

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
INITIAL ORGANIZATIONAL MEETING
WEDNESDAY, JANUARY 10, 2007**

The initial organizational meeting of the Southeast Louisiana Flood Protection Authority - East (SLFPA-E) was held on Wednesday, January 10, 2007, in the Second Floor Hall of the Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, after due legal notice of the meeting was sent to each member, the news media and posted.

The meeting was called to order at 9:52 a.m. by Mr. Johnny Bradberry, Secretary of the Louisiana Department of Transportation and Development (LA DOTD), who presided as Chairman until the oath of office was administered to the Commissioners and a President elected. Mr. Bradberry led in the pledge of allegiance and requested that a moment of silence be observed for our troops.

Present:

Thomas L. Jackson, President
Abril B. Sutherland, Vice President
John M. Barry, Secretary
Timothy P. Doody, Treasurer
David P. Barnes, Jr.
Stradford A. Goins
George Losonsky, Ph.D. (arrived 2:15 p.m.)
Larry A. McKee
Sara Lee St. Vincent
Louis E. Wittie

Furthermore Present:

Hon. Kathleen Blanco, Governor
Scott Angelle, Secretary, LA Dept. of Natural Resources (DNR)
Johnny Bradberry, Secretary, LA DOTD
Ed Preau, LA DOTD
Denise Fitzgerald, LA Dept of Justice (DOJ)
Stevan Spencer, Orleans Levee District (OLD)
Fran Campbell, East Jefferson Levee District (EJLD)
Robert A. Turner, Jr., Lake Borgne Basin Levee District (LBBLD)
Glenda Boudreaux, OLD
Jerry Mayer, Hometown Productions
Juba Diez, LA DOTD
Benny Rousselle, DNR
Jonell Blowers, EJLD
Arnold Bourgeois, WDSU-TV
Gary Ethridge, LA DOTD
Max Nassar, DMJM Harris
Greg Dutreil, Dutreil Pest Control
Ted Jackson, Times Picayune
Richard Lewis, OLDPD
B. A. Polk, OLDPD
Robert Lacour, EJLD
Megan Terrell, LA DOJ
Tonya Ozene, LA DOJ
Ronald Schumann, DMJM Harris
Sheila G. Grissett, Times Picayune
Billy Marchal
Nicky Bowers, Oats & Hudson
Peggy Sembera, LBBLD
John R. Monzon, LA DOTD
Michael Stack, LA DOTD
Thomas Anzelmo, McCranie, Sistrunk, Anzelmo
Michael Nicoladis, N-Y Associates, Inc.
Deborah Langhoff, Dist. 5 Steering Committee
Bill Wieserapt, GEC, Inc.
Jane Guillet, City Business
Lawrence Marino, Oats & Hudson
Jerry Colletti, Corps of Engineers

Cynthia Taylor, OLD
Kim Reed, Governor's Office
Walter Baudier, Design Engineering, Inc.
Monique Edwards, DNR
Ronald St. Pierre
Mark Lambert, LA DOTD
Carol Kiefer, OLD
Gerry Gillen, OLD
William H. Boustead
Barbara McArthur
Vic Landry, Evans-Graves Engineers/Corps of Engineers
Nina Hebert-Marchand, OLD
Joan Coats, OLD
Louis Capo, OLD
Dawn Wagener, OLD
Jim Bollinger, OLD
Wilma Heaton, OLD
Donald Mitchell, LVPOA
Ray Zabala, EJLD Police
J. Rodriguez, St. Bernard Parish
C. Rypel, St. Bernard Parish
Charles Foti, Attorney General

Mr. Bradberry offered opening comments regarding the change and reform being implemented today, which were made possible due to the leadership and resolve of Governor Kathleen Babineaux Blanco. He then introduced Governor Blanco to welcome the new Board.

Governor Blanco charged the newly appointed members of the Southeast Louisiana Flood Protection Authority (SLFPA-E) with the mission of flood protection. She thanked the nominating committee for selecting the high caliber professionals which were appointed to serve on this Board and the newly appointed Board members for answering the call to duty. Governor Blanco commented on the roll of the newly created Coastal Protection and Restoration Authority (CPRA) and the vision of an integrated hurricane protection and coastal restoration system, and cited the efforts expended to obtain sharing of offshore revenues, one hundred percent of which have been dedicated to coastal restoration and hurricane protection.

