

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, DECEMBER 18, 2014**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or SLFPA-E) was held on Thursday, December 18, 2014, in the St. Bernard Parish Council Chambers, St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Estopinal called the meeting to order at 9:30 a.m. and led in the pledge of allegiance.

The roll was called by Mr. Wittie and a quorum was present:

PRESENT:

Stephen V. Estopinal, President
Lambert J. Hassinger, Jr., Vice President
Louis E. Wittie, Secretary
Wilton P. Tilly, III, Treasurer
Tyrone Ben
G. Paul Kemp
Richard A. Luettich, Jr.
Kelly J. McHugh

ABSENT:

Jefferson M. Angers

OPENING COMMENTS: None.

ADOPTION OF AGENDA:

A motion was offered by Mr. Wittie, seconded by Mr. Tilly and unanimously adopted by the Board, to approve the agenda.

**RESOLUTION NO. 12-18-14-01 – APPROVAL OF NOVEMBER 20, 2014
BOARD MEETING MINUTES**

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Board Meeting held on November 20, 2014.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

PRESENTATION:

1. Establishment of Baldcypress-Water Tupelo Nurseries for Restoration of Forested Wetlands and for Protection of Flood Control Levees in Coastal Louisiana – Dr. John Day

Dr. John W. Day, Jr., provided the presentation entitled “The Establishment of a Baldcypress Forest at the Riverbend Wetland Assimilation System for Wetland Restoration and Protection of Flood Control Levees in Coastal Louisiana”. He explained that he came before the Board about two years ago with a proposal for planting Baldcypress trees near the Gore Pumping Station and that the Board approved participation in the project. The project, which is a partnership that includes St. Bernard Parish, the SLFPA-E and Williams, Inc. (the landowner), is now up and running.

Dr. Day explained that Baldcypress swamps act as horizontal levees and reduce the height of the storm surge and the waves atop the storm surge. Levees are susceptible to erosion by storm surge and waves. Baldcypress trees are extremely resistant to wind throw and deep flooding and are able to survive a hurricane better than any other tree; however, the trees are susceptible to saltwater intrusion. Sustained porewater salinity greater than three parts per thousand can cause mortality; therefore, a reliable freshwater source is required. There has been a dramatic drop in salinity in the Central Wetlands Unit due to the closing of the MRGO. The project at the Riverbend Oxidation Pond will provide another freshwater source, which will ensure that there will not be a salinity problem with the forest that is proposed for planting. The project will integrate flood protection with coastal restoration. The Board was initially asked to help support the establishment of a Baldcypress nursery; however, a grant was received from the Coastal Protection and Restoration Authority (CPRA) and a Baldcypress nursery was established that can produce 10,000 trees per year that are pre-adapted to anoxic conditions. The seedlings will be planted in front of the flood protection levee in the St. Bernard Parish Central Wetland Unit near the Gore Pumping Station. The goal is to begin to reestablish the cypress forest that was killed after the MRGO opened. About 200 trees will be planted per acre (approximately 20,000 trees). Nutria control will be provided. Seedlings grown in wetland nurseries in anoxic conditions have a greater than 90 percent survival rate.

Dr. Day requested participation by the SLFPA-E of \$25,000 per year for two years for direct funding for planting and monitoring seedlings, nutria control and associated activities. St. Bernard Parish will match \$25,000 per year for two years both in direct funding and in-kind match for the operation of the pumping station, help with planting and monitoring seedlings, consulting and design recommendations. It was noted that the eight-inch pipe that crosses the Forty Arpent Levee is in accordance with U.S. Army Corps of Engineers (USACE) standards and does not impact the levee.

Mr. Kemp commented that the proposal is essentially the same as the one approved by the Board in November of 2012. Mr. Luettich inquired about the impact should the SLFPA-E receive approval to use the Central Wetlands Unit for additional storage capacity during a storm event. Dr. Day responded that the cypress trees can withstand short term surface water salinity.

Mr. Estopinal requested that Item C.5 under New Business be taken as the next order of business. There was no objection.

RESOLUTION NO. 12-18-14-02 – ADVANCEMENT OF FUNDS TO NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY

Wilma Heaton, SLFPA-E Director of Governmental Affairs and SLFPA-E representative on the Non-Flood Protection Asset Management Authority (NFPAMA) Board, introduced Cornelia Ullmann, the new Chief Operating Officer for the NFPAMA. Ms. Ullmann stated that she looked forward to working with the SLFPA-E and the care of the non-flood protection assets. She expressed her appreciation to the Commissioners for the consideration of the draft resolution before the Board.

Ms. Heaton explained that since it is not economically feasible to rebuild the Walter Wedell Hangar until some type of flood protection is provided for the Lakefront Airport, the NFPAMA Board unanimously approved an alternate project. The NFPAMA Board developed a priority list of revenue producing projects. The top priority was to bring U.S. Customs and Border Protection back to Lakefront Airport. The second item on the priority list was the repairs to the Lake Vista Community Center (LVCC). The repairs to the LVCC office spaces could potentially result in \$80,000 of rental revenues per year. The NFPAMA is requesting that the Orleans Levee District advance the monies to accomplish the two efforts. The monies advanced to the NFPAMA will be reimbursed.

Shawn Polley with U.S. Customs and Border Protection (CBP) advised that he is responsible for all ports of entry in the State of Louisiana. He introduced Troy Simon, CPB Watch Commander, who is charged with the responsibility of overseeing most of the airport operations. Mr. Polley advised that if there is a commitment to rebuild Lakefront Airport (KNEW) into a general aviation facility, CBP will commit to staffing the airport as needed (whether part time as flights arrive or full time). CBP has also offered to open a global enrollment facility at KNEW where international commercial passengers can receive expeditious processing upon return to the United States. CBP will provide the necessary equipment and staffing for the facility.

Mr. Luettich inquired about flood protection at Lakefront Airport. Ms. Heaton explained that she met last week in Washington, D.C., with representatives from FEMA, the FAA and the Louisiana Congressional Delegation relative to this issue. The NFPAMA is in the process of applying for Hazard Mitigation Grants to provide protection for Lakefront Airport considering that the Federal government has invested tens of millions of dollars in the facility since Hurricane Katrina. The airport terminal has been restored at an estimated cost of \$18 million. In lieu of accomplishing a number of smaller projects, the

NFPAMA has chosen to put money into the airport and has booked a loan to itself of \$11.3 million that will be repaid. The space in the terminal must be built out to CBP specifications. The presence of CBP at the airport will increase fuel sales and airport activities. The NFPAMA is earnestly working for funding to construct an augmented floodwall at the airport. The hurdles with the State have basically been cleared and the NFPAMA is now dealing with the issue on the Federal level. The Congressional Delegation has expressed support on this issue.

Mr. Hassinger thanked CBP for its commitment to the City and Lakefront Airport. He pointed out the importance of the NFPAMA generating long term revenues and noted that he has heard great things since Ms. Ullmann became Chief Operating Officer. Ms. Ullmann pledged to be a good steward of the funds received by the NFPAMA. She added that a meeting has been held with Mike Stack, DOTD staff member and a member the NFPAMA Board, concerning the construction of interim flood protection around the airport terminal.

Mr. Estopinal commented that he is glad to see that the NFPAMA has turned a corner and is on the way to not only becoming solvent, but a revenue generator as it was envisioned.

