

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

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, March 19, 2009, at the St. Bernard Public School Board Building, 200 East St. Bernard Highway, Chalmette, 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
John M. Barry, Secretary
George Losonsky, PH.D., Treasurer
David P. Barnes, Jr. (left meeting at 2:45 p.m.)
Stephen Estopinal
Stradford A. Goins
Thomas L. Jackson
Ricardo S. Pineda
Louis E. Wittie

Absent:

Abril B. Sutherland, Vice President
Sara Lee St. Vincent

OPENING COMMENTS:

Mr. Doody reported on the recent trip taken by himself, Mr. Barry, Mr. Losonsky and SLFPA-E Regional Director Robert Turner to Washington, D.C. The Authority representatives met with Senators Landrieu and Vitter; Congressmen Cao, Melancon, Scalise and Alexander; Congressman Boustany's staff; representatives from the OMB; staff for the Joint House Subcommittee for Water Resources and Office of Gulf Coast Recovery; General Temple and other top officials of the U.S. Army Corps of Engineers (USACE).

Mr. Doody explained the three main points of the consistent message that was delivered in Washington:

- 1) Inner Harbor-Navigation Canal Surge Barrier Project: The operations and maintenance of the surge barrier, which is a navigation structure and not a flood control structure, should be the responsibility of the USACE. It is estimated that an average of \$800,000 of funding will be needed per year for fifty years to operate and

maintain the structure. This cost would be borne by the Orleans Levee District (O.L.D.) and Lake Borgne Basin Levee District (LBBLD). The Mississippi River Gulf Outlet (MRGO) was formerly maintained to a depth in excess of 35 feet at an annual cost of \$12 million to \$15 million. Some of the monies formerly used to dredge the MRGO could be used to fund the operations and maintenance of the surge barrier.

Changes to the surge barrier structure have pushed the project approximately \$500 million beyond its estimated cost. The USACE is now attempting to scrub the design to eliminate as many overages as possible. The USACE will also move money from funding currently designated for armoring the system's levees and floodwalls, since the armoring will not be done until the end of the entire project. The USACE plans to do the armoring with excess monies remaining after all of the other projects are completed. The USACE has indicated that it has money built into the individual project budgets that will exceed \$500 million. Mr. Doody stated that he is less confident than the USACE about monies being left over after the projects are completed. The Authority stressed that without the resiliency that armoring provides there will be a risk of a future catastrophic failure when 100 year protection is completed.

- 2) Storm Proofing Pump Stations in St. Bernard and Plaquemines Parishes: The Fourth Supplemental included funding for storm proofing pump stations in the New Orleans area. The USACE admitted that St. Bernard and Plaquemines Parishes should have been considered in the New Orleans area; however, the initial cost estimate requested by the USACE of \$250 million, plus an additional \$90 million, was spent only on Orleans and Jefferson Parishes. The Jefferson Parish storm proofing included safe houses for pump station staff. The Authority stressed that employees of the levee districts are required to remain on duty during a hurricane and have no safe place to stay. Monies should be provided not only to storm proof the pump stations rebuilt after Hurricane Katrina, but also to provide safe houses for personnel. The Flood Control and Coastal Emergency Act (FCCEA), which is 100 percent federal funding, is the preferential funding source, however, it receives only \$50 million of funding annually. Two hundred sixty million dollars is needed to storm St. Bernard and Plaquemines Parish pump stations (roughly \$60 million for St. Bernard Parish and \$190 for Plaquemines Parish).
- 3) Outfall Canal Permanent Pump Stations Options: The USACE has completed the report on its recommendations and will move ahead with Option 1 at a total cost of \$800 million. The cost of Option 2 is \$3.4 billion and the cost of Option 2a is \$3.5 billion. The Authority stressed that the weakened floodwalls, which are still a part of the system, cannot be ignored. The safe water elevation of the canals is shorter than the floodwalls. Very close coordination will be needed between the interior pump stations and the pump stations at the canal closures to insure that the elevation of the water in the canal does not exceed the safe water elevation. It was pointed out that past mistakes cannot be repeated.

Mr. Doody added that it is the responsibility of the Authority to prioritize those things that are most important and insure that any additional funding that may be secured is spent on the items of highest priority, which includes open ingress and egress on the I-10, Highway 90 and the Causeway in the event of a hurricane.

Mr. Doody advised that Mr. Barry attended the recently held Diversion Summit and was instrumental in getting the USACE to at least consider the possibility of diversions upstream from the mouth of the river that would provide rejuvenation of the marsh on both sides of the river north of the current mouth.

Mr. Barry clarified that the USACE was considering diversions elsewhere; however, the specific plan that had wide support in the scientific community, which would essentially create a new mouth of the river, had been omitted in the USACE'S initial draft of the LaCPR. The USACE states in the latest draft of the LaCPR that the plan needs further study. Mr. Barry stated that it is hoped that the USACE will consider this specific proposal.

Mr. Barry reported on the meeting with OMB representatives in which long term policy and the LaCPR were discussed and a briefing provided on the immediate issues. He commented that Mr. Doody and Authority representatives had also advocated for monies to storm proof pump stations in Plaquemines Parish.

Mr. Barry briefly discussed the LaCPR, which he stated contains a lot of excellent information, but also falls short of what a lot of people had hoped for.