Mr. Bradberry thanked Governor Blanco for her comments and her leadership. He further commented on this new era of regional governance and structure of Levee Districts, and noted Mr. Scott Angelle, Secretary of DNR, was instrumental in crafting the legislation that created this regional authority and spearheaded the nominating process that led to the appointment of the new Commissioners.

Mr. Angelle thanked Governor Blanco for her commitment to the cause of flood control and coastal restoration, and commented the CPRA will be a resource to the SLFPA-E, mentioning past problems that were created when levee protection and coastal restoration were not integrated. He congratulated the newly appointed Board members and thanked the nominating committee for their extraordinary efforts.

Ms. Bowers with the firm of Oats and Hudson provided a brief overview of Act 1, the legislation that created the SLFPA east and west bank. Act 1 provides for a regional coordination of flood protection, which required consolidation of several regional levee districts and the termination of the terms of those board members effective December 31, 2006. The SLFPA-East covers seven consolidated districts: East Jefferson Levee District, Orleans Levee District (east bank), St. Tammany Levee District, Lake Borgne Basin Levee District, Tangipahoa Levee District, St. John the Baptist Levee District (east side), and St. Charles Levee District (east side). She further explained the details of the nomination process and the actions taken should a vacancy occur. Act 1 provides limited terms for the initial board: two members - one year, three - two years, three - three years, and three - four years, with terms determined by the drawing of lots. Future vacancies will be filled with staggered four year terms. No member may serve more than two consecutive terms. In general, a majority vote is required for official action; however, votes on flood protection projects will require a two-thirds majority. Two members will vote only when the flood protection project affects their region (i.e., St. John the Baptist and St. Charles Levee Districts). Board members receive a per diem consistent with legislators (\$138 per day), with mileage and travel expenses as defined by the statute. The SLFPA-E will appoint a regional director to answer to the Board and act as a liaison with the seven levee districts. The statute prohibits Board members from supporting any political candidate, political issue or

political party, being a member of a political committee, making or soliciting funds in support of a candidate or political organization, and having a pivotal roll in the management of a political committee. A quorum is a majority of the membership; e.g., with the current ten members, a quorum would be six members. Ms. Bowers was asked to create a “frequently asked questions” paper for review by the Attorney General and submittal to the Board.

Mr. Bradberry explained in October, 2006, the CPRA requested that LA DOTD, the agency historically charged with oversight and coordination of the State’s flood control activities, provide the leadership and necessary support to effect a smooth transition to the new authority. Mr. Ed Preau, Assistant Secretary for Public Works, Hurricane Flood Protection and Intermodal Transportation, was the leader of the Transition Team consisting of the Attorney General’s Office: Denise Fitzgerald, Tonya Ozene and Megan Terrell; DOTD: Ed Preau, Sharon Lyles, Jesse McClendon, James McMennis, David Miller, John Monzon and D.J. Webre; Division of Administration: Irys Allgood; Levee Districts: Fran Campbell (East Jefferson) and Jerry Spohrer (West Jefferson), Bob Turner (Lake Borgne Basin) and Stevan Spencer (Orleans Levee); Legislative Auditor’s Office: Patrick Goldsmith. The Team identified all issues that needed to be addressed prior to termination of the existing boards, as well as issues requiring the immediate attention of the Authority. They also put together a Reference Manual for the Board members containing information such as the history of flood control, levee district maps, scope of responsibility for each levee district, existing and proposed projects within each levee district, applicable laws (constitutional language, civil code, statues, acts) governing the levee districts, Attorney General Opinions, and each levee district’s Operation and Maintenance Program and Emergency Operation Manual. He thanked the members of the previous levee boards for their dedication and cooperation in the transition. Mr. Bradberry introduced Ms. Denise Fitzgerald, Assistant Attorney General, Civil Division, assigned as Interim Legal Counsel for the Authority.

Mr. Bradberry further commented on the roll of the SLFPA – East, which is constitutionally established as a political subdivision of the State and a levee district, governed by an 11 member board appointed by the Governor, and introduced the new Commissioners, reading a brief biography of each member.

Mr. Gary Ethridge, DOTD Attorney, administered the Oath of Office to the new Board members.

Board members then proceeded with the process of drawing lots to determine the length of appointments, with the following results:

- David Plank Barnes, Jr. - 2 years
- John Morris Barry - 2 years
- Timothy Patrick Doody - 2 years
- Stradford Anthony Goins - 3 years
- Thomas L. Jackson - 1 year
- George Losonsky, Ph.D. - 4 years
- Larry Abraham McKee - 1 year
- Sara Lee St. Vincent - 4 years
- Abril Baloney Sutherland - 3 years
- Louis Emile Wittie - 4 years
- Vacant - 3 years

There were no additions or modifications to the agenda; therefore, a motion was offered to adopt the agenda, as revised, with no objection offered.