On the motion of Mr. Hassinger,
Seconded by Mr. Tilly, the following resolution was offered:

WHEREAS, the Non-Flood Protection Asset Management Authority (NFPAMA) determined that in view of the number of hangars repaired and rebuilt at Lakefront Airport after Hurricane Katrina it is not economically feasible at this time to rebuild the Walter Wedell Hangar; and

WHEREAS, the FEMA Project Worksheet for the hangar will be written as an Alternate Project allowing the public assistance funding to be used on other projects and for other purposes authorized under FEMA's Rules and Regulations; and

WHEREAS, by Resolution No. 09-102314, adopted on October 23, 2014, the NFPAMA approved a list of projects based on revenue producing opportunities and ranked by priority to be funded with the public assistance funding for the Alternate Project; and

WHEREAS, the first two projects in the priority listing are the Customs Build-out in the Airport Terminal at a cost of \$400,000 and Lake Vista Community Center Repairs at a cost of \$350,000; and

WHEREAS, the Lakefront Airport wishes to restore the function and capacity of Customs and Border Patrol at Lakefront Airport as a crucial component in the rebuilding and revitalizing of this campus; and

WHEREAS, the reinstallation of Customs and Border Patrol will substantially increase both foot traffic through the building as well as aircraft traffic at the airport leading to increased revenues and further development; and

WHEREAS, the Lake Vista Community Center Repairs will bring in much needed rental income for the NFPAMA; and

WHEREAS, the Orleans Levee District proposes to advance funding for the two projects to the NFPAMA so that the projects can be completed in a timely manner and the facilities can begin producing revenues resulting from the projects; and

WHEREAS, the NFPAMA will reimburse the Orleans Levee District the full amount of the advanced funding at such time as the funding is received and shall commence repayment of the funding advanced for the Lake Vista Community Center Repairs upon receipt of rental payments resulting from the repairs.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the SLFPA-E President to execute a Cooperative Endeavor Agreement between the SLFPA-E, on behalf of the Orleans Levee District, and the Non-Flood Protection Asset Management Authority for the advancement of funds in the amount of \$400,000 for the build out of space in the New Orleans Lakefront Airport Terminal for U.S. Customs and \$350,000 for repairs to the Lake Vista Community Center.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

PUBLIC COMMENTS:

Cindy Berthold, a member of the 17th Street Coalition, commented on the residents' fight for the past seven years against the levee authority and the financial and personal costs due to the litigation. She stated that she lost the use of 800 square feet of her property and that while in litigation the toe plus 6-ft. zone became toe plus 15-ft. She commented that the Board members are the leaders entrusted to protect the residents and their property by building levees of integrity; however, she doubted the structural integrity if the process is compromised and the law is manipulated and circumvented so that property owners rights are denied. She asked that the Board resolve the situation.

Roy Arrigo turned over the original copies of the series of emails provided to him by an attorney representing the SLFPA-E in a records request, which he previously alleged were altered. He stated that the information hidden in the altered documents led him to uncover a number of other improprieties including the disregard of legislative procedure.

John Barry, former SLFPA-E Board member, explained that he was attending today's meeting to hear Dr. Day's presentation. He added that he was glad that the NFPAMA seems to have turned a corner.

COMMITTEE REPORTS:

Finance Committee: Mr. Tilly reported that the Finance Committee met on December 11th and discussed the following items: the results of the Lake Borgne Basin Levee District's (LBBLD) December 6th tax election, the renewal insurance coverages for the Orleans Levee District (O.L.D.), East Jefferson Levee District (EJLD) and LBBLD, a one-year extension of the Indefinite Delivery-Indefinite Quantity (ID-IQ) contract with GCR, Inc., a loan of funding by the O.L.D. to the LBBLD for the construction of a floodwall required for the certification of the Forty-Arpent Levee and the establishment of an account for settlement funds received as a result of the lawsuit against the oil and gas industry.

Operations Committee: Mr. Wittie reported that the Operations Committee met on December 11th and discussed the following items: a proposed Cooperative Endeavor Agreement (CEA) between St. Bernard Parish and the LBBLD for the construction of a bike path on the Mississippi River Levee, an intergovernmental agreement between the CPRA and the LBBLD for the operation and maintenance of the Hopedale Water Control Structure, award of a contract to Cycle Construction, LLC for roadway repairs at Floodgates W-30 and W-31, an agreement with U.S. Geological Survey (USGS) for the operation and maintenance of five gaging stations at various locations at a cost of about \$36,000 per year, and the issuance of a task order for program and project management for the Orleans and Jefferson Parish levee lifts. He explained that certain levees in Orleans and Jefferson Parishes require a lift prior to the placement of armoring by the USACE. The SLFPA-E and levee districts do not have sufficient engineering staff to provide program and project management to raise the levees in a timely manner. The Committee also received the monthly status reports for the levee districts.

Legal Committee: Mr. Hassinger reported that the Legal Committee met on December 11th. The Committee discussed the extension of the current legal services contracts for on-going matters in order to allow a smooth and efficient transition with the SLFPA-E's new Executive Counsel.

CPRA: Mr. Hassinger advised that the CPRA Board did not meet in the month of December.

Coastal Advisory Committee: Mr. Kemp reported that the Coastal Advisory Committee met on November 21st. The Committee discussed the operation and maintenance of gaging stations through an agreement with the USGS. The Committee received a presentation from Bob Jacobsen on the potential overtopping that could occur under various conditions. The importance of using new technology and information was stressed.

REGIONAL DIRECTOR'S REPORT: Robert Turner, SLFPA-E Regional Director, reviewed the highlights of the Regional Director's Report (copy appended to minutes).

Mr. Estopinal requested that the Executive Session be moved to the end of the meeting. There was no objection.

NEW BUSINESS:

**RESOLUTION NO. 12-18-14-03 – AMENDMENT OF RESOLUTION
NO. 11-20-14-02 ESTABLISHING A DEDICATED BANK ACCOUNT**

Mr. Estopinal explained that the resolution before the Board changes the financial institution in which settlement monies from the litigation entitled “Southeast Louisiana Flood Protection Authority-East, et al. v. Tennessee Gas Pipeline Co., LLC, et al., E.D. La. No. 13-5410” will be deposited. Approval of the resolution is recommended by the Finance Committee.

On the motion of Mr. Tilly,
Seconded by Mr. Ben, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) adopted Resolution No. 11-20-14-02 authorizing the establishment of a dedicated account at Capital One Bank for the receipt of monies received from the litigation entitled “Southeast Louisiana Flood Protection Authority-East, et al. v. Tennessee Gas Pipeline Co., LLC, et al., E.D. La. No. 13-5410”; and

WHEREAS, the SLFPA-E wishes to establish the aforementioned account at Louisiana Asset Management Pool, Inc., in lieu of Capital One Bank; and

WHEREAS, the monies deposited in the dedicated account shall be restricted to coastal restoration and flood protection; and

WHEREAS, the signatories for the dedicated account shall be the Officers of the Board and the SLFPA-E Regional Director.

BE IT HEREBY RESOLVED, that Resolution No. 11-20-14-02 is hereby amended to authorize the establishment of a dedicated account in the name of the Board of Commissioners of the SLFPA-E at Louisiana Asset Management Pool, Inc. (LAMP) for the receipt of monies received from the litigation entitled “Southeast Louisiana Flood Protection Authority-East, et al. v. Tennessee Gas Pipeline Co., LLC, et al., E.D. La. No. 13-5410”.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

**RESOLUTION NO. 12-18-14-04 – COMMITMENT OF A PORTION OF THE FUND
BALANCE OF THE SLFPA-E FOR COASTAL RESTORATION AND FLOOD
PROTECTION PURPOSES**

Mr. Estopinal noted that the Finance Committee recommended approval of the resolution.

