hereinabove set forth.

Therefore, the Governing Authority did declare and proclaim and does hereby declare and proclaim in open and public session that the Proposition as hereinabove set forth

was duly **CARRIED** by a majority of the votes cast by the qualified electors voting in the said special tax election held in the District on Saturday, October 17, 2009.

THUS DONE AND SIGNED at New Orleans, Louisiana on this, the 19th day of November 2009.

/s/
Timothy P. Doody, President

ATTEST:

/s/
George Losonsky, PhD, Secretary

PROCLAMATION

I, the undersigned President of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority East, acting as the governing authority of the Lake Borgne Basin Levee District (the "District"), do hereby declare, proclaim and announce that the Proposition submitted at the special election held in the District on Saturday, October 17, 2009, was APPROVED by a majority of the votes cast at the said special tax election, all as described and set out in the above *Proces Verbal*.

THUS DONE AND SIGNED at New Orleans, Louisiana on this, the 19th day of November 2009.

/s/
Timothy P. Doody, President

RESOLUTION #11-19-09-02 – APPROVAL OF MINUTES

On the motion of Mr. Losonsky,
Seconded by Mr. Goins, 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 October 15, 2009.

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

ORLEANS LEVEE DISTRICT PUBLIC HEARING:

Conducting a Public Hearing concerning the establishing of millage rates for the three (3) taxes collected by the Orleans Levee District at rates in excess of the

rates resulting from the 2007 downward adjustment to the millage rates required by Article 7 Sec. 23(B) of the Constitution, in excess of the millage rates levied in year 2009, but not more than the millage rates levied in year 2007, without further voter approval and other matters in connection therewith.

Mr. Doody asked whether there was any member of the public who wished to comment. There was no comment from the public.

A motion was offered by Mr. Estopinal, seconded by Mr. Jackson and unanimously adopted, to close the public hearing. A motion was offered by Mr. Estopinal, seconded by Mr. Jackson and unanimously adopted by a roll call vote to reconvene the Board meeting in regular session.

A motion was offered by Mr. Losonsky, seconded by Mr. Estopinal and unanimously adopted by a roll call vote to amend the agenda to take Agenda Items XIV.C.1 and XIV.C.2 as the next order of business.

Mr. Estopinal read Resolution #11-19-09-03 in its entirety into the record. The resolution was offered by Mr. Estopinal and seconded by Mr. Wittie. Mr. Estopinal asked whether any member of the public wished to speak for or against the resolution. There was no comment from the public.

RESOLUTION #11-19-09-03 - DOWNWARD ADJUSTMENT OF MILLAGE RATES TO TAKE INTO ACCOUNT 2007 REASSESSMENT

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

WHEREAS, Article 7, Section 23 (B) of the Louisiana Constitution of 1974, as amended (the "Constitution") and La. R. S. 47: 1705 B. (2) (a) requires taxing authorities to adjust the millage rates upward or downward so that the taxing authorities receive not more nor less ad valorem taxes in the year following reassessment than in the year preceding the last reassessment of property, (for these purposes year 2007); and

WHEREAS, the reassessment of property in Orleans Parish made during 2007 as completed for use for tax year 2008 resulted in more assessed valuation than that assessed in 2007, which required a reduction in millage rates for 2008; and

WHEREAS, The Southeast Louisiana Flood Protection Authority-East (the "Authority"), acting as the governing authority of the Orleans Levee District (the "District") pursuant to the provisions of Resolution No. 11-08-07-03 adjusted downward each of the millage rates for the three (3) ad valorem taxes levied by the District as required by Article 7, Section 23 (B) of the Constitution and La. R. S. 47: 1705 B. (2) (a) from the rates collected in 2007 of:

- 1) for the tax authorized by Article 6 Section 39 (A) of the Constitution (the "General Tax"), at the rate of 5.46 Mills;

- 2) for the Special Levee Improvement Tax authorized by the Special Election of November 19, 1983 (the "SLIP Tax") at the rate of 6.55 Mills; and
- 3) for the Maintenance tax authorized by the Special Election of November 19, 1983 and imposed by the District's Resolution No. 1-081899 (the "Maintenance Tax") at the rate of .75 Mills.

to the recalculated rates provided for and ratified by the District's Resolution 12-20-07-05 of:

1. 3.97 mills for the District's General Tax;
2. 4.76 mills for the District's SLIP Tax; and
3. .55 mills for the District's Maintenance Tax.

Totaling 9.28 mills; and

(Collectively the "Adjusted Rates")

WHEREAS, the Authority intends to hold a public hearing in accordance with the provisions of Article 7 Section 23 (C) of the Constitution and the provisions of La. R. S. 47:1705 for the purpose of getting public input on whether the Authority should or should not increase the millage rates above those levied in year 2008 and 2009 which were above the Adjusted Rates and therefor it desires to adopt a separate resolution adjusting downward the millage rates actually levied in year 2007 (the Adjusted Rates) as a procedural step in the process of increasing the millage rates to be levied in year 2010 above both the millage rates levied in year 2009 and the Adjusted Rates.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST as the governing authority of the Orleans Levee District that:

SECTION 1. Downward Adjustment of 2007 Millages to Take Into Account the 2007 Reassessment. The Authority does hereby adjust downward each of the millage rates for the three (3) ad valorem taxes levied by the District as required by Article 7, Section 23 (B) of the Constitution and La. R. S. 47: 1705 B. (2) (a) from the rates collected in 2007, as shown in Column B below to the adjusted downward rates shown in Column C below:

A Name of Tax	B Millage Rate Actually Levied in Year 2007	C Reduced Adjusted Millage Rate Established After Taking into Account Reassessment
General Tax	5.46	3.97
SLIP Tax	6.55	4.76
Maintenance Tax	.75	.55

SECTION 2. Further Actions. The President of the Authority or Director of Hurricane and Flood Protection of the District be and they are hereby authorized and empowered to execute any and all documents necessary to accomplish the above purposes.

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

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

NAYS: None

ABSENT: Mr. Barry

Mr. Estopinal read Resolution #11-19-09-04 (Roll Up of 2010 Millage Rates) in its entirety into the record. The resolution was offered by Mr. Estopinal and seconded by Mr. Wittie.

Mr. Jackson requested an explanation for the additional increase in millage rates.

