

**MINUTES OF  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST  
LEGAL COMMITTEE MEETING  
HELD ON MAY 15, 2014**

PRESENT: Timothy P. Doody, Chair  
Lambert J. Hassinger, Jr., Committee Member  
Stephen Estopinal, Committee Member

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The Legal Committee of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E or Authority) met on May 15, 2014, in Meeting Room 201, Orleans Levee District Franklin Administrative Complex, 6920 Franklin Avenue, New Orleans, Louisiana. Mr. Doody called the meeting to order at 8:40 a.m.

**Opening Comments:** None.

**Adoption of Agenda:** The agenda was adopted by the Committee

**Public Comments:**

Roy Arrigo requested that the Board consider not taking action on the advertisement of Requests for Qualifications (RFQs) for legal services since several bills are pending in the Legislature that may prohibit the Board from hiring outside attorneys. He also commented that statements have been made by Robert Lacour, SLFPA-E General Counsel, relative to servitudes under the St. Julien doctrine not being recorded and by Thomas Anzelmo relative to recorded servitudes being clearly shown on surveys. He requested that the Legal Committee look into this issue and the inconsistencies in the statements. He commented about a recent records request for documentation showing that properties along the 17<sup>th</sup> Street Canal were part of the Federal flood protection system. He stated that the documents provided showed that the properties were not a part of the system. Mr. Doody noted that the servitude issue was still in litigation. Craig Berthold stated that comments have been made by the media and John Barry that the residents lost the lawsuit; therefore, there is no pending litigation. Mr. Doody advised that Mr. Barry is no longer a member of the Board and, therefore, does not represent the Board. Carol Byram commented that Mr. Barry stated to her several months ago at a CPRA meeting when he was a member of the SLFPA-E Board that the residents had lost the lawsuit.

Mr. Lacour advised that the 4<sup>th</sup> Circuit Court of Appeals ruled several years ago that the SLFPA-E does have a legal servitude and has the advantage of Revised Statute 38:225 (the 6-ft. clear zone). The 4<sup>th</sup> Circuit Court of Appeals ordered Judge Reese to render a judgment based on its opinion. Judge Reese has not yet rendered a judgment. He clarified that this is the only part of the litigation that has not been resolved.

**New Business:**

**A. Discussion of the advertisement and issuance of a Request for Qualifications for general legal services on an as needed basis in various legal fields for the SLFPA-E and the levee districts under its jurisdiction.**

Mr. Estopinal suggested that the RFQ be advertised since the Legislature may or may not pass legislation that involves restrictions on procedures to hire outside counsel and the SLFPA-E will need legal services over and above the services provided by the Attorney General's (AG) office. Mr. Doody advised that the legislative session ends in June and recommended that the current contracts for legal services be extended until after the session. Mr. Hassinger agreed that delaying the advertisement of the RFQ would make sense from a cost standpoint.

Mr. Lacour informed the Committee that the legal services contracts were for an initial term of three years and that the contracts have been extended twice by the Board for one-year periods. The second one-year extension expires on June 30, 2014. He recommended that if the RFQ is not going to be advertised at this time, the process to extend the contracts commence as soon as possible. The extension must be approved by the AG's office. He recommended that the current contracts be extended until the end of the year (six months) in order to provide time to implement the RFQ process. Mr. Doody recommended that the SLFPA-E begin the procedure to extend the current contracts. A resolution will be presented to the Board at its meeting in June to approve the extension of the current legal services contracts for a six-month period (until December 31, 2014).

**B. Approval of legal invoices listed on spreadsheet dated May 15, 2014.**

Mr. Hassinger asked whether any of the work reflected on the spreadsheet involved work related to pending legislative bills. Mr. Lacour responded that the invoices for himself and Mr. Anzelmo (McCranie, Sistrunk) reflect work related to pending legislative bills; i.e., bills affecting and related to the SLFPA-E lawsuit against oil and gas companies, the SLFPA-E's ability to hire counsel, the St. Tammany Levee District, the correction of the issue dealing with commissioner confirmation, and public works contracts, along with several others bills).

The Committee recommended that the resolution for the approval of the invoices listed on the spreadsheet dated May 15, 2014 be forwarded to the Board for approval.

There was no further business; therefore, the meeting was adjourned at 9:00 a.m.