

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY–EAST  
BOARD MEETING  
THURSDAY, NOVEMBER 21, 2024**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or FPA) was held on November 21, 2024, 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. Carubba called the meeting to order at 10:00 a.m. and led the pledge of allegiance. The roll was called and a quorum was present:

**PRESENT:**

Roy M. Carubba, P.E., President  
Thomas G. Fierke, Vice President  
Deborah M. Settoon, P.E., Secretary  
William A. Settoon, Jr., Treasurer  
Roy M. Arrigo  
Clay A. Cosse  
Richard G. Duplantier, Jr. (arrived 11:30 a.m.)  
K. Randall Noel  
Derek N. Rabb

**ABSENT:** None

**ADOPTION OF AGENDA:**

A motion was offered by Ms. Settoon, seconded by Mr. Rabb and unanimously adopted, to adopt the agenda.

**RESOLUTION NO. 11-21-24-01 - APPROVAL OF THE MINUTES OF THE PUBLIC HEARING AND BOARD MEETING HELD ON OCTOBER 17, 2024**

On the motion of Mr. Settoon,  
Seconded by Mr. Fierke, the following resolution was offered:

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the Minutes of the Public Hearing and Board Meeting held on October 17, 2024.

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

YEAS: Mr. Arrigo, Mr. Carubba, Mr. Cosse, Mr. Fierke, Mr. Noel, Mr. Rabb,  
Ms. Settoon and Mr. Settoon  
NAYS: None  
ABSENT: Mr. Duplantier

**EXECUTIVE SESSION:**

1. **Edgar Merida vs Orleans Levee District, State of Louisiana, First Circuit, Court of Appeals, No. 2024-CA-0945**
2. **Morris Washington**
3. **Steven Durr**
4. **Update on Police Operations/Legal Matters**

A motion was offered by Mr. Rabb, seconded by Mr. Noel, and unanimously adopted to convene in Executive Session to discuss the items listed on the agenda. The Board convened in Executive Session at 10:04 a.m.

A motion was offered by Mr. Arrigo, seconded by Mr. Fierke, and unanimously adopted to return to regular session. The Board reconvened in regular session at 11:15 a.m.

Mr. Carubba advised that no actions were taken in the Executive Session

**ELECTION TO FILL THE OFFICE OF VICE PRESIDENT:**

Mr. Arrigo stated that he had held the position of Vice President for some time and wished to resign so that another Commissioner would have the opportunity to serve as Vice President.

Mr. Carubba called for nominations for the office of Vice President. Mr. Settoon nominated Mr. Fierke to serve as Vice President. Mr. Fierke accepted the nomination. There were no further nominations. Mr. Carubba called for the vote for Mr. Fierke to serve as Vice President. The vote was as follows: Mr. Arrigo, Mr. Carubba, Mr. Fierke, Mr. Noel, Mr. Rabb, Ms. Settoon and Mr. Settoon voted yea, and Mr. Cosse voted nay.

**RESOLUTION NO. 11-21-24-02 – ELECTION TO FILL THE OFFICE OF VICE PRESIDENT**

“A resolution stating the results of the election to fill the unexpired term of the Southeast Louisiana Flood Protection Authority-East Vice President.”

**WHEREAS**, the Board adopted revised Bylaws at a Regular Board Meeting held on December 17, 2009, which provide in part for the designation and election of Officers of the Board; and

**WHEREAS**, Article IV, Section 1 (Officers and Elections), designates the Officers of the Board to be elected from among the members of the Board of Commissioners at the regularly scheduled June meeting; and

**WHEREAS**, Article IV, Section 1 further provides that officers shall assume their duties on July 1<sup>st</sup>; and

**WHEREAS**, Article IV, Section 2, provides that officers shall be elected to serve one year terms; and

**WHEREAS**, the Board at its meeting on June 20, 2024 elected Roy A. Arrigo to fill the office of Vice President for a one-year term ending on June 30, 2025; and

**WHEREAS**, Mr. Arrigo resigned as Vice President of the Board of Commissioners effective November 21, 2024; and

**WHEREAS**, an election was held on November 21, 2024, and the Board elected Thomas G. Fierke to fill the vacant office of Vice President for the unexpired term ending on June 30, 2025.

**BE IT HEREBY RESOLVED**, that, in accordance with election held this date, Thomas G. Fierke shall fill the office of Vice President for the unexpired term ending on June 30, 2025.

