

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST
BOARD MEETING
THURSDAY, NOVEMBER 18, 2021**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on November 18, 2021, in the Franklin Avenue Administrative Complex, Meeting Room 201, 6920 Franklin Avenue, New Orleans, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

Mr. Morgan called the meeting to order at 11:00 a.m. and led in the pledge of allegiance. Mr. Cosse called the roll and a quorum was present:

PRESENT:

Mark L. Morgan, President
Roy M. Arrigo, Vice President
Clay A. Cosse, Secretary
K. Randall Noel, Treasurer
Richard G. Duplantier, Jr.
Eugene J. Joanen, IV
Herbert I. Miller
Herbert T. Weysham, III

ABSENT:

Jason P. Latiolais

ADOPTION OF AGENDA:

A motion was offered by Mr. Duplantier and seconded by Mr. Noel to adopt the agenda. Mr. Miller offered a motion to amend the agenda by deleting Item XIII.B.1 – Discussion of Flood Protection, and explained that no backup documentation was provided to the Board regarding the subject or information provided as to what would be covered. Mr. Cosse, who requested that the motion be placed on the agenda, asked was he hearing that Board members did not want to discuss flood protection? The motion to amend the agenda was seconded by Mr. Duplantier and failed with Mr. Miller and Mr. Duplantier voting yea and Mr. Arrigo, Mr. Cosse, Mr. Joanen, Mr. Noel and Mr. Weysham voting nay. The Board then voted unanimously to approve the agenda as presented.

RESOLUTION NO. 11-18-21-01 - APPROVAL OF THE MINUTES OF THE BOARD MEETING HELD ON OCTOBER 21, 2021

On the motion of Mr. Weysham,
Seconded by Mr. Duplantier, 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 October 21, 2021.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Duplantier, Mr. Joanen, Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

ABSTAINED: Mr. Miller and Mr. Morgan

EMPLOYEE RECOGNITION AND APPRECIATION:

The Board recognized Sergeant Aurthur Agee as the FPA Police Employee of the Month (EOM) for October. Sgt. Agee, who is a member of the East Jefferson Levee District Police Department, was nominated by his colleagues and selected as the Police EOM due to his professionalism as a law enforcement officer and service to the public. On July 24, 2021, Sgt. Agee conducted a traffic stop on Clearview Parkway of a vehicle displaying a license plate registered to a different vehicle. Upon conducting record checks of the subjects in the vehicle, it was revealed that each subject had multiple outstanding felony and misdemeanor attachments. Upon making apprehension of the subjects, the passenger of the vehicle was questioned in reference to having narcotics and weapons, at which time the passenger admitted to being in possession of methamphetamine. Upon conclusion of the investigation, both subjects were arrested for their outstanding attachments and the passenger was charged for the possession of the methamphetamine.

Mr. Morgan presented a Certificate of Commendation to Sgt. Agee and the Board congratulated him for being selected Police EOM.

SAFETY MINUTE:

Rusty Kennedy, Director of Risk, Safety and Facilities, introduced Darren Nichols, Electrical Specialist Manager, Operations and Maintenance, Permanent Canal Closures and Structures (PCCP), to provide the Safety Minute presentation.

Mr. Nichols explained that he is one of the senior operators and oversees the daily operations of the 17th Street PCCP. Mr. Nichols is a veteran who served in Desert Shield and Desert Storm and has worked under Civil Service for 13 years with the last three years being at the FPA. He holds over a dozen different licenses and certificates including FAA pilot, diver, diesel engines, hydraulics and pneumatics, and on-scene incident commander.

Mr. Nichols reviewed some of the daily activities at the PCCP pump stations. Crews work four ten-hour days starting at 6:00 a.m. Most crew members arrive 30 to 35 minutes early and have coffee and breakfast in the safe house. The discussion during this time helps everyone from starting the day distracted and gives supervisors an

opportunity to evaluate crew members and look for things such as tiredness after a bad night or personal issues that need to be addressed outside of the group, so that their focus will be on the task at hand. At 6:00 a.m. the supervisor completes the agency mandatory COVID-19 testing. Assignments for the day (e.g., greasing bearings of 48 exhaust fans located 25+ feet from the generator building floor requiring an aerial lift or rotating 15,000 gallons of off-road diesel from the day tanks to the bulk tanks) are then reviewed. Each job task is reviewed in detail.

Mr. Nichols explained that after each assignment is given out, an open JSA (job safety analysis) discussion takes place regarding issues such as extra required PPE (personal protection equipment), safety zones around aerial lifts, and emergency procedures in the event a problem occurs in order to minimize the incident. Before starting a job, each crew member evaluates the PPE to be used (e.g., inspecting fall arrest harnesses for tears, fraying, dirt, correct operating latches and proper tags). Tools are inspected for damage and wear. An assessment of the work zone is conducted to determine any hazards that may be present. Once the work starts, every team member knows that at any point of the day, if anything does not look right, feel right or raises any type of red flag in his/her mind, he/she has the right and responsibility to stop the job and have a formal written JSA done before any work continues. Upon completion, the job is inspected and assessed by the leading supervisor. The leading supervisor also inspects and assesses any equipment or tools that were used for the job to prevent unknowingly using potentially damaged tools or equipment in the future. Damaged tools or equipment are immediately taken out of service. A debriefing discussion is held at the end of the day to discuss issues (e.g., tools, safety, equipment, levels of difficulty and manpower sufficiency).

Mr. Nichols invited Board members to tour the PCCP pump stations. Pumps are run and tested the first Tuesday of every month. Mr. Nichols also advised that the PCCP pump station crew had no injuries or incidents for calendar year 2020. He thanked the crew for tying last year's record thus far this year with zero injuries or incidents.

Mr. Duplantier thanked Mr. Nichols for his recent tour of the PCCP pump station and commented that he could see that Mr. Nichols and his crew take great pride in the pump station operations. Kelli Chandler, Regional Director, thanked Mr. Nichols for providing guidance on information for the Asset Management System relative to the PCCP.

Mr. Morgan noted that the Safety Minute was initiated about a year ago and that the FPA's safety culture is slowly improving. Mr. Noel pointed out that there have been fewer Workers' Compensation claims.

OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:

Mr. Morgan explained that, historically, a regular monthly Board meeting has not been held in December; however, a Special Board meeting may be needed to address the renewal of the FPA's property insurance. All insurance coverages have been prorated and extended to April 1st with the exception of property and cybersecurity. He also advised that renovations to the Franklin Facility Board Room will commence soon and

that Board meetings, potentially from January through March, may be held at locations other than the Franklin Facility.