On the motion of Mr. Tilly,
Seconded by Mr. Hassinger, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) has stipulated that proceeds received from settlements in the litigation entitled, "Southeast Louisiana Flood Protection Authority-East, et al. v. Tennessee Gas Pipeline Co., LLC, et al., E.D. La. No. 13-5410" shall be used only for coastal restoration and/or flood protection purposes; and

WHEREAS, by Resolution No. 08-16-12-05 the SLFPA-E adopted a Fund Balance Policy, which provides that the recording of a commitment of the fund balance on the financial records of the Authority to identify funds dedicated to a specific purpose cannot be changed without further Board action.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East formally recognize the commitment of the proceeds received from all settlements in the litigation entitled, "Southeast Louisiana Flood Protection Authority-East, et al. v. Tennessee Gas Pipeline Co., LLC, et al., E.D. La. No. 13-5410" for coastal restoration and/or flood protection purposes by recording the commitment on the accounting records of the SLFPA-E.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

**RESOLUTION NO. 12-18-14-05 –
EXTENSION OF ID-IQ CONTRACT WITH GCR, INC.**

Mr. Estopinal pointed out that the contract is being extended for a one-year period and that the contract value is not being increased. The approval of the resolution is recommended by the Finance Committee.

On the motion of Mr. Tilly,
Seconded by Mr. Ben, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) and GCR, Inc., entered into an Indefinite Delivery-Indefinite Quantity (ID-IQ) contract, dated December 17, 2009, for Abstracting, Project Management and Right-of-Way Acquisition Consulting Services to support the SLFPA-E's acquisition of Lands, Easements, Rights-of-Ways, Relocations and Disposal Sites (LERRDs) with an expiration date of December 31, 2013; and

WHEREAS, the aforementioned contract was amended to include services in connection with the development of a land management tool for the collection and archiving of critical land records and the creation of an interface to GIS maps and survey data delineating existing levee rights-of-way; and

WHEREAS, the Board by Resolution No. 11-21-13-09 authorized a one-year extension of the contract, which will expire on December 31, 2014; and

WHEREAS, the continued services of GCR, Inc. are needed to complete the collection and archiving of critical land records in the GIS Property Management Application for the East Jefferson, Orleans and Lake Borgne Basin Levee Districts and for other necessary services.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes a one-year extension of the ID-IQ Contract with GCR, Inc. with all terms and conditions of the contract to remain the same and authorizes the SLFPA-E Regional Director 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

RESOLUTION NO. 12-18-14-06 – EXTENSION OF LEGAL SERVICES CONTRACTS

Mr. Estopinal noted that the Legal Committee recommended approval of the resolution.

On the motion of Mr. Hassinger,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) by Resolutions Nos. 11-08-07-11 and 05-21-09-08 selected and approved a list of attorneys and law firms to provide legal services on an as-needed basis for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, the contracts with the aforementioned attorneys and law firms expired on June 30, 2012; and

WHEREAS, by Resolution No. 04-19-12-10, the SLFPA-E approved a one year extension of the contracts, extending the expiration date of the contracts to June 30, 2013, and by Resolution No. 05-16-13-06, the SLFPA-E approved a second one-year extension of the contracts, extending the expiration date of the contracts to June 30, 2014; and

WHEREAS, by Resolution No. 06-19-14-08, the SLFPA-E approved a six-month extension of the contracts, which will expire on December 31, 2014; and

WHEREAS, the SLFPA-E recently created and filled the position of Executive Counsel; however, a continuation of the aforementioned contracts with attorneys and law firms currently representing the SLFPA-E and levee districts on on-going litigation and other on-going matters is required; and

WHEREAS, the contracts will be extended with the same terms and conditions.

BE IT HEREBY RESOLVED, that the SLFPA-E authorizes the extension of the existing contracts with the previously approved attorneys and law firms currently representing the SLFPA-E and levee districts on on-going litigation and other on-going matters for a period of one year expiring on December 31, 2015, subject to acceptance of the extension by the attorneys and law firms and approval by the Louisiana Attorney General.

BE IT FURTHER RESOLVED, that this Resolution be submitted to the Attorney General for the State of Louisiana for approval.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

RESOLUTION NO. 12-18-14-07 – OPERATION OF A BALDCYPRESS NURSERY

Mr. Kemp pointed out that the Baldcypress nursery has been set up and that the requested participation relates to the planting of the seedlings. Mr. Tilly recommended that the resolution be amended to state “operation” in lieu of “establishment” of a nursery. There was no objection to the amendment of the resolution. Mr. Estopinal commented that the source of funding for this effort has not yet been officially designated; however, the project qualifies for funding from the settlement monies received from the lawsuit against the oil and gas industry.

On the motion of Mr. Luettich,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) received a presentation on a Grant Proposal to the Coastal Protection and Restoration Authority (CPRA) Conservation and Restoration Partnership Fund for the operation of a Baldcypress Nursery for Wetland Restoration and Protection of Flood Control Levees in Coastal Louisiana (Project) at its meeting held on November 15, 2012; and

WHEREAS, the SLFPA-E expressed its support for the proposal and its desire to enter into a partnership with the Louisiana State University (LSU) to accomplish this objective; and

WHEREAS, the one-year old seedlings will be planted in front of the Forty Arpent Levee to protect the non-federal levee from wave attack; and

WHEREAS, the Grant Proposal submitted to the CPRA Conservation and Restoration Partnership Fund is for funding in the amount of \$100,000; and

WHEREAS, a cost share match of \$25,000 per year for two years and an in-kind services match of \$25,000 per year for two years will be required from the SLFPA-E should the Grant be approved; and

WHEREAS, the in-kind services match can be supplied through the operation of the Gore Pump Station by the Lake Borgne Basin Levee District and by providing consulting and design recommendations; and

WHEREAS, the SLFPA-E adopted Resolution No. 12-20-12-04 on December 20, 2012, approving its participation in the CPRA Conservation and Restoration Partnership Fund Grant with cost share and in-kind contributions as stated above and further authorizing the SLFPA-E President to sign any and all documents necessary to accomplish the above; and

WHEREAS, the start of the project was postponed for two years, and no funds have yet been expended.

BE IT HEREBY RESOLVED, that the SLFPA-E restates its willingness to participate in the CPRA Conservation and Restoration Partnership Fund Grant for the operation of a Baldcypress Nursery for Wetland Restoration and Protection of Flood Control Levees in Coastal Louisiana as provided in Resolution No. 12-20-12-14.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

RESOLUTION NO. 12-18-14-08 – USGS OPERATION AND MAINTENANCE OF FIVE GAGING STATIONS

Mr. Estopinal noted that the Operations Committee recommended approval of the resolution.

On the motion of Mr. Wittie,

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

WHEREAS, the operation and maintenance of gaging stations at the following locations have either been turned over or will soon be turned over by the U.S. Army Corps of Engineers (USACE) to the SLFPA-E as part of the Hurricane and Storm Damage Risk Reduction System: Bayou St. John Sector Gate, GIWW East Closure Sector Gate, Bayou Bienvenue Sector Gate, Bayou Dupre Sector Gate and Caernarvon Sector Gate; and

WHEREAS, the U.S. Geological Survey (USGS) proposes to operate and maintain the five gages at an annual cost of \$7,200 per gage; and

WHEREAS, the operation and maintenance of the gages will include equipment repair/replacement, QA/QC of all data, and dissemination of data through both rivergages and the USGS website.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the SLFPA-E Regional Director to execute an

agreement with the USGS for the operation and maintenance of five gaging stations located at Bayou St. John Sector Gate, GIWW East Closure Sector Gate, Bayou Bienvenue Sector Gate, Bayou Dupre Sector Gate and Caernarvon Sector Gate at a total annual not to exceed cost of \$36,000.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

RESOLUTION NO. 12-18-14-09 – PROGRAM AND PROJECT MANAGEMENT SUPPORT FOR LEVEE LIFTS IN ORLEANS AND JEFFERSON PARISHES

Mr. Estopinal advised that the Operations Committee recommended approval of the resolution. Mr. Turner explained that the ID-IQ contract with Evans-Graves Engineers, Inc. has a maximum contract value of \$750,000. Several task orders have already been issued under the contract; therefore, there is a need to increase the maximum contract value. The levee lift projects are estimated to cost as much as \$40 million and must be completed timely. Statements of qualifications will be solicited from consultants for the preparation of plans and specifications. The construction projects will be advertised and bids received.

