

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING  
THURSDAY, DECEMBER 17, 2009**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, December 17, 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 Board member and the news media and posted.

Mr. Doody called the meeting to order at 9:37 a.m. and led in the pledge of allegiance.

**PRESENT:**

Timothy P. Doody, President  
Stradford A. Goins, Vice President  
George Losonsky, PhD, Secretary  
Stephen Estopinal, Treasurer  
David P. Barnes, Jr.  
John M. Barry  
Thomas L. Jackson  
Ricardo S. Pineda  
Louis E. Wittie

**OPENING COMMENTS:**

Mr. Doody reported that the Flood Protection Summit held on November 23, 2009 at the Hotel Intercontinental was well attended.

Mr. Doody advised that a submission was made for the Water Resources Development (WRDA) bill relative to two issues: 1) the Operations and Maintenance (O&M) of the IHNC Surge Barrier Project and 2) the borrow pits and the local ordinances requiring the backfilling of the pits. He explained that Fred Caver, a former senior executive of the U.S. Army Corps of Engineers (USACE), assisted at no cost with the drafting of the submission. He stated that he requested Robert Lacour, SLFPA-E legal counsel, to investigate whether an agreement could be formalized with Mr. Caver to provide this type of assistance in the future.

Mr. Doody commented on the recent rainfall events that caused problems in Jefferson, Orleans and St. Bernard Parishes. Sandbagging took place along the Jefferson/St. Charles Parish line because of a blocked culvert. Water in Bayou St. John backed up into some of the adjacent yards of residents. A meeting will be held with the Sewerage and Water Board personnel to attempt to develop a better plan for the operation of the three valves that drain Bayou St. John into the city's drainage system during heavy rainfall events.

**ADOPTION OF AGENDA:**

The agenda was amended to add an Intergovernmental Affairs report after the Committee Reports. A motion was offered by Mr. Wittie, seconded by Mr. Barry and unanimously approved to adopt the amended agenda.

**RESOLUTION #12-17-09-01 – APPROVAL OF MINUTES:**

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Public Hearing and Board Meeting held on November 19, 2009 and the Special Meeting (Flood Protection Summit) held on November 23, 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:**

None.

**PRESENTATIONS:**

**Lessons learned from Hurricane Ida – Capt. Edwin M. Stanton, U.S. Coast Guard.**

Mr. Doody explained that an e-mail was received from Capt. Stanton advising that due to unfolding circumstances this morning he was unable to attend the Board meeting and that he would like to provide the presentation at a future meeting. Capt. Stanton stated in his e-mail that he was pleased that Hurricane Ida kept to its track and did not pose any real problems for this area and provided a summary of some of the lessons learned. Mr. Doody explained that Capt. Stanton tried to do what he told the Authority that he would do, which, basically, was to empty the entire area of vessels. Mr. Doody explained that Capt. Stanton seems to have come to the realization that the expectation of accomplishing this so far in advance of a hurricane is impractical and that ultimately there will be vessels inside of the IHNC and GIWW. The Coast Guard, the USACE, the Authority and other governmental entities will have to work together to come up with a plan to make the area as safe as possible. Mr. Doody stressed that the Authority must be aware of the procedures and cautions that will be taken.

## **COMMITTEE REPORTS:**

### **Finance Committee:**

Mr. Estopinal advised that the Finance Committee did not hold a meeting in the month of December.

### **Operations Committee:**

Mr. Wittie reported that the Operations Committee met on December 10<sup>th</sup> and considered the following items:

- Information was provided by John Greishaber with the USACE on the soils testing being conducted by the USACE at the borrow pits and levee embankments.
- The substitution of an additional metal section in lieu of coal tar epoxy coating on sheetpile was discussed. The USACE will provide additional information to Robert Turner, SLFPA-E Regional Director, on this issue. Mr. Turner added that he received some information from the USACE. He then made some sketches and returned the information to the USACE, the Mississippi Valley Division and ERDC. This issue has not yet been resolved.
- The bids received by the Orleans Levee District (O.L.D.) for the Safehouse/IT/EOC build out in the Franklin Warehouse Facility were discussed. Eight bids were received that were close in range, but exceeded the engineering estimate. The Committee determined that items should not be deleted from the plans in order to try to lower the cost of the project and that the contract should be awarded to the lowest responsible bidder.
- The monthly status reports were presented by each of the levee districts.

Mr. Losonsky informed the Board that Mike Merritt with the West Authority is receiving all of the cores collected by the USACE on the West Bank. The West Authority will provide the cores to the Louisiana Geological Survey, which is undertaking an important project from a regional standpoint—the first 30 by 60 minute quadrangle geologic map of the State of Louisiana. He stated that the USACE will be requested to release the cores to the East Authority once the testing is completed for the areas under its jurisdiction so that the cores can be provided to the Louisiana Geological Survey.

Colonel Robert Sinkler, Commander of the USACE Hurricane Protection Office (HPO), provided the Board with a copy of the USACE map indicating the Initial Contract Award Status for 100 Year Perimeter Protection. He stated that it is important that the USACE gets its contracts out the door in 2009 in order to achieve the 100 year level of risk reduction by 2011. Ten contracts will be awarded in January, 2010. Some real estate issues still need to be resolved in connection with several of the contracts.

Colonel Sinkler also provided a copy (CD) of a video on the IHNC Hurricane and Storm Damage Risk Reduction System. He explained that the video addresses some of the misunderstandings about how the IHNC subsystem works and fits into the larger system. The IER (Individual Environmental Report) is currently out for public review

and the USACE would like to receive all comments by January 6<sup>th</sup>. Mr. Barry stated that the Coastal Restoration and Protection Authority (CPRA) received a presentation by some of the property owners along the Industrial Canal who were concerned that their property would be flooded when the gates are closed. Colonel Sinkler explained that a misunderstanding had developed that the area would be flooded to an eight foot level several times a year. He advised that the USACE laid out the hydrologic modeling and historical records at a meeting last week for the LED and Port Authority representatives who seemed satisfied with the information presented. A table is included in the IER with a worst case scenario where the Seabrook Gate would be closed occasionally to reduce some of the water velocities that support some of the navigation industry's concerns. However, the water level would be raised no more than a foot each time the gate would be closed for that purpose, which is well within the current normal fluctuations.

Mr. Goins asked whether the elevation of the coffer dam, which is two feet lower than the lakefront flood protection, should be raised. Colonel Sinkler advised that the elevation in the plans for the coffer dam is 11-feet based on the hydraulic modeling. The elevation of 13-feet for the lakefront levee takes into consideration subsidence and other matters. The number that had met of all the hydraulic tests was 11-feet. The Katrina still water elevation based upon the IPET report was about 11.4-feet at that location. The USACE is comfortable with the planned height of the coffer dam; however, he stated that if anyone would like the USACE to look further into this issue, it would do so.

#### **Legal Committee:**

Mr. Goins reported that the Legal Committee met on December 16<sup>th</sup> and approved legal invoices. He advised that the Committee is still working on a reporting format so that it can be informed about the status of each legal case. He recommended that Mr. Lacour and the Legal Committee be given the authority to approve the settlement of litigation up to a certain dollar amount. Mr. Doody requested that the Legal Committee come back to the Board with a recommendation that could be acted on relative to the settlement of litigation.

#### **Special Issues Committee:**

Mr. Jackson advised that the Committee did not meet during the month of December.