Jim Bollinger, O.L.D. Comptroller, explained that for the past 25 years the revenue streams generated by the Constitutional tax have not been adequate to fund the General Fund. The O.L.D. receives one-half of the Constitutional millage received by other levee districts in the State. The State of Louisiana has paid the O.L.D.'s debt service for the past three years. Two bond issues were retired by a call in November, 2009, which will reduce the annual debt. However, the General Fund owes \$20 million to the State of Louisiana and the Federal government for the post-Katrina GoZone loan and Community Disaster Loan (CDL). There is no evidence that these loans will be forgiven; therefore, Mr. Bollinger recommended that the O.L.D. fund the repayment of these loans. In addition, the Special Levee Improvement (SLIP) tax is only authorized through the year 2015. Mr. Bollinger explained that the financial projection provides for the retirement of all of the State debt owed by the SLIP Fund and all of the CDL owed by the General Fund. Sufficient funding will be escrowed to pay off \$12 million of General Fund debt and almost \$20 million of SLIP Fund debt by January, 2012, which is the date that these two types of notes are due for amortization. The General Fund does not have sufficient funding to retire this debt. The SLIP Fund has for the past 25 years made an annual contribution towards the maintenance effort of the General Fund. The financial plan calls for an annual transfer beginning this year of \$2.4 million from the SLIP Fund to the General Fund to assist with operating expenses and to pay down of the GoZone and CDL obligations.

Mr. Bollinger advised that the suggested increase of .21 mil over the rate levied last year for the General Tax would provide approximately \$400,000 each year. He pointed out that operations and maintenance costs will increase with the completion of the new sector gates and the larger levee footprints. The suggested increase of .51 mil over the rate levied last year for the SLIP Tax would provide an additional \$1 million per year until the year 2015. This additional money would assist with the repayment of the SLIP Fund GoZone debt and with General Fund operations and maintenance expenses.

Mr. Jackson commented that the O.L.D. Food Division has not been receiving income from the non-flood assets and the demands relative to flood protection have increased.

He asked whether there is a plan to approach the Legislature to change the O.L.D.'s Constitutional millage limitation. Mr. Doody advised that he has brought this issue up at every meeting and stated that if the O.L.D Flood Division's tax base is stripped, it must be replaced. He reiterated that the reason that the O.L.D. receives one-half of the Constitutional millage received by the other levee districts is specifically because of the non-flood assets.

Mr. Jackson explained that he has agonized over approving an increase in millage rates without a vote of the people. He stated that the Authority should vehemently push to obtain the same tax millage rate for the O.L.D. that is received by the other levee districts in the State. He commented that the Commission should straighten out the finances of the non-flood assets. Mr. Jackson stated that he supported the millage rates recommended by staff on the basis that the O.L.D. deserves the full millage that is received by the other levee districts. He added that the O.L.D. maintains more floodwalls and floodgates than any other levee district in the State and has more responsibility for potential damage behind its levee protection than any other levee district in the State. Mr. Doody commented on the complexity of the system, which requires a tremendous amount of operations and maintenance. The former Orleans Levee Board had a vision when it began to develop the land along the lakefront to provide and pay for the protection of the City. The non-flood assets helped create a good flood protection system for the City of New Orleans. He pointed out that if the non-flood assets are separated, then the Authority must go to the Legislature and seek the same revenue that the other levee districts are allowed.

Mr. Bollinger pointed out the uncertainty of Bohemia revenues to contribute to the support of the flood protection effort. He also reminded everyone that when the agreement was made with the Division of Administration, the O.L.D. Flood Division assumed a \$23 million bond issue; however, it did not assume the asset, which is South Shore Harbor. The financial statements currently do not have any evidence that the Non-Flood Division owes the Flood Division \$23 million for this bond debt.

Mr. Pineda suggested that a white paper be developed on the O.L.D. finances that would explain the complexities of the issues.

Mr. Doody advised that in November, 2009, the O.L.D. paid off roughly \$45 million in debt, which saved taxpayers about \$8 million.

The Board unanimously voted by a roll call vote in favor of Resolution No. 11-19-09-04.

RESOLUTION #11-19-09-04 - ROLL UP 2010 MILLAGE RATES

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

WHEREAS, the property subject to ad valorem taxation in Orleans Parish was revalued and reassessed by the tax assessors during the year 2007 for use in adjusting and fixing millages for tax year 2008; and

WHEREAS, Article 7, Section 23 (B) of the Louisiana Constitution of 1974, as amended (the "Constitution") and La. R. S. 47: 1705 B. (2) (a) require taxing authorities to adjust the millage rates upward or downward so that the taxing authorities receive not more nor less ad valorem taxes in the year following reassessment than in the year preceding the last reassessment of property (for these purposes year 2007); and

WHEREAS, the reassessment of property in Orleans Parish as completed for use for tax year 2008 resulted in more assessed valuation than that assessed in 2007, which required a reduction in millage rates for 2008; and

WHEREAS, The Southeast Louisiana Flood Protection Authority-East (the "Authority"), acting as the governing authority of the Orleans Levee District (the "District") pursuant to the provisions of Resolution No. 11-08-07-03 adjusted downward each of the millage rates for the three (3) ad valorem taxes levied by the District as required by Article 7, Section 23 (B) of the Constitution and La. R. S. 47: 1705 B. (2) (a) from the rates collected in 2007 of :

- 1) for the tax authorized by Article 6 Section 39 (A) of the Constitution (the "General Tax"), at the rate of 5.46 Mills;
- 2) for the Special Levee Improvement Tax authorized by the Special Election of November 19, 1983 (the "SLIP Tax") at the rate of 6.55 Mills; and
- 3) for the Maintenance tax authorized by the Special Election of November 19, 1983 and imposed by the District's Resolution No. 1-081899 (the "Maintenance Tax") at the rate of .75 Mills.

to the recalculated rates provided for and ratified by Resolution 12-20-07-05 of:

1. 3.97 mills for the District's General Tax;
2. 4.76 mills for the District's SLIP Tax; and
3. .55 mills for the District's Maintenance Tax.

Totaling 9.28 mills; and

(collectively the "Adjusted Rates").

WHEREAS, the Authority has this date by separate resolution adopted, reestablished and ratified the Adjusted Rates; and

WHEREAS, as authorized by the provisions Article 7, Section 23 (C) of the Constitution and La. R. S. 47: 1705 (b) (2)(b) allowing the collection of a larger amount of ad valorem taxes by a taxing entity for years after reassessment by setting millages not to exceed the millage rate assessed in the last year prior to the reassessment (in this case year 2007), notwithstanding the provisions of Article 7, Section 23 (B), upon two-thirds vote of the governing authority of a taxing entity after a public hearing held pursuant to the open meetings law, the millage rates for the District's taxes were levied for year 2009 pursuant to the provisions of Resolution No. 11-13-08-04 at the recalculated millage rates ratified by Resolution No. 12-20-07-05 of:

1. 5.25 mills for the District's General Tax;
2. 4.95 mills for the District's SLIP Tax; and

3 .75 mills for the District's Maintenance Tax.

