

**MINUTES OF LEGAL COMMITTEE MEETING  
HELD ON JANUARY 24, 2007  
in the Lod Cook Alumni Center  
Louisiana State University Campus  
3838 West Lakeshore Drive  
Baton Rouge, Louisiana**

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PRESENT: Chairperson Abril Sutherland  
Commissioner Stradford Goins, Committee member  
Commissioner George Losonsky, Committee member  
President Thomas Jackson

FURTHERMORE  
PRESENT: Denise Fitzgerald, Assistant Attorney General  
Megan Terrell, Assistant Attorney General  
Cornelia Ullmann, Orleans Levee District  
Fran Campbell, Executive Director East Jefferson Levee District  
Vicky Bowers, Oats and Hudson  
Glenda Boudreaux, Orleans Levee District  
Mike Dunn, Baton Rouge Advocate

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I. Call to Order: The meeting was called to order by Chairperson Sutherland at 1:36 p.m.

II. Opening Comments: Chairperson Sutherland advised the meeting was primarily called to discuss proposed provisions to the by-laws and for the discussion of pending litigation as stated on the agenda.

III. Adoption of the Agenda: A motion was offered, seconded and unanimously approved to adopt the agenda.

IV. Formation of by-laws:

Chairperson Sutherland distributed a copy of suggested modifications to the sample by-laws provided by the Attorney General's Office.

The Committee briefly discussed the need to establish an interim domicile, which would be addressed at the Board Meeting to be held on January 26<sup>th</sup>, and whether there was a need for interim by-laws. It was pointed out, however, that the Authority approved operating under the provisions of Robert's Rules of Order and by resolution until by-laws are adopted. Chairperson Sutherland recommended setting a timeline for the adoption of by-laws.

Chairperson Sutherland proposed that the By-Laws contain a provision that requires the Authority to adopt a Policy and Procedures Manual to include 1) Organizational Structure of the Authority and subject Levee Districts; 2) Procurement and Contracting Procedures; 3) Competitive selection process for professional services, and 4) Guidelines for adherence to federal DBE guidelines.

Chairperson Sutherland recommended inclusion of a procedure and a timeline for placement of items on agendas and distribution of agendas and backup materials. Ms. Fitzgerald suggested the inclusion of the definition of an "emergency" in this section.

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The Committee briefly discussed staffing. As an interim solution, President Jackson anticipated in the proposed inter-agency agreement with the East Jefferson Levee District for an office, the inclusion of a per hour cost for administrative help. The Committee also discussed the use of a temporary service during this emergency situation. Ms. Fitzgerald requested President Jackson provide her with the Authority's needs and advised she would contact Civil Service relative to permanent staffing and to verify the process for temporary assistance.

The Committee discussed the use of the word "may", in lieu of "shall", in the by-laws regarding the hiring of a Regional Director, so that the Authority would not be obligated, especially in view of the amount of available funding to the Authority. Relative to disbursement of funds, the draft by-laws provide authority for the President, Vice President, Secretary and Treasurer to sign checks. The resolution to be presented to the Board at its January 26<sup>th</sup> meeting provides for two signatures; however, it was suggested alternates could be added in the event the initial two signatories are unavailable. Chairperson Sutherland recommended signatories be the President, Treasurer, and alternates.

The Committee briefly discussed mandatory direct payroll deposit, and travel expenses and reports, which should be extended to include employees.

The Committee discussed the generation of funds as covered in Act 1, which encourages the seeking of funding through several avenues, and the question of raising revenues outside of the \$500,000 maximum appropriation allowed by the Legislature. Ms. Terrell advised she would review the Ethics Code relative to donations.

V. Update from Attorney General's office regarding legal issues:

Ms. Terrell advised the Committee would be meeting in Executive Session regarding phone calls received from various attorneys on various subjects, seeking information on contacts and settlement processes, and given the specifics on the cases named.

VII. Pending Litigation (Executive Session):

- a. Billie A. Breuille, et al vs Board of Levee Commissioners of the Orleans Levee District, CDC, No. 2006-14371, Div. "G"
- b. Samuel E. Schudmak, III et al v. EJLD et als, U.S. Eastern District Court, No. 06-0893
- c. Landry's Seafood House New Orleans, Inc., v. Orleans Levee District, CDC 06-5334

Commissioner Goins offered a motion to go into Executive Session to discuss the items on the agenda. The motion was seconded by Commissioner Losonsky, and unanimously approved by the Committee. The Committee convened in Executive Session at 2:28 p.m.

The Legal Committee reconvened and was called back to order at 2:59 p.m. Legal counsel advised no action was taken in the Executive Session.

VIII. Adjournment: There being no further business the meeting was adjourned at 3:00 p.m.