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

YEAS: Mr. Arrigo, Mr. Carubba, Mr. Fierke, Mr. Noel, Mr. Rabb, Ms. Settoon and Mr. Settoon

NAYS: Mr. Cosse

ABSENT: Mr. Duplantier

#### **OPENING COMMENTS BY PRESIDENT AND COMMISSIONERS:**

Mr. Carubba presented a plaque to Mr. Cosse for his service as the President of the Board and for the manner which Mr. Cosse handed the gavel to him.

Mr. Carubba asked for opening comments from Commissioners.

Ms. Settoon stated that she was becoming increasingly concerned about the East Jefferson Lakefront Levee foreshore protection, specifically between the Suburban Canal and West Return Wall. Residents are becoming alarmed because the rock dike is starting to disappear. The U.S. Army Corps of Engineers (USACE) scheduled the repair project; however, the repair will not be completed until September 2027. She asked that the Commissioners work as a Board to expedite the USACE's schedule for the repair project so that 250,000 citizens are not exposed for three more hurricane seasons. The repair project was expected to begin in 2024; however, it slipped a year.

Mr. Carubba introduced himself and advised that he is the newly appointed President of the Board. He explained that when the Governor placed him in the position of President, he was given a mandate of three things: 1) To ensure no one's house floods, which bodes to his 39 years of experience as a professional engineer. 2) To ensure the Police are restored to their full capacity and assist the New Orleans Police Department (NOPD) as they had in the past. The FPA has a great Police Superintendent who is doing this day-to-day. He thanked Mr. Cosse for hiring Joshua Rondeno as the new Police Superintendent and commended Superintendent Rondeno for doing a great job. 3) To make sure that no one in this Agency self-deals or profits from being part of it. Basically, to take the public's money and steward it along to do good government. He is tasked to accomplish this as President through the efforts of the Board.

Mr. Carubba stated for the record that the Governor placed him in this position for two reasons. 1) He can't be bought. He does not need the money. 2) He is committed to telling the truth, which can offend people. He stated that he is not here to make friends. He is here to work for flood protection.

**PUBLIC COMMENTS:** None

**PRESENTATIONS:**

**1. Fiscal Year 2024 end of the year recap for the Lakefront Management Authority (LMA) (Orleans Levee District Non-Flood Protection Assets) by Louis Capo, LMA Executive Director**

Louis Capo, Executive Director of the Lakefront Management Authority (LMA), provided an update on the revenue producing Orleans Levee District (O.L.D.) properties managed by the LMA. The Orleans Marina, New Basin Canal and Lake Vista Community Center ended Fiscal Year (FY) 2024 with a financial surplus. South Shore Harbor and Lakefront Airport did not fare as well financially.

Mr. Capo explained that, historically, Lakefront Airport had difficulty breaking even at the fiscal year's end. Staff are optimistic that Lakefront Airport will break even or have a slight surplus at the end of FY 2025. Taylor Swift's concert brought over 200 aircraft to the Airport and \$100,000 in fuel sales. Increased aircraft landing fees and fuel sales are expected with the upcoming Sugar Bowl and Super Bowl (potentially 800 aircraft). LMA staff have been communicating with Superintendent Rondeno and Captain Mike Brenckle, O.L.D. Police Department, regarding event security. In addition, Mardi Gras, Jazz Fest and the National Business Aviation Association (NBAA) Schedulers and Dispatchers Conference will bring increased landing fees and fuel sales.

Mr. Capo advised that the LMA commissioned Edgewater Resources to develop a master plan for South Shore Harbor (SSH) and Orleans Marina. The following improvements and amenities are being implemented to increase SSH's occupancy: Consolidation of tenant occupancy on Piers 5, 6, 7 and 8 to reduce maintenance costs. Piers 1, 2, 3 and 4 will be decommissioned or used for transient boats. AT&T was contracted to install fiber optic cables. Beacon was contracted to install pods for wi-fi for tenants. Henry Coaxum, who leases the former Bally's site, plans to open a bar and grill when his liquor license is received. A temporary laundry facility (one or two washers and dryers) will be constructed.

Mr. Capo explained that slip lease rental rates at SSH and Orleans Marina will increase for 2025. In addition, a liveaboard fee will be imposed in 2025. Major infrastructure recommendations were in the range of 10 to 15 million dollars. Louisiana Capital Outlay Program funding was requested for a permanent Harbormaster Office and laundry facility at SSH. LMA is also seeking other grant funding. Mr. Capo offered to provide a copy of the Edgewater Resources report to Commissioners.