Mr. Miller stated that prior to the October Board meeting, he sent an email to all Commissioners requesting that they not discuss the hiring of Regional Director Kelli Chandler in his absence and the absence of current President Mark Morgan. He stated that he and Mr. Morgan were most directly involved in the selection process and it would have been proper for them to be present to respond to any questions and correct any misinformation that was put forth. Three Commissioners chose to ignore that request. Two of the Commissioners, Mr. Arrigo and Mr. Joanen, to their credit had expressed their concerns to him months ago and neither brought up anything that they had not previously discussed with him. Both simply expressed concerns about the selection process noting that they would have done things differently had they been in his position. He stated that he did not find their comments offensive and while he was prepared to discuss them, he did not see any need to take up the Board's time with this. He stated that prior to the October meeting, Mr. Cosse had never spoken to him about this matter. Instead, he chose to publicly attack him in his absence, denying him an opportunity to defend himself against his slanderous and defamatory comments. Mr. Cosse also chose to attack Ms. Chandler's qualifications and character.

Mr. Miller stated that he usually does not respond to personal attacks, and that in his 25 years in public service, he has found that doing so seldom leads to an apology even when the attacker is clearly shown to be wrong. He said that even when the attacks are made in public and full of self-serving information and half-truths, such as the comments by Mr. Cosse against him and Ms. Chandler at the October Board meeting, he does not like wasting his time responding. Often responding to these attacks results in other unfounded attacks. He stated that whether these attacks were done by Mr. Cosse with intentional malice or just out of plain ignorance, he could not say, but he would say that accusations of having committed an illegal act, his comments that Ms. Chandler is unqualified for her position, and his views expressed that he had no authority to appoint her to her present position are all completely inaccurate. He thanked Mr. Duplantier for his comments at the meeting and setting the record straight. He stated that he could spend his time at the meeting with a robust defense of his actions and Ms. Chandler's qualifications and that he was prepared to do so. He was confident that it would put to rest Mr. Cosse's accusations and demonstrate his total hypocrisy regarding this matter; however, he realized that the Commissioners recognize the value that Kelli Chandler has brought to her new position as Regional Director and was ready to move on from the controversy that Mr. Cosse has attempted to create regarding her appointment. Accordingly, unless Mr. Cosse continues with his irresponsible attacks, he would let these allegations die the death they so very much deserve.

Mr. Cosse distributed a copy of his statement to Board members and read his statement into the record:

"Gentlemen, the action taken by our past President to hire a Regional Director was illegal and violates both State law and the By-laws of this Authority set forth in 2007.

- He polled Commissioners clearly violating the Open Meetings Law.

- He ignored all the guidelines and rules set forth by this Authority regarding the hiring of a Regional Director.
- The person he anointed meets none of the engineering and technical qualifications required by law.
- He ignored our own By-laws which state that the Board sets the salary and then he grants a whopping salary of \$170,000 to a person with no experience and who meets none of the qualifications required.

“It goes downhill from here... turns out, as reported in media outlets, the person he hires has a police record in the State of Georgia involving a DUI, multiple drugs and inhalants. This same person, who at the time was working in our Finance Department, subsequently wires \$51,000 of public tax money to an unknown account in Georgia, never to be found. Then a cover-up takes place, which has not yet been explained.

“Then as the Regional Director, one of her first acts was to fire our Police Chief. Her reason was that “he’s undermining me”. The Chief, by the way, was doing a fine job, received high marks, and was respected by myself as well as his officers. To make matters worse, our current President allowed this to happen! His defense, “I am supporting my Regional Director”.

“Back to our past President, Mr. Miller;

“Sir, could you explain how you could take it upon yourself to single handedly make such an important decision without any discussion or participation from the full Board?

“You took this action the day after the March 18th meeting of the full Board. You knew then what you were going to do and not a word was mentioned.

“In closing, gentlemen, we have been charged with the awesome responsibility of providing flood protection for a region of almost a million people.

“Flood protection has no place for an unqualified Director with no experience. We all have jobs, meet only once a month and some of us may not be as tuned in as we would like to be. All the more reason for the need for experience in this important position as I have been told by a number of resources in high places.

“This is not going away and won’t be swept under the rug.

“So let’s make corrections needed. It’s been made clear to me, if we don’t, then the State Legislature will!”

Mr. Cosse added that he has worked with Mr. Morgan for the past five years and stated to Mr. Morgan that he would not want this to be his legacy. He said that this is wrong and asked Mr. Morgan to be a leader.

Mr. Miller stated that Mr. Cosse asked him to explain his actions and that he would do so. He asked Mr. Cosse when did he come to the determination that he had violated the Open Meetings Law. Mr. Cosse responded that Mr. Miller had polled him over the phone and asked how he would vote. Mr. Miller stated that he was being accused of

illegal activity by polling the Board and that if he had done something illegal by polling the Board, the people who participated in this activity by definition also did something illegal. He stated that Mr. Cosse admitted to knowingly participating in an activity that he knew to be illegal, and that, in fact, it was not illegal, but, if it was illegal, seven Board members were guilty of this violation. He said that he would explain why it was not illegal.

Mr. Miller explained that Mr. Cosse pointed out at the last Board meeting that he sent an email that stated that the Board was going to hold an executive session to discuss this matter. After he sent the email, he was notified that it could not be discussed in executive session because it did not deal with a particular individual's personnel matter and was just a general discussion. Second, he was notified by the Board's Legal Counsel, Michelle White, that the decision to hire the Regional Director was his alone. With this in mind, he had a choice, he could just proceed willy-nilly, or he could try to get a sense of where the Board was—it was not a vote. He stated that he did not have to abide by the decision of the majority. The Board members could all have wanted to go one way and he had the authority to go absolutely the other way. He said that he was not sure that he had talked to all of the Commissioners, but he did talk to most of the Commissioners, including Mr. Cosse who he talked to twice. The majority that he talked to indicated that they wanted to go in-house, which is what he wanted to do, so he made the decision to proceed accordingly. He stated that this was not the first and only time he ever polled the Board and clarified that it was a poll of opinion, not a vote. He said he polled the Board in April when he asked members did they want the board table partitions to remain in place, and that had one member objected, the partitions would have remained. Mr. Cosse interjected that he told Mr. Miller when he called that he wanted no part of it. Mr. Miller stated that he was on the phone with Mr. Cosse for six minutes one time and two minutes the next, and that Mr. Cosse wanted to go out with an advertisement. Mr. Cosse responded that he stated that he wanted to advertise. Mr. Miller stated that Mr. Cosse said that he wanted to advertise because he wanted him to hire a specific individual that he named to place in the position. He said that he responded that he was not going to hire that person.

