

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, MAY 17, 2007**

The Regular Monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority) was held on Thursday, March 17, 2007, at the Nunez College Art & Science Building, 2nd Floor, 3700 Fenelon Road, Chalmette, Louisiana, after due legal notice of the meeting was sent to each member and the news media and posted.

The meeting was called to order at 9:43 a.m. by President Jackson, who then led in the pledge of allegiance. The roll was called and a quorum of the Board was present.

Present:

Thomas L. Jackson, President
Timothy P. Doody, Treasurer
David P. Barnes, Jr.
Stradford A. Goins
Larry A. McKee
Ricardo S. Pineda
Abril B. Sutherland, Vice President
Sara Lee St. Vincent
Louis E. Wittie

Absent:

John M. Barry, Secretary
George Losonsky, Ph.D.

OPENING COMMENTS:

President Jackson commented concerning the Verrett to Caernarvon Levee reach, which is as much as four feet below the pre-Katrina authorized grade. The U.S. Army Corps of Engineers' (USACE) Risk Assessment indicated the greatest risk on the east bank within the SLFPA-E's jurisdiction is the Industrial Canal situation and the second greatest risk in the metropolitan area is the Verrett to Caernarvon Levee. The USACE advised it had money to spend over the next 18 months, and that this project was ready for bid; however, it was pulled from the bid process because there is no money for this specific project.

President Jackson reported, in connection with the legislative bills dealing the west bank of Orleans Parish which were brought before the Transportation, Highways and Public Works Committee, SLFPA-E representatives met with the two State representatives from Algiers, SLFPA-W President Bindewald and the SLFPA-W attorney and reached a compromise based on the SLFPA-E's concerns related to the potential impact on the Orleans Levee District's bond indebtedness.

President Jackson commented briefly on the 17th Street Canal property issues and peer review process for the site load test, and on the hard work by the members of the Board in its intense pursuit of hurricane and flood protection.

Mr. McKee thanked President Jackson for the tremendous job he did in representing the Authority in a recent Tulane University forum.

RESOLUTION #05-17-07-001 – AGENDA

A motion was offered by Mr. Doody, seconded by Mr. Goins, and unanimously approved, to amend the agenda to add the following items: (Item 14) to support the Caernarvon to Verrett Levee raising project; Executive Session to discuss the Litigation

entitled Haspel & Davis Milling & Planting Co. Ltd., et al v. Orleans Levee District, USDC EDLA Case No. 06-3829, US Fifth Circuit Court of Appeals, Case No. 06-31083 and an O.L.D. personnel matter; and (Item 15) to authorize the SLFPA-E Executive Director to obtain health insurance for the new Administrative Assistant. Mr. McKee requested Items 3, 5 and 9 be considered together, and the Board had no objection.

On the motion of Mr. Doody,
Seconded by Mr. Goins, the following resolution was offered:

A resolution to adopt the agenda, as amended, for the Board Meeting of May 17, 2007.

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

YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

Motion carried.

RESOLUTION #05-17-07-002 – MINUTES

On the motion of Mr. Doody,
Seconded by Mr. Goins, the following resolution was offered

A resolution to approve the minutes of the Board Meetings of March 30 and April 19, 2007.

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

YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

Motion carried.

PUBLIC COMMENTS:

President Jackson advised he had no cards indicating that anyone wished to comment.

PRESENTATIONS:

17TH Street Canal Survey and Levee Section Work:

Mr. Mike Stout, USACE Project Manager, presented information on the 17th Street Canal survey work for which the Board granted a right-of-entry last week and the root study right of entry request. The surveys will be completed in May or early June. After the survey results are received an engineering analysis will be done for a section in the Lakewood area. The USACE committed to providing results to the property owners upon completion of the surveys and analysis before requesting right-of-entry for any activity involving tree or fence removal.

Mr. Stout pointed out the two distinct reaches on the Orleans side of the 17th Street Canal. The northern reach, containing a majority of the affected properties (118 of the 162), is fairly typical, as far as size of levee embankment and floodwall, and the surveys will identify the levee toe and right-of-way. He described how the surveys will be accomplished.