Mr. Capo advised that some of the significant maintenance issues are the aging piling and piers at the Orleans Marina (originally built by the City of New Orleans in 1960) and aging water and sewer lines at Lakefront Airport.

## **2. FPA Sonar Equipment and Bathymetric Mapping Capabilities by Malay Ghose-Hajra, Ph.D., P.E., ENV SP, Chief Engineer.**

Malay Ghose-Hajra, Ph.D., P.E., ENV SP, Chief Engineer, explained that the FPA recently acquired sonar equipment to map underwater sites throughout the flood protection system. The equipment, which is placed on a boat, includes a projector, which projects a sound wave through the water to the receiver, a laptop that controls the operation of the unit, and an on-board generator to power the equipment. Software is used to generate a profile. Two GPS units track the position of the sonar as it moves through the water.

The presentation included examples of sonar scans taken at the following sites: IHNC Surge Barrier, London Avenue Permanent Canal Closure and Pumps (PCCP) Intake, 17<sup>th</sup> Street PCCP Discharge, West Return Wall and Seabrook Sector Gate.

### **REPORT BY REGIONAL DIRECTOR:**

Mr. Carubba advised that with the Regional Director on leave, reports would be given by Department Directors.

### **East Jefferson & Orleans Levee District Police Departments (EJLDPD / OLDPD) – report by Superintendent Joshua Rondono:**

- Body-worn cameras were distributed to all full time and Reserve Officers. The cameras will increase accountability and decrease agency liability. Policies for using the cameras were reviewed in roll call on three consecutive days and provided to Officers who acknowledged receipt.
- Over 90 percent of the Officers completed the defensive driving course. The deadline for completion is November 30.
- The OLDPD and EJLDPD are working with the Human Resources (HR) Department to increase the police force. Eight individuals were going through background checks prior to onboarding as Officers. Civil Service approved advertising one Lieutenant and one Sergeant position for the OLDPD. A formal Administration Division will be started to manage training at a central location.
- Residents in the vicinity of Lakeshore Drive expressed concern about loud music and vehicle exhaust, as well as speeding. The OLDPD responded immediately with Operation Sound Off, which resulted in over 457 individual encounters and over 100 citations issued. Blanket enforcement was conducted in the area between the Seabrook Bridge and West End. The operation received a very positive response from residents.
- Officers working with State Police stopped a suspicious vehicle with a fraudulent license plate. After investigation the Officers applied for a search warrant and the

vehicle was found to be a part of an insurance fraud ring. State Police acknowledged the efforts of the Officers.

- One Officer received his drone operator's license. Engineering will allow the Officer to use one of its older model drones until one is acquired by Police. The intent is to leverage technology for the safety of the public and Officers and for inspecting levees during adverse conditions. The goal is to have four Officers who are licensed drone operators.
- An Officer is attending a three-week training course at a motorcycle training instructor school. Upon completion the Officer can instruct and certify/recertify Officers in-house. The OLDPD and EJDLPD have had motorcycles for about eight years. The Departments have seven motorcycles, and nine Officers certified to operate motorcycles. Certifications are on-going. By onboarding an instructor, certifications can be done in-house at no cost and the opportunity can be extended to partnering agencies.

### **Operations Department – report by Darren Austin, Director of Operations:**

- Operations reports to the Director of Engineering. It has a total of 30 positions and was at 90 percent staffing capacity. Operations' three functional units are: 1) Engineering / Administration (4 positions), 2) PCCP (14 positions) and 3) Complex Structures (12 positions). There are three vacancies in Administration and PCCP.
- Operations' focus is the daily operation and maintenance of the three PCCP stations and eight Marine Complex Structures.
- Special Projects:  
PCCP Generator Switchgear Modernization, which updates the communications backbone of the switchgear.
  - Orleans Avenue PCCP will be completed in December 2024 at a cost of \$870,000.
  - London Avenue and 17<sup>th</sup> Street PCCPs will be completed in early 2025 at a cost of \$1.25 million and \$1.75 million, respectively.
  - Staff recently went to Alpharetta, GA, to view the bench testing.