#### **Intergovernmental Affairs:**

Mr. Barry reported that he has been in contact with the staff and principals of the Gulf Coast Interagency Task Force. Extensive discussions have taken place on projects that are particularly relevant to the Authority. He stated that he did not sense that there would be any significant new money in the next budget for coastal restoration. The goal of the Task Force primarily seems to be to rationalize the process and to rate the different agencies. Garrett Graves, CPRA Chair, has been advocating the idea of combining the mitigation funds for projects in order to do a substantial mitigation project

in lieu of small mitigation projects. The beneficial use of dredge material is also being considered. Mr. Barry stated that he brought up the concept of creating a commission similar to the Base Closing Commission for all water projects. He discussed the problems involved in trying to achieve an authorization in a WRDA bill. The Base Closing Commission recommends a package to the Congress, which is voted up or down, and is independent of OMB. He stated that he did not know the reaction of the Task Force to the proposed commission. Mr. Barry explained that he raised the issues of the construction of T-walls on the West Bank versus I-walls on the East Bank, the cost share credit for the New Orleans Lakefront seawall and the property between the seawall and the levee, and revisiting the local cost share for projects in Louisiana for the repair of damage caused by things that are not local in nature. He cited the example of the GIWW, which was built for national security, serves a national security purpose and benefits Texas and Florida more than it benefits Louisiana. He stated that only \$6 million was included in the last Federal budget for future coastal restoration projects. According to Mr. Graves, Louisiana needs five to six billion dollars for coastal restoration.

Mr. Barry advised that the CPRA has taken the lead on the issue of beneficial use of dredge materials and has formally brought a complaint to the Secretary of the U.S. Department of Commerce. The CPRA found that several districts of the USACE use a different interpretation of the regulations in terms of costs, which, if used by the USACE New Orleans District, would satisfy the CPRA and the Authority. Colonel Sinkler stated that the issue is Congressional authority and funding. He advised that the USACE agreed that it would deliver dredged material to where the State wanted it if the State would pay the additional costs. He stated that there are multiple interpretations of the regulations; however, much of this has to do with the type of dredge being used. He suggested that this could be changed legislatively and that the Congress could determine that all or a portion of the dredged material would be used for eco-system restoration because of the benefits to the local environment. Colonel Sinkler also stated that there is a potential for looking at some of the authorities on the books regarding the Mississippi River Delta to support some of this effort. Mr. Barry stated that from Louisiana's perspective an authority problem does not exist because the interpretation used by the other districts would allow this effort in Louisiana, and that the State does not want to pay the costs, not only because of a lack of money, but because of principles and precedents.

#### **REGIONAL DIRECTOR'S REPORT:**

Mr. Turner reviewed the Regional Director's Report (copy appended to minutes).

Mr. Turner advised that a meeting was held yesterday with USACE personnel to finalize the details for the Hydrology and Hydraulics (H&H) Workshop. The H&H Workshop is anticipated to be held during the last week of January. Mr. Turner asked the Commissioners provide several questions that they would like answered or addressed in the Workshop. He suggested that the Workshop's last segment address any additional workshops that the Board may desire on technical issues.

Mr. Barry asked Colonel Sinkler about the possibility of directing sediment to the LaBranche Wetlands should the Bonnet Carre Spillway be opened next spring. He pointed out that General Walsh was extremely receptive to this idea two years ago. Mr. Doody added that it was hoped that guide levees could be constructed to redirect the water flow from the spillway to the LaBranche Wetlands in order for the sediment to be deposited in the wetlands. Colonel Sinkler explained that the National Weather Service usually makes a 90 day forecast or projection in February, which is used to help determine what will happen in the Mississippi Valley. He pointed out that Colonel Lee is responsible for operating and maintaining the Bonnet Carre Spillway; however, he would discuss this matter with Colonel Lee. Mr. Turner pointed out that the opening of the Bonnet Carre Spillway will impact some of the construction projects and stated that he hoped that there are plans in place to stockpile borrow material in order to keep the construction projects going.

Mr. Losonsky requested that lab permeability tests be conducted of the soils in the uppermost levee lift of Reach 4 in the seepage area so that a comparison can be done with other areas and in order to specifically identify what is causing this situation.

Mr. Goins asked the reason for installing sheetpile at the location about 4,000 feet south of the Seabrook Bridge (LPV 117). Stevan Spencer, SLFPA-E Regional Chief Engineer, explained that the USACE was originally going to put relief wells in this location; however, there were problems with the underground collection lines, such as going under railroad tracks, which increased costs, time and coordination. Therefore, sheetpile will be used as a cutoff wall on the protected side in order to control seepage. Mr. Turner added that 50-ft. long sheetpile will be used. Mr. Goins was advised that he would be provided with a copy of the plans.

Mr. Goins requested a matrix of the numbers that the USACE is giving to the designers that would include the existing capacities of the S&WB pump stations at the outfall canals and their future capacities, along with the water elevations in the canal with those pumping capacities. He explained that he would like to determine whether the water can physically be pumped at those capacities and conveyed in the canal and, if not, the causes of any limitations. Mr. Jackson commented on the insufficiency of the old design frequency storm databases for interior drainage for current use.

Mr. Goins expressed concern relative to the maintenance of the grout that is being used between the IHNC surge barrier piles. Mr. Turner pointed out that the entire structure will be maintenance intensive. The USACE is using a special grout that was formulated for the IHNC Surge Barrier Project.

Mr. Doody advised that a request was submitted through the WRDA process for the USACE to be charged with the operation and maintenance (O&M) of the IHNC Surge Barrier Project. It is hoped that this request can be worked through the WDRA process by the project's completion. Mr. Barry added that he raised the issue of the IHNC Surge Barrier O&M with the Gulf Coast Interagency Task Force. Colonel Sinkler commented

that the USACE understood the enormous O&M workload that this project will require. He advised that some of the navigation interests, as well as others with interests in the system, are attempting to pursue funding from the Federal government for the O&M of the IHNC Surge Barrier Project. Mr. Barry pointed out that the gates provide holes in the flood control structure for interstate and international commerce, which is not a responsibility of the levee districts. Mr. Doody stated that the estimate for maintaining the IHNC Surge Barrier Project is between \$600,000 and \$800,000 per annum.

### **RESOLUTION #12-17-09-02 - APPROVAL OF REVISED BYLAWS**

A motion was offered by Mr. Wittie and seconded by Mr. Estopinal to approve the revised Bylaws with the following changes:

- Page 2 - §4 – Qualifications and Appointment of Board Members – to change the phrase “at the pleasure of the Governor” to “as provided by law”.
- Page 3 - §7 – Powers and Duties of the Board (6) – to change the wording “educational training program conducted by the State of Louisiana Department of Transportation and Development” to “an approved educational training program”.

Mr. Pineda asked whether the authority to hire engineering consultants should be included on Page 12 - §3 Engineers. Mr. Lacour replied that the authority to hire engineering consultants does not need to be included in the Bylaws since the Board’s general charge is to do whatever is necessary to build, construct and maintain levees, which may include the hiring of engineering consultants. Mr. Doody asked that Mr. Lacour look further into this issue. He added that, if required, the Bylaws could be amended at a later date to address this matter.

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

**WHEREAS**, the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approved and adopted Bylaws for the operation of the Authority on May 17, 2007; and

**WHEREAS**, the membership of the SLFPA-E Board of Commissioners and the territory under its jurisdiction were altered by the removal of St. John the Baptist and St. Charles Parishes under Act 521 of the 2009 Regular Session of the Louisiana Legislature; and

**WHEREAS**, a revision of the Bylaws was necessary to provide for the aforementioned legislated changes and to provide for more effective and efficient operation; and

**WHEREAS**, written notice of the intent to revise the Board’s By-laws was given by placement on the agenda for the regular Board Meeting held on November 19, 2009 and the revisions were distributed to the members of the Board.

**BE IT HEREBY RESOLVED**, that the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East approves the revised Bylaws \*attached hereto and made a part hereof.

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

\*appended to minutes

### **RESOLUTION #12-17-09-03 – APPROPRIATION OF SERVITUDE**

Mr. Lacour advised that he and Irys Allgood, Assistant Attorney General, reviewed this matter. No adverse ramifications have resulted from the previous appropriations by the Board. The USACE construction project for which this servitude is required is time sensitive.