Mr. Miller stated that at the last Board meeting Mr. Cosse distributed handouts to Commissioners, one of which was the requirements for Regional Director. He stated that there are no specific requirements for Regional Director in the Bylaws; however, there are requirements in State law:

- (1) The Regional Director must reside in southeast Louisiana. Ms. Chandler lives in New Orleans.
- (2) Have a bachelor's degree, at a minimum, in the area of business, engineering, geology, hydrology, natural sciences, environmental sciences, renewable resources, or any similar academic field. Ms. Chandler has both a Bachelors and a Masters' Degree in Finance, which is a specialized branch of the Business School that requires more advanced math than a regular Business Degree.
- (3) Have a minimum of ten years' senior executive experience in business, engineering or hydrology, or in the performance of public works functions, related to flood and drainage control, flood plain management, water resources, soil

conservation, land surveying and mapping, disaster relief, or any related function. Ms. Chandler spent ten years as the administrator and controller of the State of Louisiana Firefighter's Retirement System. She also served as the System Administrator and Controller for the Police Retirement System for two years. She has 4.5 years of supervisory experience in the FPA Finance Department. This totals 16.5 years of senior executive experience.

Mr. Miller stated that Ms. Chandler meets every single requirement under the State statute. He addressed Ms. Chandler's salary and stated that the newspaper article reported that her prior annual salary was \$105,000, which was inaccurate, and that to his knowledge the reporter only talked to four people, Mr. Morgan, Mr. Joanen, Mr. Cosse and himself. Mr. Joanen interjected that he did not talk to the reporter. Mr. Miller stated that he could assure everyone that neither he nor Mr. Morgan gave the reporter that information. He explained that when Ms. Chandler was hired in 2016 her annual salary was more than \$105,000. In addition, the national search to hire the first Regional Director ended up with the selection of an FPA employee, whose annual salary prior to his selection was \$90,000. Upon being hired as Regional Executive Director, his annual salary jumped to \$135,000 (an increase of \$45,000 or 50%). Ms. Chandler's annual salary was \$132,000 and raised to \$171,000 (an increase of \$38,000 or 29%). He stated that when someone is hired into a new position, they are due the salary for which they are entitled. Prior to his resignation at the end of 2018, the annual salary of the first Regional Director was \$166,254. His average salary increase between 2013 and 2018 was a little over 3.4 percent. Assuming he would have received this increase in 2019, 2020 and 2021, his annual salary would have been \$183,000. Therefore, Ms. Chandler's annual salary is not out of line, and is \$10,000 less than the annual salary paid Derek Boese for a similar position.

Mr. Miller stated that Mr. Cosse made some comments that he did not originally plan to discuss regarding the \$51,000 scam that was pulled on the FPA and Ms. Chandler's DUI; however, although he did not want to discuss them, he would because of Mr. Cosse brought them up. He said that he thought that every Board member at the time and every current Board member probably felt that the Board should have been notified. He was told that the people who were notified were Ms. Chandler, the Chief Administrative Officer (CAO), the Superintendent of Police, the then-Board President, the IT Director, the FPA's insurance agent and the FBI. The reason they chose not to make this matter public was that they did not want other hackers to know about it and make similar attempts. He reiterated that the Commissioners should have been notified about the matter and said that he thought that they would have understood the need to keep it quiet had they been notified. He said that this was a very sophisticated attack. When the attack occurred neither Ms. Chandler nor former CAO Derek Boese questioned the request. However, Ms. Chandler questioned it and asked for other information which was provided. Even though the CAO suggested that she go ahead and pay it, she did inquire in a follow up email, which the scammer provided prior to her authorizing the payment. A few months later, she received a similar request and realized that it was a scam. She did not try to cover it up. Instead she reported it to the CAO, the Board President, the former Superintendent of Police, and the FBI. The FBI never found the individual. In 2018, the year that the scam took place, the Federal

Trade Commission reported nearly 1.5 billion dollars was paid to scammers with imposter scamming being the most prevalent form of successful scams. The FPA recognized this possibility and procured insurance against it. The FPA's insurer reimbursed about half of the cost. Therefore, the FPA lost about \$25,000. Since that time the FPA has increased its insurance coverage to protect against future scams. He stated that Ms. Chandler and the CAO made a mistake, but they did the right thing by reporting it to the Police Superintendent and the FBI. They did not try to cover it up.

Mr. Miller stated that, relative to the actual impact on the FPA, this loss represented 3/100's of one percent of the FPA's 2018 expenses. He said that he was disappointed that it happened, but it did not impact the FPA's operations, and afterwards steps were taken to minimize the possibility of it happening again. Had the Board been aware of it at the time, he stated that he did not think that any disciplinary action would have been taken against either Ms. Chandler or Mr. Boese.

Mr. Miller stated that the former Police Superintendent knew about this matter and was one of the people who agreed not to disclose it so that the FPA would not be subjected to other attacks. However, he decided to release the information after he resigned. Mr. Miller distributed a handout to Board members and stated that he would not read the contents of the handout into the record because it is in the personnel file; however, the information in the handout was verified by multiple sources. Mr. Miller stated that it was this type of information that led to Ms. Chandler approaching the President and providing him this information with the backup supporting documents, and it was the President that gave Ms. Chandler the authority, and, in fact, basically the order, to either allow the Police Superintendent to resign or to dismiss him. Mr. Miller stated that he liked the Police Superintendent and thought that he did a lot of good things for the FPA and that he was sorry to see him go. He said that when he heard that the Police Superintendent had resigned he called and did this investigation to find out the reason. He stated that if any other Board member wished to investigate and review the other information that is available, they would come to the same conclusion—that it was time for him to go. Mr. Miller made it clear for the public that the Police Superintendent had not committed any criminal activity and that it was not the reason for his dismissal. It was other factors that led to the decision.

Mr. Miller stated that during Mr. Cosse's tenure on the Board, the President made the Executive staff appointments and set the salaries: The minutes of the Board meetings reflect that in each case an announcement was made by the President, Vice President or CAO, and there was no comment by Mr. Cosse or any other Board member objecting to the appointments. Regarding the CAO appointment, no public comments were made and nothing in the Bylaws set requirements or qualifications for the position.

Mr. Miller stated that Mr. Cosse said in the meeting that the position of CAO was repositioned to the top of the organizational chart and in reality in October, 2017, when then Regional Director Robert Turner was loaned to the Sewerage and Water Board of New Orleans and later retired in 2019, that the CAO had morphed into the position of Regional Director. Therefore, the position of Regional Director had been vacant from that time until Ms. Chandler's appointment. Neither the President nor the Board took

any action to fill the position. Mr. Miller stated that in his email announcement of March 19th that he sent to the Board appointing Ms. Chandler, he stated, “the position of “Chief Administrative Officer” will be changed to “Regional Director” in accordance with the State statute. ... We will no longer have both a CAO and Regional Director; it will be one job having the responsibilities currently handled by Derek Boese.” In addition, the press release stated, “The title of Chief Administrative Officer currently held by Derek Boese will be retired and the responsibilities transferred to the Regional Director.” He said that he made a mistake and should have appointed Ms. Chandler to the position of CAO, then all of the nonsense being raised would have had no bearing on anything because there is nothing in the ordinances or Bylaws that restricted him from doing that and it was an action that the previous President took without any objection. He apologized to Ms. Chandler for making this mistake.