Totaling 10.95 mills; and

WHEREAS, the Authority caused advertisements to be run in the Times Picayune on July 10 and July 13, 2009 giving notice of the purpose, time and place for a public hearing to be held at 9:30 a. m. on Thursday, November 19, 2009 at Lake Vista Community Center, Second Floor Hall, 6500 Spanish Fort Boulevard, New Orleans Louisiana to consider whether to adjust the millages upward from the millage rates levied for year 2009 to rates not in excess of the rates levied in year 2007 (the "Public Hearing"); and

WHEREAS, the Authority held and conducted the Public Hearing, at which no one appeared to speak in favor or against the Authority levying for year 2010 millage rates for the District's taxes in excess of those levied in year 2009 but not greater than the millage rates levied in year 2007.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST as the governing authority of the Orleans Levee District that:

SECTION 1. Ratification of 2007 Adjustment in Millages After Reassessment. The Authority does hereby ratify the downward adjustment of each of the millage rates for the three (3) ad valorem taxes levied by the District as required by Article 7, Section 23 (B) of the Constitution and La. R. S. 47: 1705 B. (2) (a) pursuant to the District's Resolution No. 11-08-07-03 and Resolution No. 12-20-07-05 from the rates collected in 2007, as shown below to the adjusted rates shown below:

Name of Tax	Millage Rate Levied in Year 2007	Reduced Adjusted Millage Rate Established After Reassessment
General Tax	5.46	3.97
SLIP Tax	6.55	4.76
Maintenance Tax	.75	.55

as such rates were reestablished and ratified in the District's separate Resolution No. 11-19-09-03 adopted this date.

SECTION 2. Establishment 2010 Millage Rates. As allowed by Section 23 (C) of Article 7 of the Louisiana Constitution of 1974 and La. R. S. 47: 1705, the millage rates for the taxes of the District for year 2010 be and they are hereby fixed and levied without the necessity of further voter approval at the following rates:

General Tax	5.46 Mills
SLIP Tax	5.46 Mills
Maintenance Tax	.75 Mills
Total	11.67 Mills

which rates do not exceed the 2007 millage rates respectively of 5.46 mills for the District's General Tax, 6.55 mills for the District's Special Levee Improvement Tax, .75 mills for the District's Maintenance Tax.

SECTION 3. Notice Of Possible Millage Increases in Future Years. Although the Authority did not levy the SLIP Fund at the full increased millage rates permitted by Article 7 Section 23 (C) of the Constitution and La. R. S. 47:1705 for year 2010, the Authority declares that it may well be necessary to increase the millage rates for the SLIP Tax for year 2011 to the same millage rates levied in 2007 after following the required procedures.

SECTION 4. Statement of Total Millage to be Levied. A total of 11.67 mills shall be levied in 2010.

SECTION 5. Certification of Levy. The Authority acting for the District hereby certifies the annual levy of the General Tax, the Slip Tax and the Maintenance Tax to the Council of the City of New Orleans for the purpose of causing the three taxes to be entered on the tax rolls of said City and collected by its Finance Department in the manner and under the conditions and with interest and penalties prescribed by law for City taxes; and such monies, the ad valorem taxes including interest and penalties connected therewith, thus collected shall be paid to this Board as provided by law for the tax year 2010.

SECTION 6. Further Actions. The President of the Authority or Director of Hurricane and Flood Protection of the District be and they are hereby authorized and empowered to execute any and all documents necessary to accomplish the above purposes.

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

PUBLIC COMMENTS:

None.

PRESENTATIONS:

Armoring of levees – U.S. Army Corps of Engineers.

John Greishaber with the USACE Hurricane Protection Office informed the Board that Colonel Sinkler was out of town and regretted that he was unable to be at today's meeting. He explained that there were three points that Colonel Sinkler wanted made in the presentation:

- 1) The USACE is armoring as the projects are being constructed. The primary armoring used in the system is grass.
- 2) The USACE will start using the armoring manual once it is completed. The manual is not yet completed.

- 3) Application of the armoring manual will be based on engineering requirements and not on polders.

Mr. Doody stated that an additional \$200 million was required to complete the navigation gate in the IHNC Surge Barrier because of changes that were made. This necessitated a reprogramming of money that was dedicated to armoring. He asked, since the funding for armoring was reprogrammed, how could the USACE be armoring the projects as they are being constructed?

Mr. Greishaber explained that armoring is the way that resiliency will be achieved. The block of money that Mr. Doody referred to was a block of money that was set aside for armoring to preserve the system in addition to what is typically done by the USACE. The T-walls that are being built have wide bases and splash pads. Any I-walls that are being constructed will have splash pads. There will be transition armoring at any time that a hard point (a T-wall or an I-wall) ties into an earthen embankment. The USACE is making sure throughout the system that there is good grass growth, wave berms are used to control the energy imparted by waves onto the flood protection, and transition between hard and soft areas to eliminate erosion. He explained that there was an additional box of money for system armoring outside of the traditional system armoring. That box of money was reprogrammed to work on the IHNC surge barrier with the intent that the money would be repaid at the end of the process in 2011 out of the contingencies for all of the jobs being constructed. The USACE envisions being able to replace all of the money and going into the armoring.

Mr. Greishaber explained that the USACE is in the process of developing the armoring manual, which will identify processes that will enhance the resiliency of the system. The USACE will look throughout the system on a case-by-case basis and determine where additional resiliency is needed. The USACE is looking at the appropriate resiliency that can be offered by grass against overtopping and on-going tests are being conducted at Texas A&M and Colorado State University. The USACE is going through the testing processes, looking at concrete blocks, geo-synthetic and numerous types of armoring offered by industry. It will ultimately have a book that will show the type of armoring that will be needed with specific velocities of water going over the flood protection. The type of armoring that will be used will be determined based on an engineering process and projected velocities of water going over the flood protection. The development of the armoring is being done in Task Force Hope. However, this is a programmatic effort and an armoring council was created with members from Task Force Hope, the PRO and the HPO. This is a system-wide effort and the information will be applied throughout the system on an as-needed basis.

Mr. Goins commented that he was seeing a disconnection between the USACE's presentation and what is being proposed in the design efforts and proposed designs.

Mr. Greishaber explained that the USACE's hydraulic staff brought out information as early as possible so that construction could proceed. The USACE's staff is constantly revisiting and reevaluating information and making necessary changes. It is taking the most updated and accurate information and designing for that information. He pointed out that the wave environment is a very difficult type of study and that the USACE has

reached into academia and to nations throughout the world on this issue. There is an interchange between the design engineers, who are designing what is supposedly to stop the 100 year event, and the hydraulics people, who are providing advice on loads.

Mr. Goins commented on the need for the USACE to share all of its data with the Authority and its consultants.

Mr. Greishaber explained that in the HPO's infancy Colonel Bedey was explicit in inviting everyone to the table and that this had not been changed by either Colonel McCormick or Colonel Sinkler. He stated that the Authority is welcome to attend the PDT meetings, view the reports, share the logic and provide input.