On the motion of Mr. Wittie,

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

A resolution providing for the appropriation under the Constitution and Laws of the State of Louisiana of a permanent servitude over Parcel No. 4-2 from the National Center for Wetlands Education for the benefit of the Orleans Levee District for the building of levees and other water control structures including the repairing of hurricane protection levees on the alignment approved by the U. S. Army Corps of Engineers.

**WHEREAS**, the U. S. Army Corps of Engineers has determined that certain lands, easements, servitudes and rights-of-way situated in the Parish of Orleans owned by the National Center for Wetlands Education are required for the construction of the Lake Pontchartrain and Vicinity, Hurricane Protection Project, Orleans Parish, LPV 109.02a, South Point to CSX Railroad Levee, as shown on COE Map File No. H-8-47066, dated May 5, 2009, Sheet Identification No. R-024 as more particularly shown on a Right of Way map prepared by C. Randall Dixon, Krebs, LaSalle, LeMieux Consultants, Inc., Registered Land Surveyor, dated July 24, 2009, LPV 109.02a, South Point to CSX Railroad, New Orleans East Bank Levee, sheet 4 of 15; and

**WHEREAS**, the Louisiana Coastal Protection and Restoration Authority as the non-federal sponsor has the responsibility for providing all lands, easements, servitudes and rights-of-way determined by the U. S. Army Corps of Engineers to be required for the construction of the Lake Pontchartrain and Vicinity, Hurricane Protection Project; and

**WHEREAS**, the Orleans Levee District, pursuant to legislation and a delegation and grant of authority by the Louisiana Coastal Protection and Restoration Authority, has the responsibility of acquiring of such lands, easements, servitudes and rights-of-way with funds furnished by the Louisiana Coastal Protection and Restoration Authority.



**Section 1. Be It Resolved**, by the Board of Commissioners for the Southeast Louisiana Flood Protections Authority-East, that a permanent servitude over the following described property on the alignment approved by the U. S. Army Corps of Engineers is hereby appropriated for the benefit of the Orleans Levee District in accordance with the provisions of the Constitution and Laws of the State of Louisiana for the building of levees and other water control structures including the repairing of hurricane protection levees:

Parcel No. 4-2:

One certain parcel of land designated as Lot 25, Irish Bayou Subdivision, Section 8 and Lots 1, 2 and a portion of Lot 3, Irish Bayou Subdivision, Section 9, together with all the buildings and improvements situated wholly or partially thereon and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Third District, City of New Orleans, Orleans Parish, State of Louisiana, Section 1, Township 11 South, Range 13 East, and being more fully shown as Parcel 4-2 on a Right of Way map prepared by C. Randall Dixon, Krebs, LaSalle, LeMieux Consultants, Inc., Registered Land Surveyor, dated July 24, 2009, LPV 109.02a, South Point to CSX Railroad, New Orleans East Bank Levee, sheet 4 of 15 and is more fully described as follows:

BEGIN Levee Baseline station 763+20.44, 79.15' right, said point having Louisiana State Plane Coordinates, South Zone of X=3,744,433.46 and Y=593,439.71, said point lies on the west right of way line of U.S. Highway 11; thence S 06°57'19" E a distance of 176.99 feet to a point; thence S 87°05'14" W a distance of 120.30 feet to a point; thence N 06°57'19" W a distance of 168.51 feet to a point; thence S 83°02'41" W a distance of 120.00 feet to the Point of Beginning. The coordinate values, bearings, and distances used herein are referenced to the North American Datum of 1983 (NAD83), Louisiana State Plane Coordinate System, South Zone, U.S. Survey Feet. Said parcel contains 0.476 acres.

**Section 2. Be It Further Resolved**, that (A) this resolution shall be published in the official journal of the Orleans Levee District and in the official journal of the parish where the property is located; (B) a certified copy of this resolution be sent to the public records and assessment records owner by certified mail return receipt within five (5) days of adoption; and (C) a certified copy of this resolution be registered in the conveyance records of the parishes where the property is located and the domicile of this Board.

**Section 3. Be It Further Resolved**, that a copy of Corps of Engineers Map File No. 4-2 referenced above shall be kept on file in the offices of the Orleans Levee District for the review and copying by any affected property owner or any other interested person.

**Section 4. Be It Further Resolved**, that the compensation due the affected owner as determined in accordance with applicable law shall be paid within one year of the date of this resolution.

**Section 5. Be It Further Resolved**, that the employees and contractors of the Orleans Levee District take all necessary or appropriate action, including obtaining appraisals of the property, to carry out the above resolutions.

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

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

NAYS: None

ABSENT: None

**RESOLUTION #12-17-09-04 - EJLD WORKERS COMPENSATION, INLAND MARINE AND LAW ENFORCEMENT LIABILITY**

Hardie Edgecombe with Arthur J. Gallagher Risk Management Service, Inc. advised that there has been a 10 percent reduction in the Workers Compensation Insurance rates. There was a slight reduction in the rate for Law Enforcement Liability Insurance coverage, which is being renewed with the current carrier, Indian Harbor. The line-of-duty death endorsement was added to this coverage. A quote of \$12,328 was received from the expiring carrier for Inland Marine Insurance coverage with a \$10,000 deductible. He pointed out that the terms of the expiring carrier were not good and that coverage for wind and flood was excluded. The quote from Fireman's Fund is for an all perils policy, including wind and flood coverage, with a \$5,000 deductible.

On the motion of Mr. Estopinal,

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

**WHEREAS**, the East Jefferson Levee District's (EJLD) Workers Compensation, Inland Marine and Law Enforcement Liability Insurance coverages will expire on January 1, 2010; and

**WHEREAS**, Louisiana Workers Compensation Corporation has offered to renew said coverage at an estimated annual premium of \$88,618, Fireman's Fund has offered terms on said coverage at a premium of \$15,820, and Indian Harbor has offered to renew said coverage at a premium of \$45,683.40 through the Arthur J. Gallagher Risk Management Service, Inc.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the procurement of Workers Compensation Insurance coverage from Louisiana Workers Compensation Corporation, Inland Marine Insurance Coverage from Fireman's Fund, and Law Enforcement Liability Insurance coverage from Indian Harbor for the EJLD for the period January 1, 2010 through January 1, 2011.

**BE IT FURTHER RESOLVED**, that the EJLD Executive Director or the SLFPA-E Regional Director are hereby authorized to execute any and all documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: None

**RESOLUTION #12-17-09-05 - FRANKLIN AVENUE FACILITY  
SAFEHOUSE/IT/EOC BUILD OUT**

Gerry Gillen, O.L.D. Executive Director, advised that eight bids were received. He recommended that a contract be awarded to the lowest bidder, J.C. Patin Group, LLC.

Mr. Doody recognized Mr. Jackson and the Operations Committee for their efforts on this project. He commented on the significance of awarding a contract for this project, which upon completion will provide safe housing for levee district employees.

On the motion of Mr. Wittie,

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

**WHEREAS**, the Orleans Levee District (O.L.D.) is in need of a safehouse to protect its employees from hurricane winds and flooding; and

**WHEREAS**, the Franklin Avenue Facility Safehouse/IT/EOC Build Out Project was advertised and eight bids were received; and

**WHEREAS**, the lowest responsive bid was received from the J. C. Patin Group, LLC, in the amount of \$2,373,000; and

**WHEREAS**, funds for this project are available from the approved FY 2010 Major Maintenance Capital Improvement Budget.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the award of a contract in the amount of \$2,373,000 to the J. C. Patin Group, LLC, and the establishment of a budget in the amount of \$2,600,000 to include contingencies, for the Franklin Avenue Facility Safehouse/IT/EOC Build Out Project.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is hereby authorized to execute a contract in the amount of \$2,373,000 with the J. C. Patin Group, LLC, and to execute any and all documents necessary to accomplish the above.