The southern reach (Lakewood south and a portion of Lakewood north) has a wider, more complicated levee section that extends into 44 residential properties. Mr. Stout explained the possible seepage issue in the southern reach, and discussed the as-built levee footprint and the theoretical levee section using the

current safe water elevation. An elevation survey will be done in this section behind the fence line.

President Jackson volunteered to assist the USACE in working with the property owners.

Mr. Stout explained the tree root study, which is a part of the tree removal program. The USACE has contracted with an architect-engineering firm, which has subcontracted the Forestry Department of LSU. Data is being gathered as stumps and roots are removed and exploratory trenches are being dug separate from the tree removal, but in the same area, in order to gather data about root structure and root behavior close to and into levees. Trenches have been dug under rights-of-entries along the London and Orleans Canals and the New Orleans Lakefront Levee. The USACE would like to dig trenches along the Orleans side of the 17th Street Canal in the areas proposed inside the project right-of-way and outside of fences north of Veterans Highway. All trenches would be backfilled, compacted and closed. The LSU professors have assured these small trenches would pose no damage to any trees, since no trench would be closer than six feet to any tree. The USACE is attempting to gather empirical data about tree root behavior by species to determine appropriate tree distances from levees and floodwalls.

Mr. Pineda commented on the efforts of the SLFPA-E, USACE and O.L.D. in maintaining structural integrity of levee and floodwall systems, which also includes control of levee encroachments, such as vegetation and fences that can create problems and obstruct visibility. Nationwide, the USACE is looking at maintenance of flood control facilities and the responsibilities of the local maintaining agencies. He noted a memorandum issued last year by the USACE that essentially stated if a flood control facility receives a fair or poor maintenance inspection rating under the ICW (Inspection of Completed Works) Program, the local agency is no longer eligible for assistance for repair of the flood control facility under Public Law 84-99. The USACE has produced and is receiving comments on a draft vegetation policy which is having reverberations nationwide, and Mr. Pineda explained some of the issues involved and effects it would have on inspection ratings. He stressed the importance of inspections by local sponsors of urban levees for encroachments.

Inspection of Completed Works (ICW):

Ms. Amy Powell, USACE Operations Manager for Completed Works in the New Orleans District, explained she would be clarifying maintenance responsibility for projects constructed under the O&M (Operations & Maintenance) and MRT (Mississippi River and Tributaries) Appropriations, and provide information on form changes in the inspection reports under the ICW Program, along with an update on the 15-ft. root free zone.

Hurricane protection projects are initially constructed through the O&M General Appropriation, with the local sponsor responsible for 100 percent of the O&M. Mississippi River Levees were initially constructed through the MRT Appropriation, with the local sponsor responsible for minor maintenance, such as grass cutting and maintenance as outlined in the Levee Owners Manual, and the USACE responsible for major maintenance. Major maintenance is a repair above and beyond the capabilities and resources of the local sponsor and is determined as such at the discretion of the USACE District Commander. Ms. Powell noted that should the levee district neglect to provide minor maintenance, it would not automatically lead to the USACE providing major maintenance.

The Non-Federal Levee Owners Manual provides a check list that must be used by all districts as a guide for levee inspections. The overall levee rating system has been changed from a five to a three tiered system (i.e., acceptable, minimally acceptable and unacceptable). Should a minimally acceptable rating be received, the USACE would notify and work with the local sponsor to get the deficiency corrected within a maintenance deficiency correction period of one year. Should an unacceptable rating be received, time would be provided to correct deficiencies; however, should the

local sponsor take no action, it would be reported to the Governor's Office and FEMA, and the project would be placed inactive in the PL 99 system and become ineligible for any PL 99 rehabilitation funds. One of the check list items that is causing concern to the USACE and levee districts nationwide provides that a levee can be rated unacceptable should there be a tree within 15 feet of the levee toe. Ms. Powell explained some of the associated issues and problems and advised USACE Headquarters has agreed to revisit this guidance.

