

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, FEBRUARY 19, 2009**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, February 19, 2009, in the Second Floor Hall, Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, after due legal notice of the meeting was sent to each member and the news media and posted.

Mr. Doody called the meeting to order at 9:40 a.m. and led in the pledge of allegiance.

The roll was called and a quorum of the Board was present.

Present:

Timothy P. Doody, President

Abril B. Sutherland, Vice President (left meeting at 3:30 p.m.)

John M. Barry, Secretary

David P. Barnes, Jr. (left meeting at 1:00 p.m.)

Stephen Estopinal

Stradford A. Goins

Thomas L. Jackson

George Losonsky, PH.D., Treasurer

Ricardo S. Pineda

Louis E. Wittie

Absent:

Sara Lee St. Vincent

OPENING COMMENTS:

Mr. Doody advised that at a press conference last week the Governor talked about a request that would be made to the State Legislature for \$300 million of State surplus monies to be dedicated towards acquiring the lands necessary to complete all the projects for 100 year protection. He urged everyone to contact their State representatives to urge support for this request.

Mr. Doody reported that he, Mr. Jackson and Mr. Estopinal attended a meeting of the Bayou St. John Civic Association. It was agreed that additional information would be gathered relative to the issues concerning Bayou St. John, however the first priority is flood protection. SLFPA-E is working with the civic association and will take whatever measures that it can to try to improve the Bayou's water quality.

Mr. Doody advised that a presentation was provided on the State's master plan at yesterday's Coastal Protection and Restoration Authority (CPRA) meeting. He stressed

the importance of SLFPA-E's participation in the meetings that are to be held on the master plan and on having its voice heard concerning the prioritization of projects which will bring protection beyond the 100 year level.

Mr. Doody stated that the U.S. Army Corps of Engineers (USACE) has been tasked with building the 100 year protection projects. The USACE estimated the funding needed to accomplish this task; however, over time there has been a tremendous number of special interests that would have projects redesigned at additional costs. He stated that it is the Authority's responsibility to insure that the system is completed and that special interests do not take such a big bite out of the overall budget that some areas obtain "Rolls-Royce" protection and another areas receive little or no protection.

Mr. Barry provided additional comments on discussions at the CPRA meeting. CPRA Chairman Garrett Graves advised at the meeting that the State submitted a list of projects totaling \$6 billion that it felt could qualify under the stimulus package to the Congressional delegation. The USACE's New Orleans District Office had submitted a list of projects totaling \$73 million. At the time of the meeting Mr. Graves had not received the USACE's revised list of projects that would qualify. His understanding was that projects that had not yet received any Federal funding would not qualify under the stimulus package. Therefore, storm proofing of the St. Bernard Parish pump stations would be excluded. It appeared that there would not be much assistance received out of the stimulus package program for flood protection concerns.

Mr. Barry advised that the State's master plan was also discussed at the CPRA meeting. Monies are budgeted this year and next year; however, because the CPRA did not want to budget the plan without knowing that funding was available, there is drop off of funding in the out years. The CPRA also discussed a scoring system that was put into place to evaluate each project in the State. Mr. Barry stated that the public comment period on the plan has just begun and he urged anyone who wished to comment to do so. The CPRA will have two additional meetings on the master plan before voting to submit it to the State Legislature. He also noted that Plaquemines Parish had provided an interesting presentation primarily concerning the impact of trees on surge. This presentation will be provided to the Board at its meeting next month.

Mr. Jackson reported on the meeting with the Bayou St. John Civic Association. The issues include the opening and closing of the sector gate to allow free flow of lake water into the Bayou to improve water quality, raising the protection grade on the sector gate for 100 year protection, and the need to ascertain what information is required in order to determine whether the ridge surrounding the Bayou can contain normal lake levels, as well as the information required concerning the connection between the Bayou and the City Park lagoons.

Mr. Estopinal added that the main thrust of the Association is aesthetics. After a scientific review is completed, some of the things that are desired to be done may not be possible. He explained that he had obtained Lydar information which provided a good idea of vertical differential heights in the area, which were disappointing. He

suggested at the meeting that on the ground surveys were needed for topographic data. At that point information could be collected on hydrology. Once that information is obtained, a decision could be made on what can and cannot be done. He pointed out that Bayou St. John does not have much of a distributary ridge and the area has suffered considerable subsidence.

Mr. Doody commented that everyone left the meeting with a clear understanding that additional information would be required before decisions could be made. It was also understood that the Authority would work towards efforts to remove the waterfall dam and would work to allow more water from the lake to freshen the Bayou.

Mr. Doody announced that the Lake Pontchartrain Basin Foundation has issued certificates of appreciation for levee district employees for their efforts during Hurricanes Gustav and Ike. Carlton Dufrechou, Executive Director of the Lake Pontchartrain Basin Foundation, will work to provide passes for these employees for the Back to the Beach celebration where they can be publicly recognized. The certificates of appreciation were accepted by Levee District Executive Directors on behalf of their employees.

APPROVAL OF AGENDA:

A motion was offered by Mr. Losonsky, seconded by Mr. Goins and unanimously approved, to adopt the agenda.

RESOLUTION #02-19-09-01 – APPROVAL OF MINUTES

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

“A motion to approve the minutes of the Board Meeting of January 15, 2009.”

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson
Mr. Losonsky, Mr. Pineda, Mr. Wittie

NAYS: None

ABSENT: None

PUBLIC COMMENTS:

None.

PRESENTATIONS:

1. **Bruce Sharky, Professor, LSU Landscape Architecture School – Wetland Restoration of Bayou Bienvenue and Bayou Ducros in St. Bernard Parish.**

Professor Sharkey explained that approximately two years ago the LSU School of Landscape Architecture (LSU) developed a wetland-marshland restoration proposal for

Lake Pontchartrain between the 17th Street Canal and Bonnabel, which was adopted by Jefferson Parish and the levee district as the intent of what they would like to have done to provide additional non-structural protection. The decision was made about a year ago that the development of a plan for the restoration of Bayou Bienvenue and Bayou Ducros, which is now brackish open waters, would be helpful. The Bayou Bienvenue-Bayou Ducros Wetland Restoration and Hazard Mitigation Proposal was developed with the intent that the Authority could adopt the proposal as what it would like to have done as a part of a larger strategy to provide regional protection. He advised that a written report would be transmitted to the Board in the next month.

Slides were shown of the study area and included an image of the existing conditions and a rendition of the proposed goal. Professor Sharkey stated that the proposed goal is to restore a healthy marsh-cypress swamp system, with the following benefits:

- Creation of a physical vegetative barrier to reduce damage and loss of lives from potential tropical storm wind and storm surge.
- Improve water quality.
- Increase wildlife habitat of environmental, economic and recreational benefit.
- Provide variety of educational and recreational venues for communities in the immediate area and region.

The restoration would include maintaining some of the open water to improve water quality, reintroduction of cypress swamp and open marsh areas, and introduction of some dense bottom land forest area. Professor Sharkey commented that this restoration project would not only provide non-structural storm surge protection, but would also provide valuable economic and recreational benefit to the surrounding communities. He discussed potential amenities that could be located in the public-use areas, which included a boardwalk, interpretative trails and an education and visitor center.

Mark Schexnayder with the LSU Agricultural Center commented on the possible use of USACE mitigation funds for the project.

A resolution to support the Bayou Bienvenue-Bayou Ducros Wetland Restoration and Hazard Mitigation Proposal will be placed on the agenda for the Board meeting following receipt of the written report.