On the motion of Mr. Wittie,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) and Evans-Graves Engineers, Inc. entered into an Agreement for Professional Services (“the Agreement”) for professional engineering services on an Indefinite Delivery-Indefinite Quantity (ID-IQ) basis, dated November 29, 2012; and

WHEREAS, the Agreement was amended by Amendment No. 1 to identify a maximum contract value of \$750,000; and

WHEREAS, it is the desire of the SLFPA-E and the Orleans and East Jefferson Levee Districts to raise approximately 23 miles of levee prior to the U.S. Army Corps of Engineers’ (USACE) armoring of the levees; and

WHEREAS, the SLFPA-E and levee districts do not have sufficient engineering staff to provide program and project management for the approximately 23 miles of levee lifts, which must be accomplished timely in order for the USACE to include the levees in its armoring program; and

WHEREAS, Evans-Graves Engineers, Inc. presented a proposal for Program and Project Management Support for Levee Lifts in Orleans and Jefferson Parishes with a total estimated cost for a 12 month period from December 15, 2014 to December 14, 2015 of \$499,918; and

WHEREAS, there is a need to amend the Agreement to increase the maximum contract value to \$1 million.

BE IT HEREBY RESOLVED, that the SLFPA-E approves the issuance of a Task Order (No. 09-03-06) to Evans-Graves Engineers, Inc. for a not to exceed amount of \$499,918 for Program and Project Management Support for Levee Lifts in Orleans and Jefferson Parishes, and authorizes the SLFPA-E Regional Director to execute the Task Order.

BE IT FURTHER RESOLVED, that the SLFPA-E approves the amendment of the Agreement with Evans-Graves Engineers, Inc. to increase the maximum contract value to \$1 million, and authorizes the SLFPA-E Regional Director to execute the amendment and 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

RESOLUTION NO. 12-18-14-10 – INTERGOVERNMENTAL AGREEMENT FOR THE CONSTRUCTION OF A LEVEE/FLOODWALL IN THE VICINITY OF THE VIOLET CANAL REQUIRED FOR THE CERTIFICATION OF THE FORTY ARPENT AND FLORIDA AVENUE LEVEE SYSTEM

Mr. Estopinal noted that the Finance Committee recommended approval of the resolution.

Mr. Hassinger requested that Mr. Turner speak to the consequences for residents in the Lower Ninth Ward should the resolution fail. Mr. Turner explained that FEMA only accredits levee systems and not individual levee segments. The failure to certify the levee system would result in increased base flood elevations of about 4-ft. Homes would have to be constructed with the first floor above a base flood elevation of 4-ft. in order to obtain affordable flood insurance rates. The special flood hazard area would also be extended within the levee system to a much larger area. Therefore, individuals who are not required to obtain flood insurance today in order to obtain a mortgage would have to obtain flood insurance in the future in order to obtain a mortgage. The situation for businesses would become much more onerous and development and growth would be significantly impacted. Mr. Turner advised that the estimated cost to construct the floodwall is \$4 million. He explained that the LBBLD has about one-half million dollars in a capital improvements fund that could potentially be used for the project and a very small amount of money in the district's fund balance. Therefore, the maximum potential funding towards the project from the LBBLD is one-half to three-quarters of a million dollars. Mr. Hassinger pointed out that although the proposed floodwall is located in St. Bernard Parish, the impact crosses into Orleans Parish and materially affects Orleans Parish residents. Therefore, he would support the resolution to ensure that the impact that was described does not occur, particularly to Orleans Parish residents. He stated that very rare and exceptional circumstances justify the spending of one levee district's money in another levee district and that this situation justifies the loan. He hoped that the proposed millage election in May, 2015, would provide a stream of revenue for the repayment of the loan. Mr. Estopinal pointed out

that a resolution would also need to be adopted by the CPRA Board. He added that he supported the loan because it would benefit the residents of Orleans Parish.

Mr. McHugh recommended that the resolution include some type of wording relative to the repayment of the loan in order to establish a paper trail. Mr. Turner concurred with the importance of designating the action as a loan for a number of reasons and added that monies, as they become available, could be utilized for the repayment. Nyka Scott, SLFPA-E Executive Counsel, advised that she conferred with the Attorney General's office to determine whether there was a specific mechanism required for the repayment of a loan and that there was no mechanism. She recommended that a promissory note be executed.

Mr. Kemp commented on the recent special tax election in St. Bernard Parish and on the precarious financial position of the LBBLD. Mr. Ben explained that information was provided at various meetings and to various groups in St. Bernard Parish prior to the election. He suggested that the failure of the tax did not have as much to do with the validity of the need as much as being referendum throughout the Parish as every millage request failed. Mr. Turner commented on the SLFPA-E and LBBLD's commitment to better inform the citizens of St. Bernard Parish concerning the LBBLD's financial needs prior to the next special tax election and the consequences if additional revenue is not generated.

Mr. Wittie pointed out that the SLFPA-E attempted to obtain funding for the floodwall construction from the State of Louisiana Capital Outlay Program and the Interim Emergency Board; however, the efforts were unsuccessful.

Mr. Tilly recommended that the LBBLD's fund balance not be reduced to a point that it is unable to accommodate emergency needs.

Mr. Estopinal clarified that verbiage would be included in the resolution to cap the loan at \$4 million. A motion was offered by Mr. McHugh, seconded by Mr. Luettich and unanimously adopted, to amend the resolution to include wording on the execution of a promissory note for the amount of the loan.

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

WHEREAS, the Federal Emergency Management Agency (FEMA) is in the process of updating its Digital Flood Insurance Rate Maps (DFIRMs) for Orleans and St. Bernard Parishes, which are used in the calculation of National Flood Insurance Program (NFIP) rates; and

WHEREAS, the Forty Arpent and Florida Avenue Levee System located in the Lower Ninth Ward of Orleans Parish and in St. Bernard Parish must be certified in order to be accredited by FEMA for the NFIP and included in the DFIRMs; and

WHEREAS, subsequent to the request by FEMA for certification documents for the Forty Arpent and Florida Avenue Levee System, the Southeast Louisiana Flood

Protection Authority-East (SLFPA-E) entered into a Provisionally Accredited Levee (PAL) Agreement with FEMA on August 7, 2012, which allowed a two year period to complete the engineering work necessary to develop the required certification documents; and

WHEREAS, certification is only available for the entire levee system and not individual segments of levees delineated only by political boundaries; and

WHEREAS, a determination has been made that a levee/floodwall must be constructed in the vicinity of the Violet Canal in order for the Forty Arpent and Florida Avenue Levee System to meet certification requirements; and

WHEREAS, the LBBLD does not at this time have the funding for its portion of the floodwall construction; and

WHEREAS, the failure to complete the necessary work and provide complete data and documentation to comply with certification requirements (44 CRF 65.10) within the designated timeframe will result in FEMA's initiation of a revision to the DFIRM to redesignate the area as a Special Flood Hazard Area [an area subject to inundation by the base (1-percent annual chance) flood], and a significant increase in NFIP premiums for citizens residing in Orleans and St. Bernard Parishes; and