RESOLUTION #05-17-07-014 – VERRETT TO CAERNARVON LEVEE REACH

Mr. Robert Turner, Lake Borgne Basin Levee District (LBBLD) Executive Director, explained the USACE had prepared plans and specifications to raise this section of levee in 2002; however, funding was cut from the budget after September 11th and this work was never accomplished. It was thought that this project was moving forward, but after contacting the project manager on the status, it was discovered that funding is not in place and the project is on hold until money is available. Mr. Turner requested the USACE provide the dollar amount of the shortfall so that other options, such as contacting the State of Louisiana for a loan, can be investigated in order to keep the project moving forward.

President Jackson reiterated this levee was identified as the second highest risk within the New Orleans east bank metropolitan area and elaborated on the importance of this project. He asked Mr. David Doss, who was at the meeting representing Senator Vitter, to bring this matter to the Senator's attention, and further requested that the resolution be distributed as quickly as possible.

The Board discussed Congressional Appropriations, USACE funding and the prioritization of projects.

Mr. Goins recommended that a breakdown of projects be requested from the USACE, along with the schedule for each project, identification of project managers and points of contact, and any other pertinent information, in order to monitor the status of each project. President Jackson requested Mr. Goins place his recommendation in the form of a motion which would be considered immediately after the call for the vote on the resolution on the Verrett to Caernarvon Levee.

On the motion of Mr. Doody,
Seconded by Mr. McKee, the following resolution was offered:

WHEREAS, the Verrett to Caernarvon Reach of the Lake Pontchartrain and Vicinity Hurricane Protection Levee is three feet to four feet below the pre-Katrina Authorized Grade; and

WHEREAS, the Federal Government authorized the U.S. Army Corps of Engineers ("Corps") to raise the levee to the pre-Katrina Authorized Grade and provided funding to do so in the Third Supplemental Appropriation; and

WHEREAS, the Corps has completed the plans and specifications necessary to bid and construct the project; and

WHEREAS, the Corps has indicated that the project cannot go forward until additional funds are provided by Congress; and

WHEREAS, the completion of the project is absolutely necessary to provide adequate flood protection for St. Bernard Parish.

NOW, THEREFORE, BE IT RESOLVED, That the Southeast Louisiana Flood Protection Authority-East hereby directs the U.S. Army Corps of Engineers to do whatever is necessary to construct this project WITHOUT DELAY.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Louisiana Congressional delegation, State legislators, St. Bernard Parish councilmen, Chief of Engineers and Commander of the Army Corps of Engineers, Commander of the Army Corps of Engineers New Orleans District, and Commander of the Army Corps of Engineers Hurricane Protection Office.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,

and Mr. Wittie
NAYS: None
ABSENT: Mr. Barry and Mr. Losonsky
Motion carried.

RESOLUTION #05-17-07-0016 – USACE PROJECT REPORTING PROCEDURE

On the motion of Mr. Goins,
Seconded by Mr. McKee, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Control Authority-East (SLFPA-E) was created by Act 1 of the First Extraordinary Session of 2006 of the Louisiana Legislature to exercise all authority over and have management, oversight, and control of the following territories, as provided by law for the boards of commissioners of such levee districts to which the authority is a successor and to the extent therein provided for the following levee districts and parts of levee districts and parishes: East Jefferson Levee District; Lake Borgne Basin Levee District; that portion of the Orleans Levee District on the east side of the Mississippi River; St. Tammany Levee District; Tangipahoa Levee District; that portion of St. Charles Parish lying east of the Mississippi River; and that portion of St. John the Baptist lying east of the Mississippi River; and

WHEREAS, in addition to any other powers and duties provided by law for the boards of commissioners of levee districts, the Authority is authorized to establish on its own behalf or for the areas or the levee districts under its authority adequate drainage, flood control, and water resources development, including but not limited to the planning, maintenance, operation, and construction of reservoirs, diversion canals, gravity and pump drainage systems, erosion control measures, marsh management, coastal restoration, and other flood control works as such activities, facilities, and improvements relate to tidewater flooding, hurricane protection, and saltwater intrusion; and

WHEREAS, the SLFPA-E is in need of a means to proficiently monitor U.S. Army Corps of Engineers authorized projects and planning studies so that it is knowledgeable of the status and progress of each, and of any existing or potential problems or issues that may develop, and efficiently and effectively accomplish its mission of hurricane and flood protection.