Robert Turner, SLFPA-E Regional Director, advised that he is scheduled to meet next week with Mathijs Van Ledden, who is with Royal Haskoning and working with the USACE, and Nancy Powell, Chief of the USACE Hydraulics Branch, to finalize the presentation that will be made at the proposed hydraulics workshop. Mr. Losonsky requested that the Board be provided with an outline of the presentation in order to provide input for the workshop. Mr. Turner explained that the presentation would not be dealing with the minute complexities, but would provide information at a higher level and would explain the differences between the risk maps and the design elevations and information contained in the LaCPR. The workshop will be tailored to provide the broad picture and would allow Board members the ability to probe more deeply into areas as they wish. Mr. Losonsky requested that individuals with the ability to respond to questions concerning details be requested to attend the workshop. He recommended that the presentation also cover the subject of sensitivity analyses of key parameters.

Mr. Jackson asked whether sea level rise and area subsidence are being taken into consideration in the constructing of structural walls. Mr. Greishaber replied that the structural walls are being built to 2057 elevations, which takes into account both of these issues.

Mr. Pineda commented that the armoring manual being developed by the USACE should be shared with levee owners nationwide and kept as a living document.

COMMITTEE REPORTS:

Finance Committee: Mr. Estopinal announced that he changed employment—he now works for SJB Group and no longer for CSRS, Inc. SJB Group had prior to his employment submitted a response to a Request for Qualifications (RFQ) to the Authority. SJB Group has withdrawn its response to the RFQ due to his employment and will not submit a response to any RFQs that fall under the Authority's purview. Mr. Estopinal advised that he requested a legal opinion from the Authority's legal counsel as to whether CSRS, Inc. is barred in any way from submitting responses to RFQs by the Authority or any of the levee districts under its jurisdiction.

Mr. Estopinal reported that the Finance Committee discussed the following items for the O.L.D.: updating the incumbency certificate, the roll forward of millage rates and health insurance coverage.

Operations Committee: Mr. Wittie advised that the Committee received a presentation concerning the USACE's new turf specifications. He explained that a deficiency in the old turf specifications was addressed in that the new specifications require the disking of rye grass in the spring and reseeding. The Committee discussed the testing of different types of grass, soils testing and the use of strippings. The Committee received an update on safe houses for the levee districts. Bids will be received on November 25th for the O.L.D. safe house build out. The East Jefferson Levee District (EJLD) received a report on the existing conditions and will review the districts needs. The Lake Borgne Basin Levee District (LBBLD) received a report on the build out of safe rooms in two pump stations and a standalone safe house. However, the LBBLD does not have the funding for construction. The Committee received the levee districts monthly status reports. An issue was raised at the Committee meeting on the USACE's intent to substitute a thicker section of sheet pile in lieu of coated sheet pile.

Presentation of results of investigative work performed by Dr. Juan Lorenzo on EJLD Lakefront Levee Reach 4. (George Losonsky, PhD)

Mr. Losonsky advised that the first test was conducted last Friday at the location of some wet spots on a section of the Reach 4 levee. This seismic technique is being used to detect interruptions in the normal clay material. He explained that this technique identified seepage occurring through high permeability layers at the base of the West Bank V-levee. Dr. Lorenzo's seismic work did not detect any sheer zone, weak zone or sand; therefore, the conclusion was that the mechanism at Reach 4 was not the same as V-levee. This is not a case where there is water seeping under or through the levee at Reach 4. The test also confirmed the USACE's conclusion of the hydraulic testing done during the summer that the water in the wet spots is simply surface water saturation occurring above a certain lift that is able to move to the toe of the levee and shows up as a wet spot. It does indicate that there may be higher than normal permeability in the material above the lift.

Mr. Estopinal recommended that the USACE be requested to test the cohesion of the surface material. Mr. Turner advised that the USACE will be addressing this area with the contract that is currently in place. Mr. Losonsky pointed out that there is a tendency for this type of situation to develop in both directions from the original wet spot and asked that the USACE be requested to look into this matter.

Mr. Losonsky advised that Mr. Jackson had suggested that Dr. Lorenzo's seismic technique be tested to determine whether it can detect debris located in a levee. Mr. Jackson commented that he would like to discuss the issue of quality control for the materials being used for the levee lifts at the next Special Issues Committee meeting. The Authority's need to have an inspector working on its behalf to inspect USACE construction projects was discussed.

Mr. Pineda announced that the work plan was accepted for the \$500,000 Community Development Block Grant.

Legal Committee: Mr. Goins reported that the Committee met this morning and approved legal invoices. The Committee also requested that a status of litigation be provided at its next meeting.

Special Issues Committee: Mr. Jackson advised that the Committee did not meet in November. He advised that items for the next Committee meeting will include a report on the removal of the EJLD levee debris and plans for inspection.

EXECUTIVE SESSION:

A motion was offered at 12:25 p.m. by Mr. Wittie, seconded by Mr. Goins and unanimously adopted for the Board to convene in Executive Session to discuss the following items listed on the agenda:

1. Utility relocation costs LPV 105.01 and LPV 105.02.
2. Appropriations for full federal funding projects.
3. Estate of Marion Roberts.
4. Webb Worthington Trust v. O.L.D., 25th Judicial District for the Parish of Plaquemines, State of Louisiana, No. 52-592, Division "A".

A motion was offered at 1:40 p.m. by Mr. Losonsky, seconded by Mr. Jackson and unanimously adopted, for the Board to reconvene in regular session.

RESOLUTION #11-19-09-05 – LEGAL ACTION

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

BE IT HEREBY RESOLVED, that Southeast Louisiana Flood Protection Authority-East authorizes the firm of Gordon, Arata, McCollan, Duplantis & Eagan to carry out the proposed actions explained to the Board in Executive Session in the litigation entitled, Webb Worthington Trust v. O.L.D., 25th Judicial District for the Parish of Plaquemines, State of Louisiana, No. 52-592, Division "A".

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

RESOLUTION #11-19-09-06 – LEGAL ACTION

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection-East authorizes the firm of Gordon, Arata, McCollan, Duplantis & Eagan to carry out the

proposed actions explained to the Board in Executive Session in the dispute between the Succession of Marion Roberts and the Orleans Levee District.

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

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

NAYS: None

ABSENT: Mr. Barry and Mr. Pineda

REPORT BY SLFPA-E REGIONAL DIRECTOR:

Mr. Turner reviewed the Regional Director's report, a copy of which is appended hereto. He advised that by the end of the year approximately 90 percent of the USACE contracts for the 100 year level of protection will either be advertised or awarded. He advised that after extensive discussions the USACE is proceeding with 100 percent plans for a sector gate structure in the Caernarvon Canal (LPV 149).

The Board discussed the need to develop formal grass maintenance procedures for the levee districts.