WHEREAS, the O.L.D. and LBBLD acknowledge and agree that certification of the levee system within the jurisdictional boundaries of the O.L.D. and LBBLD will provide a benefit to the citizens within the O.L.D. and LBBLD; and

WHEREAS, the O.L.D. and LBBLD request that the Coastal Protection and Restoration Authority Board consider the adoption of a resolution acknowledging and agreeing that certification of the levee system within the jurisdictional boundaries of the O.L.D. and LBBLD will provide a benefit to the citizens within the O.L.D. and LBBLD; and

WHEREAS, Article VII, Section 14 of the Louisiana Constitution provides, in part, that "(f)or a public purpose, the state and its political subdivisions . . . may engage in cooperative endeavors with each other"; and

WHEREAS, the O.L.D. and LBBLD are political subdivisions charged with the duty to maintain the levee systems in St. Bernard Parish and Orleans Parish in accordance with La. Const. Ar. VI, §38 and La. R.S. 38:281, et seq; and

WHEREAS, pursuant to La. R.S. 38:301.1, levee districts located wholly or partially in the coastal area may expend funds for projects and programs outside of their normal jurisdictional bounds on the condition that the funds are used consistent with the purposes and intent expressed in R.S. 49:214.1 and will benefit the jurisdiction from which the funds are derived; and

WHEREAS, the O.L.D. shall lend the LBBLD the funding needed for its portion of the cost to construct the levee/floodwall in the vicinity of the Violet Canal.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the execution of an Intergovernmental Agreement between the Lake Borgne Basin Levee District, Orleans Levee District and the Coastal Protection and Restoration Authority, subject to the adoption of a resolution by the

Coastal Protection and Restoration Authority Board, for the construction of a levee/floodwall in the vicinity of the Violet Canal in order to meet FEMA certification requirements for the Forty Arpent and Florida Avenue Levee System.

BE IT FURTHER RESOLVED, that the loan shall not exceed \$4 million, and that the Lake Borgne Basin Levee District shall sign a promissory note in favor of the Orleans Levee District for the amount loaned.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

RESOLUTION NO. 12-18-14-11 – RENEWAL OF EJLD INSURANCE COVERAGES

Hardie Edgecombe with Arthur J. Gallagher Risk Management Services, Inc., advised that Property Insurance coverage is being renewed at the same premium and with the same deductible and limits as last year. A rate reduction was received for Inland Marine Insurance coverage; however, some new equipment was added. The estimated annual savings on Worker's Compensation Insurance coverage is about \$19,000. The premium for Pollution Insurance has been reduced about \$200. The premium for the Accident Policy is the same as last year's premium.

On the motion of Mr. Tilly,

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

WHEREAS, the East Jefferson Levee District's (EJLD) Property, Inland Marine, Worker's Compensation and Pollution Insurance coverages and Accident Policy will expire on or about January 1, 2015; and

WHEREAS, Arthur J. Gallagher Risk Management Services, Inc. shopped the market and provided the following recommendations for the renewal of said coverages:

- Property Insurance from Allianz at an annual premium of \$15,078.
- Inland Marine Insurance from Allianz at an annual premium of \$15,637.
- Worker's Comp Insurance from LWCC at an estimated annual premium of \$174,288.
- Pollution Insurance from Allied World at an annual premium of \$10,348.
- Accident Policy from ACE at an annual premium of \$1,264.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Property, Inland Marine, Worker's Compensation and Pollution Insurance coverages and Accident Policy, as recommended and stated above, for a one year period commencing on or about January 1, 2015, through Arthur J. Gallagher Risk Management Services, Inc.

BE IT FURTHER RESOLVED, that the EJLD Executive Director is authorized 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

**RESOLUTION NO. 12-18-14-12 –
RENEWAL OF O.L.D. UMBRELLA INSURANCE COVERAGE**

Mr. Edgecombe advised that there are no changes to the deductible and limits for Umbrella Insurance coverage.

On the motion of Mr. Tilly,

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

WHEREAS, the Orleans Levee District (O.L.D.) Flood Protection Division's Umbrella Insurance Coverage will expire on December 19, 2014; and

WHEREAS, Arthur J. Gallagher Risk Management Services, Inc. shopped the market and recommended that said coverage be renewed with Lexington Insurance Company, with a limit of liability of three million dollars, for a one year period commencing on December 19, 2014, at an annual premium of \$62,498.10.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Umbrella Insurance coverage with Lexington Insurance Company at an annual cost of \$62,498.10 for a one year period commencing on December 19, 2014, through Arthur J. Gallagher Risk Management Services, Inc.

BE IT FURTHER RESOLVED, that the O.L.D. Executive Director is authorized 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

**RESOLUTION NO. 12-18-14-13 – AWARD OF CONTRACT FOR ROADWAY
REPAIRS AT FLOODGATES W-30 AND W-31**

Gerry Gillen, O.L.D. Executive Director, advised that repairs are required to the roadway approaches to two floodgates. Bids were solicited and he recommended that the contract be awarded to Cycle Construction, LLC.

On the motion of Mr. Wittie,

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

WHEREAS, the asphalt surface of France Road Parkway on the floodside of Floodgates W-30 and W-31 has deteriorated to the point that trucks using the floodgate are damaging the seal plate and possibly the floodgate foundation; and

WHEREAS, the geometry of France Road Parkway on the flood side of Floodgates W-30 and W-31 features a steep incline such that trucks using the floodgate are damaging the seal plate and possibly the floodgate foundation; and

WHEREAS, the New Orleans Public Belt Railroad is planning to raise its tracks on the floodside of Floodgates W-30 and W-31, which will help alleviate the roadway geometry problem; and

WHEREAS, informal bids were requested from five contractors for the repair of the roadway and only one contractor, Cycle Construction, LLC, responded with a Total Base Bid Price of \$82,900; and

WHEREAS, funds for the project are available from the approved FY 2015 Special Levee Improvement Fund Budget.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East authorizes the award of a contract in the amount of \$82,900 to Cycle Construction, LLC, and the establishment of a construction budget in the amount of \$90,000 to include contingencies, for the roadway repairs at Floodgates W-30 and W-31.

BE IT FURTHER RESOLVED, that the Orleans Levee District Executive Director is hereby authorized to execute the aforementioned contract with Cycle Construction, LLC, and any and all other documents necessary to accomplish the above.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

RESOLUTION NO. 12-18-14-14 –

RENEWAL OF O.L.D. DENTAL AND VISION CARE COVERAGES

Mr. Gillen advised that the Vision Plan is in the third year of a three year plan; therefore, there is no increase in cost. He requested that the Crescent Dental Care Plan be renewed at a slight increase in cost. The levee district has utilized Crescent Dental for about 25 years. He pointed out that retirees pay 100 percent of the cost for dental coverage.

On the motion of Mr. Tilly,

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

WHEREAS, the Orleans Levee District's (O.L.D.) Dental Care and Vision Care Plans will expire on December 31, 2014; and

WHEREAS, quotes were received for the renewal of the aforementioned coverages through Arthur J. Gallagher Risk Management Services, Inc., for a one year term commencing on January 1, 2015, as follows:

- The Crescent Dental Care Plan for active employees is offered at an estimated annual cost of \$55,774.96
- The United Health Vision Plan for active employee is offered at an estimated annual cost of \$9,649.20. This is the last year of a three year quote.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of the Crescent Dental Care Plan and the United Health Vision Care Plan as stated above for a period of one year, commencing on January 1, 2015 and ending on December 31, 2015.