2. David Walter, Walter Marine – System for providing coastal restoration.

David Walter, owner of Walter Marine and Eco Systems in Orange Beach, Alabama, discussed the loss of Louisiana's wetlands and the economic value of its estuaries. He explained that in 1986 he began building artificial fishing reefs and explained the evolution of the artificial reefs into wave attenuators. He described the materials used in the disks that are a part of Eco Systems and explained the proposed method of installation along a shoreline. He stated that testing is currently being done and that 80 feet of test units are being installed in the State of Alabama. He discussed Eco Systems being made a part of a CWPPRA demonstration project and commented that

the USACE expressed interest in using the system for canal closures. Mr. Walter stated that Eco Systems would be interested in providing a test project for the SLFPA-E at its cost.

The Board discussed the system's potential and various applications. Mr. Barry suggested that Mr. Walter contact the Coastal Protection and Restoration Authority.

3. U.S. Army Corps of Engineers – Seabrook Structure.

Ron Elmer, Branch Chief for the Inner Harbor Navigation Canal Hurricane (IHNC) Protection Program, stated that his branch oversees the Lake Borgne surge protection barrier, which is currently under construction, the proposed Seabrook structure, and the existing levees and floodwall between the two barriers along the IHNC and GIWW.

Mr. Elmer explained that the IER (Individual Environmental Report) 11 Tier 1 document signed in March, 2008, identified a location within a 2,500 foot area south of the Senator Ted Hickey (Seabrook) Bridge as the preferred location for the gate structure. The USACE initiated the current Seabrook IER effort following the Tier 1 document, which shows a preferred alignment next to the railroad bridge. An Engineering Alternative Report was developed to look at specific types of gates and at various locations being considered in the IER. The USACE conducted an Alternative Evaluation Process, which resulted in the preferred solution; i.e., south of the railroad bridge. The public review process on the Environmental Report will be initiated in May, 2009. Due to requests from navigation interests on the Industrial Canal, the first public meeting will be held on March 5th at 9:00 a.m. at the Port of New Orleans. Several additional meetings will be held at night for the general public. There will be a 30 day public comment period on the report. The USACE anticipates having the IER document signed on July 8, 2009. The USACE will request a consistency determination on March 13th from Coastal Zone Management for the State of Louisiana. The USACE will prepare a Project Description Document, which will be reviewed by its internal channels, as well as the CPRA. Real estate acquisition processes must be completed prior to construction. Construction of the project is currently expected to start in the fall of 2009.

A USACE showed a video indicating the three alternative locations for the gate structure and the sequencing of its construction.

Mr. Elmer stated that the gate is 95-feet wide with a minus 16-foot sill elevation and that the intent is for the gate to remain open. He explained that the USACE is just finishing the modeling for the GIWW surge barrier gates. The USACE found that statistically there are only seven to twelve days out of a year that velocities get to a point in the GIWW surge barrier gate that potentially pose a problem to navigation. However, the problem is only posed to those types of tows that represent one percent of the configurations that use the GIWW. Therefore, the USACE is looking into operational procedures to mitigate for those conditions during these rare times by closing the Seabrook gate. During the design process the USACE will look at the potential for incorporating other flow thru structures as part of the sector gate for mitigation.

Mr. Elmer stated that the design changes made thus far to the GIWW gate structures dealt with the guide wall systems in order to make the structures safer for navigation and have been within the USACE's contingency factor for that project. He stated that the Seabrook gate structure is part of the hurricane protection system and clarified that the choices were either to build the structure to keep surges from getting into the canal or to replace 30 miles of levees and floodwalls with T-walls. Mr. Elmer stated that all the modeling that was done for the barrier gate system assumed the Seabrook gate open all the time. Once ERDC (USACE Engineer Research and Development Center) realized that there was only a small percentage of the time that there would be a problem at the GIWW gate system, they used this system to close it off to determine whether it mitigated the problem at the GIWW gate. It did mitigate the problem. Mr. Elmer stated that from what he recalled the tow simulation showed that the empty 8-pack barges had a problem with 15 knot winds; however, he did not recall there being much of a problem with the fully loaded 8-pack barges and that they were on the borderline of going through safely and having problems.

Mr. Doody commented that ERDC had advised that 8-pack tows having a problem with safe passage on that end of the system (GIWW gates) made up one percent of the total tested tows; however, ERDC did not differentiate between fully loaded and unloaded barges. His understanding was that the Seabrook closure structure helped with water velocities for the fully loaded barges; however, that problem was not nearly as big as the problem with the unloaded 8-pack barges with high wind velocities.

Mr. Barry stated that it was the Authority's understanding that the tests were on-going and that the simulated tests conducted by ERDC prior to the time of the Board's last meeting when this issue was discussed had only used experienced pilots. ERDC was to conduct simulated tests using less experienced pilots. He asked Mr. Elmer whether he knew the results of those tests. Mr. Elmer replied, specifically, no. He advised that a final report is expected from ERDC within the next two months.

Mr. Elmer added that the USACE will aid navigation by providing current-velocity meters at the structures that will broadcast to navigation interests approaching the structure and advise currents, velocities and wind speeds.

Since the railroad bridge will be on the floodside of protection, Mr. Doody pointed out the need to assure that the controls for the railroad bridge are located above anticipated flood elevations in the event there is a need to raise the bridge.

Mr. Jackson asked whether the USACE had developed an operational plan between the Seabrook and GIWW structures relative to the height of the water in the Industrial Canal before the canal is sealed off from outside tidal surges.

Mr. Elmer replied that the operational plan is being developed as designs are developed for the Lake Borgne barrier. At this time the conceptual plan is to close the barrier gates

when the surge elevation reaches a three foot elevation. He noted that this elevation could potentially change as the design process proceeds.

Mr. Jackson asked what was the safe water elevation for the existing walls in the interior protection system? Mr. Elmer replied that the existing walls could withstand water to the top of the wall. Mr. Jackson explained that there is a stream of barges going out of the GIWW and heading east during the 24 hour period before the arrival of a storm. Navigation interests will continue this activity up until the last minute that they are allowed to do so. He stated that if the tidal surges are high, that same height will be within the system after the gates are closed. He stressed that this issue needs to be carefully examined. Mr. Elmer responded that this issue is currently being discussed and is under consideration. He explained that after the barrier gate is closed the surge behind the gate would potentially drop because the lake level is not as high.

Mr. Doody advised that the Authority has had discussions with the Coast Guard regarding this issue because it did not want a repeat of what happened during Hurricane Gustav.

COMMITTEE REPORTS:

Finance Committee: Mr. Losonsky reported that Finance Committee discussions included lessons learned from last year's audit and how to improve the process for next year, and Agenda Items XIII.A.1, B.1 and B.2. Mr. Doody added that the Authority's audited financial statement would be posted on the web site.

Operations Committee: Mr. Wittie reported that the Operations Committee discussed the following matters:

- Responses to the Request for Qualifications (RFQ) for design of a Lake Borgne Basin Levee District (LBBLD) safe house. Ten responses were received, a short list of three finalists was compiled, interviews will be conducted and a recommendation is expected for the next Board meeting.
- The East Jefferson Levee District (EJLD) was authorized to proceed with advertising an RFQ relative to a safe house.
- Procedures for equipment purchases.
- Procedures for Indefinite Delivery-Indefinite Quantity (ID-IQ) contracts.
- Operations and maintenance (O&M) responsibility for the Seabrook Gate. The Orleans Levee District (O.L.D.) is currently responsible for O&M. The Committee discussed the need for the O&M of this structure to be a Federal responsibility.