Mr. Miller pointed out that the Bylaws state, “the Southeast Louisiana Flood Protection Authority-East ... 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.” Obviously, this is a mistake and the Bylaws are not 100 percent accurate and need some adjustment.

Mr. Miller pointed out that the Bylaws state under Duties of the President, “to act as appointing authority for all employees of the Authority” and “to have all other executive powers necessary and proper to a President of a Flood Protection Authority.” The Bylaws state under 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.” He stated that there are no actions by the Board to fix the qualifications, duties and salary for this position; therefore, there is a conflict in the Bylaws. In one place the Bylaws state that the President has the responsibility for hiring everyone and in another place it states that the Board can hire a Regional Director. It was the legal opinion of in-house counsel that it was the President. He said that when there is a conflict sometimes you must rely on precedent. The Bylaws also state, “The Board may hire one or more attorneys to represent it...” and “The Board may hire one or more engineers as it deems appropriate ...” He stated that Mr. Cosse did not protest the hiring of the FPA’s attorney or Chief Engineer by the President or the setting of their salaries; he only protested the appointment of Ms. Chandler, and that he is a hypocrite.

Mr. Cosse stated that he stood by his statement. He said that he could go down all of Mr. Miller’s points and that he would have a counter for every point. He asked Mr. Miller, why did he wait until the day after the Board meeting to go behind closed doors and hire an unqualified person for this important position. Why didn’t he bring it up at the Board meeting?

Mr. Miller stated that once a decision was made to go in house with the hire, two candidates came forward: Ms. Chandler, then Regional Finance Director, and Chris Humphreys, Director of Engineering. He asked Mr. Boese at that time, was there anyone else within the organization that he felt should be interviewed. Mr. Boese responded, no. Again, recognizing that the decision was his alone, he did not want to

wait. He stated that Mr. Cosse made a comment at the last Board meeting that there was no need to have a head; however, he disagreed with that statement. He asked who was going to run the staff meetings, give the Board the annual report, report to the 20 different national and international news agencies that called for comment during Hurricane Ida, and do all of the things that the boss of an organization has to do, such as settling internal disputes amongst the directors. The argument could be made that a temporary appointment could have been made. Mr. Miller stated that a temporary appointment would have resulted in in-fighting, as Mr. Cosse would have been pushing for someone else to get the job, Mr. Joanen had told Mr. Humphreys that he hoped that he got the job, and there would have been others who wanted someone else to have the job.

Mr. Joanen explained that the Commissioners had no idea that the CAO was going to resign until the die was cast; therefore, with regards to whether a replacement should be sought internally or externally, he had always thought that the FPA would get the best qualified person, whether internally or externally. If an internal person was best qualified for the job in moving forward with the permanent position that would be great. However, in the interim, because he did not know Ms. Chandler and he knew Mr. Humphreys and the value he brought to the table with his vast experience, he hoped that he would be the one selected. He explained that at that time when he read the Bylaws and before he talked to Mr. Miller the day after the Board meeting held in St. Bernard Parish, he recognized there was a conflict in the Bylaws and that the President would appoint someone; however, he was under the impression that before the President appointed someone, it would come before the Board and the Board would decide whether or not it was a good appointment. That never occurred. He stated that this is his only angst with this issue.

Mr. Joanen pointed out that this issue has become divisive and has monopolized much of the Board's time that should be spent on matters of greater importance. The way to resolve this issue is to go back to the process, and if the process is not what the Board wants, it should make an above-board, transparent change to the process. He stated that he believed that all of the Board members have the best intentions and that the members need to come together. He pointed out that he only asked questions that had been asked of him by the general public and that he could not answer them. He reiterated that he did not like the way the process played out this time. He asked what would happen if Ms. Chandler choose to leave for some personal or professional reason and what would be the process for filling the position. If the process is ambiguous today and the Board does nothing about it, it will remain ambiguous. Instead of being divisive, the leadership should be inclusive and include the opinions of all Board members. He stated that if the Board members do not have a right to have a say in appointment of this position, then this needs to be changed.

Mr. Duplantier stated that the Board needed to stop this conversation and move on. He said that there is no conflict in the Bylaws and, as he explained at the last Board meeting, the process is very clear. First, the Board decides to have a Regional Director and decides the qualifications. Once that decision is made, the Bylaws are clear that the President becomes the appointing authority. Mr. Joanen asked, what if a majority of

the Board members disagree with the appointment. Mr. Duplantier responded that if the Commissioners do not agree with the President's decision, the Bylaws provide a process and by a vote of three-fourths of the majority can overturn the President's appointment. He pointed out that none of the Commissioners have used this process.

Mr. Morgan noted that the Commissioners had made their points and indicated that the Board should move on with the agenda.

Mr. Miller explained that he took no exception to anything stated by Mr. Joanen and that he expressed an opinion to which he and others are entitled. He reiterated that he did nothing wrong and that he did what he thought was right. He offered to meet with anyone who wished to discuss the hiring process. He stated that if there was something that needed to be changed, he was open to a discussion of how the Board moves forward on the next appointment. He pointed out that Mr. Humphreys is well qualified for the position of Regional Director, and that he and Mr. Morgan came out of the interviews with the belief that it would not be a mistake to hire either individual. He stated that there were three deciding factors: (1) Mr. Humphreys had stated that he would be leaving in three to five years and Mr. Miller did not want to put the Board in a position of having to do this process again in three to five years. (2) As Finance Director, Ms. Chandler took it upon herself to go into the field and meet with each crew and find out what they did. (3) Then CAO Derek Boese highly recommended Ms. Chandler. He reiterated that Mr. Humphreys is an excellent manager and engineer and would have done a great job and that it was a tough decision that he discussed with Mr. Morgan. When asked who would he pick, Mr. Morgan told Mr. Miller that the choice was his.

Mr. Joanen reiterated that given the circumstances, an interim appointment should have been made.

Mr. Duplantier asked that if these types of discussions are going to occur in the future that the Commissioner place it on the agenda and not blindsides other Board members. He stated that for two meetings in a row Commissioners have been blindsided by Mr. Cosse and that he was tired of it and would like to move on with FPA business.

Mr. Cosse responded that he did not know what Mr. Duplantier meant by being blindsided as Mr. Miller had about twenty pages of notes, which Mr. Cosse stated were put together by Mr. Duplantier. Mr. Duplantier replied that he did not write one word of Mr. Miller's presentation.