RESOLVED, that the SLFPA-E work with the USACE to develop a reporting procedure to be updated at least quarterly for all authorized projects and planning studies under the jurisdiction of the Authority, to include planning, design and construction phases, project funding and existing or potential problems.

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

YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie
NAYS: None
ABSENT: Mr. Barry and Mr. Losonsky
Motion carried.

A motion was offered by Mr. Doody, seconded by Mr. Goins, and unanimously adopted, for the Board to convene in Executive Session to discuss those items listed on the Agenda. The Board convened in Executive Session at 11:20 a.m.

A motion was offered by Mr. Goins, seconded by Mr. Wittie, to adjourn the Executive Session and reconvene in regular session at 12:48 p.m.

RESOLUTION #05-17-07-0017 – OVERTIME POLICY FOR EXEMPT EMPLOYEES

President Jackson reported one resolution resulted from the Executive Session relative to personnel matters, which was introduced by Ms. Sutherland.

Ms. Sutherland offered a motion to adopt a policy to not pay Executive Directors overtime unless there is a State declared emergency. The motion was seconded by Mr. Doody.

The Board discussed the option of providing compensatory time; however, it was determined compensatory time could be considered at a later time.

President Jackson clarified this policy is interim to the adoption by the Board of a full policy which would be developed by the Legal Committee.

Mr. Doody offered an amendment to the motion to extend the policy to all exempt professionals in every district, which was accepted by Ms. Sutherland as a friendly amendment.

On the motion of Ms. Sutherland,
Seconded by Mr. Doody, the following resolution was offered:

WHEREAS, the Legal Committee has been charged with the development of a personnel policy for those levee districts under the authority of the Southeast Louisiana Flood Protection Authority-East; and

WHEREAS, the Board has considered and concurred that an interim policy should be adopted relative to payment of overtime for executive directors and exempt professionals.

RESOLVED, That the Board approve a policy that overtime not be paid to executive directors and all exempt professionals in all levee districts unless there is a State declared emergency.

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

YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

Motion carried.

Colonel Bedey, Commander of the USACE Hurricane Protection Office, arrived at the meeting and the Board returned to the discussion of the Verrett to Caernarvon Levee raising project. Col. Bedey explained he has communicated on multiple occasions the USACE's concern with addressing this levee reach as quickly as possible, and the USACE is prepared to do so at such time as it has the ability from a funding perspective. He commented on the recent \$1.3 billion re-appropriation issue, which identified those contracts the USACE was prepared to move forward with but did not have money in the right place to do so. The USACE is awaiting a resolution by legislative action by Congress. Col. Bedey explained although he could not make a commitment that the USACE could help flood fight from Verrett to Caernarvon, the USACE hopes to move forward on this reach this hurricane season and would continue to work closely with Mr. Turner, the L.B.B.L.D. Executive Director, to look at ways in which the USACE may potentially be able to be prepared to flood fight.

Col. Bedey explained the magnitude of the challenge ahead. There are over 40,000 lineal feet of levees and floodwalls below elevation 14, with the preponderant portion being I-wall floodwalls, and, therefore, the push has been toward the permanent solution. He commented on work being accomplished on earthen levees in New Orleans East. He added, when funding becomes available to execute Verrett to Caernarvon, he wanted to be postured to immediately execute that contract.

Closure of the MRGO and the testing pumps at the Orleans Parish Outfall Canals were briefly discussed.

COMMITTEE REPORTS:

Legal Committee: Chairwoman Sutherland reported on recent meetings with Representatives Tucker and Arnold, President Bindewald, Mr. Owen Bordelon and

others, concerning HB 413, which in part would separate tax revenues for the west bank, and SB 932, which would create an Algiers Levee District. A compromise was reached on HB 413, wherein funds would be sent to the West Authority for operation and maintenance and the West Authority agreed it would recognize Orleans Levee District liabilities, judgments and bond debt service. The Board in general concurred with the compromise, but did not feel it could adopt a resolution in support.

Finance Committee: Chairman Doody reported the Committee would be meeting the second Friday of each month, and is attempting to schedule a calendar of events and identify areas of efficiencies of operations among the levee districts; e.g., computer systems and insurance. At its last meeting the Committee also reviewed the O.L.D. fiscal year 2007 budget revisions.