Legal Committee: Ms. Sutherland reported that the Committee discussed the tracking process for legal cases in order to better assess legal invoices and the recommendations offered by Robert Lacour, Interim Counsel. The Committee also discussed and recommended a resolution delineating survey requirements on real estate acquisitions and approved legal invoices.

Mr. Barry reported on legislative matters. The Mississippi Valley Flood Control Association's annual meeting will be held next month and several representatives of the Authority will attend. He commented on recent votes by some members of the Louisiana Congressional delegation that may have produced some hard feelings.

Mr. Doody commented on the importance of good relationships in Washington. The Authority is requesting that the operations and maintenance of a variety of structures, including the Seabrook Gate, be transferred to the USACE. In addition, the Board adopted a resolution supporting Option 2 for the pump stations, which will be costly. He stated that at a recent partnering conference, CPRA Chair Garrett Graves made some remarks that suggested the USACE is not receiving the funding it needs on an annual basis and that additional funding may be needed to complete the current projects.

Mr. Barry advised that the Authority is beginning to assemble its agenda for the upcoming State Legislative session. He applauded Governor Jindal's commitment of surplus funds for real estate acquisitions required to construct 100 year protection.

Special Issues Committee: Mr. Goins is currently reviewing the State and USACE master plans and working with the Lake Pontchartrain Basin Foundation relative to coastal restoration projects.

Mr. Jackson expressed his concern about the USACE looking at a gate closure at Causeway Boulevard. If a gate closure is constructed, the opportunity for first responders to reach the area during or closely following an event would be eliminated. He suggested that the USACE provide a presentation on this issue and that the head of Emergency Preparedness for Jefferson Parish be invited to attend the meeting.

Mr. Doody pointed out that the CPRA is engaged in the discussion of this issue, as well as other proposed solutions along hurricane evacuation routes.

Robert Turner, SLFPA-E Regional Director, explained that the Authority thought that the Causeway Boulevard issue had been resolved; however, it appeared that the driving force for the possible change to a gate is due to a potential funding problem for the entire project. He cautioned that this may produce a cycle where the USACE will want to cut costs, and the Authority will need to be diligent to insure that the system is not built just based on cost as had been done in the past. He advised that he had just spoken to Colonel McCormick about further discussion relative to the Causeway Boulevard crossing and noted that a resolution by the Board may be needed.

Mr. Doody stated that the USACE will be requested to provide a presentation on the Causeway Boulevard crossing.

REPORT BY SLFPA-E REGIONAL DIRECTOR:

Mr. Turner reviewed the Regional Director's monthly report (copy appended to minutes).

EXECUTIVE SESSION:

1. Olivier Plantations, LLC, Park Investments, Ltd. and Morning Park, Inc. v. Parish of St. Bernard and Lake Borgne Basin Levee District , Case No. 109272, 34th Judicial District Court.
2. Expropriation of the real estate owned by Sid Mar Restaurant and Lounge, Inc. and Marian G. Burgess and Sidney K. Burgess by the quick taking statute.

At 12:23 p.m. a motion was offered by Mr. Barry, seconded by Mr. Goins and unanimously adopted by the Board, to convene in Executive Session to discuss the items listed on the agenda.

At 2:00 p.m. a motion was offered by Mr. Barry, seconded by Mr. Goins and unanimously adopted by the Board, for the Board to reconvene in regular session.

RESOLUTION #02-19-09-02 – LEGAL ACTION

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes action to be taken in the case of Olivier Plantations, LLC, Park Investments, Ltd. and Morning Park, Inc. v. Parish of St. Bernard and Lake Borgne Basin Levee District , Case No. 109272, 34th Judicial District Court, as discussed in Executive Session.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION # 02-19-09-03 –
EXPROPRIATION FOR 17th STREET CANAL – INTERIM CLOSURE STRUCTURE**

Irys Allgood, Assistant Attorney General, advised that a piece of property on the end of the 17th Street Canal was commandeered by Governor Blanco for the pump station; however, the USACE has not yet condemned the property and paid the owners. The Office of the Attorney General is requesting that the Board adopt a resolution to quick take this piece of property based on the contingency that there would be a deposit of the appraised value of the property in the registry of the court by either the State through the CPRA or by the USACE, and the promise to pay any future judicial determination of the value of the property and all costs and attorneys fees. Ms. Allgood read the contingency provision included in the resolution.

On the motion of Mr. Goins.

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

February 19, 2009

WHEREAS, on February 10, 2006, Governor Kathleen B. Blanco, Governor of Louisiana, issued Executive Order No. KBB 2006-6 (the "Executive Order"), which ordered and directed the State of Louisiana's commandeering of certain property located in the Parish of Jefferson, State of Louisiana, Section 121 and 122, Township 12 South, Range 11 East, and land extending north into Lake Pontchartrain, containing approximately 10.2 acres (the "Commandeered Land"); and

WHEREAS, the Executive Order declares that the Commandeered Land was taken or commandeered for work that is intended to include levee and floodwall construction and repair, constructing an interim gated closure structure north of the Hammond Highway Bridge, miscellaneous clearing and selective demolition of damaged flood control works, driving sheet pile, placement of an interim closure structure, integrated pumps, crushed stone backfill and riprap placement, and any other work necessary and incident to the construction of the Lake Pontchartrain Louisiana and Vicinity Hurricane Protection Project, 17th Street Outfall Canal Interim Closure Structure (the "Project"); and

WHEREAS, the Executive Order further declares that the Commandeered Land was taken or commandeered pursuant to La. R.S. 29:721, *et seq.* (the "Louisiana Homeland Security Act"); and

WHEREAS, Sid-Mar's Restaurant & Lounge, Inc., et al, owns immovable property included within the Commandeered Land, which immovable property is described as follows:

That certain portion of land together with all buildings and improvements located thereon and all rights, privileges and appurtenances thereunto belonging or in anywise appertaining, designated as Lots 1, 2 and 3, Square 128, Metairieville Subdivision, Jefferson Parish, Louisiana and more particularly described as follows and any ownership or possessory interests or other rights or claims that the Vendors may have on lands abutting or contiguous thereto:

THREE CERTAIN LOTS OF GROUND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in the Parish of Jefferson, State of Louisiana, in METAIRIEVILLE SUBDIVISION, in SQUARE 128 thereof, bounded by Lake Street, Plain (or Plaine) Street, Orpheum (formerly Orleans) Avenue and New Orleans Hammond Highway (formerly Edinburgh Street) designated as LOT NOS. 1, 2 and 3 which lots adjoin each other and measure as follows:

LOT NO. 1 forms the corner of Orpheum Avenue and Plain Street and measures 32 feet front on Orpheum Avenue, same in width in the rear by a depth and front on Plain Street of 120 feet.

LOT NO. 2 adjoins Lot No. 1 and measures 31 feet, 10-1/2 inches front on Orpheum Avenue by a depth of 120 feet between equal and parallel lines.

LOT NO. 3 adjoins Lot No. 2 and measures 31 feet, 10 inches, 4 lines front on Orpheum Avenue, same in width in the rear, by a depth of 120 feet between equal and parallel lines.

The Improvements thereon bear the municipal address 1822-1824 Orpheum Avenue.

All in accordance with a survey dated August 20, 1991, by R. P. Fontcuberta, Jr., Registered Professional Land Surveyor, a copy of which is attached hereto.