PUBLIC COMMENTS: None.

PRESENTATIONS: None.

REPORT BY REGIONAL DIRECTOR:

Ms. Chandler introduced Kenyetta Sewell, the FPA's new Human Resource (HR) Director who began work on November 15th. Ms. Sewell has worked in the HR industry

for over 17 years, most recently serving as HR Director for the LA Special School District where she headed the HR function for the merger of school districts and implemented numerous efficiency initiatives. As HR Director for the Louisiana Lottery Corporation, her responsibilities included the development and implementation of policies, procedures and strategic initiatives, and as Deputy Undersecretary for Louisiana State Civil Service she directed the development of the budget and annual financial report, monitored revenues and expenditures, wrote agency contracts, participated in the development of the strategic plan and provided oversight of the HR function for State Civil Service, the Board of Ethics and the Division of Administrative Law. In 2017 Ms. Sewell earned the Society for Human Resource Management (SHRM) designation. She currently serves on the East Baton Rouge Personnel Board, and until recently she served on the Board of Directors for the Greater Baton Rouge SHRM, as Chairperson for the Work Force Readiness Committee and Committee member for the Training and Development of the Baton Rouge Junior League.

Ms. Chandler provided the following highlights of the Regional Director's report:

- Hurricane Ida Debris Removal – Details on the debris removal project were provided to the Operations Committee. The contracts for debris removal and monitoring are on-going. The debris removal contractor is using drones for seeding areas, as needed. FPA staff is observing the seeding process to determine whether it would be advantageous for the FPA to use drones for this function in the future. The FPA currently has five licensed drone operators.
- Asset Management System – The FPA is in the process of merging a number of independent software systems into the FPA's new Asset Management System. The project is headed by the Regional Director. The following information has been loaded into the new system: the chart of accounts, vendor listing, customer listing, intercompany transactions and master accounts. Finance is currently maintaining two systems on these functions. Finance partnered with Engineering and continues work on the asset list for maintenance. The linear assets, including floodgates, have been completed and work is in progress on the PCCP assets. The maintenance assets are anticipated to be completed within the next 30 days. The project is going well and the go-live date is targeted for July 1st.
- Levee District Police – The transition is going extremely well. A meeting was held with Harbor Police, which is similar in size to the East Jefferson and Orleans Levee District Police Departments, regarding detail administration and the FPA was provided guidance on writing police detail policy. Two levee district police officers completed a draft police detail policy, which was provided to Ms. Chandler and comments were returned. Ms. Chandler observed that Orleans Levee District Police Department (OLDPD) personnel hand write all dispatches and that the system is paper driven with duplications. Harbor Police provided a demonstration of its automated dispatch system, which is under consideration for the OLDPD. The estimated cost of the automated dispatch system is between \$10,000 and \$20,000. Weekly Captains' meetings are being held and discussions have commenced on updating the Standard Operating Procedures for each Department.

- Insurance coverage renewals – The renewal date for all FPA insurance coverages, with the exception of property and auto, have been extended to April 1st. Property insurance is anticipated to increase on an annual basis by 35 percent or more due to the record number of storms in 2020 and losses from Hurricane Ida and by 15 percent to extend the coverage. Arthur J. Gallagher, FPA insurance agent of record, recommended an annual renewal of property insurance coverage; however, staff is awaiting the final numbers and will evaluate the situation. Should there be a substantial difference in cost, the issue would be brought to the Board for action in December.

COMMITTEE REPORTS:

Finance Committee: Mr. Noel advised that the Finance Committee did not meet due to a lack of items. He explained that the FPA is attempting to extend the renewal date for its insurance coverages to April 1st to facilitate the budget process. The rate to extend property insurance to April 1st is anticipated to increase by 15 percent; however, the renewal rate on April 1st could potentially increase by 40 to 50 percent based on the huge losses resulting from Hurricane Ida. Deductibles may have to be raised to offset some of the increase. He thanked John Burgess, Interim Finance Director, for his work during the transition period.

Operations Committee: Mr. Weysham chaired the Operations Committee in Mr. Latiolais' absence. He reported that the Operations Committee met prior to the Board meeting and considered the items listed on the Committee's agenda. Mr. Weysham provided the Committee's recommendations as the items were taken up by the Board.

Coastal Committee: Mr. Joanen reported that the Coastal Committee met prior to the Board meeting. The Committee discussed coastal projects that are taking place around the Hurricane and Storm Damage Risk Reduction System (HSDRRS) and the fact that significant funding is expected to be made available for future coastal projects. Mark Schexnayder and representatives from other entities are anticipated to attend the next Coastal Committee meeting to discuss potential new projects and needs which the FPA can support and advocate and that can set the tone for 2022. It was noted that the more salient topics from the Committee meeting could also be discussed during the Board meeting.

Legal Committee: Mr. Duplantier advised that there were no new matters for discussion; therefore, the Legal Committee did not meet.

NEW BUSINESS:

Staff additions, status and discussion:

- 1) HR Director - Roy Arrigo,
- 2) Finance Director - Randy Noel,
- 3) Police Superintendent - Kelli Chandler, and
- 4) Internal Auditor - Board discussion.

Mr. Morgan advised that a media report suggested that the FPA was not being transparent; therefore, he requested that these important hires be placed on the agenda and assigned certain Board members to participate in the hiring process.

HR Director – Mr. Arrigo explained that he gained a great amount of HR experience during his professional career; therefore, he was asked to participate in the hiring process for the HR Director. He assured the Board and public that it was a very good process. The job was posted seven days on the Louisiana State Civil Service website and 14 days on Indeed. The 66 applications received were culled down to five and the five top applicants were interviewed. One applicant took a position just prior to the scheduled interview. The interviews were conducted by Chris Humphreys, Kelli Chandler, Sandy West and Mr. Arrigo, and the top candidate was Kenyetta Sewell. Mr. Arrigo assured everyone that Ms. Sewell is well qualified for the position and welcomed her to the FPA.

Finance Director – Mr. Noel advised that Sandy West, former HR Director, received the same number of applications for Finance Director as were received for HR Director and reviewed and culled the applications down to five. Several of the top five applicants cancelled their interviews and two interviews were conducted. Mr. Noel commented on the complexity of the FPA's financial operation. Mr. Noel stated that one application stood out and that after the interview with the individual, Denise Businelle, he was confident that Finance could be turned over to her and Ms. Chandler could focus on being the Regional Director. Ms. Businelle previously worked at two State governmental agencies handling the budgets and accounting programs. He advised that Sandy West's home was destroyed by Hurricane Ida and that she accomplished this work while living out of a trailer and did an excellent job. Ms. Businelle will begin work at the FPA on December 6th. Mr. Burgess will remain a short time in order to bring Ms. Businelle up to speed. Mr. Morgan thanked Mr. Burgess for the outstanding job that he did during the interim period.