The I-Storm (International Network for Storm Surge Barriers) Peer Review of the Surge Barrier Bypass (Barge) Gate is scheduled for the second week of December. The FPA invited ten visitors from the UK/Netherlands and USACE to participate. The limited scope of the four-day review was set by the FPA. It will be similar to the 2018 peer review of the Surge Barrier and Seabrook structure, but more in-depth. The FPA is seeking opinions on Barge Gate emergency operations. The Barge Gate is the single most intense gate in the Hurricane and Storm Damage Risk Reduction System (HSDRRS). Peer reviews provide an opportunity to share common knowledge, issues, and solutions with an international community. The peer review team will develop a report that can be used by staff to implement improvements. A report is anticipated to be presented at the December 12 FPA Annual Safety meeting.

### **Maintenance Department – report by Earl Kugelmann, Director of Maintenance:**

- Maintenance currently has 103 employees and is divided into five sections.
  - 310 - Administration
  - 311 - Floodwall/floodgates: Staff maintains 192 miles of floodwalls, 246 land-based floodgates, 60 ORV/MRL (Orleans/Mississippi River) valves, and 38 OHV/HSDRRS valves. Floodgates are exercised annually. Valves are exercised quarterly.
  - 312 - Facilities maintenance: Lake Borgne Basin Levee District (LBBLD) facility, O.L.D. Franklin Facility, O.L.D. Police Station, East Jefferson Levee District (EJLD) facility, and the Lesan and Plauche facilities.
  - 313 - Levee Maintenance: Teams in LBBLD, O.L.D. and EJLD cut and maintain (repair) 3,530+ acres of levees. Repairs are primarily due to hog damage and ruts. Feral hog repair costs are being tracked.
  - 314 - Mechanic Shops – O.L.D. and EJLD: The mechanics work on all Police vehicles, department vehicles, equipment and trailers, as well as stationary equipment such as generators.
- Maintenance's mission is to ensure that all components that make up the flood control system perform as they should when high tides or storms/emergencies threaten our area of responsibility. The men and women who are the boots on the ground working under challenging situations were commended.

### **Risk and Safety Department – report by Martin Eilers, Director of Risk & Project Management:**

- Risk and Safety oversees safety agencywide, non-flood related facility upgrades, and insurance programs. Recent initiatives include:
  - Automated External Defibrillators (AEDs) were placed at the PCCP Stations. AEDs were also placed in the O.L.D., EJLD and LBBLD administrative facilities.
  - Completion of Prerequisite Training so that OSHA (Occupational Safety and Health Administration) 10 training sources can be administered in-house. Allows training to be tailored to specific departments or trades.
  - The Smith Defensive Driving Train-the-Trainer program will be completed this week. Risk and Safety will work with HR staff to schedule and implement in-house training.
  - Completion of the annual Louisiana Workers Compensation Corporation (LWCC) Safety Audit.
  - Safety-Risk personnel are working with staff regarding safety during PCCP pump repair efforts.

- Franklin Warehouse Exhaust Fan Replacement Project (on-going) – Several exhaust fans were delivered. The preliminary interior work will take place in the upcoming weeks so that installation can begin when all fans are received. The Board will be kept informed via the monthly reports.
- EJLD Safehouse Roof/Moisture Intrusion – A roofing contractor repaired a source of moisture intrusion at the cost of the manufacturer of the roof system. Staff is working on other minor issues.
- EJLD Safehouse Drainage –The project to address drainage issues causing water to pond adjacent to the building’s foundation will take place in the next week.
- PCCP/Complex Structures Spare Parts Storage – Safety-Risk personnel are working with Operations staff to set up a climatized space for storage.
- Completion of an “EnergySmart” Green Initiative Program - New LED high-efficiency lighting and fixtures were installed throughout the Franklin Warehouse at no cost to the FPA. Energy savings of \$10,000+ annually are anticipated. The FPA is participating in a similar program for the fan project. An amount of \$28,000 is earmarked for the incentive. Energy savings of roughly 189,000 kilowatt hours are expected annually.

Mr. Rabb asked about the findings in the recent Civil Rights Evaluation for the Department of Homeland Security (DHS) and the deadline for follow-up. Mr. Eilers advised that the evaluation was a requirement for a Ports Security Grant for automated access control gates at the PCCP stations. The evaluation was to ensure that the FPA adhered to the Code of Federal Regulations (CFR). The FPA provided information regarding policies and grievance procedures. On November 20 clarification was requested from the FPA on several items. The information will be shared with Commissioners. Mr. Eilers pointed out that nothing seemed alarming. The evaluation was done at a high level (e.g., a review of policies).