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

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

NAYS: None

ABSENT: None

## **RESOLUTION #12-17-09-06 - FLOODGATE REPAIRS**

Mr. Gillen advised that five companies received copies of the plans and specifications; however, only two bids were received. The lowest bidder had to be disqualified because he was not licensed in the proper classification for this work. This project is the first phase of the flood gate repairs. A second phase will be placed out for bid in the next fiscal year.

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

**WHEREAS**, the seals and sill plates need to be replaced on twelve floodgates (Gates W-1, W-2, W-3, W-13, W-17, W-18, W-19, W-25B, W26, E-1, E-8 and E-11) due to age and damage; and

**WHEREAS**, the Floodgate Repair Project was advertised and two bids were received; and

**WHEREAS**, the lowest responsive bid was received from Industrial and Mechanical Contractors, Inc., in the amount of \$108,960; and

**WHEREAS**, funds for this project are available from the approved FY 2010 Major Maintenance Capital Improvement Budget.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the award of a contract in the amount of \$108,960 to Industrial and Mechanical Contractors, Inc., and the establishment of a budget in the amount of \$125,000 to include contingencies, for the Floodgate Repair Project.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is hereby authorized to execute a contract in the amount of \$108,960 with Industrial and Mechanical Contractors, Inc., and to execute any and all documents necessary to accomplish the above.

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

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

NAYS: None

ABSENT: None

## **RESOLUTION #12-17-09-07 - ORLEANS LEVEE DISTRICT RENEWAL OF HEALTH CARE, VISION CARE AND DENTAL CARE PLAN RENEWALS**

Mr. Gillen explained that there was a 5.6 percent increase in premium for renewal of the current United Health Care plan. He recommended approval of the United Health Care plan option that was offered at a 1.8 percent increase in premium, which increases co-payments and reduces the out-of-pocket expenses.

Mr. Doody advised that there was a great deal of discussion on health insurance coverage at the Finance Committee meeting held in November. He commented that plan design changes are needed from time-to-time to recognize the increase in cost of health care coverage. Mr. Gillen advised that the employees were satisfied with United Health Care. There will be no additional premium contribution by employees. Mr. Spencer asked that the Authority look into the discrepancy between levee districts relative to the contribution by employees towards health care coverage. Mr. Doody pointed out that a part of this issue is that the groups are individually rated; however, this matter would be reviewed.

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

“A resolution to authorize the renewal of the Orleans Levee District’s Health Care Plan with United Health Care, the renewal of the Vision Care Plan with United Health Care and the renewal of the Dental Plan with Crescent Dental through the Besselman Little Agency”.

**WHEREAS**, the Orleans Levee District’s (O.L.D.) Health Care Plan, Vision Care Plan and Dental Care Plan will expire on December 31, 2009; and

**WHEREAS**, renewal quotes were submitted by United Health Care for the Health Care and the Vision Care Plans, and by Crescent Dental for the Dental Care Plan through the Besselman Little Agency; and

**WHEREAS**, renewals of the aforementioned plans have been offered through the Besselman Little Agency for a term of one year commencing on 1/01/10 and ending on 12/31/10, as follows:

- The United Health Care Plan “M6-O” is offered at a 1.8% increase in premium at an estimated annual apportioned cost of \$1,666,876.20 to the O.L.D. Flood Assets Division, with an estimated portion of \$363,774.00 of the aforesaid premium to be paid by employees/retirees;
- The United Health Care Vision Plan is offered at an estimated annual apportioned cost of \$9,081.60 to the O.L.D. Flood Assets Division; and
- The Crescent Dental Care Plan is offered at an estimated apportioned annual cost of \$36,352.80 to the O.L.D. Flood Assets Division.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of the United Health Care Plan “M6-O” at an estimated annual apportioned premium of \$1,666,876.20, with an estimated portion of \$363,774.00 to be paid by the employees and retirees, the renewal of the United Health Care Vision Plan at estimated premium of \$9,081.60, and the renewal of the Crescent Dental Care Plan at an estimated annual apportioned premium of \$36,352.80 through the Besselman Little Agency for a period of one year commencing on 1/01/10 and ending on 12/31/10

**BE IT FURTHER RESOLVED**, that O.L.D. Executive Director is authorized to execute any and all documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: None

**RESOLUTION #12-17-09-08 – LEVEE UTILITY RELOCATIONS**

Mr. Gillen advised that it is beneficial both from a cost and time perspective for the USACE’s contractor to perform the levee district’s utility relocations during the course of construction. The designs for the relocations have been included in the construction bid documents; however, the USACE must receive the funds for the relocations before the projects can be advertised. An agreement must be executed in order to allow the flow of funds between the O.L.D. and the USACE. The costs indicated in the resolution are estimates and will be adjusted in accordance with the actual costs.

Mr. Lacour clarified that a right-of-entry will be provided to the USACE for the contractor to do the relocations during the construction of the flood protection project and the levee district will pay the estimated relocation costs in advance to the USACE.

Mr. Wittie stated that this matter was discussed in the Operations Committee meeting and that the Committee recommended approval of the resolution.

On the motion of Mr. Barry,

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

**WHEREAS**, the Orleans Levee District (O.L.D.) is responsible for the relocation of Lake Pontchartrain and Vicinity utilities for the U.S. Army Corps of Engineers (USACE) Levee Enlargements; and

**WHEREAS**, the O.L.D. requested that the USACE design and contract the O.L.D. utility relocations with the levee enlargement construction contractors so as to avoid coordination conflicts; and

**WHEREAS**, the USACE has requested that the O.L.D. pay for the estimated utility relocations costs prior to USACE advertisement of the projects.

**BE IT HEREBY RESOLVED**, that the O.L.D. execute an agreement with the USACE to compensate the USACE levee enlargement contractors for the following projects:

LPV 101.02	17 <sup>th</sup> Street Canal to Topaz Street	\$ 162,424.95
LPV 105.01	Lakefront Airport East T-Wall	\$ 63,407.00
LPV 105.02	Lakefront Airport West T-Wall	\$ 1,740,890.00
LPV 107	Lincoln Beach T-Wall	\$ 173,923.00

**BE IT FURTHER RESOLVED**, that additional funds may be requested by the USACE for the actual bid or field change orders over the above estimates.

**BE IT FURTHER RESOLVED**, that the 2010 Special Levee Improvement Project (SLIP) Fund be increased from \$500,000 to \$1,700,000 for the required transfer of estimated funds and future increases be authorized to settle actual bid or field change orders.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director or SLFPA-E President are hereby authorized to execute any and all documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: None

#### **RESOLUTION #12-17-09-09 - LBBLD WORKERS COMPENSATION INSURANCE**

Mr. Edgecombe advised that the Lake Borgne Basin Levee District's (LBBLD) mod decreased from 1.07 to 1.04 due to a good loss history and that a loss control meeting was held with LWCC representatives and LBBLD staff. Rates were reduced 20 percent.

On the motion of Mr. Estopinal,

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

**WHEREAS**, the Lake Borgne Basin Levee District's (LBBLD) Workers Compensation insurance coverage will expire on December 31, 2009; and

**WHEREAS**, Louisiana Workers Compensation Corporation has offered to renew said coverage at an estimated annual premium of \$87,126.00 through the Arthur J. Gallagher Risk Management Service, Inc.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the procurement of Workers Compensation insurance coverage for the LBBLD from Louisiana Workers Compensation Corporation for the period December 31, 2009 through December 31, 2010.

**BE IT FURTHER RESOLVED**, that the LBBLD Executive Director or the SLFPA-E Regional Director are hereby authorized to execute any and all documents necessary to carry out the above.

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

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

NAYS: None

ABSENT: None

**EXECUTIVE SESSION:**

- 1. East Jefferson Levee District expropriation or appropriation of land for LPV 03.2A, West Return Levee**
- 2. Reviewing options for relocations at Lakefront Airport and Lakeshore Drive.**

A motion was offered at 12:00 p.m. by Mr. Barry, seconded by Mr. Losonsky and unanimously adopted, for the Board to meet in Executive Session to discuss the items listed on the agenda.