WHEREAS, the Project furthers the purpose of flood and hurricane protection and will greatly enhance the protection of persons and property within the territorial jurisdiction of SLFPAE; and

WHEREAS, certain lands, easements, or rights-of-way are required for the construction, operation, or maintenance of the Project (the "Required Property"); and

WHEREAS, pursuant to Supplemental Agreement No. 2 to the Cooperative Agreement between the United States of America and the Board of Commissioners of the East Jefferson Levee District, et al, effective January 27, 2006, and Supplemental Agreement No. 2-A to the Cooperative Agreement between the United States of America and the Board of Commissioners of the East Jefferson Levee District, et al, effective January 29, 2006, the United States Corps of Engineers (the "USACE") is obligated to pay just compensation to the owners of Commandeered Property by filing a condemnation proceedings in federal court; and

WHEREAS, the USACE has failed to file such condemnation proceeding regarding the Sid Mar's property; and

WHEREAS, pursuant to Louisiana Revised Statutes 38:306 and 38:351, the East Jefferson Levee District ("District") may acquire and/or expropriate land, easements, and rights-of-way needed for flooding and hurricane protection within its territorial jurisdictions;

THEREFORE BE IT RESOLVED that the East Jefferson Levee District, by its Board of Commissioners of the Southeast Louisiana Flood Protection Authority - East, by its President, Timothy P. Doody, is hereby authorized and directed to acquire any and all of the Required Property in Jefferson Parish identified in the files of USACE as being necessary for the Project, as described in those files and as the descriptions thereof may change from time to time through the date of such acquisition, for the public purpose of improving the protection of Jefferson Parish and the Greater New Orleans area from hurricanes and flood through construction of the Project. The District is hereby authorized to acquire said properties in fee simple less minerals, as a temporary or permanent servitude, or through right of use. The District is hereby authorized and directed to acquire said properties by

any due and lawful means, either amicably by offer and acceptance or if necessary by expropriation pursuant to La. R.S. 38:351, et seq.

BE IT FURTHER RESOLVED that the taking authorized herein is contingent upon a deposit of the full appraised value of the subject property in the registry of the court by the State of Louisiana through Coastal Protection and Restoration Authority (CPRA) or by the United States of America through the United States Army Corps of Engineers. and,

BE IT FURTHER RESOLVED that the taking authorized herein is also contingent upon the State of Louisiana, through the Coastal Protection and Restoration Authority (CPRA), or the United States of America, through the United States Corps of Engineers, paying any judicial determination of value and all attorney fees and all costs.

BE IT FURTHER RESOLVED that the President of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority - East, Timothy P. Doody, is hereby authorized and directed to execute any and all documents and to take any and all actions necessary to carry out the foregoing.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

A motion was offered by Ms. Sutherland, seconded by Mr. Barry and adopted by a unanimous roll call vote, to amend the agenda to include a motion to waive the apparent conflict of interest of the Office of the Attorney General in the Sid Mar matter.

RESOLUTION #02-19-09-04 – WAIVER OF CONFLICT OF INTEREST

Mr. Barry explained that the conflict of interest is that the Office of the Attorney General is representing both the State and the Authority.

Ms. Allgood pointed out that she is handling the original law suit against the Governor's Office and the Division of Administration, and would now be handling the quick take. She clarified that the Board had just voted to require that the full appraised value be deposited in the registry of the court before the quick take is filed and on the liability for any other judicial determination of value, attorney costs and fees.

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

BE IT HEREBY RESOVLED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) waives any conflict of interest in the representation of the SLFPA-E by the Louisiana Office of the Attorney General in the quick take of property owned by Sid-Mar's Restaurant & Lounge, Inc., et al, authorized by

Resolution No. 02-19-09-03, and further authorizes the SLFPA-E President to sign a Waiver of Conflict in connection with this matter.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: Mr. Jackson

ABSENT: Mr. Barnes

RESOLUTION #02-19-09-05 – AMENDMENT OF BY-LAWS

On the motion of Mr. Goins,

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

WHEREAS, Article III, Section 9, Subsection A (1) of the By-Laws of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East states,

“(1) Regular Meetings. The Board shall hold its regular monthly meeting on the third Thursday of every month, except that November meetings will be held on the second Thursday, at such time and place as designated by the Board’s President, unless established by the Secretary or his designee that a quorum will not be present. The regular meeting may be held on another day of the month as determined by a majority vote of the total present voting membership of the Board.”

WHEREAS, it is the intent of the Board that the regular meeting in the month of November be held on the Thursday prior to Thanksgiving in lieu of the second Thursday of the month.

WHEREAS, written notice of the intent to amend the Board’s By-laws was given by placement on the agenda for the regular Board Meeting held on January 15, 2009.

BE IT HEREBY RESOLVED, that Article III, Section 9, Subsection A (1) of the By-Laws of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East is hereby amended to read, as follows:

“(1) Regular Meetings. The Board shall hold its regular monthly meeting on the third Thursday of every month, except that November meetings will be held on the Thursday prior to Thanksgiving, at such time and place as designated by the Board’s President, unless established by the Secretary or his designee that a quorum will not be present. The regular meeting may be held on another day of the month as determined by a majority vote of the total present voting membership of the Board.”

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

Motion to adopt requirements for Acquisition and Survey of Real Property, Rights-of-Way, Servitudes and other Real Property holdings of the levee districts under the control of the Southeast Louisiana Flood Protection Authority- East.

Mr. Estopinal explained that the intent of the resolution before the Board is to codify the procedures required by the Board for surveys of real property acquisitions for the levee districts. He commented on the inadequacy of the survey information provided by the USACE for rights-of-way and cited the West Return Floodwall as an example. He discussed the appropriate timing for title research and boundary surveys during the project planning process. He stated that the resolution would remind everyone that Federal and State laws and regulations, as well as standard practices of the land surveying profession, must be understood and followed. The Authority is currently advertising a Request for Qualifications for Land Surveyors and those surveyors selected would be expected to follow the requirements of the resolution.

Mr. Barry stated that he agreed with Mr. Estopinal's comments and appreciated his input and attention to detail. He explained, however, that this is a statewide issue and that the CPRA is currently in the middle of conversations with the USACE regarding this matter. Because of the complexity of the issue and speed with which properties must be acquired, and the possibility that the resolution may present some unintended consequences, he asked that Mr. Estopinal defer the resolution for one month.

Ms. Sutherland advised that the resolution was discussed at the Legal Committee meeting and a provision was added to the resolution relative to proceeding with emergency work and emergency projects.

Mr. Estopinal clarified that his intention is that these requirements would apply to any survey that establishes or recovers rights-of-way, servitudes or real property boundaries for which the Authority has control.

Mr. Estopinal stated that in the spirit of cooperation he would withdraw the motion at this time. The resolution will be placed on the agenda for the Board's next meeting.

**SSA CONSULTANTS –
SLFPA-E STRATEGIC PLAN AND ORGANIZATIONAL STUDY.**

Christel Slaughter and Nick Speyrer of SSA Consultants provided a presentation on the draft of the final SLFPA-E Strategic Plan and results of the Organizational Scan. Dr. Slaughter advised that SSA would update the narrative version after today's comments and forward it to the Authority. She asked the Board to review the information provided to assure that SSA was providing the information that it wanted and needed.

Dr. Slaughter reviewed the project's background. SSA's approach to the project included an organization needs assessment and facilitated sessions. Interviews were conducted with Board members, levee district staff members, members of the

Congressional delegation, and individuals from the State, including representatives of the CPRA, DOTD, Division of Administration and the New Orleans Business Council.

Dr. Slaughter reviewed the components of the Strategic Plan, including:

The Vision – To provide a regional flood risk management system that protects the lives and property of the residents within the jurisdiction of the Southeast Louisiana Flood Protection Authority East from at least a 1000-year flood event.