Ms. Settoon asked about the location of the AEDs and training for using AEDs. Mr. Eilers responded that each facility was independently assessed. AEDs were placed at the most accessible location in the building. The FPA began an initiative two years ago to conduct in-house CPR/AED training.

Mr. Cosse asked about the status of the exhaust fans near the Mechanic Shop. Mr. Eilers explained that the exhaust fans that draw heat out of the building are being replaced. He stated that he thought that two or three of the 18 exhaust fans near the Mechanic Shop were operational. Mr. Cosse pointed out that about a year-and-a-half ago, because of the excessive heat the mechanics were experiencing, he asked about the exhaust fans near the Mechanics Shop that were not working. The FPA subsequently spent \$700,000+ to replace all of the exhaust fans (52) throughout the entire Warehouse. He was concerned that Mechanic Shop personnel would face another summer without working exhaust fans. Mr. Eilers stated that the contractor anticipated completing the Warehouse Exhaust Fan System Replacement Project early next year. The lead time was a driving factor on the project. Chris Humphreys, Director



of Engineering, advised that design and lead time were involved. The FPA had to research the condition of all (52) exhaust fans for the entire 500,000 square foot warehouse.

Mr. Cosse pointed out that staff could have addressed the issue where the mechanics work (Mechanic Shop) before addressing the remainder of the building. Mr. Eilers stated that some large fans were placed in the Mechanic Shop to circulate air. Mr. Carubba asked did the FPA have a critical path schedule in writing. Mr. Humhreys replied that the contract was awarded, the contractor was on site and materials were being delivered. The contractor anticipated completing the project as early as January. Mr. Eilers advised that he would see if the FPA had a critical path schedule in writing.

### **Human Resources (HR) Department – report by Kenyetta Sewell, HR Director:**

- Human Resources' (HR) mission is to support the strategic goals of management and the workforce by implementing the core values of the agency.
- The HR Team consists of six members: Kenyetta Sewell, HR Director, Shannon West, HR Supervisor, Sage Celestin, HR Analyst, Susan Jenkins, Training and Development Specialist, Brenda Lewis, Administrative Coordinator, and Celeste Wertz, HR Specialist
- 2024-2025 Projects:
  - Partnership with Delgado Community College – Scheduling hydraulics classes for mechanics. Several FPA employees recently completed PLC (Programmable Logic Controllers) classes through Delgado.
  - Partnership with University of New Orleans (UNO) – A proposal is being finalized for FPA employees to access UNO's Wellness Program and tuition reduction (\$25 per credit hour) for up to 20 employees in exchange for access to FPA law enforcement trainings and providing public safety patrols.
  - Restructuring the Training Division to allow for more content creation, targeted training for specific groups, and creation of training and professional development plans by department and position title.
  - Distributing Employee Organizational Culture Survey

Mr. Rabb asked would restructuring the Training Division help employees train to advance within the organization. Ms. Sewell explained that the training and professional development plan component would allow employees to determine what is needed to become proficient in their position and guidance to advance to the next level.

Mr. Rabb asked would the guidance allow partnerships for training employees so that the FPA can promote from within the organization. Ms. Sewell advised that her vision is to have a training plan in place so that employees will know what they need to do to reach the next level. She envisioned a training and development manager with

experience writing training content to decrease the outsourcing of training. Training would be more geared to the FPA's workforce.

Mr. Carubba asked was a similar system underway for Police. Ms. Sewell responded that Police were being used as the pilot for the training and development plan. In addition to Civil Service training requirements, specific trainings were identified for each job title. The plan for Police was in draft form and will be finalized.

### **Information Technology (IT) Department – report by Roman Dody, IT Director:**

- IT is comprised of four IT professionals with 105 years of combined experience in the public, private, state government and university sectors. The team's experience includes small, medium and large enterprise installations with user support numbers ranging between 25 – 35,000 users.
- Recent projects:
  - Radio Vehicle Adaptors (O.L.D. Police) – Signal boosters were installed in OLDPD vehicles because of several dead spots along Lakeshore Drive.
  - Franklin Facility Camera Project – IT staff worked with the AT&T Network Integration Service Group to install external security cameras.
  - Bi-Directional Amplifier Project (signal booster for hand-held radios) for the Franklin Facility. The project is expected to take 14 to 21 days and is scheduled for January 2025.
  - PCCP Pump Station Camera Refresh Project – At the time the PCCPs were turned over to the FPA, the Video Management System was at the end of its useful life. In addition, the camera equipment used a Chinese chip set. DHS strongly recommended that the cameras be replaced. Camera replacement is 90 percent completed at the 17<sup>th</sup> Street PCCP and 80 percent at the London Avenue PCCP. Camera replacement at the Orleans PCCP is expected to be completed by the end of January. Security cameras were placed at the Surge Barrier and the EJLD, LBBLD and O.L.D. facilities. Cameras will also be placed at the gas pumps.