A motion was offered by Mr. Goins, seconded by Mr. Losonsky and unanimously adopted, for the Board to reconvene in regular session at 1:22 p.m.

Mr. Doody announced that the next regular Board meeting would be held on January 21, 2010 at the East Bank Regional Library.

There was no further business; therefore, the meeting was adjourned at 1:22 p.m.



**BY-LAWS OF THE BOARD OF COMMISSIONERS OF THE SOUTHEAST  
LOUISIANA FLOOD PROTECTION AUTHORITY-EAST**

**PREAMBLE**

The Southeast Louisiana Flood Protection Authority-East (hereinafter "Authority") is a regional flood protection authority established as a political subdivision and levee district pursuant to Article VI, Sections 38 and 38.1 of the Constitution of Louisiana and Acts 2006, 1st Extraordinary Session, No. 1 of the Louisiana Legislature.

The Board of Commissioners (hereinafter "Board") is created and receives its present authority pursuant to said Act 1, effective on and after January 1, 2007.

The Board is mandated by law to adopt bylaws, rules and regulations for the management of its affairs, operation and governance of the flood protection authority, and for the carrying into effect and perfecting of a comprehensive levee system, having as its object the protection of the entire territory of the Authority from overflow.

**ARTICLE I  
DEFINITIONS**

For the purposes of these Bylaws, the following terms have the meaning ascribed to them by this Article, except where the context clearly indicates otherwise:

(1) "Board of Commissioners" or "Board" means the group of board members appointed to exercise authority over and have management, oversight, and control over the territories of the Southeast Louisiana Flood Protection Authority-East.

(2) "Board member" means a person appointed by the Governor of the State of Louisiana to serve as a member of the Southeast Louisiana Flood Protection Authority-East.

(3) "Business day" means a calendar day which is not a Saturday, Sunday or statutory holiday or half-holiday under LA R.S. 1:55.

(4) "Southeast Louisiana Flood Protection Authority-East" or "Authority" means that regional flood protection authority established as a political subdivision of the State and levee district which includes the territories, lands and all property thereon situated, not exempt from taxation, as provided by law of the following levee districts and parishes: East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, St. Tammany Levee District, and Tangipahoa Levee District.

**ARTICLE II  
COMPOSITION, OFFICIAL DOMICILE, LOGO AND SEAL**

**§1. Composition**

The Southeast Louisiana Flood Protection Authority-East is created and composed of the Board of Commissioners and its officers and staff.

**§2. Official Domicile**

The domicile of the Authority shall be 6508 Spanish Fort Blvd., New Orleans, Louisiana, 70124 or at such other place in the territorial jurisdiction of the Authority, as the Board may designate by Resolution from time to time.

**§3. Offices**

The Board may also maintain branch offices within its territorial jurisdiction.

**§4. Logo and Seal**

The Board may adopt a logo and an appropriate seal. The seal may be used by causing it to be affixed to or reproduced on any instrument entered into by the Board. Failure to affix the seal shall not, however, affect the validity of any instrument.

**ARTICLE III  
BOARD OF COMMISSIONERS**

**§1. Authority**

The Board is the governing body of the Authority and shall exercise all authority over and have management, oversight, and control of the territories of the East Jefferson Levee District, Lake Borgne Basin Levee District, the Orleans Levee District, the St. Tammany Levee District, and the Tangipahoa Levee District.

The Board is the successor to the boards of commissioners of the East Jefferson Levee District, Lake Borgne Basin Levee District, and the Orleans Levee District.

**§2. Jurisdiction**

The Board's jurisdiction is all of the lands and all property thereon situated, as more particularly described in Article 3, Section 1 above.

**§3. Number of Board Members**

The number of Board members is fixed by law at nine (9).

**§4. Qualifications and Appointment of Board Members**

The qualifications to serve as a board member are fixed by law. Board members are appointed by the governor from nominations submitted by the nominating committee and serve as provided by law. They are subject to confirmation by the Senate.

**§5. Terms of Office**

All board members hereafter appointed, unless appointed to fill an unexpired term, shall be appointed for terms of four (4) years. No board member shall serve more than two (2) consecutive four-year terms. Terms begin July 1<sup>st</sup> and end June 30<sup>th</sup>.

## **§6. Removal**

Board members may be removed by the Governor in the case of neglect of duty or failure to attend, without good cause, three (3) successive regular meetings, upon request of the board.

## **§7. Powers and Duties of the Board**

The Board is charged with the responsibility of managing the business of the Authority and shall have the powers and duties as provided by law. The mandatory powers and duties of the Board, include the following:

- (1) Adopt bylaws for management and regulation of its affairs.
- (2) Devise and adopt rules and regulations for the carrying into effect and perfecting of a comprehensive levee system, having for its object the protection of the territory within the Authority from overflow.
- (3) Keep a record of all its proceedings;
- (4) Examine all of the accounts and operations of the Board and determine in what manner work shall be undertaken;
- (5) Control all public levees of the Authority;
- (6) Attend once during his or her term of office an approved educational training program;
- (7) Care for and inspect levees within the territorial jurisdiction of the Authority;
- (8) Manage all obligations and business of the East Jefferson Levee District, Lake Borgne Basin Levee District, and Orleans Levee District;
- (9) Administer the proceeds of all taxes collected on all property taxed in Jefferson, Orleans, and St. Bernard Parishes within the territorial limits of the Authority and any other revenues from operations of levee districts for the purposes of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection and for all other purposes incidental thereto, except as provided by law;
- (10) Use and expend the proceeds of taxes and revenues received by the Authority or a levee district only for a purpose of the Authority or levee district where the tax is levied or revenue collected;
- (11) Establish and maintain separate accounts in the name of the Authority or levee districts to deposit taxes levied and collected; commingling of funds in such accounts is prohibited.

## **§8. Remuneration to Board Members**

1. Board members shall receive no compensation other than per diem, mileage, and travel reimbursement, as provided in Subsections B, C, and E of this Section.

2. Per Diem. Board members shall receive a per diem equal to the rate allowable for per diem deduction under Section 162(h)(1)(B)(ii) of Title 26 of the United States Code for their attendance at regular, special and committee meetings, not to exceed two meetings per month.

3. Mileage. In addition to per diem, each board member shall be paid a mileage allowance for travel going to and from their residence or customary place of business equal to the rate established as the standard mileage rate for business travel and for purposes of Section 162(a) of Title 26 of the United States Code in addition to the per diem equal to the rate allowable for per diem deduction under Section 162(h)(1)(B)(ii) of Title 26 of the United States Code to attend any of the following activities conducted within the State of Louisiana:

- (a) Regular, special and committee meetings of the Authority;
- (b) Meetings with federal, state or local elected or appointed officials;
- (c) Meetings with employees of levee districts within the jurisdiction of the Authority;
- (d) Meetings with legal counsel regarding legal matters related to assets and liabilities of the levee districts within the jurisdiction of the Authority or related to the operations of the Authority;
- (e) Conducting Authority business at the domicile or branch office of the Authority;
- (f) Attending educational seminars and conferences; and
- (g) Attending meetings with other levee boards or districts.

4. Expense reports shall be submitted to the Treasurer or his designee detailing expenses incurred, including receipts for other travel expenses and purpose of the incurred expenses within forty-five (45) days from the end of the month in which the expense was incurred.

5. Specific authorization for payment by the Regional Director of mileage and travel expenses for Authority business activities not listed above shall be required and may be made retroactively under appropriate circumstances.

6. Travel expenses shall be paid in accordance with Louisiana Office of State Purchasing and Travel PPM 49, as modified by the Board from time to time.

## **§9. Meetings**

### **A. Types of Meetings**

Meetings of the Board are designated as regular, special, or emergency.