BE IT FURTHER RESOLVED, that the 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

**RESOLUTION NO. 12-18-14-15 – PAYMENT BY THE O.L.D. TO THE ALGIERS
LEVEE DISTRICT OF A SHARE OF REVENUE SHARING REVENUES**

Jim Bollinger, O.L.D. Comptroller, advised that the estimated amount due to the Algiers Levee District (A.L.D.) is \$140,000. He explained that the legislation creating the A.L.D. specified that the O.L.D. would continue receiving tax revenues for both the East and West Banks and that the O.L.D. would transmit its share of the revenues to the A.L.D. Legislation was subsequently passed to provide that the A.L.D. receive its tax revenues direct once the O.L.D. repaid all of its debt. Revenue sharing monies were meant to reimburse tax recipient organizations for monies lost due to the homestead exemption granted by the 1974 Constitution. Revenue sharing monies are distributed to taxing authorities based on the number of homesteads in a parish and the population. The O.L.D. did not realize that the A.L.D. did not receive its share of the revenue sharing monies after the change in the legislation. The Flood Protection Authorities-East and West agreed at the time that the A.L.D. was initially created that Algiers was roughly 7.62 percent of the total City of New Orleans. Therefore, it is proposed that 7.62 percent of the revenue sharing monies received by the O.L.D. for fiscal years 2013 and 2014 be paid to the A.L.D. The A.L.D. has been recognized as a participant in revenue sharing and received its funds direct for the first time in December, 2014.

On the motion of Mr. Tilly,

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

WHEREAS, the Louisiana Constitution, Article 7, Section 26, provides that at least \$90 million annually is to be distributed to the (ad valorem) tax recipient bodies of the State of Louisiana to offset losses those bodies would sustain as a result of homestead exemptions granted by the Constitution; and

WHEREAS, the method of allocation of those funds is based 80% on the population of the parishes and 20% on the number of homesteads of each parish, and the distribution is made by the tax collecting authority of the parishes; and

WHEREAS, with the passage of Act 363 during the Regular Legislative Session of 2011, law was changed that allowed the Algiers Levee District to receive its tax revenues directly from the City of New Orleans without first being collected by the Orleans Levee District; and

WHEREAS, the Algiers Levee District did not between July, 2012 and June 2013, receive any portion of the revenue sharing dollars paid by the State of Louisiana, and the Chief Accountant of the City of New Orleans has stated that no amounts of revenue sharing were paid to Algiers Levee District until the distribution in December, 2014; and

WHEREAS, in the Regular Legislative Session of 2014, Act 805 was passed that specifically recognized “the successors to the Orleans Levee District” as additional recipients of revenue sharing dollars; and

WHEREAS, in fiscal 2013 and fiscal 2014, neither the Assessor for the City of New Orleans nor the Treasurer of the State of Louisiana recognized the need to promulgate data values needed to allocate the Orleans Parish revenue sharing dollars between the Orleans Levee District and the Algiers Levee District; and

WHEREAS, the first revenue sharing check received by the Orleans Levee District for fiscal 2015 (December 11, 2014) was allocated between the two districts; and

WHEREAS, data is not sufficient to precisely calculate the allocation that would have been made for the years 2013 – 2014, thus the Orleans Levee District proposes to make payment to the Algiers Levee District based upon the 7.62% ratio used at the time of the initial formation of the Algiers levee District.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the payment by the Orleans Levee District of 7.62% of the amount recorded on the Orleans Levee District’s records for “revenue sharing” for the fiscal years 2013 and 2014 as the estimated pro-rata share Algiers should have received as successor to the Orleans Levee District.

BE IT FURTHER RESOLVED, that such payment is contingent upon receipt of written confirmation by both the City of New Orleans and the Algiers Levee District that the Algiers Levee District did not receive any revenue sharing funds during the period July, 2012 through June 2014.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

**RESOLUTION NO. 12-18-14-16 – PIPELINE RIGHT-OF-WAY AGREEMENT
WITH CENTURY EXPLORATION NEW ORLEANS, LLC**

Ms. Scott advised that she received the request for a right-of-way agreement after the last meeting of the Legal Committee. The State Land Office has granted Century Exploration New Orleans, LLC a lease and the company has two years to decide whether or not it will drill a well. If a well is drilled, a pipeline must be constructed through O.L.D. property to the lease site. The fee for the right-of-way is limited by the State to \$2,300. Language will be included in the agreement for Century Exploration New Orleans to restore the property to its original condition when the pipeline is no longer needed and to provide that all permit requirements be met.

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

WHEREAS, Century Exploration New Orleans, LLC seeks a Pipeline Right-of-Way for a 6-inch pipeline traversing land owned by the Orleans Levee District (O.L.D.) situated in Section 26, Township 18 South, Range 16 East, Plaquemines Parish, Louisiana.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the SLFPA-E President or the O.L.D. Executive Director to execute a Pipeline Right-of-Way Agreement with Century Exploration New Orleans, LLC.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

RESOLUTION NO. 12-18-14-17 – RENEWAL OF LBBLD INSURANCE COVERAGES

Mr. Edgecombe explained that the LBBLD experienced a reduction in rate for Worker's Compensation Insurance coverage; however, the estimated premium has increased about \$5,000 due to the increase in payroll. There are no changes to the premium, deductible and limits for Pollution Insurance coverage.

On the motion of Mr. Tilly,
Seconded by Mr. Ben, the following resolution was offered:

WHEREAS, the Lake Borgne Basin Levee District's (LBBLD) Worker's Compensation and Pollution Insurance coverages will expire on or about January 1, 2015; and

WHEREAS, Arthur J. Gallagher Risk Management Services, Inc. shopped the market and provided the following recommendations for the renewal of said coverages:

- Worker's Comp Insurance from LWCC at an estimated annual premium of \$80,592.
- Pollution Insurance from Allied World at an annual premium of \$15,937.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Worker's Compensation and Pollution Insurance coverages, as recommended and stated above, for a one year period commencing on or about January 1, 2015, through Arthur J. Gallagher Risk Management Services, Inc.

BE IT FURTHER RESOLVED, that the LBBLD Executive Director is authorized 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luetlich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

RESOLUTION NO. 12-18-14-18 – INTERGOVERNMENTAL AGREEMENT - HOPEDALE WATER CONTROL STRUCTURE

On the motion of Mr. Wittie,

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

WHEREAS, the Hopedale Hydrologic Restoration Project, also known as the Hopedale Water Control Structure (PO-24), was constructed and became operational in 2004, and was designed to relieve impounding problems in the marsh to the north and south of the Bayou La Loutre ridge near Yscloskey in St. Bernard Parish; and

WHEREAS, the Office of Coastal Protection and Restoration (OCPR) and the United States Department of Commerce National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) constructed the project in accordance with the U.S. Department of Commerce NOAA Cooperative Agreement No. NA07FZ0008. Further, that the Memorandum of said agreement, fully executed on February 10, 1999, specifies the arrangement between parties to execute and fund long term project activities, i.e., operation, maintenance (O&M), and monitoring; and

WHEREAS, the 3,805 acre project is located southeast of Yscloskey, in St. Bernard Parish, Louisiana, and is bordered by LA Hwy 46 on the west, the MRGO spoil depository area to the north, and LA Hwy 624 and Bayou La Loutre to the south and the east; and

WHEREAS, OCPRA, also known as Coastal Restoration and Protection Authority (CPRA), asked that the Lake Borgne Basin Levee District (LBBLD) operate and maintain the structure on its behalf; and

WHEREAS, as per Resolution No. 06-16-11-18, LBBLD executed CPRA Agreement No. 2511-11-08, Hopedale Water Control Structure (O&M), which was effective March 1, 2011; and

WHEREAS, under said Agreement, CPRA reimburses LBBLD for 100% of the O&M costs incurred; and

WHEREAS, said Agreement expired on February 28, 2013; and

WHEREAS, CPRA, its Board and LBBLD desire to continue the Agreement *ab initio* to achieve the goal and objectives of the March 1, 2011 Agreement; and

WHEREAS, CPRA and its Board have submitted to LBBLD a new agreement for execution with an effective date of March 1, 2013 to avoid a break in continuity; and

WHEREAS, under the new agreement, CPRA will continue to reimburse LBBLD for 100% of the O&M costs incurred;

BE IT HEREBY RESOLVED, that the Board of Commissioners of the Southeast Louisiana Flood Protection Authority – East does hereby authorize LBBLD Executive Director to execute the new agreement regarding O&M of the Hopedale Water Control Structure with the Coastal Protection and Restoration Authority Board (CPRA Board) and the Coastal Protection and Restoration Authority (CPRA).