### **Public Information Department – report by Stacy Gilmore, Public Information Director:**

- The Public Information Department is staffed with two positions. The vacant Public Information Officer 2 position is being posted. The Department handles strategic communications, media relations (press releases), stakeholder relations (I-Storm), public engagement (responding to complaints/questions and tours), internal coordination, digital and social media management (FPA website, X, Facebook, Linked-In and Instagram), policy and compliance, reputation management, and administrative duties. A vendor is retained to assist with digital and social medial management and the FPA website.
- 2024-2025 Projects:

- Notification Platform Update – A new vendor was selected. The new platform is anticipated to be up and running for 2025.
- Website Refresh
- Pitching stories about the FPA for Super Bowl 2025 and 20<sup>th</sup> Anniversary of Hurricane Katrina.

Mr. Fierke suggested that Ms. Gilmore develop a global picture of what the FPA will be doing for the 20<sup>th</sup> Anniversary of Hurricane Katrina.

### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Settoon reported that the Finance Committee met prior to the Board meeting. Ericksen Krentel provided a report to the Committee on the FY 2024 Financial Audit. There were no exceptions. The Committee received the First Quarter Budget to Actuals report. The Committee is continuously evaluating the FPA's financial reserves held in the Louisiana Asset Management Pool (LAMP) account and longer-term bonds at Edward Jones. The Committee approved reinvesting \$2 million from an expiring bond. Mr. Settoon stated that the FPA was in good shape financially.

**Operations Committee:** Mr. Fierke advised that he did not attend the Operations Committee Informational meeting. He stated that he spoke with Mr. Humphreys about the two items on the agenda under New Business - Engineering. He recommended approval of the items.

**Legal Committee:** Mr. Rabb advised that the Legal Committee did not meet in the month of November.

**Special Issues Committee:** Ms. Settoon reported that the Special Issues Committee met prior to the Board meeting. The Committee reviewed an outline of the Strategic Plan. The 50-year plan will forecast funding, costs, personnel levels and technology needed to maintain flood protection in the future. The Attorney General opinion had not been received relative to the proposed IHNC Surge Barrier Visitors Center. A Board meeting action-item list will be developed by Glenda Boudreaux, Administrative Program Director.

### **NEW BUSINESS:**

#### **Update on the disposition of the former East Jefferson Levee District (EJLD) Administration Building located on Plauche Court**

Mr. Eilers advised that on May 16, 2024, the Board authorized staff to move forward with the process to dispose of the former EJLD Administrative Facility. The 40-year-old building had been unoccupied since 2019. Due to the building's age and various issues, staff had to determine the appropriate path forward to obtain the best return on the asset. Several studies were conducted to determine the cost of rehabilitation versus demolition of the building. State law requires a current appraisal. The appraised value

is used to determine the minimum acceptable price through a public auction or sheriff's sale. He recommended that an itemized appraisal be obtained to determine the value of the structure as is, as well as after rehabilitation, and the value of the property independent of the structure. The itemized appraisal would inform the Board's decision on the path forward in disposing of the property.

**RESOLUTION NO. 11-21-24-03 - LEGAL SERVICES OF BURGLASS & TANKERSLEY, LLC – JOSEPH ROBERT V. STATE OF LA – JANUARY 1, 2025 – DECEMBER 31, 2025**

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On the motion of Mr. Fierke,  
Seconded by Mr. Rabb, the following resolution was offered:

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) has been named as a defendant in the litigation entitled, "Robert, Joseph et al. versus State of Louisiana et al., Civil District Court for the Parish of Orleans, No. 2016-09374, Division F, Section 14"; and

**WHEREAS**, a real necessity existed to retain the services of Burglass and Tankersley for legal representation in the litigation entitled, "Robert, Joseph et al. versus State of Louisiana et al., Civil District Court for the Parish of Orleans, No. 2016-09374, Division F, Section 14", which resulted in the FPA's adoption of Resolution No. 11-29-18-08 on November 29, 2018, for the retention of said services; and