#### (1) Regular Meetings

(a) The Board shall hold its regular monthly meeting on the third Thursday of every month, except that November meetings will be held on the Thursday prior to Thanksgiving, at such time and place as designated by the Board's President, unless established by the Secretary or his designee that a quorum will not be present. The

regular meeting may be held on another day of the month as determined by a majority vote of the total present voting membership of the Board.

(b) The regular meetings of the board shall be convened on a rotating basis in a levee district under the jurisdiction of the authority. The Board shall give public notice of its schedule of regular meetings including time, date, and place at the beginning of the calendar year.

(2) Special Meetings

(a) Special meetings may be convened at any time upon the call of the President or Secretary, or upon written request by three Board members. The special meeting shall be convened at the time and place contained in said written request.

(b) Public notice of the time, place, specific purpose and agenda of a special meeting shall be given in the same manner as provided for regular meetings.

(c) When, in the opinion of the President, there is not sufficient time to give written notice of a special meeting to board members, the President may authorize the Secretary to verbally notify board members, by phone or in person, of the time, place, specific purpose and agenda of the special meeting. Only matters pertaining to that specific purpose and agenda shall be discussed or acted upon at that special meeting. Such verbal notice, when authorized, shall be given personally by the Secretary to each board member at least twenty-four (24) hours prior to such meeting. The Secretary shall keep a written record of the date, time and manner in which each Commissioner was notified. When verbal notice is authorized, the Secretary shall make a good faith effort to notify each board member; however, the inability of the Secretary to so notify all Commissioners shall not invalidate the call of the special meeting. Notice shall be deemed to have been given to, or waived by, any Commissioner present at any such meeting.

(d) Except as otherwise provided herein, all of the provisions pertaining to regular meetings shall apply to special meetings.

(3) Emergency Meetings

(a) The board may hold meetings in cases of emergency. Cases of emergency shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude.

(b) Emergency meetings may be called by the President or, in his absence, the Vice President. In the absence of the President and the Vice President, an emergency meeting may be called by any Board Member.

(c) Verbal notice of emergency meetings is specifically authorized. Verbal notice may be given by the person calling the meeting or his designee. The person notifying each Commissioner shall note the date, time and manner in which each Commissioner was notified and keep a record of same. Commissioners need only be given as much prior notice as the emergency conditions causing the call of the meeting may allow.

(d) Written notice of an emergency meeting is not required; however, the public shall be given such notice as is deemed appropriate and circumstances permit by the person calling the emergency meeting.

(e) As soon as practicable, the person calling an emergency meeting shall notify the Secretary as to the date, time and place any emergency meeting was held, the purpose of the meeting, the names of the Commissioners present, the matters brought before the Board at the meeting and the vote of each member as to each such matter. The Secretary shall reduce this information to writing and provide all Commissioners with a copy of same. One copy signed by each Commissioner present at the emergency meeting shall be inserted by the Secretary in the minute book.

(f) Only matters which directly relate to the emergency condition which gave rise to the call of the meeting may be properly brought before the board at an emergency meeting.

(g) Unless otherwise specifically provided herein, all of the provisions for special meetings shall apply to emergency meetings.

## **B. Open Meetings**

All meetings of the Board or any Committee thereof shall be conducted in conformity with the Louisiana Open Meetings Law, and every meeting shall be open to the public unless closed pursuant to the executive session guidelines.

The public shall be notified as to the time, date and place and agenda of all meetings and any matter which will be discussed in executive session.

## **C. Agenda**

All requests that an item be placed on the regular agenda shall be made by a Board member, executive director of a levee district in the Authority's territory, or Regional Director, if any. Any of them desiring that a matter be placed on the agenda shall advise the Board secretary not later than seven (7) business days prior to the regular meeting; and the Board secretary shall cause such matters to be placed on the agenda.

Written notice of the time, place and agenda of regular meetings shall be sent to each board member via U.S. or electronic mail not later than forty-eight (48) hours prior to each such meeting. Notice shall be deemed to have been given to, or waived by, any board member who is present at any such meeting.

By motion unanimously approved by the members present, a matter may be added to the agenda. The matter shall be identified in the motion with reasonable specificity, including the purpose for the addition to the agenda. The President shall allow for public comment on any such motion.

## **§10. Quorum**

The presence in person of a majority of the board members shall constitute a quorum to do business. A board meeting called on due notice may be organized for the transaction of business whenever a quorum is present. When a quorum is present at any meeting, a

favorable vote of a majority of the total voting membership of the Board shall be required to take action, except as provided herein.

A decision to convene into executive session requires a vote of two-thirds (2/3) of the voting membership present.

Approval of a proposed project shall require the favorable vote of at least two-thirds (2/3) of the total voting membership of the board, regardless of whether the project is limited to one or more levee districts within the territorial jurisdiction of the authority.

### **§11. Minutes**

The Secretary or his designee shall prepare and keep minutes of all Board Meetings. The minutes shall be kept at the Board's official domicile in accordance with state law and these bylaws. The minutes shall indicate the date, time and place the meeting was convened, the Board members recorded as either present or absent, the nature of any discussions, and the substance of all decisions rendered. Any member may request that a record be made of any votes taken.

### **§12. Voting**

All board members shall be voting members.

All votes by board members must be by voice vote and recorded in the minutes of the meeting. Proxy voting, secret balloting or any other means of voting is specifically prohibited.

### **§13. Parliamentary Authority**

1. Roberts' Rules of Order Newly Revised shall be the parliamentary authority for all matters of procedure of this board not otherwise covered by these bylaws.

2. After the business noted on the agenda or on the call of the meeting has been disposed of by the board, a commissioner may have the board consider such matters as may be properly brought before it, provided that all the voting members present so agree.

## **ARTICLE IV OFFICERS**

### **§1. Officers and Elections**

Officers of the Board are designated as President, Vice-President, Secretary, and Treasurer and shall be elected from among its members at the regularly scheduled June meeting. Officers shall assume their duties July 1.

### **§2. Removal of Officers**

Officers shall be elected to serve one (1) year terms. An elected officer may only be removed from office prior to the expiration of his elected term by a two-thirds (2/3) vote of the Commissioners voting in favor of said removal at a regularly scheduled meeting of the Board. Officers shall be removed only for good cause.

If a vacancy occurs among the officers of the board, because of resignation, death, removal or disqualification, an election to fill the vacant office shall be held at a regular meeting within sixty (60) days from the date of the vacancy.

An officer of the Board whose term as a Commissioner shall have expired, but who still retains the qualifications required by law to be a Commissioner, shall continue to serve as a Commissioner and as an Officer of the board, with full power, until his or her successor shall have been duly appointed and qualified.

### **§3. Duties of the President**

1. The President shall perform such duties as are usually incumbent upon such officer. The powers and duties of the President are, as follows:

- (a) To act as the Chief Executive Officer of the Authority;
- (b) To preside as Chairman at all meetings of the Board, with the right to vote on any matter before the Board;
- (c) To assure that state laws pertaining to the purposes and functions of the Authority, and the resolutions and ordinances of the Board are faithfully observed and executed;
- (d) To call special and emergency meetings of the Board; to act for the Board in emergency matters, but only on such matters as have been granted to him by resolution of the Board;
- (e) To appoint members and designate a chairperson for each standing committee;
- (f) To act as appointing authority for all employees of the Authority;
- (g) To have all other executive powers necessary and proper to a President of a Flood Protection Authority;
- (h) To serve as ex officio member of all Committees; and
- (i) The President shall on behalf of the Secretary attest to any official document of the Board with his/her signature and, when required, with the impress of the Board's official seal in the absence of the Secretary when such document is needed for an immediate purpose.

2. By a vote of two-thirds (2/3) of the total voting membership of the Board, any decision, action, or policy made by the President can be modified or annulled, provided however, that contractual obligations shall not be affected thereby.

### **§4. Duties of the Vice President**

The Vice President shall perform such duties as are usually incumbent upon such officer. The powers and duties of the Vice President are:



(1) To perform the duties and exercise the powers of the President in the absence, inability or failure to act of the President;

(2) To perform such additional duties as directed by the President or the Board.