EXECUTIVE SESSION:

A motion was offered at 2:15 p.m. by Mr. Losonsky, seconded by Mr. Estopinal and unanimously adopted, for the Board to convene in Executive Session to discuss the following items listed on the agenda:

5. Schudmak v EJLD, US Eastern District Court, #06-0893.
6. Schwegmann Giant Supermarkets, Inc. v. EJLD, Proceeding No. 563-683, Division "I".

At 3:05 p.m. the Board reconvened in regular session.

OLD BUSINESS:

Discussion of criteria for construction of Option Neutral Permanent Pump Stations at the London Avenue, Orleans Avenue and 17th Street Canals.

Mr. Goins asked the Board's support in requesting the USACE to provide its original estimates which were used to obtain the Congressional authorizations and a list of the projects. This information could then be compared to the projects that have been executed and money spent to-date. He explained that the Authority is being forced to accept Option One because of a lack of money. He stated that he would like to have this documented and noted that if there is an error, it is the community that would suffer. He stated that he still had engineering concerns that should be addressed. Mr. Goins pointed out that the USACE stated that they could not modify the canals; however, the USACE will now be modifying the canals. Mr. Jackson stated that he would support the

USACE opening up its financial records. Mr. Goins explained that the USACE would have no need to conceal the estimates after the projects have been bid and awarded.

Mr. Jackson pointed out that the only modeling study done on Orleans Parish is about 20 years old. The model was never re-run or maintained by the S&WB. A tremendous amount of subsidence has occurred in Orleans Parish. In order to determine the maximum hydraulic grade line for the canals throughout the system, and particularly from Metairie Road to the outfall canal, an analysis is needed to determine the water level needed to drain the low spots, as well as to provide other necessary information.

Mr. Goins expressed concern about the potential for losing pumping capacities and efficiencies under the Option Neutral scenario. Mr. Estopinal added that the demand would be increased with the change in the hydraulic gradients.

Mr. Goins commented that in a study he reviewed, the borings in some locations along the London Avenue Canal indicate that the bottom of the sheetpile may be above the bottom of the canal. In addition, water loading up against the floodside of the floodwall will push the wall against soil on the protected side. The soil is not in contact with the sheetpile in all areas along the canals; therefore, the sheetpile could deflect towards the protected side and produce a crack.

Mr. Doody pointed out that the USACE has not yet completed the study of the outfall canals and safe water elevations. The information that the Board is hearing should be included in the peer review of the safe water elevation studies. The USACE has stated that the floodwalls along the outfall canals will not be brought into compliance with 100 year protection. However, the floodwalls will need to be repaired in order to bring them into compliance with the current criteria. Mr. Doody requested that Mr. Jackson and Mr. Goins draft a letter to the USACE from the Authority to bring these issues to their attention. In addition, the Authority's consultants, Robert Bachus and Ray Martin, should be apprised of these concerns. Mr. Jackson commented that, in addition, the question should be asked, are the evaluation studies being made with canal bottoms that provide the cross sectional area needed by the existing S&WB pump stations or are the evaluations being made on surveys of what is currently there?

**RESOLUTION #11-19-09-07 –
MUTUAL AID AGREEMENT BETWEEN LEVEE DISTRICTS**

Mr. Doody explained that the Cooperative Endeavor Agreements will allow levee districts throughout the State to cooperate in the event of a disaster and provide a method for reimbursement.

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

WHEREAS, a Cooperative Endeavor Agreement by and between the Levee Districts of Louisiana has been developed in order for the participating levee districts to furnish mutual aid and assistance to each other in the event of an

emergency, when requested, to the extent of their ability considering their resources and their own impact from the emergency; and

WHEREAS, the East Jefferson Levee District, the Lake Borgne Basin Levee District and the Orleans Levee District desire to participate in the aforementioned mutual aid agreement.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection-East (SLFPA-E) approves the Cooperative Endeavor Agreement by and between the Levee Districts of Louisiana, and authorizes the SLFPA-E President to sign the Cooperative Endeavor Agreement on behalf of the East Jefferson Levee District, the Lake Borgne Basin Levee District and the Orleans Levee District.

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

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

NAYS: None

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

Notice of intent to revise the Board's Bylaws and distribution of the revised Bylaws.

A copy of the revised Bylaws was placed in the Board's Agenda packet. A resolution for adoption of the revised Bylaws will be brought to the Board for consideration at its December 17, 2009 meeting.

RESOLUTION #11-19-09-08 - APPROVAL OF REVISED CONTRACT FOR CONSULTING SERVICES WITH GCR & ASSOCIATES, INC.

Mr. Estopinal advised that the contract was revised in order for surveying to be provided by the Authority in lieu of the consultant.

On the motion of Mr. Estopinal,

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

WHEREAS, following competitive selection process prescribed by the Southeast Louisiana Flood Protection Authority-East (SLFPA-E), the Board by Resolution No. 09-18-08-06 approved the selection of GCR & Associates, Inc., to provide Professional Consulting Services for acquiring lands, easements, rights-of-ways, relocations and disposal sites (LERRDs) for the SLFPA-E and the levee districts under its jurisdiction as needed for U.S. Army Corps of Engineers projects and for other projects under the jurisdiction of the SLFPA-E; and

WHEREAS, the parties to the Contract for Consulting Services dated December 29, 2008, desire to revise said contract to include certain provisions pertaining to surveying services; and

WHEREAS, the revised Contract for Consulting Services with GCR & Associates, Inc., will supersede the aforementioned Contract dated December 29, 2008.

BE IT HEREBY RESOLVED, that Southeast Louisiana Flood Protection Authority-East approves the revised Contract for Consulting Services with GCR& Associates, Inc., and authorizes the SLFPA-E President and SLFPA-E Regional Executive Director to sign the revised Contract.

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

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

NAYS: None

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

Discussion of report on HSDRRS Design Guidelines for corrosion mitigation for steel piles.

Mr. Estopinal explained that the USACE has proposed that the steel sheetpiling and steel support structures not be coated to resist corrosion, which is contrary to ASTM standards. He stated that there is no standard for untreated sheetpile in this type of environment. The USACE presented a white paper that examined selected exposed piles. The USACE presented the concept of thickening the pile to extend the life of the pile. The thickened section would act as a sacrificial section and compensate for corrosion. He cited examples of the unpredictability of steel pile behavior in a marine environment. Mr. Estopinal stressed that the marine environment is very unpredictable in its corrosive capabilities and that the corrosion rates in a marine environment are unpredictable. He cautioned the Authority about the potential for problems if even one section of the 23 miles of T-wall that the USACE will be building is exposed to this marine-type environment. He added that there will be concrete sitting on top of the T-wall and commented on the catalytic activity that could be generated which could produce an accelerated sensitivity to corrosion. Mr. Estopinal stated that the Authority should seriously object to the consideration of non-treated pile without extensive proof that there would not be the potential for problems.