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

Motion to authorize the execution of a Cooperation Endeavor Agreement with St. Bernard Parish Government for the construction of a Bike Path on the Mississippi River Levee.

Nick Cali, LBBLD Executive Director, advised that the Cooperative Endeavor Agreement has not yet been completely vetted and requested that the item be withdrawn from the agenda. The proposed bike path would be constructed through a grant to St. Bernard Parish. The LBBLD would not be responsible for maintaining or securing the bike path. There was no objection to the withdrawal of the item.

ANNOUNCEMENT:

Mr. Estopinal read aloud the following Notice of Public Meeting:

“Notice is hereby given that the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the Governing Authority of the Lake Borgne Basin Levee District, Louisiana (the, “District”), plans to consider

adopting a resolution ordering and calling an election to authorize the levy of an ad valorem tax in the District, at its meeting on Thursday, February 5, 2015 at 9:30 a.m. at the Orleans Levee District Meeting Room 221, Franklin Administrative Complex, 6920 Franklin Avenue, New Orleans, Louisiana.”

EXECUTIVE SESSION:

- A. Borgnemouth Realty Company, Ltd. vs. Parish of St. Bernard, Lake Borgne Basin Levee District and St. Paul Fire and Marine Insurance Company, No. 112-833 (34th JDC).

A motion was offered by Mr. Tilly, seconded by Mr. Wittie and unanimously adopted, for the Board to convene in Executive Session to discuss the item listed on the agenda. The Board convened in Executive Session at 11:30 a.m.

The Board reconvened in regular session at 11:45 a.m.

RESOLUTION NO. 12-18-14-19 – EXECUTION OF FORBEARANCE AGREEMENT

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

WHEREAS, a judgment was rendered against the Lake Borgne Basin Levee District in the case entitled, “Borgnemouth Realty Company, Ltd. vs. Parish of St. Bernard, Lake Borgne Basin Levee District and St. Paul Fire and Marine Insurance Company, No. 112-833 (34th JDC)”; and

WHEREAS, the Lake Borgne Basin Levee District wishes to enter into a Forbearance Agreement, which assigns its rights to proceed against the U.S. Army Corps of Engineers to the plaintiff in order to recover the amount rendered in the judgment.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the execution of the Forbearance Agreement by the SLFPA-E President in the case entitled, “Borgnemouth Realty Company, Ltd. vs. Parish of St. Bernard, Lake Borgne Basin Levee District and St. Paul Fire and Marine Insurance Company, No. 112-833 (34th JDC)”.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,
and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers and Mr. Tilly

The next regular monthly Board meeting will be held on January 15, 2015 and hosted by the EJLD.

There was no further business; therefore, the meeting was adjourned at 11:48 a.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST

REGIONAL DIRECTOR'S REPORT

Dec. 18, 2014

HSDRRS Project Status Update

Warranty Paint Repairs In response to our concerns about peeling paint on newly-built complex structures, the U.S. Army Engineering Research and Development Center (ERDC) has determined that no additional painting is required at the GIWW Sector Gate; however, the Corps will make spot repairs at the Seabrook Structure and repaint gate leafs at the Caernarvon Structure.

LPV-03.2b.1- Landside Runoff The final inspection was held Nov. 18, 2014. Turf establishment and erosion must still be addressed by the original contractor, while final site grading and construction of a lip levee adjacent to the swale will be done under a new contract awarded on Dec. 12.

LPV-111 – CSX RR to Michoud Canal Turf must still be established on the recently raised sections, and the project's eastern end is being regarded by Corps hired labor personnel. The NCC was issued Nov. 6.

LPV-144 – Bayou Dupre A site meeting was held with the bearing manufacturer on Oct. 29, 2014, but no conclusive cause of the vibrations in the hinge assembly of both gate leafs was determined. The path forward includes shaving the plates that hold the top bearing to increase clearances and changing to greased bearings for the hinge assemblies. Two new top bearings will be on site in March of 2015.

LPV-145,146 & 148.02 These three projects were inspected by the Non-Federal Sponsor (NFS) and the Corps in August, resulting in a Corps-issued task order to repair hog damage, address settlement around access ramps and mow LPV-145. The NCCs for 146 and 148.02 were received Sept. 16, 2014.

Sealing gaps around the foundations of all three floodgates in LPV-145 is being done under a new Corps task order and is the last item to be corrected before the NCC is issued. A site inspection was held Dec. 4 by SLFPAE and the CPRA, and a punch list of items was developed and submitted to the Corps. The final inspection by all agencies was held Dec. 16, 2014, and the NCC is scheduled for Jan. 23, 2015.

LPV-145A – Bayou Bienvenue Bridge The periodic closures of Bayou Bienvenue that began in November for pile driving near the channel will continue through February. The bridge project is scheduled for completion in December of 2015.

LPV 148.02A Safe Room at St. Mary's Pump Station Work is underway, although pile driving that had been scheduled to begin on Dec. 9 was delayed due to the length of the subcontractor review process. Project completion is now scheduled in June of 2015

LPV-149 – Caernarvon Structure The Corps will issue a contract to repaint the Sector Gate leafs to address peeling paint problems discovered after the NCC was issued. In order to repaint, the structure must be dewatered, which will temporarily impact navigation. Additionally, the Corps is reviewing our request that they replace machinery pit hatch covers, and Hydrodine will modify the hydraulic system to correct a water-in-oil problem. That work should be finished this month.

LPV-150 Utility Crossings/Jib Crane Pad/Bypass Ramp Repair The Corps will begin in January to replace utility crossing pads with gravel along the access road. They are also preparing plans and specifications for the Emergency Bypass Road at Highway 46, as well as for replacing jib cranes and building parking pads at Bayou Dupre.

LPV-153 Bayou Dupre & Caernarvon Sector Gate Needles The contract for manufacture of additional dewatering needles for Bayou Dupre and Caernarvon is scheduled for award on Jan. 9.

OFC-07 London Avenue and 17th Street Remediation The work along the London Ave Canal will be complete when the concrete cap along Reach 35B is placed later this month. The NCC for this project is currently scheduled for June 2015 to allow for adequate turf establishment.

OFC-08 17th Street Canal Bank Stabilization The contractor is placing stone, and completion is expected in January. The work is 40% complete.

Permanent Canal Closures and Pumps (PCCP) Please check the New Orleans District web site www.mvn.usace.army.mil/missions/hsdrrs/pccp.aspx for details and regular updates on this last major HSDRRS perimeter project.

Armoring The first system-wide armoring installation contracts are scheduled to be awarded in December 2014 for levees in St. Charles Parish. In preparation for armoring the metro New Orleans lakefront levees, the Corps has submitted two Right-of-Entry requests to the OLD.