Routine and Emergency Operations Committee: Chairman McKee reported the emergency component of the Committee has been discussing the emergency manuals, and the three levee districts have met to discuss matters such as developing commonality. He recommended approving the documents as presented, adding some changes may be made in the next year. Inspections are scheduled in all three levee districts to take place either this month or the beginning of next month and Commissioners were invited.

Special Issues Committee: Chairman Goins reported no meetings were held the past month; however, the Committee may be scheduling a meeting concerning 17th Street Canal issues.

Mr. Pineda commented on recent national policy activities and policy documents.

Ms. St. Vincent and Mr. Pineda reported the Strategic Planning Committee is in the process of drafting planning goals, objectives and performance measurements.

NEW BUSINESS:

The Board considered Items 3, 5 and 9, concerning emergency procedure manuals for the three levee districts, together and there was no discussion.

RESOLUTION #05-17-07-003 – O.L.D. APPROVAL OF EOP MANUAL

On the motion of Mr. Doody,
Seconded by Mr. Barnes, the following resolution was offered:

A resolution to approve the 2007 Orleans Levee District
Emergency Operations Procedures (EOP) Manual.

WHEREAS, Louisiana Revised Statutes, Title 38, Section 319, mandates that each Board of Commissioners of each Levee District prepare and regularly review its emergency procedures manual; and

WHEREAS, Orleans Levee District (O.L.D.) staff reviewed and updated the aforesaid manual as required.

RESOLVED, That the Southeast Louisiana Flood Protection Authority-East approves the O.L.D.'s EOP Manual, with an effective date of June 1, 2007, and authorizes all actions under the EOP and the Statute.

FURTHER RESOLVED, That the President or O.L.D. Director of Hurricane and Flood Protection be authorized to sign any and all documents necessary to carry out the above.

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

YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

Motion carried.

RESOLUTION #05-17-07-005 – 2007 EAST JEFFERSON LEVEE DISTRICT EMERGENCY OPERATIONS PROCEDURES MANUAL

On the motion of Mr. Doody,
Seconded by Mr. Barnes, the following resolution was offered:

A resolution to approve and accept the 2007 East Jefferson Levee District Emergency Operations Procedures Manual;
THEREFORE BE IT RESOLVED, the Southeast Louisiana Flood Protection Authority – East approve the 2007 East Jefferson Levee District Emergency Operations Procedures Manual with an effective date of June 1, 2007, and authorizes all actions under the Emergency Operations Manual.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda, and Mr. Wittie
NAYS: None
ABSENT: Mr. Barry and Mr. Losonsky
Motion carried.

RESOLUTION #05-17-07-009 – 2007 LAKE BORGNE BASIN LEVEE DISTRICT EMERGENCY OPERATIONS PROCEDURES MANUAL

On the motion of Mr. Doody,
Seconded by Mr. Barnes, the following resolution was offered:

A resolution to approve and accept the 2007 Lake Borgne Basin Levee District Emergency Operations Procedures Manual;
THEREFORE BE IT RESOLVED, the Southeast Louisiana Flood Protection Authority – East approve the 2007 Lake Borgne Basin Levee District Emergency Operations Procedures Manual with an effective date of June 1, 2007, and authorizes all actions under the Emergency Operations Manual.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda, and Mr. Wittie
NAYS: None
ABSENT: Mr. Barry and Mr. Losonsky
Motion carried.

RESOLUTION #05-17-07-004 – 2007 ORLEANS LEVEE DISTRICT BUDGET REVISIONS

Mr. Jim Bollinger, O.L.D. Comptroller, explained the flood control operations revisions relating to the increase in anticipated ad valorem tax collections and the decrease in expected mineral revenues. Revisions for non-flood operations would be handled by the Division of Administration.