The Mission (updated) – This mission of the Southeast Flood Protection Authority East is to ensure the physical and operational integrity of the regional flood risk management system and to work with local, regional, State and federal partners to plan, design, and construct projects that will reduce the probability and risk of flooding *for the residents within the jurisdiction of the SLFPAE.*

Guiding Principles –

- 1. We strive for operational excellence by leveraging the institutional knowledge, technical expertise, professionalism, and dedication of our personnel**
- 2. We plan and manage flood protection as an integrated system rather than a series of projects or individual levee districts.**
- 3. We recognize the contribution and dedication of each employee, regardless of his/her job. Each person plays a vital role in flood protection**
- 4. We are transparent, honest, visible, responsive, responsible, and accountable and our actions over a sustained period of time will build trust with our partners and the public.**
- 5. We value input from our stakeholders at all levels.**
- 6. We exercise fiscal responsibility through the continuous improvement of our business operations.**
- 7. We operate and maintain the existing levees, flood gates, pumping stations, and floodwalls leveraging “state of the art” design and maintenance standards**
- 8. We recognize the importance of coastal restoration as a component of flood protection.**
- 9. We will actively communicate to the public the risks that exist with current and proposed flood protection strategies.**

Dr. Slaughter explained that in its research SSA looked for the most important high level-long range initiatives for 5-Year SMART goals. She reviewed and commented on the 5-Year SMART goals. Issues discussed included the need to assess administrative costs and for the Authority to determine how it will meet future administrative needs; the importance of a consolidated plan for a higher level of flood protection, as well as individual plans for the levee districts; the importance of having a face that the public identifies with the SLFPAE; and coordination and a team approach on a legislative plan.

5-YEAR SMART GOALS:

Finance:

1. Create a comprehensive Financial Plan for the Authority by the end of 2010. To include:

- Potential Revenue sources – additional taxing (Authority and Levee Districts), funding from the State, grants, and Federal dollars
- Accurate estimates of future operations and maintenance expenses of existing and new flood control structures
- Cost of new projects (flood protection and/or restoration)
- Administrative Costs
- Liabilities (such as Bohemia)

Operations:

1. Project staffing needs through 2014 at the Authority and Levee District level: to include appropriate staffing levels (incorporating projected attrition and current vacancies), succession planning, retention efforts, pay, and benefits by June 2010.
2. Develop a five-year capital budgeting and preventative maintenance plan for equipment and facilities (including safe houses) by June 2010.
3. Develop a ten-year Strategic Implementation Plan for a higher level of flood protection (projects related structures, levees, restoration, etc.): to include specific details and timelines for accomplishing by December 2010.

Communications/Legislative:

1. Create effective partnerships and relationships with local, state, and federal entities positioning SLFPAE as the leader in regional flood protection by December 2011.
2. Develop an effective communications plan and media strategy with accountabilities to better communicate to the public through local and national media outlets by December 2011.
3. Develop a consistent and effective legislative plan and strategy, including specific roles for the Board, Regional Director, Executive Directors, and local (parish) public officials and legislative delegations by March 2010.

Dr. Slaughter reviewed and commented on the 1-Year SMART Goals, which feed into the 5-Year SMART Goals. She pointed out that inconsistent systems and procedures make it harder for the staff to report to the Board so that it can fulfill its fiduciary responsibility. Dr. Slaughter discussed the Board's need to think strategically and focus on its mission of flood protection, and to think about ways to empower staff in order to keep the Board from being pulled into administrative details. She pointed out that the recommendation for additional and recurring funding included the 1-Year Goals is a conservative figure. The need for additional funding was discussed. Dr. Slaughter also discussed employee morale at the levee districts and the challenges that must be faced in order to recruit and retain employees. She suggested that a review of administrative personnel at the Orleans Levee District be done and discussed potentials for better use

of those positions. Dr. Slaughter also discussed governance guidelines and protocols for the Board.

ONE-YEAR SMART GOALS:

Finance

1. Implement consistent Accounting systems, processes, and reporting requirements for the Authority and Levee Districts by July 1, 2009.
2. Streamline the procurement process for budgeted and approved equipment and vehicles by July 1, 2009.
3. Request an additional and recurring \$250,000 from the State to fund additional resources (Chief Engineer and Internal Auditor) at the Authority level by April 1, 2009.
4. Develop approved and legal methods, policies, and procedures based on the Attorney General's opinion, that will allow individual levee districts to 'chargeback' to other levee districts for services provided as well as allow functions performed by the Authority to be allocated to the appropriate levee districts by July 1, 2009.

Operations:

1. Implement a consistent and improved Levee Inspection Program, in coordination with the State, by January 1, 2010.
2. Fill key operational vacancies across levee districts by working with Civil Service to develop consistent pay scales and benefits across levee districts by March 1, 2010.
3. Finalize the transfer of non-flood asset management to the Division of Administration (reimbursements, formal agreements, and replacement of Project Manager) by April 1, 2009.
4. Conduct a review of administrative personnel and functions at the Orleans Levee District by January 1, 2010.
5. Hire an Administrative Officer at Orleans Levee District by July 1, 2009.

Communications/Legislative:

1. Develop clear roles and processes for the Board, the Regional Director, Authority staff, and the Executive Directors for Legislative Activities by April 1, 2009.

Governance:

1. Expand the authority of the Regional Director to approve expenditures up to \$20,000 without prior Board approval by April 1, 2009.
2. Develop Governance Guidelines for the Board, the Regional Director, Authority Staff, and the Executive Directors by April 1, 2009.
3. Establish standard monthly reports for Board and Board Committee review by July 1, 2009.
4. Change the focus of Board and committee meetings from internal administrative matters to strategic and mission oriented activities (such as Corps review, funding opportunities, project updates) by July 1, 2009.

Dr. Slaughter then presented information on the Organizational Scan. Facts about the Authority and levee districts were reviewed. She advised that the SSA looked at the Authority and levee districts in a great amount of detail. Dr. Slaughter pointed out that the levee districts are very diverse and have diverse assets; therefore, the staffing and resources needed at the district level would have some differences.

Dr. Slaughter advised that if the legislative authority and additional monies existed and they were starting from scratch, SSA would recommend an organizational structure with a Strong Authority and Centralized Functions under the Authority level as follows: Media, Public Relations and Legislative Relations; administrative functions under a CFO or CAO; and Engineering. Each levee district would then have its own Executive Director with Operations, Maintenance and Police at the district level. She stressed the importance of each levee district having its own operations and maintenance personnel. Dr. Slaughter pointed out that SSA would not recommend this radical change in organizational structure at this point because of the numerous projects and other things going on at this time.

Dr. Slaughter presented a recommended structure that modifies the current organizational structure. She explained that this modification deals more with processes rather than actual people. She strongly suggested that a position of Chief Engineer be allocated at the Authority level. This would free the Regional Director to perform the needed external work. Dr. Slaughter suggested that an Internal Auditor at the Authority level would assist the Board with its fiduciary and oversight responsibilities and would be an asset to the Executive Directors and their accounting staffs. She pointed out that the processes which would bring consistent practices and assure consolidation do not show up on an organization chart. She stated that the recommended structure was SSA's professional recommendation based on an extensive look at the organization.

Mr. Pineda clarified that the Board would need to adopt the Strategic Plan at a future meeting. Dr. Slaughter advised SSA representatives would continue to be available for questions after the narrative is delivered to the Board.