A brief recess was called at 11:12 a.m. The Board reconvened at 11:28 a.m., and the meeting was called back to order. The Board proceeded with the election of a President.

Mr. Bradberry read the duties of the President, and opened the floor for nominations for President. Commissioner McKee nominated Commissioner Jackson, for the office of President, which was seconded by Commissioner Barnes. Commissioner Doody nominated Commissioner Sutherland, which was seconded by Commissioner Barry. There were no further nominations. A vote was conducted with six members voting for Commissioner Jackson and three members voting for Commissioner Sutherland for the office of President.

Mr. Bradberry then turned the chair of the meeting over to President Jackson.

President Jackson thanked his fellow Commissioners for agreeing to serve on the Board. He commented on his recent experience with the American Society of Civil Engineers’

external review panel, which was hired to do oversight of the internal investigation that the U.S. Army Corps of Engineers (USACE) was doing of what went wrong; i.e., the performance of the flood protection system. President Jackson addressed the subject of regional flood protection and pledged his full dedication to this effort.

The Board recessed for lunch at 11:40 a.m. The Board reconvened at 12:38 p.m., and the meeting was called back to order.

A motion was offered by Commissioner Goins, seconded by Commissioner Sutherland, and unanimously approved, to adopt Roberts Rules of Order as the interim rules to govern the conduct of business in the meetings of the Authority in all cases to which they are applicable until such time as the by-laws are adopted. Commissioner Barnes volunteered to serve as parliamentarian.

President Jackson read the duties of the Vice President and opened nominations for the office of Vice President. Commissioner Barnes nominated Commissioner Sutherland, which was seconded by Commissioner Goins. There were no further nominations. The Board voted unanimously in favor of electing Commissioner Sutherland as Vice President.

President Jackson read the duties of the Secretary and opened nominations for the office of Secretary. Commissioner Goins nominated Commissioner Barry, which was seconded by Commissioner Doody. There were no further nominations. The Board voted unanimously in favor of electing Commissioner Barry as Secretary.

Commissioner McKee offered a motion to create the office of Treasurer, and nominated Commissioner Doody for said office, which was seconded by Commissioner Goins.

Commissioner Sutherland offered an amendment to the motion to define the position of Treasurer as the Chairperson of the Finance Committee, which was accepted by the Commissioners who offered and seconded the original motion, and therefore included in the original motion.

There were no further nominations for the office of Treasurer. The amended motion was unanimously approved, electing Commissioner Doody as Treasurer.

Assistant Attorney General Denise Fitzgerald provided a copy of the Code of Ethics to the Commissioners and advised Act 1, which created the Authority, provides additional ethics requirements, which are the responsibility of the Attorney General for compliance and are not administered by the Ethics Board. Ms Fitzgerald briefly reviewed the additional ethics provisions under Act 1.

Assistant Attorney General Charles Breau reviewed public meetings and public records law. Mr. Breau noted the open meetings law requires at a minimum a set of minutes that reflect who is present, who voted and a brief description of what has been voted on, and briefly commented on conducting executive sessions. He further advised requirements relating to committees (i.e., posted notices, an agenda, a quorum and minutes), and briefly covered public records and exceptions to public records. Mr. Breau offered his assistance with any questions relative to the open meetings law and public records.

Mr. Breau reviewed the pending issues:

- Budget and funding – Levee districts are required to submit a budget to the Joint Legislative Committee on the Budget 90 days in advance (April 1st) for the upcoming fiscal year (commencing July 1st). Act 43 of the 2006 First Extraordinary Session provides authorization for the Legislature to appropriate up to \$500,000 annually to the Authority from the Coastal Protection and Restoration Fund. The Board was advised no funds have been appropriated as yet, however, funding is actively being pursued and a budget will be required for the Authority for the current and the next fiscal year. The requirement of a separate budget for each levee district and the Authority, approved by the Board as the governing body, and the prohibition against the commingling funds between the levee districts and the Authority were briefly discussed.
- By-laws - Act 1 requires adoption of by-laws, promulgated in accordance with the requirements of the Administrative Procedures Act and vetted before the Joint Committees on Transportation, to govern the operation of the Authority.