On the motion of Mr. Doody,
Seconded by Mr. Wittie, the following resolution was offered:

WHEREAS, by Resolution No. 1-032806, the Board approved the General Operating and Major Maintenance/Capital Improvement Budget, and Special Levee Improvement Projects (SLIP) Fund Budget for Fiscal Year 2007 to provide for required expenditures for personnel services, contractual services, operating supplies, equipment, annual debt service and capital projects, and
WHEREAS, a review of the operating results to date indicates that budget revisions to the Flood Control operating budget are necessary to comply with applicable state law, which requires that budgets be changed to reflect new

expectations. Such revisions are detailed on the financial schedules attached hereto and made a part hereof,

WHEREAS, the following summarized adjustments are determined to reflect the projected operating results of the flood control operations based on the latest revenue and expenditure estimates.

General Operating Budget

1.	Increase in Revenues	\$	495,426
2.	Decrease in Expenditures	\$	2,010,419
3.	Decrease in Other Financing Sources	\$	(1,500,000)
4.	Increase in Other Financing Uses	\$	(592,700)
5.	Decrease in Use of Prior Year Funds	\$	(1,639,580)

BE IT HEREBY RESOLVED, That the revisions to the Fiscal Year 2007 Operating budget for Flood Control Operations are approved.

BE IT FURTHER RESOLVED, That the Division of Administration be asked to develop a budget amendment for the Non-Flood-Control division so that a combined, amended budget is available for year-end reporting.

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

YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

Motion carried.

**RESOLUTION #05-17-07-006 - CONTRACT WITH DUPLASS, ZWAIN,
BOURGEOIS, MORTON, PFISTER & WEINSTOCK - EJLD**

Ms. Fran Campbell, E.J.L.D. Executive Director, explained the immediate need for a contract to handle this personal injury case that occurred during a brief lapse in liability coverage.

On motion of Mr. Goins,

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

WHEREAS, the East Jefferson Levee District needs special counsel to advise and represent it in Case: 643-763, Division "A", 24th Judicial District Court for the Parish of Jefferson, State of Louisiana entitled Bernard Delhom, Noel Delhom versus Hollywood Marine Inc., Kirby Inland Marine Inc., Kirby Inland Marine LP, East Jefferson Levee District, Parish of Jefferson of the State of Louisiana; and **WHEREAS**, the East Jefferson Levee District desires to retain the law firm of Duplass, Zwain, Bourgeois, Morton, Pfister & Weinstock to represent it in this matter, and in consideration of the services performed, to pay Counsel as follows:

Lawrence J. Duplass	Supervising Attorney	\$ 135.00
William Guste, III	Assoc. Attorney	\$ 125.00
Kelly Swords	Paralegal	\$ 60.00

WHEREAS, the term of this contract shall be for one year, and the contract shall be submitted to the Louisiana Attorney General's office for approval.

BE IT RESOLVED, That the President of the SLFPA-E is authorized to sign any and all documents necessary to execute this attorney fee contract on behalf of the East Jefferson Levee District.

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

YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

Motion carried.

RESOLUTION #05-17-07-007- EJLD –

AGENT/BROKER GENERAL LIABILITY INSURANCE

President Jackson pointed out the Board had recently adopted a Competitive Selection Policy for the engagement of such consultants and recommended an advisor be engaged for all three levee districts with costs to be distributed between the districts. This individual could advise needs in advance and the Board could then authorize the selection of an agent for that particular need.

Mr. Clint Romig explained he had handled insurance for East Jefferson and Lake Borgne Basin Levee Districts. His intention was to have quotes by the end of June for East Jefferson, since the expiration date is July 19th, and will ask the underwriter to push Lake Borgne's general liability renewal policy back to the same expiration date to try to volume price and shop the coverages as a discount. He explained, typically, a consultant for public entities will determine the terms, conditions and amounts of coverage required, and will do a competitive selection process for one agent to approach the markets on behalf of the public entity for a fee or commission.

Due to the immediate need to obtain quotes for general liability insurance coverage for East Jefferson Levee District, the original motion was withdrawn and two substitute motions were offered; first, by Mr. Doody to authorize the SLFPA-E President to name an agent/broker of record for East Jefferson Levee District's general liability insurance, and the second by Ms. Sutherland to advertise a Request for Qualifications (RFQ) for an insurance consultant.

On the motion of Mr. Doody,
Seconded by Ms. Sutherland, the following resolution was offered:

A resolution authorizing SLFPA-E President to name an agent/broker of record for the East Jefferson Levee District's general liability insurance.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie
NAYS: None
ABSENT: Mr. Barry and Mr. Losonsky
Motion carried.