Police Superintendent – Ms. Chandler advised that the unclassified position of Police Superintendent is not a Constitutional position and must be approved by Louisiana State Civil Service every four years. The position is up for renewal and HR staff is updating the position description for transmittal to Civil Service for approval by the Civil Service Commission at its January meeting. The FPA will begin the search to fill the position after the Commission approves the renewal of the position. Ms. Chandler stated that the Captains have stepped up and no issues have occurred; therefore, there is not an urgent need to fill the position. Mr. Morgan advised that he requested that Ms. Chandler and the Captains work together and develop an overall staffing plan. Ms. Chandler stated that they are in the process of reaching out and scheduling meetings with all of the neighborhood associations. Ms. Chandler, Mr. Humphreys, Ryan Foster and the Police Captain will attend the meetings and provide their contact information for the public's use in expressing concerns. Ms. Chandler pointed out that Police Departments across the country are experiencing difficulty trying to hire new officers.

Internal Auditor – Mr. Morgan explained that the position of Internal Auditor was previously held by Louis Capo, who is now the Director of the Lakefront Management

Authority, and that the position had reported directly to the Board and Regional Director. Mr. Cosse stated at the Board's last meeting that FPA should hire someone to fill the Internal Auditor position; therefore, Mr. Morgan placed the item on the agenda for discussion.

Mr. Duplantier requested that the item be deferred until the new Finance Director takes over the financial operation so that the Board could have her thoughts on the need for an Internal Auditor. He stated that he did not personally think that the FPA needed an Internal Auditor because it has an external audit that is comprehensive. Mr. Cosse explained that he did some research on the position and advised that he had the opposite opinion. Mr. Cosse added that the decision on whether or not the FPA should have an Internal Auditor is not one that should be made by a department head. Given the size of the operation, the amount of equipment, and the money that flows through the organization, it is imperative that the FPA have an Internal Auditor. He pointed out that the Internal Audit function does not need to be full time. Mr. Joanen agreed with Mr. Cosse and pointed out Mr. Noel's earlier statement about the complexity of the financial operation.

Mr. Noel stated that the FPA should complete the implementation of the Asset Management System, which would help prevent errors, prior to making a decision regarding an Internal Auditor. In addition, the FPA's cybersecurity is being tightened. Ms. Chandler explained that the FPA currently has six different checking accounts and five different credit cards; however, after the Asset Management System is implemented, there will only be one and operations will be streamlined. Also, the Asset Management System will automatically book the inter-companies when costs are allocated between districts. She stated that she was not opposed to having an Internal Auditor; however, she thought that some things needed to happen first. Mr. Noel added that if an Internal Auditor is hired at this time, the individual would have to be trained to use the software system while it is being implemented. Once the software system is in place, the Board could determine whether there is a need for someone to oversee it and for the FPA to have an Internal Auditor.

Mr. Noel requested that the Board delay the item until July and stated that a job description could be developed in the meantime. Ms. Chandler pointed out that the Internal Auditor position is not currently budgeted and this issue could be addressed before July. Mr. Cosse pointed out that it could take some time to fill the position; therefore, why not start now. Ms. Chandler responded that the HR Director position was filled in a very short period of time and that it is a job seekers' market.

Mr. Morgan recommended that the Board deferred a decision on the Internal Auditor position until March. The new Finance Director will then have been on the job several months and the Internal Auditor position could be filled by July 1st.

Update on training for Cybersecurity protection by Roman Dody, Director of Information Technology.

Mr. Morgan advised that the FPA implemented new procedures after the cybersecurity attack that was the recent subject of news media reports. He requested that Roman Dody, Director of Information Technology (IT), provide a presentation to the Board on cybersecurity and the efforts to reduce the possibility of such an attack happening again.

Mr. Dody explained that the IT Department has worked over the past three to four years to change the culture of the FPA's user community. Changes were made to the way that the FPA did business and on information delivery. In 2018, the FPA invited the FBI (Federal Bureau of Investigation) Cyber Division to provide a presentation to Executive leadership and some staff members on cybersecurity awareness, dos and don'ts, and a general education on cyber activity. The same presentation was given in 2019 to about 111 employees, which included administrative staff and second level supervisors. The training brought an awareness of cyber threats and vulnerabilities and increased overall cyber security knowledge

Topics of the FBI Cyber Division's presentation included:

- Types of phishing attacks
- Internet and email usage
- Social Engineering
- Malware vs. Ransomware (knowing the difference)
- Installing security updates
- Incident Reporting
- Password Creation - Do's and Don'ts
- Benefits of two-factor authentication

Mr. Dody advised that the FPA implemented two-factor authentication agencywide in 2020 for all employees. He explained that the FPA has partnerships with the following organizations and reviewed aspects of the partnerships:

- Federal Bureau of Investigation (FBI) – Cyber Division
 - Department of Homeland Security / Cybersecurity & Infrastructure Security Agency (DHS / CISA) – Vulnerability Evaluation Team
 - Louisiana State Police Analytical and Fusion Exchange – Fusion Center
 - InfraGard Louisiana
 - Universal Data Incorporated (UDI)
-
- In December, the CISA Vulnerability Evaluation Team will do remote vulnerability testing for a week and afterwards an on-site test of the FPA's infrastructure. After the tests are concluded, CISA will brief the FPA and identify any potential vulnerabilities, opportunities for improvement and necessary corrections.

- The FPA shares and exchanges information and ideas with the Louisiana State Police Fusion Center as part of their partnership.
- IT staff are members of InfraGard Louisiana.
- The FPA shares a private partnership with Universal Data Incorporated, which plays an integral part in the FPA's disaster recovery plan and cybersecurity initiatives.

Mr. Dody thanked Susan Jenkins, Training and Development Specialist, and Glenda Boudreaux, Administrative Program Director, for their support in getting the message on cybersecurity out to FPA employees.

Mr. Dody explained that in 2020 the Louisiana State Legislature passed House Bill No. 633, which was signed into law by the Governor and became Act No. 155, requiring cybersecurity training for State employees. Prior to the passage of this legislation, the FPA took the initiative to develop a cybersecurity training program. The program's curriculum was divided into administrative and non-administrative to ensure inclusivity. In response to Act 155 of 2020, Louisiana State Civil Service developed a 30-minute one-time training program for State employees. The FPA anticipates ultimately combining the two programs into a single program.

Mr. Dody pointed that cybersecurity is only as strong as the organization's weakest employee and that the landscape is always changing and evolving. All FPA employees are mandated to complete the Civil Service training program and the FPA's annual cybersecurity awareness/training program in the month of October (National Cybersecurity Month).