**RESOLUTION #02-19-09-06 –
SLFP AE – RENEWAL OF PUBLIC OFFICIALS LIABILITY INSURANCE COVERAGE**

On the motion of Mr. Jackson,
Seconded by Mr. Barry, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East's (SLFP AE) Public Officials Liability and Employment Practices Liability Insurance Coverage is due to expire in March, 2009; and

WHEREAS, a quotation for renewal of said coverage has been received from American International Specialty Lines Insurance Company through Arthur Gallagher Risk Management Services at an annual estimated premium of \$48,405.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Public Officials Liability and Employment Practices Liability Insurance Coverage with American International Specialty Lines Insurance Company at an annual estimated premium of \$48,405 for a period of one year through Arthur Gallagher Risk Management Services.

BE IT FURTHER RESOLVED, that the SFLPAE Regional Director is authorized to execute 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. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #02-19-09-07 – SEABROOK NAVIGATION GATE

On the motion of Mr. Jackson,

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

WHEREAS, the Gulf Intracoastal Waterway (GIWW) and the Inner Harbor Navigation Canal (IHNC) are man-made navigation channels designed solely to serve commerce and serve no flood protection purpose; and

WHEREAS, in 2006 Congress authorized the IHNC Surge Barrier Project to reduce the risk of storm surge and flooding in Orleans, St. Bernard and Jefferson Parishes; and

WHEREAS, the construction of gated structures are included in the IHNC Surge Barrier Project where the barrier crosses the GIWW solely for navigation purposes; and

WHEREAS, a navigation gate will also be constructed at Seabrook where the IHNC meets Lake Pontchartrain as a part of the IHNC Surge Barrier Project; and

WHEREAS, the Seabrook Navigation Gate will require close monitoring and frequent operation to control the lake water entering the IHNC and exiting the GIWW in order keep flow velocities at the GIWW sector and barge gates within acceptable ranges for navigation purposes; and

WHEREAS, the frequent operation of the Seabrook Navigation Gate will be needed solely to serve maritime and shipping interests and provide for safe navigational passage through the GIWW structure gates; and

WHEREAS, every navigation structure on the entire Mississippi River and the entire GIWW is operated and maintained by the U.S. Army Corps of Engineers.

BE IT HEREBY RESOLVED that the Southeast Louisiana Flood Protection Authority-East urges and requests the United States Congress to authorize the U.S. Army Corps of Engineers to accept responsibility for the Operations and Maintenance of the Seabrook Navigation Gate Structure.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Louisiana Congressional Delegation, the Governor of the State of Louisiana, and the Coastal Protection and Restoration Authority.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #02-19-09-08 – LBBLD AND O.L.D. PURCHASE OF VEHICLES

On the motion of Mr. Estopinal,

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

WHEREAS, FEMA funding is available for the replacement of vehicles that were owned by the Lake Borgne Basin Levee District (LBBLD) and Orleans Levee District (O.L.D.) which were damaged by Hurricane Katrina; and

WHEREAS, the Lake Borgne Basin Levee District intends to purchase the following vehicles with said funding to be reimbursed by FEMA:

2 - 2009 Dodge Rams 2500 Quad Cab 4WD Pick Up Trucks for \$21,257.00 each or
\$42,514.00 Total

1 - 2009 Dodge Ram 2500 4WD Pick Up Truck W/Service Body for \$25,614.00

2 - 2009 Dodge Rams 2500 4WD Reg. Cab Pick Up Truck for \$18,779.00 each or
\$37,588.00 Total

1 - 2009 Chevrolet Silverado 3500 DRW 4WD Pick Up Truck for \$24,711.00

3 - 2009 International Dump Trucks for \$73,916.80 each or \$221,750.40 Total

1 - 2009 Ford Expedition ½ Ton 4WD for \$25,366.00

LBBLD Total \$377,543.40.

WHEREAS, the Orleans Levee District has received \$50,000 for the replacement of vehicles and intends to purchase the following equipment:

1 – ½ Ton Truck

1 – Panel Van

1 – 4-wheel Drive Truck

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the purchase of the aforementioned vehicles from Louisiana State Contract, and authorizes the SFLPAE Regional Director or the O.L.D. Executive Director to execute 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. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #02-19-09-09 – PURCHASE OF
BUDGETED EQUIPMENT THROUGH LOUISIANA STATE CONTRACT**

The Board discussed extending the authorization provided under the provisions of the resolution presented to include equipment purchases under the Louisiana Public Bid Law. Mr. Turner added that the Public Bid Law allows for use of other governmental contracts, such as Municipal contracts. It was pointed out that the economic analysis for new equipment acquisitions is done during the budget process. Mr. Doody added that there would be a more detailed discussion of capital purchases at the Finance Committee meetings when the budgets are brought for approval.

The motion was offered by Mr. Jackson and seconded by Mr. Estopinal. Mr. Jackson amended the resolution to include purchases under the Louisiana Public Bid Law. Mr. Estopinal accepted the amendment and there was no objection from the Board to the amendment.

On the motion of Mr. Jackson,
Seconded by Mr. Estopinal, the following resolution was offered:

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) reviews the operating and revenue projections for the Authority and the levee districts under its jurisdiction each Fiscal Year and approves Annual Fiscal Year Budgets; and

WHEREAS, the budget review process includes the review of equipment and vehicles required by the Authority and levee districts and a detailed list of equipment and vehicles is included in the approved Fiscal Year Budget; and

WHEREAS, the Louisiana Division of Administration through its Procurement and Contract Network is able to extensively bid goods, equipment and services and award contracts to the most competitive and responsive vendors for utilization by agencies of the State of Louisiana (Louisiana State Contract); and

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the Executive Directors of the levee districts with the approval of the SLFPA-E Regional Director to procure equipment and vehicles through Louisiana State Contract or under the Public Bid Law without further action of the Board, subject to the following restrictions:

- Item must be listed in the approved Fiscal Year or amended Fiscal Year Budget.
- No substitutions of vehicles or equipment will be made without Board action.
- All equipment and vehicle purchases will be included in the Executive Directors' monthly status report to the Operations Committee.
- Capital purchases for the Authority shall be approved by the Board.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #02-19-09-10 – PROFESSIONAL SERVICES CONTRACT POLICY

Mr. Doody explained that the Board previously provided authority for the approval of Public Works contracts under \$50,000. The Resolution before the Board would allow the approval of Professional Services contracts up to the same amount.

The motion was offered by Mr. Barry and seconded by Mr. Goins. Mr. Barry amended the resolution to state \$7,500 in lieu of \$5,000 in point number one, and to state \$7,501 in lieu of \$5,000 in point number two. Mr. Goins accepted the amendment and there was no objection from the Board to the amendment.

It was pointed out that the Board would continue to have oversight of contracts via the Regional Director's monthly report. Mr. Turner advised that this same limit of \$50,000 is used by the Louisiana Department of Transportation and Development and OCPR relative to selection and that contracts anticipated to exceed \$50,000 must go through a competitive selection process. Mr. Doody recommended that a contact mechanism be placed on the SLFPA-E web site. A standard contract form would be developed by the Legal Committee.

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

WHEREAS, the Orleans Levee District, East Jefferson Levee District and Lake Borgne Basin Levee District are under the governance of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E); and

WHEREAS, the Board adopted a Qualification Based Selection Process for Professional Services (Professional Services Policy) adopted by Board Resolution No. 05-02-07-003 on May 2, 2007; and

WHEREAS, there is a need for the Regional Director and Executive Directors of the levee districts to proceed in an expeditious manner with the award and execution of Professional Service Contracts.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the award and approval of contracts for Professional Services under the amount of \$50,000 without the Request for Qualifications process, as follows:

1. Contracts not to exceed \$7,500 shall be approved and executed by the SLFPA-E Regional Director or the Executive Director for his/her respective levee district.
2. Contracts greater than \$7,501, but less than \$50,000, shall be approved by the SLFPA-E Regional Director and may be executed by the SLFPA-E Regional Director or the Executive Director for his/her respective levee district.