Mr. Turner advised that Halcrow, Inc. was requested under its ID-IQ Contract with the Authority to investigate the USACE's white paper and provide information that could be brought to the USACE. A report was received from Halcrow outlining standing industry practices and Halcrow's concerns particularly in regards to the area that will be potentially exposed to air and water immediately under the slab since it will be a perched system. The report was presented to the USACE and discussed in a meeting with USACE representatives. Halcrow will provide the documentation to the USACE to support the recommendations in the report. USACE representatives indicated that they would take that information into serious consideration and respond to the Authority.

RESOLUTION #11-19-09-09 – EXPRESSING APPRECIATION TO GOVERNOR JINDAL AND THE STATE OF LOUISIANA

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

WHEREAS, Governor Bobby Jindal has been a fervent advocate of coastal protection and restoration and flood protection, and within eight days of being sworn

into office signed an executive order requiring all State agencies to use their full authority and funding to advance the State's Coastal Master Plan; and

WHEREAS, following Hurricane Katrina, the State of Louisiana began the restructuring of its critical coastal and flood protection programs and has provided a substantial infusion of funding for these programs; and

WHEREAS, during the Second Special Legislative Session of 2008, Governor Jindal and the State Legislature dedicated \$300 million to the Coastal Protection and Restoration Fund to advance hurricane protection projects and coastal restoration efforts; and

WHEREAS, \$50 million of aforementioned dedicated funds were designated for the Lake Pontchartrain and Vicinity Hurricane Protection Project; and

WHEREAS, hurricane protection, flood control and coastal restoration projects have increased tenfold in the last two years under the leadership of Governor Jindal; and

WHEREAS, due to the efforts of Governor Jindal and the investments made by the State, Louisiana's coast will experience the smallest rate of land loss in over 50 years and over one million Louisiana citizens will have received improved hurricane and flood protection; and

WHEREAS, the dedication of Governor Jindal and the State to saving Louisiana's coast and providing improved flood protection will benefit the citizens of Louisiana and the entire nation.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East expresses its sincerest gratitude to Governor Bobby Jindal for his dedication and efforts and to the State of Louisiana for the contributions and investments to coastal protection and restoration and flood protection for the people of Louisiana.

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

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

NAYS: None

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

Discussion of the discovery of contaminated fill material (construction debris) placed in a section of the East Jefferson lakefront levee

Mr. Jackson advised that he will bring this issue to the Special Issues Committee for discussion and return to the Board with a recommendation at its December meeting. He stated that he wanted to assure that this is a well thought out process and the Authority is able to explore the potential of the State supplying personnel for inspection. He commented that the seismic testing being performed by Dr. Lorenzo may be a method to spot check for debris in other areas. The Board discussed the potential for using seismic testing to detect debris.

RESOLUTION #11-19-09-10 - INCUMBENCY CERTIFICATE TO PAYING AGENT, BANK OF NEW YORK-MELLON

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

WHEREAS, the Bank of New York – Mellon (“the Bank”) is the paying agent for the outstanding Bonds of the Orleans Levee District; and

WHEREAS, the Bank requires that the governing body of the Orleans Levee District identify by formal Board action those individuals authorized to issue instructions to the Bank on the District’s behalf with respect to the Bonds and payments thereon,

BE IT HEREBY RESOLED, that the Southeast Louisiana Flood Protection Authority – East (“the Authority”), as governing authority of the Orleans Levee District, does hereby designate the following individuals to act on behalf of the District and Authority:

Timothy P. Doody, President, Southeast Louisiana Flood Protection Authority - East
Stephen V. Estopinal, Treasurer, Southeast Louisiana Flood Protection Authority - East

Gerard J Gillen, III, Executive Director, Orleans Levee District

James B. Bollinger, Comptroller, Orleans Levee District,

BE IT FURTHER RESOLVED, that an updated incumbency certificate be prepared and delivered to the Bank of New York – Mellon containing the names and signatures of those identified above.

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

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

NAYS: None

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

RESOLUTION #11-19-09-11 - STATE PROJECT NO. 579-44-0001 TRANSITION IMPROVEMENTS AND SCOUR PROTECTION AT PUMP STATION #3 (BAYOU VILLERE), #4 (MERAUX), #7 (BAYOU DUCROS) AND WEST OF PARIS ROAD TRANSITION (PHASE 6)

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

WHEREAS, Act 203 of the 2007 Regular Session of the Louisiana Legislature appropriated funding for the Hurricane Flood Protection, Construction and Development Program and designated the Louisiana Department of Transportation and Development (LADOTD) as the recipient of said funding; and

WHEREAS, a maximum of \$5,000,000 of this funding was designated for the Forty Arpent Levee Project and a Cooperative Endeavor Agreement setting forth the terms for administering the Project was executed between LADOTD and the Lake Borgne Basin Levee District (LBBLD) for State Project No. 579-44-0001 Forty Arpent Levee; and

WHEREAS, the LBBLD advertised and received bids for State Project No. 579-44-0001 Transition Improvements and Scour Protection at Pump Station #3 (Bayou Villere), #4 (Meraux), #7 (Bayou Ducros) and West of Paris Rd. Transition (Phase 6); and

WHEREAS, the bids were reviewed and the lowest responsive and responsible bid pursuant to Louisiana law was submitted by Fleming Construction Co. LLC, in the amount of \$484,676.00.

BE IT HEREBY RESOLVED, that the LBBLD Executive Director is authorized to award the contract to Fleming Construction Co. LLC, the lowest responsive and responsible bidder pursuant to Louisiana law, for State Project No. 579-44-0001 Transition Improvements and Scour Protection at Pump Station #3 (Bayou Villere), #4 (Meraux), #7 (Bayou Ducros) and West of Paris Rd. Transition (Phase 6).

BE IT FURTHER RESOLVED, that the President is hereby authorized to execute the aforementioned contract with Fleming Construction Co. LLC.

BE IT FURTHER RESOLVED, that SLFPA-E Regional Director and the LBBLD Executive Director are hereby 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 Transition Improvements and Scour Protection at Pump Station #3 (Bayou Villere), #4 (Meraux), #7 (Bayou Ducros) and West of Paris Rd. Transition (Phase 6).

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

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

NAYS: None

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

Mr. Doody announced that the next regular Board Meeting will be held on December 17, 2009 and hosted by the LBBLD. He also announced that a Special Meeting of the Board (Flood Protection Summit) will be held on November 23, 2009, at the Hotel Intercontinental in New Orleans at 9:00 a.m.

There was no further business; therefore, the meeting was adjourned at 3:55 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

November 19, 2009

100 Year Level of Protection

Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

Design work on the project continues. The overall design of the entire project is approximately 79% complete. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

All of the 66" diameter concrete piles have been driven as of Oct 21, 2009. 74% of the closure piles (1892) and 39% of the batter piles (254) have been driven with no major difficulties. 11% of the precast caps (39) have been set and (20) cast-in-place deck sections have been completed. The first section of the parapet wall was set last week.