Mr. Dody introduced Stephanie Kavanaugh with UDI and Special Agent Clinton McLean with the FBI's New Orleans Cyber Task Force to share information on their partnerships with the FPA.

Ms. Kavanaugh advised that she has worked about four years with the FPA on executing the cybersecurity road map. Cybersecurity is a shared responsibility with an ever changing landscape. The threat landscape is always different and the workforce must be educated about new threats that are constantly surfacing. She explained that when she met with the FPA's IT team in 2018, there was a very clear vision to create a cyber-aware culture. Cultures take time to change and require reinforcement. The IT team wanted to build out its expertise, educate themselves and build partnerships that would enable the vision of constant education for the IT team and the FPA agencywide, create policies of defense in the event of an incident so that action could be taken as quickly as possible to contain the threat, and build walls to help defend FPA systems.

Ms. Kavanaugh explained that for the past five years, more than 80 percent of cyberattacks are the result of a phishing attack. Phishing is a type of social engineering typically done through a fraudulent message, whether email or text, in order to obtain sensitive information or have an individual take action to release malware into your environment. She stressed the importance of cybersecurity training to prevent such

attacks. A handout that was distributed laid out the security roadmap highlighted by Mr. Dody, as well projects and initiatives that he took on over the past four years for execution, as well as the results of each initiative. Efforts began at the end of 2017 to merge the districts into one organization and educate it.

Ms. Kavanaugh advised that the cybersecurity training at the State level is important, but it is not enough because landscapes are constantly changing. The program implemented by the FPA is extremely customizable and constantly updated with some of the new threats and simulated phishing attacks on the workforce. She stressed that cybersecurity is a process and proactive measures are needed to identify future threats and ensure that the organization's systems are defended.

Special Agent McLean advised that the FPA is on a good track and implementing the right steps; however, it must continue being diligent. The FPA will continue being a target, especially in its infrastructure aspect. He stressed the importance of reporting cyberattacks as soon as possible. If a business email compromise is reported quickly (within a few days), the FBI has assets worldwide that can help stop the transfer of funds. This becomes more difficult as time progresses. He pointed out that the FBI's New Orleans office is located near the FPA's Franklin Facility and can respond within hours to a cyberattack (e.g., ransomware). FBI personnel can take images of the FPA's system to capture evidence while the attack live and happening. This type of evidence is needed by the FBI to stop and convict the individuals who are initiating attacks.

Special Agent McLean explained that the Task Force is keeping an open line of communication with Mr. Dody in order to provide any assistance needed. He stressed that the employees are the weak point in any IT system. He noted that cyberattacks are happening more through means of the human aspect (e.g., phishing), than the traditional hacking of a system itself. He advised that any individual can report on line scams or cybercrime whether business or personal through the FBI's Internet Crime Complaint Center website - ic3.gov. The website is staffed 24/7 to provide assistance.

Discussion of flood protection.

Mr. Cosse, the Commissioner who placed the item on the agenda, advised that he wished to withdraw the item.

RESOLUTION NO. 11-18-21-02 - AMENDMENT OF TASK ORDER WITH WITT O'BRIEN'S, LLC, FOR HURRICANE IDA DISASTER DEBRIS MANAGEMENT MONITORING

Mr. Weysham explained that Mr. Kennedy provided a presentation at the Operations Committee meeting on the status of the debris removal project. The Operations Committee recommended that the Board approve the proposed amendment of the task order with Witt O'Brien's, LLC.

Mr. Morgan pointed noted that the FPA is proceeding in accordance with FEMA protocols in order to receive 75 percent reimbursement for the work.

On the motion of Mr. Weysham,
Seconded by Mr. Noel, the following resolution was offered:

WHEREAS, by Resolution No. 10-21-21-05, the Southeast Louisiana Flood Protection Authority-East (FPA) approved the execution of a Task Order with Witt O'Brien's, LLC, for Hurricane Ida Disaster Debris Management Monitoring in an amount not to exceed \$250,000; and

WHEREAS, there is a need to increase the not to exceed amount of said Task Order from \$250,000 to \$500,000; and

WHEREAS, funding for the proposed work will be cost shared 75 percent FEMA and 25 percent FPA.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves an amendment to the Task Order with Witt O'Brien's, LLC, for Hurricane Ida Disaster Debris Management Monitoring to increase the not to exceed amount from \$250,000 to \$500,000, and authorizes the Regional Director, or in her absence the Director of Engineering, to execute said amendment to the Task Order.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Duplantier, Mr. Joanen, Mr. Miller, Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

RESOLUTION NO. 11-18-21-03 - APPROVAL OF AMENDMENT OF TASK ORDER WITH DEI FOR CONSTRUCTION ADMINISTRATION AND RESIDENT INSPECTION SERVICES FOR THE LAKESHORE DRIVE IMPROVEMENTS SEAWALL AREA EROSION CONTROL PAVING PROJECT REACH 3A

Mr. Humphreys explained that the Reach 3A Seawall Area Erosion Control Project was extended due to numerous storms. The contract allows the contractor to request to work weekends or other additional time, which has been done throughout the project. Therefore, the contractor is responsible for payment of overtime hours for inspection.

Mr. Duplantier stated that he abstained from the discussion and vote.

On the motion of Mr. Weysham,
Seconded by Mr. Joanen, the following resolution was offered:

WHEREAS, by Resolution Number 03-19-20-08, the Southeast Louisiana Flood Protection Authority-East (FPA) authorized the issuance of a Task Order to Design Engineering, Inc. with a not to exceed amount of \$461,047.05 to provide Construction Administration and Resident Inspection Services for the Lakeshore Drive Improvements Seawall Area Erosion Control Paving Project Reach 3A; and

WHEREAS, due to project delays and extended construction duration, the aforementioned Task Order was amended to increase the not-to-exceed amount by \$100,000.00 for a total not-to-exceed Task Order amount of \$561,047.05; and

WHEREAS, additional resident inspection fees in the amount of \$63,181.47 are needed in order to continue services until the conclusion of the construction of the project; and

WHEREAS, funding for the additional services is included in Budget Line Item BIDIQ01.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the amendment of the Task Order with Design Engineering, Inc. for Construction Administration and Resident Inspection Services for the Lakeshore Drive Improvements Seawall Area Erosion Control Paving Project Reach 3A, to increase the not-to-exceed amount of the Task Order by \$63,181.47, for a total not-to-exceed Task Order amount of \$624,228.52.

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

YEAS: Mr. Arrigo, Mr. Cosse, Mr. Joanen, Mr. Miller, Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

ABSTAINED: Mr. Duplantier

RESOLUTION NO. 11-18-21-04 - AWARD OF CONTRACT FOR THE ORLEANS MARINA – SEEPAGE REPAIRS PHASE III BULKHEAD REPLACEMENT PROJECT

Mr. Weysham advised that the Operations Committee discussed the award of the contract for the Orleans Marina Seepage Repairs Phase III Bulkhead Replacement Project and recommended that the Board approve the award and execution of a contract with the MR Pittman Group. The project is a little over 400 feet in length.