**WHEREAS**, the FPA appealed the decision of the Civil District Court for the Parish of Orleans that granted class action certification for the aforementioned litigation to the Louisiana Court of Appeal, Fourth Circuit; and

**WHEREAS**, the FPA by Resolution No. 06-15-23-05 approved a budget for legal services rendered by Tankersley and Burglass, LLC, during the appeal process through the Louisiana Supreme Court; and

**WHEREAS**, the Louisiana Supreme Court upheld the decision of the Civil District Court to grant class action certification for said litigation; and

**WHEREAS**, a real necessity exists to extend the services of Burglass and Tankersley to continue legal representation in the litigation entitled, "Robert, Joseph et al. versus State of Louisiana et al., Civil District Court for the Parish of Orleans, No. 2016-09374, Division F, Section 14"; and

**WHEREAS**, Burglass and Tankersley, LLC, shall be compensated at the rate of \$300.00 per hour for legal services commencing February 16, 2024 for attorneys Andre Gaudin, Craig Canizaro, Chris Tankersley, Scott Gaspard, and Greg Fahrenholt, which said attorneys have experience of 10 or more years in the practice of law, and compensated at a rate of \$80.00 per hour for paralegal services, which said rates are pursuant to and in compliance with the Louisiana Attorney General's Maximum Hourly Fee Schedule of February 16, 2024, and

| Rate              | Description   |
|-------------------|---|
| \$350.00 per hour | For attorneys having experience of 10 or more in the practice of law        |
| \$275.00 per hour | For attorneys having experience of 5-10 years in the practice of law        |
| \$225.00 per hour | For attorneys having experience of 3-5 years in the practice of law         |
| \$175.00 per hour | For attorneys having experience of less than 3 years in the practice of law |
| \$80.00 per hour  | For Paralegal Services  |

**WHEREAS**, the date and term of the contract commences on January 1, 2025 and ends on December 31, 2025; and

**WHEREAS**, the Board grants authority to the Board Secretary to amend this resolution to comply with the requirements of the Louisiana Attorney General’s Office without further Board approval; and

**WHEREAS**, the total of all sums payable under this contract and any extensions of this contract until a final verdict, settlement, or dismissal is reached, including all appeal work, fees and reimbursement of expenses, shall not exceed \$330,050.00; and

**WHEREAS**, the scope of this legal representation does not involve federal claims; and

**WHEREAS**, this resolution shall take effect immediately.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East, pursuant to R.S. 42:262, does hereby retain and employ the firm of Burglass and Tankersley, LLC, as special counsel to represent the FPA as needed in the litigation entitled, “Robert, Joseph et al. versus State of Louisiana et al., Civil District Court for the Parish of Orleans, No. 2016-09374, Division F, Section 14”.

**BE IT FURTHER RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes Executive Counsel to retain the firm of Burglass and Tankersley, LLC, to represent the FPA on said litigation, and that the President, or in his/her absence the Director of Engineering, is authorized to execute said contract with Burglass and Tankersley, LLC.

**BE IT FURTHER RESOLVED**, that this Resolution and the proposed contract described herein 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. Arrigo, Mr. Carubba, Mr. Cosse, Mr. Duplantier, Mr. Fierke, Mr. Noel,  
Mr. Rabb, Ms. Settoon and Mr. Settoon

NAYS: None

ABSENT: None

**Motion to approve advertisement of a Request for Qualifications for Legal Counsel.**

Mr. Fierke stated that he had not seen the proposed Request for Qualifications for Legal Counsel; therefore, he offered a motion to table the item. There was no objection to tabling the item.

**Motion to approve the Memorandum of Understanding between the United States Marshals Service (USMS) and the Orleans Levee District Police Department for participation in the USMS Fugitive Task Force.**

Mr. Carubba advised that he did not have an opportunity to review the proposed Memorandums of Understanding (MOU) with the U.S. Marshals Service and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and asked that the items be deferred.

A motion was offered by Mr. Fierke and seconded by Ms. Settoon to defer the proposed MOUs with the U.S. Marshals Service and ATF. There was no objection to deferring the two items.

**Motion to approve the Memorandum of Understanding between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Orleans and East Jefferson Levee District Police Departments for participation in the High Intensity Drug Trafficking Area Multi–Agency/ Safe Neighborhoods / Multi-Agency Gang Task Force.**

Item was deferred.