The support piles for the by-pass Barge Gate foundation have been driven and the cofferdam has been completed. Tremie slab (dry bottom) for the barge gate structure has been cast and the cofferdam has been dewatered. The Contract for construction of the barge for the by-pass gate has been awarded. The barge gate sill is scheduled for completion before the end of 2009.

Bayou Bienvenue is now closed to all navigation at the Project site due to lift gate construction.

The Project Team continues to meet weekly to discuss hurricane preparedness and evacuation plans. There are more than 100 marine vessels working on the Project.

East Jefferson Levee District:

Reach 1:

The Work is approximately 15% complete. The borrow pit access road went underwater due to rising river levels and work will be delayed 3 to 4 weeks. This Reach is scheduled for completion in May 2010.

Reach 2:

The Work is approximately 20% complete. Pieces of debris (broken concrete, pieces of iron, etc.) have surfaced during clearing and grubbing operations on the west end of the project. The Contractor will remove the old lift containing the debris

(about 2' thick) from the existing levee section and replace with new material. Although the borrow pit is not useable at this time, the contractor had stockpiled 15,000 cy of borrow on site. Therefore, no significant delay is expected for this reach.

Reach 3:

The project is approximately 22% complete. The borrow pit haul road is under water and a 3 to 4 week delay in work is anticipated.

Reach 4:

The project is approximately 7% complete. The Contractor is pumping water out of the flooded borrow pit. A Contract Modification will be issued to address seepage areas along this reach. The work is scheduled to be complete before June 1, 2010.

Reach 5:

The Project is more than 58% complete. Contract modifications are required for Coast Guard utilities, the Ridgelake ramp, and embankment work. Scheduled completion is set for January 2010.

Bonnabel Breakwater Project:

Work is progressing and is approximately 48% complete. The scheduled completion is December 2009.

Duncan Breakwater Project:

The Project is approximately 20% complete. The Contractor is still dredging the access channel.

Williams Blvd. Floodwall and Gate:

The NTP was issued September 16, 2009 and the pre-construction meeting was held on November 12, 2009. The work should be complete by April 2010.

Pump Station Fronting Protection:

Pile load testing has been completed at all four Pump Stations. The Construction Contract was awarded on November 6, 2009.

LPV 017.2 (Causeway Crossing):

The OCPD and USACE are reviewing compensability issues for utility and facility relocations. Pile load testing will begin before the end of November 2009. Design

is nearing completion. Contract award is scheduled for February 2010. A CEA or MOU will be required at some point to define OMRR&R responsibilities for the various parts of the project.

West Return Levee/Floodwall:

The contractor is driving piles for the required pile load testing.

West Return Levee (Airport Runway):

A meeting was held with the Airport and OCPR to discuss construction and safety issues associated with the reconstruction of the levee segment located at the west end of the east-west runway, and to develop a strategy to move forward. We are awaiting word from OCPR.

Orleans Levee District:

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

A Construction Contract was awarded on July 31, 2009 and NTP was issued in August 2009. Work includes demolition of the existing floodwall and replacement with a new concrete T-Wall with a top elevation of +16.0 (NAVD88.2004.65). A contract modification is being negotiated with the Contractor for utility relocations. The Project is scheduled for completion before June 2011.

LPV 102.01, 103.01, and 104.01 Projects are 100% complete.

LPV 103.01 A1 (Bayou St. John):

The Construction Contract has been awarded and NTP was issued in August 2009. A contract modification is being negotiated with the Contractor for de-watering the sector gate for USACE inspection and OLD maintenance.

LPV 103.01 A2 (Rail Street and Lake Terrace Flood Gate):

The 65% Design Submittal is scheduled for November 2009. The Construction Contract is scheduled for award in early 2010. It should take about six months to complete construction.

LPV 104.01 A (Ramp Crossings – Lakeshore Dr.):

The Construction Contract for this Project was awarded on October 2, 2009 and the Pre-construction meeting took place on November 2, 2009. The Contractor has started mobilizing on site.

LPV 104.02 (Seabrook West Side IHNC):

This project includes the construction of a new T-Wall. Plans and specs were completed on November 6, 2009 but may require modifications pending a decision on how to re-route rail traffic during construction.

LPV 105.01 (Lakefront Airport T-Wall West):

Plans and specs were completed on November 16, 2009. An addendum will be issued by December 11, 2009 to address the Seabrook tie-in.

LPV 105.02 (Lakefront Airport T-Wall East):

Plans and specs are scheduled for completion in mid November 2009.

LPV 106 (Citrus Lakefront Levee):

A design modification has been issued to move the I-Wall to the edge of the levee crown. Plans and specs should be complete before the end of November 2009. A Contract Mod will be required for utility relocations.

LPV 107 (Lincoln Beach Floodgate):

Plans and specs are scheduled for completion in late December 2009.

LPV 108 (New Orleans East Lakefront Levee):

The required construction (earthen embankment) is complete. A design modification was required for the Collins Pipeline crossing. As a result, the scheduled completion date has been changed to January 31, 2010. The Project will bring the elevation of the levee to pre-Katrina authorized elevation, which is higher than the new 100 year elevation.

LPV 109.2a (South Point to CSX Railroad – Levee Embankment):

The Permanent Servitude Agreement with USFWS has been finalized. Plans and specs are scheduled for completion on November 21, 2009.

LPV 109.02a1 (South Point to CSX Railroad - Wick Drain Test Section):

Construction is about 99% complete. URS and USACE will monitor settlement for several months.

LPV 109.02b (South Point to CSX Railroad - I-10 Crossing):

Plans and specs are scheduled for completion on December 3, 2009.

LPV 109.02c (South Point to CSX Railroad – Hwy 90 and Hwy 11 Floodgates):

Plans and specs have been completed. We are awaiting a Letter of No Objection from LDOTD. Construction will be done under LPV 109.2a

LPV 110 (CSX Railroad Crossing):

Plans and specs should be complete in December 2009. We are still trying to finalize the project permit with CSX Railroad (currently under legal review).

LPV 111.01 (North Side GIWW):

The USACE awarded a \$3.1 million pre-construction services contract (ECI Contract) in July. The contract includes three options for construction of levee sections, and a T-wall from the end of the earthen levee to the Inner Harbor Navigation Canal tie-in

LPV 111.02 Pump Station 15 Fronting Wall:

Plans and specs are about 60% complete and are scheduled for completion in February 2010.

LPV 111.03 Tie-in to IHNC:

Plans and specs are about 60% complete and are scheduled for completion in early January 2010.

LPV 113 (NASA):

Construction has begun and is approximately 4% complete. The Project is scheduled for completion in May 2010.