#### **§5. Duties of the Secretary**

The Secretary shall perform such duties as are usually incumbent upon such officer. The powers and duties of the Secretary are:

(1) To attest any official document of the board with his/her signature and, when required, with the impress of the board's official seal.

(2) To give, or cause to be given, notice of all meetings of the Board and Committees, and all other notices required by law or these bylaws.

(3) To record, or cause to be recorded, all the proceedings of the meeting of the Board and its Committees, and shall publish in the Board's Official Journal, the proceedings of all regular, special and emergency meetings of the Board, and shall perform such other duties as are usually incumbent upon a secretary.

(4) To call the Board together to fill the office of President in case of vacancy.

(5) To perform such additional duties as directed by the President or the Board from time to time.

(6) To perform the duties usually incumbent upon a Treasurer if there is a vacancy in the office of Treasurer.

#### **§6. Duties of the Treasurer**

The Treasurer shall perform such duties as are usually incumbent upon such officer. The powers and duties of the Treasurer are:

(1) To keep accurate and regular books of accounts of the transactions and financial condition of the Authority;

(2) To supervise the preparation of the annual operating and capital budgets of the Authority;

(3) To serve as Chairperson of the Board's Finance Committee;

(4) To perform such additional duties as may be directed by the president from time to time;

### **ARTICLE V COMMITTEES**

#### **§1. COMPOSITION OF COMMITTEES**

The following are Standing Committees of the Board:

**1. Executive Committee**

This committee shall be composed of the President, Vice President, Secretary and Treasurer of the Board and shall operate under the direction of the President for any purpose, in accordance with any applicable law and these bylaws.

**2. Finance Committee**

This committee shall oversee all matters concerning the budgetary and fiscal matters of the Authority and subject levee districts, and shall advise and make recommendations to the Board when such matters are presented.

**3. Legal Committee**

This committee shall oversee all matters of a legal nature concerning the Authority and levee districts, including preparation of and revisions to the Board's governing documents, and shall advise and make recommendations to the Board when such matters are presented.

**4. Routine and Emergency Operations Committee**

This committee shall be responsible for the development and revision of the routine and emergency operating procedures for the Authority and each of the levee districts within its territorial jurisdiction, as well as the implementation of said procedures and evaluating the performance of each levee district pertaining thereto.

**5. Special Issues Committee**

This Committee shall be responsible for the review and evaluation of special matters, as they may arise and are requested by the Board or its President.

**6. Committee Procedures**

a. The members of all Committees shall perform such duties and functions as the President or the Board shall determine. Each Committee shall be composed of no more than four (4) Board members and such other persons as the President may deem beneficial. A Board member who is not a member of the Committee may attend the Committee's meeting, but he may not vote nor participate as required by R.S. 42:4.0 et seq.

b. An Executive or Regional Director, or his or her designee, shall cause such matters to be brought before the relevant committee for review in a timely manner.

c. The Board by a majority of the total voting membership of the Board at any regular meeting may appoint any such Committee or may establish Standing or Special Committees by resolution, notwithstanding the provisions set forth in Article IV(3)(A)(6). The President may appoint the Standing or Special Committee chairpersons and members as he deems necessary and appropriate. The members of all Committees shall serve at the pleasure of the President.

## **§2. MINUTES OF COMMITTEE MEETINGS**

All Committees shall keep minutes of their meetings and shall report their recommendations to the Board in writing. Said minutes shall be kept at the Board's official domicile and shall indicate the date, time and place the meeting was convened, the Board members recorded as either present or absent, the nature of any discussions, and the substance of all decisions rendered.

## **§3. PROCEDURE**

Each committee shall meet at such times as is deemed necessary and at any time on the call of its Chairman. The Chairman shall conduct all meetings in accordance with law and these bylaws.

The purpose of committees is to act in an advisory capacity to the Board and its President and to make such recommendations as it deems appropriate in those areas for which the Committee is organized. Unless expressly authorized by a resolution of the Board, a Committee shall have no power to act on its own authority. The Chairman of the committee shall report its recommendations to the Board in writing, which may or may not adopt or act on such recommendations.

No recommendation or action of any Committee shall be binding upon the Board until such action is approved at a regular meeting of the Board, provided, however, that nothing therein shall prohibit the Board from giving advance authority to a Committee to act on routine matters.

## **§4. NOTICE**

A committee shall give twenty four (24) hours notice of its regular and special meetings.

## **§5. REMOVAL**

Any committee member may be removed by a majority of the entire Board. Any vacancies occurring in any Committee shall be filled by the President.

## **§6. QUORUM**

The presence, in person, of two (2) or more committee members shall constitute a quorum for committee meetings. All committee members may vote to make a recommendation to the Board.

## **ARTICLE VI EMPLOYEES**

The Authority may employ such employees as it deems necessary for proper functioning of the Authority and/or the levee districts within its jurisdiction, according to law.

**§1. ADMINISTRATIVE ASSISTANT TO THE BOARD**

The Board may hire an administrative assistant to assist the Board in the execution of its duties and with any clerical or administrative tasks and duties as are usually incumbent upon a person in such a position.

At the direction of the Secretary, the administrative assistant shall: (1) maintain at the principal office, minutes of all meetings of the Board, including the time and place of the meetings, the names of those present, and the proceedings thereof; (2) keep a membership register showing the names and addresses of the Commissioners; (3) give notice of the meetings of the Board; (4) assist in preparation of minutes, resolutions, and any other matters related to duties of Secretary to the Board; (5) poll Commissioners prior to each regular meeting to establish that a quorum will be present; and (6) keep a list showing the names and address of the members of the Committees of the Board.

**§2. COUNSEL TO AUTHORITY**

1. The state attorney general and his assistants shall advise and provide counsel to the board in any and all matters when called upon to do so.

2. The Board may hire one or more attorneys to represent it and offer advice and assistance of a legal nature.

**§3. ENGINEERS**

The Board may hire one or more engineers as it deems appropriate and set the salary or compensation of each.

**§4. REGIONAL DIRECTOR**

The Board may hire a regional director who shall serve at the pleasure of the Board. In addition to the qualifications and duties prescribed by law, the Board shall fix the qualifications, duties, and salary of the regional director.

**ARTICLE VII  
ADMINISTRATION**

**§1. FISCAL YEAR**

The Board's fiscal year shall be from July 1 to June 30.

**§2. OFFICIAL JOURNAL**

The Official Journal of the Board shall be determined by the Board annually.

**§3. DISBURSEMENT OF FUNDS**

1. All Authority obligations regardless of amount must be paid by check or electronic transfer. General disbursement checks shall be signed by any two members of the Executive Committee or those designated by Board resolution.

2. The Board may, by resolution, authorize other officials or employees of the Board to sign and countersign checks, or use facsimile stamps of the President, to be used in case of emergency, with one original signature and one facsimile stamp.

3. The Finance Committee shall review the annual operating and capital budgets of the Authority and the levee districts under its jurisdiction and make recommendations to the Board. The Finance Committee shall review any necessary adjustments to the annual operating and capital budgets of the Authority and levee districts under its jurisdiction.

#### **§4. AUDITOR**

The Auditor of the Board shall be the Legislative Auditor, a Certified Public Accountant or a firm of Certified Public Accountants approved by the Board as per R.S. 38:322. The Legislative Auditor shall conduct an annual audit pursuant to R. S. 24:516(A).

#### **§5. INVENTORY OF ASSETS**

The Board shall maintain records of all land, building, improvements, equipment and any other general fixed assets for which the Board is accountable.

### **ARTICLE VIII OPERATIONS AND MAINTENANCE MANUAL**

The Board may adopt an Operations and Maintenance Manual that includes, at a minimum, the procedures for inspection and maintenance of all equipment, other assets and structures within the territory and jurisdiction of the Authority that may relate to flood control.