RESOLUTION #05-17-07-018- ADVERTISEMENT OF RFQ FOR INSURANCE CONSULTANT

On the motion of Ms. Sutherland,
Seconded by Mr. Doody, the following resolution was offered:

A resolution authorizing the advertisement of a Request for Qualifications (RFQ) for an insurance consultant.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie
NAYS: None
ABSENT: Mr. Barry and Mr. Losonsky
Motion carried.

RESOLUTION #05-17-07-008 – EMERGENCY OVERTIME – ALL DISTRICTS

On the motion of Mr. Doody,
Seconded by Mr. Wittie, the following resolution was offered:

A resolution authorizing East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District and SLFPA-E to implement an emergency pay policy for employee overtime in accordance with Civil Service and FEMA requirements.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie
NAYS: None
ABSENT: Mr. Barry and Mr. Losonsky
Motion carried.

RESOLUTION #05-17-07-010 – LAKE BORGNE BASIN LEVEE DISTRICT BIDS FOR TEMPORARY PUMPING MACHINERY – PUMP STATIONS 2, 3, AND 5

Mr. Turner explained around the beginning of May information was received from FEMA that the necessary funds would be provided for temporary pumping equipment for the stations that are still out. Bids specifications were prepared and advertised.

Mr. Hanna, L.B.B.L.D. counsel, advised the Revised Statutes which deal with public bid law have been examined and he felt comfortable that the procedures that have been followed are in compliance with the statutes.

Mr. Pineda recommended the Levee District Executive Director and SLFPA-E Regional Director sign the final contract document, which was accepted as a friendly amendment to the resolution.

On the motion of Mr. Doody,
Seconded by Mr. Wittie, the following resolution was offered:

A resolution authorizing Robert Turner, Executive Director of the Lake Borgne Basin Levee District, to accept certain bids for temporary pumping machinery.

WHEREAS, a real necessity exists to install temporary pumping machinery at Pump Stations 2, 3 and 5 of the Lake Borgne Basin Levee District; and

WHEREAS, in that certain bids were advertised pursuant to law with a deadline of May 25, 2007 for the Lake Borgne Basin Levee District to accept said bids.

BE IT HEREBY RESOLVED, That Robert Turner, Executive Director of the Lake Borgne Basin Levee District, is hereby authorized to accept bids on May 25, 2007 for temporary pumping machinery to be located at Pump Stations 2, 3 and 5 of the Lake Borgne Basin Levee District..

BE IT FURTHER RESOLVED, That Robert Turner, Executive Director of the Lake Borgne Basin Levee District, is authorized to conduct the opening of said bids on May 25, 2007.

BE IT FURTHER RESOLVED, That Robert Turner, Executive Director of the Lake Borgne Basin Levee District, and the SLFPA-E Regional Director are authorized to sign a contract with the lowest responsive and responsible bidder pursuant to Louisiana law.

BE IT FURTHER RESOLVED, That Robert Turner, Executive Director of the Lake Borgne Basin Levee District, is authorized to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:
YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie
NAYS: None
ABSENT: Mr. Barry and Mr. Losonsky
Motion carried.

RESOLUTION #05-17-07-011 - THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SLFPA-E AND THE SLFPA-W, ON BEHALF OF THE OLD, AND THE DOA, STATE OF LOUISIANA, REGARDING THE MANAGEMENT AND CONTROL OF THE NON-FLOOD ASSETS OF THE OLD

President Jackson thanked Commissioners Doody, McKee and Barry for their hard work on this effort.

Mr. David Bindewald, SLFPA-West President, stated he was glad that the latest draft recognizes the fact that the Orleans Levee District assets are under the joint governance of the East and West Authorities. He pointed out the MOU signatories include the West Authority, which will be meeting on May 25th and invited East Authority representatives to provide a presentation. He further suggested the Orleans representatives for the two authorities begin looking at the issues and come up with a plan for moving forward. He expressed his disappointment that the Board did not pass a resolution in support of the compromise reached and HB 413 as it left the Committee.