Seabrook Structure

USACE awarded the Design/Build Contract to Arcadis.

Lake Borgne Basin Levee District:

LPV 144 (Bayou Dupre Control Structure):

This project will replace the existing Bayou Dupre Control Structure (sector gate) with a new sector gate. The Plans and specs are complete. The Construction Contract is scheduled for award in mid to late January 2010. LBBLD issued the

ROE last week. The Pre-solicitation was issued last week and the project will be advertised in early to mid December.

LPV 145 (Bayou Bienvenue to Bayou Dupre):

The project includes approximately 6 miles of new T-Wall atop the existing earthen levee. An ECI Contract has been awarded for this reach. Driving of the piles for the pile load test will begin next week. A temporary bridge across Bayou Bienvenue and an aggregate surfaced access roadway the length of the project will be constructed in the next few months. 50% Plans and specs have been reviewed.

LPV 146 (Bayou Dupre to Verret):

The project includes approximately 8 miles of new T-Wall atop the existing earthen levee. An ECI Contract has been awarded for this reach. The NTP for the pile load tests has been issued and piles should be driven in early January 2010. 50% Construction plans and specs are under review.

LPV 147 (LA Hwy 46 and LA Hwy 300 Flood Gates):

The project includes a new set of floodgates at LA Hwy 46 and the replacement of the existing floodgate at LA Hwy 300. An emergency by-pass ramp will be constructed at the LA Hwy 46 location. The plan in hand and BCOE review took place last week. We are awaiting the LNO from DOTD to grant the Right of Entry to the USACE for construction. The LA Hwy 300 Flood Gate will be constructed under the LPV 148 Project.

LPV 148.02 (Verret to Caernarvon):

The Project includes approximately 9 miles of new T-Wall atop the existing earthen levee. An ECI Contract was awarded for this Project last month. A protest was filed by one of the proposers. The USACE has decided to re-issue the solicitation, which will delay this project for several months.

LPV 149 (Caernarvon Floodwall – Lake Borgne Basin Levee District):

The project design requires a realignment of the Caernarvon levee/floodwall to a location east of the Caernarvon Canal. The new alignment necessitates the construction of a new Control Structure in the Caernarvon Canal.

Plans and specs are 95% complete. Final plans include a sector gate at the Caernarvon Canal. The Plan in hand and BCOE review is today.

The new alignment requires construction of a section of the project outside of the jurisdiction of Lake Borgne Basin Levee District. We are still working with Plaquemines Parish officials to develop and execute an agreement between

Plaquemines Parish Government and Lake Borgne Basin Levee District that will allow for that portion of the project located in Plaquemines Parish. The agreement would allow for construction of the project on the proposed alignment and would place the responsibility for operation and maintenance of the project with LBBLD. Draft language for the agreement was developed by Mr. Lacour and Mr. Hanna, and has been forwarded to Plaquemines Parish for review and comment.

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 the features necessary 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.

Development of the RFQ for design/build is continuing with input from stakeholders.

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 was shut down due to Hurricane Ida. It is scheduled to be restarted next week pending availability of Plaquemine Parish's vacuum pump. LBBLD is preparing specs for the purchase of a new vacuum pump. LBBLD will be reimbursed by DNR for the cost of the pump.

Additional Coastal Restoration projects in the MRGO area scheduled to begin during the next 12 months. The projects will be designed and constructed through

the USACE and will be funded with the \$75 million dollars in federal appropriations provided after Hurricane's Katrina and Rita.

Flood Fight

The USACE closed the gates and operated the pumps at the London Ave ICS Structure in advance and during the affects of Hurricane Ida. Lake levels rose to about 3.5'.

We are in a Phase I Alert for the Mississippi River. The River reached 15.55' at Carrollton on November 10, 2009 (Hurricane Ida) and is still above 13. River levees are under surveillane by levee district personnel and the USACE.

Design and Construction

East Jefferson Levee District:

It has been determined that the source of the seepage noted in Reach 4 is from rain water finding its way into the levee section probably via shrinkage cracks and/or fissures. The USACE will develop a plan and address this problem during the upcoming Reach 4 construction project.

Work is continuing on the EJLD Safe House. The Architect has submitted a draft of the "Existing Conditions Assessment". EJLD and SLFPAE met with the Architect to discuss parameters that will be used in the planning and design of the facility.

Commissioner Losonsky will present the results of Dr. Lorenzo's seismic and GPR investigations on EJLD Reach 4 at today's meeting.

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 117 Project (East Side IHNC) is substantially complete and a final inspection was conducted earlier this week. Overall the project looks good but grass has not yet begun to grow. The project involved the installation of approximately 20 relief wells. An additional contract will be let to install about 1000 linear feet of steel sheet pile.

Murray Architects and OLD held a pre-bid conference last week for the Safe House Project. Bids are due in on November 25, 2009.

Bids for the Floodgate Seal Repairs Project are due in on November 25, 2009.

Lake Borgne Basin Levee District:

LPV 148.01 (Verret to Caernarvon) is 99% complete. The project brings the earthen levee up to the pre-Katrina authorized elevation.

The fabrication of the trash screens for Pump Stations 2, 3 & 5 are complete. The Contractor has installed the screens at Pump Station No. 5 and has mobilized equipment to begin work at Pump Station No. 2.

The Contract for the Bluebird and Artillery Canal Cleaning Project has been awarded to the lowest bidder, Regency Construction. Work will begin after the survey is complete and survey discrepancies are resolved between NRCS and the Contractor.

Work is nearly complete on the Taintor Gate Repairs at P.S. Nos. 1 & 4. A punch list has been developed and we are working some issues regarding available air pressure and the pneumatic cylinders.

Bids were opened on November 4, 2009 for Transition Improvements and Scour Protection at various locations along the 40 Arpent Canal. Bids will be evaluated with the help of LDOTD and a Contract will be awarded to the lowest bidder.

LBBLD has received proposals from A/E firms to prepare plans and specs for a remote control system to operate the pumps at Pump Station 2 from Pump Station 6. The proposals are under review at this time.

Digital Engr. has submitted the final "Safe Room Report", which indicates that safe rooms could be constructed on the existing structure of Pump Stations 1 and 4. The estimated construction cost is just under \$410,000 each. Free standing safe rooms would cost approx. \$720,000 each.

Internal Affairs

The USACE will issue new reports on computed Safe Water Elevations for the three outfall canals in Orleans Parish. The London Ave SWE report is undergoing peer review. Review comments will be addressed before any of the reports are completed and released. The London Ave Report is scheduled for completion in November 2009.

Data has been collected for the Levee Information Management System Demonstration Project and forwarded to the Dutch Group. SLFPAE and representatives of EJLD met with the Dutch will here in New Orleans on October 20, 21, and 22 to exchange ideas and finalize the scope of work for the project. The Project is scheduled for completion early in 2010.