- Study of Pump Drainage Systems - Act 1 requires the Board to conduct a study of pump drainage systems operated by entities within the territorial boundaries of the Authority to determine the challenges, benefits and opportunities of developing a plan to fully coordinate the systems and to submit a written report of its findings and recommendations to the Senate and House Committees on Transportation, Highways and Public Works by April 1 of this year. Mr. Preau recommended Senator Ellington and Representative Quezaire be contacted relative to the inability to accomplish this task by April 1 due to the current lack of funding and nearness of the deadline, and that the Board begin planning how this task will be accomplished.
- MRGO Position - Act 1 provides that it shall be the position of the Authority that the Mississippi River-Gulf Outlet navigability is no longer necessary and the value associated with it remaining open is far out weighed by the danger it poses on the citizens of St. Bernard Parish, lower Ninth Ward of Orleans Parish, New Orleans East and surrounding areas. It was suggested the Board may wish to study this issue and adopt an official resolution stating this position.
- Organizational Structure - Act 1 authorizes the Authority to employ a regional director and other employees as it deems necessary for proper functioning of the Authority.
- Commissioners' Liability Insurance - Act 1 provides for indemnification of Commissioners, Officers and Employees for claims brought against them due to actions or omissions arising out of the performance of their duties, and allows the purchase of liability insurance for that same purpose.
- Legal Obligations and Liabilities of the member Districts – The Transition Team prepared listings of existing contracts and pending litigation for each Levee District.
- Non-Flood Assets - Act 1 mandates that any facility not directly related to flood control shall be managed by the Division of Administration (DOA), and any revenues remaining after management will be returned to the District. Mr. Preau commented briefly on the not easily defined items, such as the lakefront seawall and the issue of its maintenance. He suggested a committee be formed and discussions held with the DOA relative to such issues in anticipation of developing next year's budget for the levee districts.
- CPRA Master Plan – Mr. Preau recommended the CPRA's Integrated Planning Team be invited to give a presentation to the Board on its master plan.

The Board next considered resolutions to establish and ratify District operating and reporting procedures. Copies of the existing by-laws and resolutions delegating authority for the Orleans Levee District, East Jefferson Levee District and Lake Borgne Basin Levee District were presented to the new Authority for ratification, until such time as new by-laws are adopted.

- Motion No. 1 was offered by Commissioner Barry, seconded by Commissioner Doody, and unanimously adopted, to ratify the existing by-laws of the East Jefferson Levee District and resolutions duly adopted and executed on the 21st day of December 2006.
- Motion No. 2 was offered by Commissioner McKee, seconded by Commissioner Goins, and unanimously adopted, to transfer authority for the necessary approvals on flood control related actions pursuant to the by-laws, resolutions and operating procedures duly adopted on the 21st day of December 2006 by the Board of Commissioners for the East Jefferson Levee District from Edmond Preau to the President of the Southeast Louisiana Flood Protection Authority Board of Commissioners East.
- Motion No. 3 was offered by Commissioner Doody, seconded by _____, and unanimously adopted to ratify the existing by-laws of the Orleans Levee District.
- Motion No. 4 was offered by Commissioner _____, seconded by Commissioner _____, and unanimously adopted to transfer authority for the necessary approvals on flood control related actions pursuant to the by-laws of the Board of Commissioners for the Orleans Levee District from Edmond Preau to the President of the Southeast Louisiana Flood Protection Authority Board of Commissioners East.
- Motion No. 5 was offered by Commissioner Barnes, seconded by Commissioner Goins, and unanimously adopted to ratify the operating procedures and resolutions of the Lake

Borgne Basin Levee District duly adopted and executed on the 22nd day of December 2006 by the Board of Commissioners of the Lake Borgne Basin Levee District.

- Motion No. 6 was offered by Commissioner ____, seconded by Commissioner _____, and unanimously adopted, to transfer authority for the necessary approvals on flood control related actions for the Lake Borgne Basin Levee District from Edmond Preau to the President of the Southeast Louisiana Flood Protection Authority Board of Commissioners East.

Reports were prepared and distributed by the Lake Borgne Basin Levee District, Orleans Levee District and East Jefferson Levee District, which included financial information, statuses of projects and inspections, permits, police reports, assessment of system integrity, and equipment and personnel reports. The Executive Directors for the three levee districts reviewed the financial information presented in the reports and commented on highlights of the reports. All three districts had completed calendar year 2006 levee inspections.