**Motion to approve the Dress Code Policy for administrative and Non-Administrative Employees dated November 21, 2024.**

Mr. Fierke recommended that the proposed Dress Code Policy includes language to prohibit offensive or political items. He requested that Executive Counsel develop the appropriate language. No action was taken by the Board.

**RESOLUTION NO. 11-21-24-04 - AUTHORIZATION TO CONDUCT A PUBLIC HEARING REGARDING THE OPERATION OF ELECTRIC ASSISTED BICYCLES/SCOOTERS ON LEVEE CROWN BIKE PATHS AND AWARs**

Mr. Fierke advised that the issue regarding electric assisted bicycles/scooters was raised in the Operations Committee Informational Meeting and that he had discussed this issue with Mr. Humphreys. Conducting the public hearing would not in any way commit the FPA. He recommended that the public hearing be held.

On the motion of Mr. Rabb,  
Seconded by Mr. Fierke, the following resolution was offered:

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) is the governing authority for the East Jefferson, Orleans and Lake Borgne Basin Levee Districts; and

**WHEREAS**, bike paths or All-Weather Access Roads (AWAR) have been constructed on the crown of certain Hurricane and Storm Damage Risk Reduction System (HSRRD) and Mississippi River Levee (MRL) levees and are used by the general public for walking, running and cycling; and

**WHEREAS**, the FPA received numerous complaints from the public about electric assisted bicycles and scooters traveling along the bike paths or AWARs presenting a risk to pedestrians, runners and cyclists; and

**WHEREAS**, in the event of an accident or malfunction, electric assisted bicycles and scooters, which utilize lithium-ion batteries, can pose a potential fire hazard and endanger citizens as well as the structural integrity of the levee; and

**WHEREAS**, LA Revised Statute 32:204 allows the prohibition of electric assisted bicycles on bike paths/AWARs following notice and a public hearing on the issue; and

**WHEREAS**, the FPA proposes to hold a public hearing regarding prohibiting the operation of electric assisted bicycles/scooters on bike paths and AWARs located on levees within the East Jefferson, Orleans and Lake Borgne Basin Levee Districts; and

**WHEREAS**, the appropriate notice of said public hearing will be publicized and an audio recording will be made of the public hearing.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes staff to conduct a public hearing, in accordance with RS 32:204, regarding prohibiting the operation of electric assisted bicycles/scooters on all All-Weather Access roads and bike paths located on the levees within the East Jefferson, Orleans and Lake Borgne Basin Levee Districts.

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

YEAS: Mr. Arrigo, Mr. Carubba, Mr. Cosse, Mr. Duplantier, Mr. Fierke, Mr. Noel, Mr. Rabb, Ms. Settoon and Mr. Settoon

NAYS: None

ABSENT: None

**RESOLUTION NO. 11-21-24-05 - TASK ORDER WITH BURK-KLEINPETER, INC., FOR THE WEST RETURN WALL RIP-RAP MAINTENANCE PROJECT**

On the motion of Mr. Fierke,  
Seconded by Mr. Rabb, the following resolution was offered:

**WHEREAS**, the rip-rap along the flood side of the West Return Wall located in the East Jefferson Levee District is in need of maintenance due to settlement; and

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) entered into Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract No. 33-04 with Burk-Kleinpeter, Inc., to provide Civil Engineering Services on an as-needed basis; and

**WHEREAS**, Burk-Kleinpeter, Inc., submitted a proposal to provide Civil Engineering Design and Bidding Services for the West Return Wall Rip Rap Maintenance Project at a total estimated cost of \$175,491.00; and

**WHEREAS**, funding for the Task Order with Burk-Kleinpeter, Inc., for the aforementioned services is located in Budget Line Item BIDIQ01.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the issuance of a Task Order to Burk-Kleinpeter, Inc., with a not-to-exceed amount of \$175,491.00 for Civil Engineering Design and Bidding Services for the West Return Wall Rip Rap Maintenance Project.

**BE IT FURTHER RESOLVED**, that the FPA Director of Engineering, or in his/her absence the President, is hereby authorized to execute the above mentioned Task Order with Burk-Kleinpeter, Inc., 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. Carubba, Mr. Cosse, Mr. Duplantier, Mr. Fierke, Mr. Noel,  
Mr. Rabb, Ms. Settoon and Mr. Settoon

NAYS: None

ABSENT: None

A motion was offered by Mr. Fierke and unanimously adopted by the Board to reschedule the regular monthly Board meeting on December 12, 2024.

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