Mr. Doody explained some of the provisions in the MOU relative to revenues and litigation. Changes to the MOU have been made with the participation of the Division of Administration. The MOU can be modified with agreement of all three parties.

On the motion of Mr. Doody,
Seconded by Mr. McKee, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West (the "Authorities") were created with the primary purpose of providing flood protection; and

WHEREAS, R.S. 38:330.12 provides that any levee district facility or improvement that is not directly related to providing flood protection, shall be managed by the Division of Administration, State of Louisiana (DOA); and

WHEREAS, the Orleans Levee District (OLD) has facilities and improvements that are not directly related to providing flood protection, and thus will be managed and controlled by the DOA; and

WHEREAS, the Authorities, on behalf of the OLD, desire to enter into a Memorandum of Understanding with the DOA to clearly delineate the non-flood assets of the OLD, and place them in the newly created Non-Flood Asset Division of OLD, with a clear line of authority and responsibility to the DOA; and

WHEREAS, The DOA agrees to manage and control the Non-Flood Asset Division, on behalf of the OLD, in good faith, free of charge other than the actual cost of operations, and in an efficient manner that will support the flood protection functions of the OLD by limiting costs as much as possible, while maximizing revenues by pursuing amounts owed, setting appropriate fees and charges, and restoring/repairing non-flood assets to full revenue-generating capacity and value, as quickly as possible.

NOW BE IT RESOLVED, That the Authority East, on behalf of the OLD, approves and adopts the MEMORANDUM OF UNDERSTANDING REGARDING NON-FLOOD ASSETS OF THE ORLEANS LEVEE DISTRICT between the Authorities, on behalf of the OLD, and the Division of Administration, State of Louisiana, dated and effective March 17, 2007, and authorizes the President of the Authority East to sign any and all documents necessary to execute this agreement.

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

YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

Motion carried.

ITEM 12. DISCUSS CONTACTING JEFFERSON PARISH REGARDING THE MAYNARD PROPERTY.

Mr. Doody explained he was trying to open discussion with Jefferson Parish officials to determine whether access can be allowed to this property, while not accepting the liability.

Ms. Fran Campbell advised the E.J.L.D. and Jefferson Parish each paid \$800,000 for the property; however, the property was placed in the name of the E.J.L.D.

Mr. Robert Lacour explained the Cooperative Endeavor Agreement with Jefferson Parish states the property can be used for levee related purposes or recreation without the permission of the Parish; however, any other use requires permission of the Parish, and described the property's value to the levee district in that it can borrow from the borrow pits on this batture property and use the sand for any project. He added, at the time this was agreed to there was a recreational mandate.

Ms. Sutherland offered a motion that discussions be opened with Jefferson Parish, which was seconded by Mr. Doody, and no objection was offered.

ITEM 13. DISCUSS THE ROLL OF MEMBERS OF THE AUTHORITY DURING TROPICAL STORM THREATS AND ESTABLISH A POLICY CONCERNING OPERATIONS AND/OR ADVISORY ROLL.

Mr. McKee commented that consideration needs to be given to the chain of authority, and be more definitive information concerning this item would be forthcoming at a later date.

The Board discussed e-mail contact during emergency situations and formalizing mutual aid agreements, possibly through the Association of Levee Boards.

RESOLUTION #05-17-07-015 – 2007 SLFPA - EMPLOYEE HEALTH INSURANCE

Ms. Campbell requested authority to obtain health insurance coverage from Blue Cross for a new employee of the SLFPA-E.

On the motion of Mr. Doody,
Seconded by Mr. Wittie, the following resolution was offered:

A resolution to authorize the Executive Director of the Southeast Louisiana Flood Protection Authority-East to obtain health insurance coverage for the Administrative Assistant 5;
THEREFORE BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority -East authorizes the Executive Director of the Southeast Louisiana Flood Protection Authority-East to obtain health insurance coverage for the Administrative Assistant 5 through Blue Cross of Louisiana.

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

YEAS: Mr. Barnes, Mr. Doody, Mr. Goins, Mr. McKee, Mr. Pineda,
and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry and Mr. Losonsky

Motion carried.

There was no further business, therefore the meeting was adjourned at 3:15 p.m.