The SLFPA-E, SLFPA-W and CPRA plan to raise some levees at local cost before they are armored by the Corps in order to save millions of dollars in future armoring replacement costs. In a recent meeting with the CPRA, we developed a near-term path forward for designing levee lifts prior to armoring. We have awarded a contract for preliminary land survey work that includes profiling of levees in both the East Jefferson and Orleans Levee Districts. We have

interviewed two ID-IQ contractors for program management work in support of the pre-armoring levee lift construction.

SBPS-07 – Repairs to LBBLD Pump Stations #2 and # 3 Work is progressing at Pump Station #3. The cofferdam is complete, and the entire project is scheduled to finish in December of 2015.

Mississippi River Projects

Jefferson Heights Work is complete on the Phase 1 levee-raising project in East Jefferson, a 4.2-mile stretch of river levee between the Orleans Parish line and Orchard Road. The Corps proposes a partial NCC of the project on this finished phase.

The second half of the levee project is 4.5 miles long and runs from Orchard Road in River Ridge to the St. Charles Parish line.

Carrollton Project All levee enlargement work in Orleans Parish is complete, and only site cleaning remains. A final inspection was held July 16, 2014, and the Corps is scheduled to provide by month's end its response to OLD inspection comments.

Internal Affairs

Non-Federal Levee Certification A certification report for the Maxent Levee was submitted to FEMA in September. Our consultant is making three changes to the report, as recommended in a follow-up teleconference with FEMA, and is resubmitting the document to FEMA. We expect accreditation in February.

The results of geotechnical investigations of the Forty Arpent Levee indicate that there are no substantial levee stability issues remain. Our consultant is awaiting additional survey data to complete the design of a new floodwall proposed near the Violet Canal. Neither LBBLD's request for \$2 million in state capital outlay funds nor the request for help from the state's Interim Emergency Board were successful. Meetings have been held with both Orleans and St. Bernard government officials concerning the urgency of this project.

IHNC-01 – Seabrook Complex A Distress Report written by OLD was submitted by the Coastal Protection & Restoration Authority to the Corps on Dec. 4. It detailed a damaged bearing pad under one of 14 pedestals on the eastern Vertical Lift Gate at the Seabrook structure. The pads allow the feet to rest evenly on the structure's sill. A portion of one pad broke off during a routine exercise. Additionally, greaseless wheels on the gates' guides did not turn during the exercising, which caused vibrations. The Corps is reviewing the Distress Report regarding replacement of the damaged pad and the need for greased-type wheels in the guides.

IHNC-02 – Lake Borgne Surge Barrier

The Corps is looking for money to make extensive repairs to two of its current meters at the Sector Gate that are not functioning due to electrical problems. A third meter that was damaged when struck by an object has been repaired. The Corps will reinstall when all three meters are operational, but no estimated date has been provided.

The repainted bulkheads will be barged back to the site this month.

Semi Annual Report (SAR)

We will meet with the Corps and CPRA this week to discuss lessons learned from our first Semi Annual Report and to prepare for the next one.

Risk Assessment RFP The RFP for the CDBG-funded Risk Assessment project received two submissions, and a review committee has been appointed to conduct interviews.

Training A task order to review alternatives for automated asset management software for the Complex Structures was awarded to ID-IQ consultant Moffat & Nichols, and their work is underway.

Emergency Preparedness The Mississippi River, now around elevation 5.0', is expected to rise to near 6.0' by the end of the week and then drop slowly.

Hurricane Season Preparation The final 2014 Hurricane Season RNA tour of the IHNC/GIWW with the Coast Guard and USACE was held Nov. 19.

Complex Structures All navigation gates are in working order and maintenance is up to date.

WRRDA Implementation Guidance.

We recently received Corps correspondence concerning Corps responsibility for O&M duties, per the new WRDA bill, on the Sector Gate and Barge Gate that make up the Inner Harbor Navigation Canal Surge Barrier crossing the Gulf Intracoastal Waterway. The correspondence acknowledges a Corps responsibility for providing O&M on the gates as part of a cost share program with the NFS. However, due to no established or approved budgeting plan, there is no Corps participation at this time.

A second piece of Corps correspondence addressed future levee lifts, and this guidance is still in review.

Tidal Gage Network.

The USGS has submitted a proposal to SLFPAE for providing O&M services for the existing tidal gages at the following five locations, each at a complex structure:

- Bayou St. John Sector Gate
- GIWW East Closure Sector Gate
- Bayou Bienvenue Sector Gate
- Bayou Dupre Sector Gate
- Caernarvon Sector Gate

The cost will be \$7,200 per structure, for a total annual cost of \$36,000. The Seabrook Complex will be maintained under the existing \$21,600-a-year contract. The proposal has been reviewed and is recommended for acceptance. Officials with USGS are now drawing an agreement for consideration and signing.

New Contracts:

The Estopinal Group – Media Relations Coordination and Dissemination of Public Information – 10/21/14 – 6/30/15 – Not to exceed \$20,000.

Meetings and Items of Note:

The Coastal Protection and Restoration Authority Board will meet Jan. 21 at 9:30 a.m. at the Louisiana State Capitol, House Committee Room 1, 900 North Third Street, Baton Rouge.

The Governor's Advisory Commission will meet Feb. 4 at 10:00 a.m. at The Galvez Building in Baton Rouge.

Levee District Construction Projects:

Project	District	Status	Comments
Seawall Steps Erosion – Phase 1B	OLD	Complete	Final inspection complete
Floodgate & Floodwall Repairs	OLD	96% complete	Contractor to schedule remaining work with CSX RR.
MRT and IHNC Vegetation Removal	OLD	30% complete	Work is progressing
Seawall Steps Erosion Phase 4&5	OLD	69% complete	
Lakeshore Seawall Street Lights – Reach 2	OLD	Complete	Lights powered up; OLD to replace fuses.
Florida Avenue Levee Repairs	OLD	Complete	
Seawall Steps Erosion Phase 2B	OLD	0% complete	NTP scheduled Jan. 8, 2015.

Levee District Project Designs and Studies

Project	District	Comments
Outfall Canals Erosion	OLD	Study complete; design 32% complete
Lakefront Seawall Area Reach , 4&5	OLD	Design complete; construction administration 70%
Lakefront Seawall Area Reach 2B	OLD	Design complete; construction administration 0% complete
Floodgate Seal Repairs	OLD	Design complete; construction administration 96% complete
IHNC St. Claude Bridge Drainage	OLD	Design 90% complete
Lakefront Levee Slope Drainage Reach 4	OLD	Survey complete; design 90% complete
Citrus Lakefront Levee Survey at Intersections	OLD	Survey complete; design 0% complete
Bayou St. John Adaptive Water Management Plan	OLD	Plan 10% complete
Citrus Lakefront Levee Railroad Drainage Study	OLD	Investigation complete; design proposal to be submitted.
Lakefront Seawall Area Reach 1A-4C	OLD	Design 20% complete
Phase 1 for engine upgrades at Pump Stations	LBBLD	95% designs received; comment resolution ongoing
Phase 1 for Safe Room Design HMGP approved by FEMA	LBBLD	Phase 2 approval received from FEMA Region 6 & GOHSEP; anticipate Phase 2 funds for construction imminent
Pump Station #6 pump repair and hangers at P.S. #7	LBBLD	P&S complete; advertise when erosion control project is complete
Pump Station #6 Erosion Repair	LBBLD	P&S complete; preparing to advertise
Safe house & Consolidated Facility	EJLD	Waggonner and Ball has completed Design Development and cost estimator documents drawn. We anticipate the revised EJLD PUD, Resub and Street Alienation Applications will be on the Planning Commission Agenda for the January meeting.