BE IT FURTHER RESOLVED, that Contracts estimated at \$50,000 or above shall require the advertisement of a Request for Qualifications and the recommended candidate shall be approved by the Board.

BE IT FURTHER RESOLVED, that the execution of Professional Service Contracts less than \$50,000 shall be included in the SLFPA-E Regional Director's monthly report to the Board.

BE IT FURTHER RESOLVED, that this Resolution supersedes resolutions and policies of the Authority and Levee Districts pertaining to Professional Services Contracts previously adopted.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

MOTION TO APPROVE PROCEDURES FOR INITIATING TASK ORDERS ON ID-IQ (INDEFINITE DELIVERY-INDEFINITE QUANTITY) CONTRACTS.

Mr. Doody advised that the Authority is putting a number of Indefinite Deliver-Indefinite Quantity (ID-IQ) contracts into place for as needed services.

Mr. Jackson discussed procedures for negotiating ID-IQ contracts. He explained that under an ID-IQ contract the only thing that the consultant needs to do when an assignment is given is to estimate the man hours required. The Authority's representative then determines the adequacy of the estimated man hours.

The Board debated the concepts of a "not to exceed" cost vs. "lump sum" cost. The Board concurred that the procedures provided in the draft resolution required further discussion and modification by the Operations Committee and tabled the motion until the Board's next meeting.

RESOLUTION #02-19-09-11 -- COOPERATIVE ENDEAVOR AGREEMENT WITH THE OFFICE OF COMMUNITY DEVELOPMENT-DISASTER RECOVERY UNIT

Mr. Doody explained that the resolution before the Board was in connection with presentation made by Alexandra Evans with the Louisiana Recovery Authority (LRA) at the Board's last meeting. The LRA will potentially grant the Authority \$500,000, subject to the Authority's acceptance and agreement to abide by the contractual terms. The grant would provide funding for the Authority to develop the initial engineering needed for urgent projects under its jurisdiction and would assist in the prioritization of those projects. The resolution would allow execution of the document by the President after it has been reviewed by Mr. Turner, Mr. Lacour, and Mr. Pineda, as well as any other Board member wishing to review the document. He commented on the administrative effort that would be needed for the Authority to comply with the terms of the agreement.

Mr. Pineda commented that he spoke at length yesterday with Ms. Evans and that he had reviewed the agreement. He stated that the agreement contained the normal checks and balances that could be expected in any Federal grant, and that his

impression is that this is an engineering / planning grant. The Authority could better define those projects under its jurisdiction under the Federal and State planning processes for the higher level of protection, as well as other urgent projects.

Mr. Doody added that the Authority needs to identify its priorities and projects with the greatest potential for protection. The Authority must also try to dove tail with the Federal and State plans.

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

A RESOLUTION AUTHORIZING THE PRESIDENT TO ENTER INTO THE REQUIRED COOPERATIVE ENDEAVOR AGREEMENT WITH THE LOUISIANA DIVISION OF ADMINISTRATION, OFFICE OF COMMUNITY DEVELOPMENT-DISASTER RECOVERY UNIT TO SECURE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DISASTER RECOVERY FUNDS; AND TO AUTHORIZE THE PRESIDENT TO SIGN THE STATEMENT OF ASSURANCES AND ANY AND ALL DOCUMENTS REQUIRED IN THE SUBMISSION OF THE CONTRACT AND SUBSEQUENT ADMINISTRATION OF THE PROGRAM.

WHEREAS, the Southeast Flood Protection Authority – East will submit the required contract to the Louisiana Division of Administration, Office of Community Development-Disaster Recovery Unit to secure Community Development Block Grant (CDBG) Disaster Recovery funding; and

WHEREAS, implementation of the program requires completion of the required contract and subsequent administration of the grant program in accordance with all CDBG regulations; and

WHEREAS, submission of the application and subsequent administration of the grant program requires the execution of numerous forms and documents.

NOW THEREFORE BE IT RESOLVED by the board of the Southeast Flood Protection Authority – East that President of the Board Timothy Doody be hereby authorized to enter into the required cooperative endeavor agreement with the Louisiana Division of Administration, Office of Community Development-Disaster Recovery Unit to secure Community Development Block Grant (CDBG) Disaster Recovery funds and to sign the Statement of Assurances and any and all documents required in the submission of the contract and subsequent administration of the program.

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

YEAS: Mr. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #02-19-09-12 – EAST JEFFERSON LEVEE DISTRICT RESERVE OFFICERS ACCIDENT AND HEALTH INSURANCE COVERAGE

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

WHEREAS, the accident and health insurance coverage for East Jefferson Levee District (EJLD) Reserve Officers is due to expire on March 5, 2009, and

WHEREAS, a quotation for renewal of said coverage has been received from Ace Insurance Company through Arthur Gallagher Risk Management Services, which provides Accidental Death and Disability with a limit of \$10,000, Medical Expense with a limit of \$25,000 with an annual aggregate limit of \$250,000, effective March 6, 2009, with an estimated annual premium of \$1,200.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of accident and health insurance coverage for EJLD Reserve Officers as stated above from Ace Insurance Company for a period of one year through Arthur Gallagher Risk Management Services.

BE IT FURTHER RESOLVED, that the EJLD Executive Director is authorized to execute 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. Barry, Mr. Estopinal, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #02-19-09-13 – EJLD PURCHASE OF AN INTERNATIONAL TRACTOR TRUCK

On the motion of Mr. Jackson,
Seconded by Mr. Losonsky, the following resolution was offered:

WHEREAS, the East Jefferson Levee District (EJLD) has budgeted funding in its approved FY 2009 Budget for the purchase of an International Tractor Truck; and

WHEREAS, the aforementioned equipment can be purchased from Jefferson Parish Municipal Contract at a cost of \$122,856.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the EJLD's purchase of an International Tractor Truck at a cost of \$122,856 from the Jefferson Parish Municipal Contract, and authorizes the EJLD Executive Director to sign any and all documents necessary to accomplish the above.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None
ABSENT: Mr. Barnes and Mr. Estopinal

RESOLUTION #02-19-09-14 – O.L.D. PURCHASE OF BUDGETED EQUIPMENT FROM LOUISIANA STATE CONTRACT

On the motion of Mr. Jackson,
Seconded by Mr. Losonsky, the following resolution was offered:

WHEREAS, the Orleans Levee District (O.L.D.) has budgeted funding in its approved FY 2009 Budget for various equipment and vehicle purchases; and

WHEREAS, the vehicles and equipment are available for purchase from Louisiana State Contract, as follows:

| | |
|--|------------------|
| 1 - Backhoe/loader with Cab | \$ 72,838 |
| 1 - 6200G Forklift 6200 LB | \$ 54,801 |
| 2 - John Deere 5525 Interstate Tractor | \$ 160,000 |
| 2 - ½ Ton Ford Pick-Up | <u>\$ 30,000</u> |
| Total | \$ 317,639 |

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the purchase of the aforementioned vehicles and equipment by the O.L.D. from Louisiana State Contract, and authorizes the O.L.D. Executive Director to sign any and all documents necessary to accomplish the above.