### **ARTICLE IX POLICY AND PROCEDURES MANUAL**

The Board may adopt a Policy and Procedures Manual that includes, at a minimum, an (1) organizational structure of the Authority and subject levee districts; (2) procurement, contracting and competitive selection process; and (3) Board approved Disadvantaged Business Enterprises (DBE) guidelines.

### **ARTICLE X AMENDMENT OF BYLAWS**

1. These bylaws may be altered or amended at any regular meeting of the Board by a vote of two-thirds (2/3) of the total voting membership of the Board.

2. In voting on all alterations or amendments to the bylaws, no such alteration or amendment shall be considered unless a notice of intention to alter or amend the bylaws and the proposed alteration or amendment has been given in writing to each board member not less than twenty (20) days prior to the regular meeting at which such amendment is to be voted upon.

**ARTICLE XI  
EFFECTIVE DATE OF BYLAWS**

1. These bylaws shall become effective upon adoption by the Board.

2. In the event that any provision of these bylaws is contrary to law, such provision shall be considered null and void and the matters so provided for shall be controlled by applicable law, however, the validity of all other provisions herein shall not be affected thereby.

**Adopted: December 17, 2009 Board of Commissioners**

(Affix Seal)

# SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

## REGIONAL DIRECTOR'S REPORT

December 17, 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 80% 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. 83% of the closure piles (2132) and 47% of the batter piles (302) have been driven with no major difficulties. 19% of the precast caps (65) have been set and 288 l.f. of the parapet wall has been erected. All parts of the wall (except guard rails) are now underway.

The support piles for the by-pass Barge Gate foundation have been driven and the cofferdam has been completed. Tremie cutting and rebar placement continue inside the coffer dam. Placement of the first of four sill castings will begin soon. The barge gate sill is scheduled for completion before the end of 2009.

The Contractor has begun mobilizing for the T-Wall work.

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

#### **East Jefferson Levee District:**

##### Reach 1:

The Work is approximately 15% complete. Borrow operations have been impacted by recent high river levels and heavy rains. This Reach is scheduled for completion in June 2010.

##### Reach 2:

The Work is approximately 20% complete. Unsuitable material east of Williams Blvd. is being removed. Borrow operations have been impacted by recent high river levels and heavy rains. This Reach is scheduled for completion in June 2010.

Reach 3:

The project is approximately 22% complete. Borrow operations have been impacted by recent high river levels and heavy rains. This Reach is scheduled for completion in April 2010.

Reach 4:

The project is approximately 9% complete. A Contract Modification will be issued to address seepage areas along this reach. The work is scheduled to be complete in May 2010.

Reach 5:

The Project is more than 69% 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. Problems were encountered driving four piles through a dense sand layer. The scheduled completion is July 2010.

Duncan Breakwater Project:

The Project is approximately 21% complete. The Contractor has completed dredging the access channel. Scheduled completion is May 2010.

Williams Blvd. Floodwall and Gate:

The Contractor has mobilized equipment on the site. 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 but is currently under protest.

LPV 017.2 (Causeway Crossing):

The OCPD and USACE are reviewing compensability issues for utility and facility relocations. Pile load testing will begin soon. 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 (17<sup>th</sup> St. Canal to Topaz Street):

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. Construction is approximately 1% complete and 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):

Construction is now about 3% complete. 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 January 10, 2010. The Construction Contract is scheduled for award in early 2010.

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 December 3, 2009.

LPV 105.01 (Lakefront Airport T-Wall West):

Plans and specs were completed on December 11, 2009. A contract modification will be negotiated with the selected Contractor for OLD utility relocations.

LPV 105.02 (Lakefront Airport T-Wall East):

Plans and specs were completed on December 11, 2009. A contract modification will be negotiated with the selected Contractor for OLD utility relocations.

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 were completed on December 4, 2009.

LPV 107 (Lincoln Beach Floodgate):

Plans and specs are scheduled for completion in January 2009. A contract modification will be negotiated with the selected Contractor for OLD utility relocations.

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 December 17, 2009.

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

Construction is about 95% complete. URS and USACE will monitor settlement for several months.

LPV 109.02a2 (South Point to CSX Railroad – Drainage Blanket):

The Construction Contract has been awarded and work is scheduled for completion in May 2010.

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

Plans and specs were completed on December 15, 2009.

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

Plans and specs are scheduled for completion on December 17, 2009.  
Construction will be done under LPV 109.2a.

LPV 110 (CSX Railroad Crossing):

Plans and specs were completed on December 15, 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 2009. 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 16% complete. The Project is scheduled for completion in May 2010.

Seabrook Structure:

USACE awarded the Design/Build Contract to Arcadis. Protest of Contract Award may delay the Project.

**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 Bid Solicitation

was published on December 4, 2009. The Construction Contract is scheduled for award in mid to late January 2010. LBBLD issued the ROE.

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 is now complete. 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. 95% 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. 95% Plans and specs are due on December 18, 2009.

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. 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 (sector gate) in the Caernarvon Canal.

Plans and specs are 95% complete. Final plans include a sector gate at the Caernarvon Canal. 100% Plans and specs are out for review.

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.

The Amendment to the LPV PPA for the permanent pump stations is being negotiated. The NOSWB, OCPR/CPRA and SLFPAE are working to ensure that the language in the Amendment fully describes the features required for Option 1 conditions with easy conversion to Option 2/2a future conditions.

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](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 operating.

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 manned the London Ave ICS Structure in advance and during the recent heavy rains this past week. Lake levels rose to about 2.5' last Saturday but the gates did not have to be closed. According to the USACE, S&WB was able to pump without restrictions for both heavy rain events.

Street flooding was common throughout Southeast Louisiana due to the heavy rains. Some structure flooding was reported by the news media.

Water levels are still high between the LPV levees and the interior 40 Arpent levee. Parking lots for several businesses remain flooded. We have been opening the Bayou Bienvenue and Bayou Dupre Control Structure as conditions permit to drain this area.

EJLD sandbagged a portion of Airline Hwy at the St. Charles/Jefferson Parish line to prevent high water from St. Charles Parish from flowing into Jefferson Parish.

Orleans Levee District sandbagged a small section of Bayou St. John due to high water in the Bayou.

LBBLD operated all 8 pump stations and monitored and maintained the drainage canal system around the clock during both events.

Additional heavy rains are forecast for tonight. Saturated ground conditions will lead to immediate runoff with a potential for localized street flooding.

The Mississippi River has fallen below 11' at the Carrollton Gage but is expected to begin rising again to levels above 11' on December 19, 2009.

## **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.

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 – Relief Wells) is complete. 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 (\$2.4 million) has been let to install about 1400 linear feet of steel sheet pile at a location that is about 4000' south of the Seabrook Bridge.

Bids are in for the OLD Safe House Project.

Bids for the Floodgate Seal Repairs Project are in.

Notice to Proceed will be issued for the Franklin Ave Warehouse South Section Roof Replacement Project dated January 1, 2010.

We have given Dr. Lorenzo the location of sites in OLD for seismic investigations. We expect him to work during the Christmas Holidays.

Lake Borgne Basin Levee District:

LPV 148.01 (Verret to Caernarvon) is 100% complete. The project brings the earthen levee up to the pre-Katrina authorized elevation.

A leak in an 8" high pressure gas line has been detected at a crossing of the LPV 146 levee near Verret. The pipeline company has valved off the problem area and is now venting the line. Minor damage (small fissures) was noted in the levee section. The USACE and OCPR have been notified. LBBLD will continue to monitor.

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

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 a change order has been issued to address problems with the existing air piping system.

The Notice of Award was issued to Fleming Construction for the Transition Improvements and Scour Protection at various locations along the 40 Arpent Canal. We are awaiting signed contract documents.

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 have been reviewed and negotiations with the selected consultant will begin this month.

### **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 February 2010.

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 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 February 2010.