On the motion of Mr. Weysham,
Seconded by Mr. Arrigo, the following resolution was offered:

WHEREAS, the Orleans Marina – Seepage Repairs Phase III Bulkhead Replacement Project (OLD Project No. O5060106) was advertised and three bids were opened and read at the Franklin Avenue Facility on November 10, 2021, as follows:

Bidding Contractors	Total Bid Price Bid
MR Pittman Group	\$3,912,745.00
Cayo LLC	\$4,395,300.00
Boh Bros	\$4,597,730.00

WHEREAS, the lowest responsive and responsible bid was submitted by MR Pittman Group, in the amount of \$3,912,745.00; and

WHEREAS, the Engineering Estimate for the base bid project is \$3,862,000.00; and

WHEREAS, funding for the project is included in Budget Line Item BPROJ054.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority–East (FPA) authorizes the award of a contract in the amount of \$3,912,745.00 to MR Pittman Group, for the Orleans Marina – Seepage Repairs Phase III Bulkhead Replacement Project.

BE IT FURTHER RESOLVED, that the FPA Regional Director, or in her absence the Director of Engineering, is hereby authorized to execute the above mentioned contract with MR Pittman Group, 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. Arrigo, Mr. Cosse, Mr. Duplantier, Mr. Joanen, Mr. Miller, Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

RESOLUTION NO. 11-18-21-05 - APPROVAL OF TASK ORDER WITH LINFIELD, HUNTER AND JUNIUS FOR INSPECTION SERVICES FOR THE ORLEANS MARINA – SEEPAGE REPAIRS PHASE III BULKHEAD REPLACEMENT PROJECT

Mr. Morgan advised that the proposed task order with Linfield, Hunter and Junius would allow the engineering firm that designed the Orleans Marina Seepage Repairs Phase III Bulkhead Replacement Project to oversee its construction, ensure work is performed in accordance with the plans and inform local residents about the construction.

On the motion of Mr. Weysham,

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

WHEREAS, on November 18, 2021, the Southeast Louisiana Flood Protection Authority-East (FPA) awarded and approved the execution of a contract for the construction of the Orleans Marina – Seepage Repairs Phase III Bulkhead Replacement Project; and

WHEREAS, the FPA currently has an Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract with Linfield, Hunter and Junius for Civil Engineering Services; and

WHEREAS, Linfield, Hunter and Junius provided a proposal dated November 10, 2021, to provide Resident Inspection Services for a not-to-exceed amount of \$175,898.00 for the aforementioned project; and

WHEREAS, funding for said Resident Inspection Services is included in Budget Line Item BIDIQ01.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the issuance of a Task Order to Linfield, Hunter and Junius with a not-to-exceed amount of \$175,898.00 for Resident Inspection Services for the Orleans Marina – Seepage Repairs Phase III Bulkhead Replacement Project, and authorizes the Regional Director, and in her absence the Director of

Engineering, to execute said Task Order 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. Arrigo, Mr. Cosse, Mr. Duplantier, Mr. Joanen, Mr. Miller, Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

RESOLUTION NO. 11-18-21-06 - APPROVAL OF CHANGE ORDER TO CONTRACT WITH KORT'S CONSTRUCTION SERVICES, INC., FOR ORLEANS AVENUE CANAL EROSION MITIGATION

Mr. Weysham advised that the Operations Committee discussed and recommended that the Board approve the proposed change order to the contract with Korts Construction Services, Inc., for the Orleans Avenue Canal Erosion Mitigation Project. The Change Order is for materials required for additional areas of erosion that were identified.

On the motion of Mr. Joanen,

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

WHEREAS, by Resolution No. 01-21-21-07, the Southeast Louisiana Flood Protection Authority-East (FPA) approved the execution of a contract with Kort's Construction Services, Inc., in the amount of \$3,124,152.00 for the Mitigation of Outfall Canal Erosion-Orleans Avenue Canal Project (O.L.D. Project No. O2480736); and

WHEREAS, in several areas along the toe of the bank of the outfall canal additional riprap is needed due to unforeseen conditions; and

WHEREAS, a Change Order is needed to said contract for a not-to-exceed amount of \$127,000.00 for the additional required riprap; and

WHEREAS, funding for the project is included in Budget Line Item BPROJ050.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the issuance of Change Order No. 2 to the contract with Kort's Construction Services, Inc., for the Mitigation of Outfall Canal Erosion-Orleans Avenue Canal Project for additional riprap required in several areas along the toe of the canal bank for a not-to-exceed amount of \$127,000.00, and authorizes the Regional Director, or in her absence the Director of Engineering, to execute said task order 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. Arrigo, Mr. Cosse, Mr. Duplantier, Mr. Joanen, Mr. Miller, Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

RESOLUTION NO. 11-18-21-07 - APPROVAL OF TASK ORDER WITH FENSTERMAKER FOR OUTFALL CANAL TOPOGRAPHIC AND BATHYMETRIC SURVEYS

On the motion of Mr. Joanen,
Seconded by Mr. Miller, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (FPA) is in need of a LiDAR Topographic and Multibeam Bathymetric Survey of the Orleans, London and Seventeenth Street Outfall Canals for erosion detection and monitoring; and

WHEREAS, the FPA currently has an Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract with C. H. Fenstermaker & Associates, LLC (Fenstermaker), for surveying services; and

WHEREAS, Fenstermaker provided a proposal dated October 22, 2021, to perform a LiDAR Topographic and Multibeam Bathymetric Survey of the Orleans, London and Seventh Street Outfall Canals for a total not-to-exceed amount of \$125,680; and

WHEREAS, funding for said services are provided in Budget Line Item BIDIQ02.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the issuance of a Task Order to C. H. Fenstermaker & Associates, LLC, to perform a LiDAR Topographic and Multibeam Bathymetric Survey of the Orleans, London and Seventeenth Street Outfall Canals for a total not-to-exceed amount of \$125,680, and authorizes the Regional Director, or in her absence, the Director of Engineering to execute said Task Order 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. Arrigo, Mr. Cosse, Mr. Duplantier, Mr. Joanen, Mr. Miller, Mr. Noel and Mr. Weysham

NAYS: None

ABSENT: Mr. Latiolais

Mr. Morgan advised that depending on when the FPA receives the quotes for the renewal of its insurance coverages, a Special Board meeting may be called to take action on the insurance renewals and the Regular Monthly Board meeting for December may be cancelled.

There was no further business; therefore, the meeting was adjourned.