Mr. Bob Turner, Executive Director for the Lake Borgne Basin Levee District (LBBLD), explained the LBBLD is not only responsible for levees, but also the major drainage function in St. Bernard Parish. He commented on the Bayou Dupre Control Structure and the current studies of the structure and the hurricane protection levees, and reported the MRGO levee has been brought up 2 to 2-1/2 feet above the authorized design grade. The undamaged reach from LA Hwy 46 to Carnaveron was not addressed by Task Force Guardian; however, it is below authorized grade and construction on that section should begin around April. Mr. Turner pointed out two of the eight drainage pumping stations were totally destroyed and one was severely damaged by Hurricane Katrina. The two pumping stations which were destroyed were old, stand by stations and, therefore, have not had a tremendous impact; however, FEMA and the Corps are working on temporary pumping at those facilities and at Station No. 5 where there is a reduced capacity. He further commented on the current pumping station projects and channel debris removal. The LBBLD has one police officer who responds to calls, patrols levees and canals, and pre-Katrina ran the trustee crews. The LBBLD has 65 authorized positions, with 32 positions filled and three employees out on Workers Comp; he noted the LBBLD needs a minimum of 44 filled positions.

Mr. Stevan Spencer, Executive Director of the Orleans Levee District (OLD), pointed out on a map the hurricane protection and Mississippi River levee system in Orleans Parish, totaling 128.7 miles of levees. The work under Task Force Guardian of rebuilding the Katrina damaged levees and floodwalls has been completed. Mr. Spencer commented on the current USACE projects. The OLD Police Department provides security for the warehouse and offices, escorts for moving heavy equipment, monitors tide gages and patrols levees; the police department has 34 commissioned officers, one dispatcher and one secretary. The OLD has had a reduction in personnel due to retirements and transfers to other agencies, and Mr. Spencer pointed out that payroll disparity between the levee districts needs to be addressed in order to fill vacancies.

Ms. Fran Campbell, Executive Director of East Jefferson Levee District (EJLD), spoke of the need for compartmentalization to prevent flooding from one area to another, reviewed the current levee lift projects and other on-going projects, and described the projects the EJLD completed pre-Katrina which prevented failure or levee overtopping in their district. The EJLD Police provide security for the levee system and file weekly reports on levee inspections. She pointed out the Mississippi River levee is about 2 feet low and the USACE's plan to lift that levee around October. Hurricane protection levees may be two to three feet low in areas due to subsidence and datum changes, and under Supplemental 3 the USACE is authorized to remedy this situation, however, money has not been allocated. Ms. Campbell commented on her concern about the 17th Street Canal Floodwall and shoreline protection. She noted the EJLD was required to increase salaries due to vacancies.

The Board then addressed the establishment of committees, appointment of members and work assignments.

Commissioner Barry offered a motion to establish an Executive Committee consisting of the four officers of the Board, which was seconded, and unanimously adopted.

President Jackson requested volunteers from the Board for committee membership, with committees appointments and assignments as follows:

Finance Committee: Chairperson Timothy Doody, Chairperson; Commissioners Sara Lee St. Vincent and George Losonsky - members. Assignments: Develop FY'07 and FY'08

budgets; contact area legislators concerning funding appropriation; work with member district directors to obtain quotes for liability insurance for commissioners and staff; work with member district directors and the Division of Administration to define non-flood assets, and determine the expected gross revenues from those assets and expected net returns to the respective districts in order to develop next year's budget.

Routine and Emergency Operations Committee: Chairperson Larry McKee; Commissioners David Barnes, Timothy Doody and Louis Wittie - members. Assignments: Meet with member district directors for in depth briefing of each district's routine and emergency operating procedures.

Legal Committee: Chairperson Abril Sutherland; Commissioners Stradford Goins and George Losonsky - members. Assignments: Meet with member district directors, legal counsel and Attorney General staff for in depth briefing on legal obligations and liabilities; and develop by-laws.

Special Issues Committee: Chairperson Stradford Goins; Commissioners Larry McKee, George Losonsky and Louis Wittie - members. Assignments: Develop plan of action to address mandated study of pump drainage systems within territorial jurisdiction of the Authority, and develop a resolution stating Authority positions on the MR-GO.

President Jackson announced an Executive Committee meeting would be held on Tuesday, January 16, 2007, and the next Board meeting will be held on Wednesday, January 17, 2007, at 9:30 a.m., and hosted by the East Jefferson Levee District.

There were no public comments. There being no further business, the meeting was adjourned at 3:40 p.m.