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

YEAS: Mr. Barry, Mr. Goins, Mr. Jackson, Mr. Losonsky,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes and Mr. Estopinal

The next meeting of the Board will be held on Thursday, March 19, 2009, and hosted by the Lake Borgne Basin Levee District.

There was no further business, therefore the meeting was adjourned at 5:00 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

February 19, 2009

100 Year Level of Protection

Inner Harbor Navigation Canal Hurricane Storm Surge Barrier:

Design work on the project continues. Many components have been submitted for 60% design review and comment. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

Construction began last month. The contractor has been driving test piles, dredging the required access channel, and mobilizing manpower and equipment.

Reach 5 – East Jefferson Levee District:

Construction started last month (280 day duration). This work is progressing well.

LPV 145, 146, and 148 – Bayou Dupre to Caernarvon Levee/Floodwall:

The USACE proposed alternative for improving the Chalmette Loop of the LPV is a T-Wall floodwall atop a levee section for nearly the entire 22 mile reach. The final decision will be made after the IER has been completed.

LPV 149 Caernarvon Floodwall – Lake Borgne Basin Levee District:

It appears that the USACE will now recommend a realignment of the Caernarvon levee/floodwall to a location east of the Caernarvon Canal (in Plaquemines Parish). This will require a new Control Structure in the Caernarvon Canal. The project still has to be vetted through the IER process. The Parish Government and the general public (particularly residences and businesses near the existing floodwall alignment) favor the USACE's proposed alignment change.

Elevation Map:

The USACE has published a map showing the 100 year level of protection elevations for the hurricane protection levee system in the metro New Orleans area. The elevations depicted are current as of June 13, 2008. The map can be found at the following web address:

http://www.mvn.usace.army.mil/hps2/pdf/2008_Storm_Vulnerabilit_Elev_ed_1_1.pdf

Coastal Protection and Restoration

Governor Jindal said he will ask the Legislature to appropriate \$300 million in surplus dollars from the 2009 fiscal year for coastal restoration and hurricane protection efforts. At the CPRA meeting yesterday, Garret Graves urged the Authority to dedicate \$200 million of those potential surplus dollars to the state's obligation to purchase lands needed by the Army Corps of Engineers to continue to build the hurricane protection system for the New Orleans area.

Lake Borgne Basin Levee District:

The Violet Freshwater Diversion siphon is in operation at 50% capacity.

Submittals

Copies of the following major submittals are available for review in the SLFP&E office:

- IHNC Storm Surge Barrier (new reviews daily)
- EJLD – Reaches 2, 3 & 4 – 95% P & S

Flood Fight

There are no Flood Fight activities underway at this time. Debris removal associated with Gustav and Ike is continuing in EJLD.

Design and Construction

East Jefferson Levee District:

Causeway Crib Wall repairs and West Return Wall jet grouting work has been completed.

The USACE will soon provide an encroachment inventory for the 17th Street Canal (West Side) levee/floodwall right-of-way.

Orleans Levee District:

Work is complete on the LPV 101 Advance Measures sheet pile contract and the LPV 104 levee contract. The USACE is awaiting the revised set of as-builts from the contractor before turning these projects over to Orleans Levee District for O&M.

The LPV 102 and LPV 103 levee projects have a few small locations on each project where USACE is trying to obtain more sufficient grass growth.

The NTP has been issued for LPV 108. This project will bring the elevation of the levee to pre-Katrina authorized elevation, which is higher than the new 100 year elevation. It is scheduled for completion in August 2009.

LPV 120 (West Side IHNC) and LPV 117 (East Side IHNC) are ready for construction. These are two extremely important projects that need to be completed prior to hurricane season. We are still trying to work out the granting of the ROE.

Murray Architects is proceeding with the Safe House plans and specification for Orleans Levee District. The project may be ready to bid as early as next month.

Lake Borgne Basin Levee District:

Drainage Pump Stations 2, 3 and 5 in St. Bernard Parish have been substantially completed by the USACE contractor and turned over to LBBLD for operation and maintenance.

LBBLD Office Building Repairs are substantially complete. Staff will begin moving from the trailer into the facility as soon as the furniture arrives (within the next couple of weeks).

LPV 148.01, Verret to Caernarvon Reach is 71% complete. The project is scheduled for completion in June 2009. The contractor has experienced weather related delays.

LBBLD is ready to advertise for bids for the last remaining drainage canal clearing work. The cost of the project will be funded through NRCS. A new state statute requires us to allow contractors to submit bids electronically.

LBBLD, with the help of LDOTD, will rebid the trash screen project for Pump Stations 2, 3, and 5.

Shop drawing submittals are coming in for the Tainter Gate Project at Pump Station Nos. 1 and 4.

Internal Affairs

The Contract with GCR has been executed and written task orders for projects in Jefferson and Orleans are being prepared.

We have received Statements of Qualifications from a number of firms for the following specialized engineering disciplines for indefinite delivery indefinite quality (ID-IQ) engineering services:

Coastal and Environmental Restoration Engineers
Geotechnical Engineers
Hydraulic Engineers

Deadline for submission of Qualification Statements was January 14, 2009. A conference call is scheduled for Monday, Feb. 23, 2009 for the review panel to discuss the Statements of Qualifications and prepare a short list.

We have advertised RFQ's for surveying services. Deadline for submittal is Friday, Feb. 27, 2009.

The Strategic Plan/Organizational Study is progressing.

We have met several times with the USACE and OCPR to formulate a workable plan for right-of-way acquisition and granting of rights of entry to USACE. Unfortunately, this issue remains a moving target.

We are awaiting the final report from Dr. Martin and Dr. Bachus on the 17th Street Canal Seepage area.

OLD received a check for \$135,012.00 as part of its 1st retrospective adjustment for its 3 year Unity Maximum Retrospective Workers Compensation Plan. This is a result of the staff's excellent safety record.

We are trying to comply with the new security requirements imposed by the Coast Guard for ports and other critical infrastructure (refineries) along the Mississippi River Levees. Our employees will need to obtain security clearances and TWIX cards for access to the fenced-in/gated levees for maintenance and inspection. The cost is about \$140.00 per employee. This requirements seems to conflict with other CFR's which require unobstructed entry for levee maintenance.

We need to continue to work with our legislative delegation to revise some of the language in existing Authorizations. We need language to make the Federal Government responsible for the OMR&R of the proposed GIWW gated (navigation) structures that are a part of the IHNC Storm Surge Barrier (including the Seabrook Control Structure.) We also need changes to allow the USACE to properly complete the Permanent Pump Station Projects in the Outfall Canals **(including decommissioning of internal pump stations and reconstructing the drainage canals to provide for gravity drainage to the proposed new Permanent Pump Stations).**

Upcoming Events

- Feb. 20 Real Estate Meeting/ AFE Language
9:00 am to 11:00 am
New Orleans District
Real Estate Conference Room
- Feb 24 Mardi Gras
- Feb 26 Permanent Pump Stations
10:30 am to 11:30 am
New Orleans District
Room 186
Call in: 1-866-770-5021
Access Code: 9809837
- Feb 27 Interviews for LBBLD Safehouses
9:00 am to 3:00 pm
Lake Vista Community Center
- March 2 IHNC Design Summit
- March 3 Diversion Summit
Bourbon Orleans Hotel
- March 16-18 Mississippi Valley Spring Meeting
Washington, DC
- March 24-26 IHNC Floodgate Risk Workshop
8:00 am to 4:30 pm
New Orleans District
Room CGD8
- April 6 – 10 2009 31st Annual National Hurricane Conference
Austin, Texas
- May 7 – 8 24th Annual ALBL Workshop
Holiday Inn Select
Baton Rouge, LA