Mr. Pineda advised that he will be attempting to extract information out of the LaCPR and the State's master plan in order to develop a more defined blue print on a higher level of protection. He commented on the role that the Authority could take to better define a long term plan in order to facilitate collaborative discussions with stakeholders on protection for the region beyond the 100 year level.

Mr. Losonsky commented that in general there was a clear, consistent message from the Congressional Delegation and others, such as a staff member of the Senate Appropriations Committee, that the Authority is fighting a steep, uphill battle on some its additional budget requests. There is a focus on the possibility of restructuring the way in which flood protection work is managed because there is an impression that the current system in which the USACE manages and executes that work is broken. There was no mention of specifics on the alternative structure; however, the Authority representatives were told to at least expect some discussion of changes in the future.

The Board briefly discussed reforming the process and the possible option of doing projects locally.

Mr. Turner explained that the LaCPR is equivalent to a reconnaissance study. The next step in the normal reporting process would be at the feasibility level, which will probably require additional action or funding from Congress. He also advised that General

Temple agreed to provide the backup information on the cost estimates provided in the USACE's report to Congress on the Outfall Canal Permanent Pump Station Options for the Authority's review and input.

Mr. Barry commented that there is a different attitude in this Administration not only towards Louisiana and the Katrina recovery, but also in terms of eco-systems.

Mr. Doody advised that there is currently a level of protection provided at the mouths of the outfall canals that is up to 100 year protection. Therefore, rather than rush into a solution that is not the best one in the long term, a better understanding is needed of the USACE's recommended solution to the problem and the cost estimates.

ADOPTION OF AGENDA:

The agenda was amended, as follows:

- To add item XIII.A.9 -- a resolution to restate and update Board Resolution #08-21-08-07 in support of Option 2 for the construction of the Lakefront Pumping Stations in Orleans Parish.
- To move the motions for approval of the SLFPA-E and levee districts' budgets under the Finance Committee Report.
- To add a resolution to be considered after the adoption of the agenda to express appreciation to the St. Bernard Parish Public School Board for the use of its facilities and for the services provided.
- To remove the name of Wilma Heaton from the Executive Session.

A motion was offered by Mr. Barry and seconded by Mr. Pineda to adopt the agenda as amended. The agenda as amended was unanimously adopted by a roll call vote.

RESOLUTION #03-19-09-01

On the motion of Mr. Goins, seconded by Mr. Barnes, the following resolution was offered:

WHEREAS, in August, 2005, the flooding caused by Hurricane Katrina resulted in destruction or damage to every structure in St. Bernard Parish; and

WHEREAS, immediately after the waters receded and the levee breaches were repaired, the herculean undertaking commenced of rebuilding and restoring the public school system for the children of St. Bernard Parish; and

WHEREAS, in the midst of these extraordinary rebuilding and restoration efforts, Mrs. Doris Voitier, Superintendent of the St. Bernard Parish Public School System, recognized the importance of the Southeast Louisiana Flood Protection Authority- East's mission to provide flood protection for the region and offered to provide use of the School Board's meeting facility for the SLFPA-E Board meetings in St. Bernard Parish; and

WHEREAS, since August of 2007, the St. Bernard Parish Public School System has not only provided a facility for the SLFPA-E Board to meet, but has done so in a most welcoming and generous manner; and

WHEREAS, on the occasion of these meetings, the SLFPA-E Board and staff have been provided with outstanding accommodations prepared by the staff of the St. Bernard Parish Public School System.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East expresses its sincerest appreciation and gratitude to the St. Bernard Parish Public School Board for generously providing use of its meeting facility, and to Mrs. Voitier and the staff of the St. Bernard Parish Public School System for their hospitality and accommodations.

BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Mrs. Voitier.

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 and Mr. Wittie

NAYS: None

ABSENT: None

RESOLUTION #03-19-09-02 – APPROVAL OF MINUTES

On the motion of Mr. Barry,

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby approves the minutes of the Board Meeting held on February 19, 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 and Mr. Wittie

NAYS: None

ABSENT: None

PUBLIC COMMENTS:

Robert Counce, representing the Bayou St. John Conservation Alliance (Alliance), commented that the Alliance appreciated the Authority's expression of support on past issues. Mr. Counce explained that the Alliance has applied for a Greater New Orleans Foundation Grant for \$50,000 for the installation of water monitoring devices in Bayou St. John. These devices will help the Authority obtain the data necessary to make future decisions about opening and closing the sector and sluice gates. The Alliance is also working with Senator Ed Murray, who has agreed to file legislation on its behalf. The Alliance is hoping to achieve funding for the removal of the waterfall dam at Robert E. Lee Boulevard and for a combination hydrology and perimeter elevation survey. Mr.

Counce advised that he recently spoke with Joseph Becker, General Superintendent of the Sewerage and Water Board of New Orleans (S&WB). Mr. Becker had agreed that the idea of concurrent drainage in Bayou St. John by converting the drains at the southern end into weirs is worth pursuing. It was felt that the weir concept would help the Authority since the O.L.D. would not have to spend time and money going out to open and close sluice gates and calling the S&WB to open and close drains.

Mr. Counce stated that while the Bayou St. John sector gate is for the purpose of flood protection, the USACE continues to publicly refuse to accept responsibility to dewater, inspect, repair and demonstrate that the gate is operable. However, in non-public meetings the USACE is saying that it will dewater and inspect the gate. He asked the Authority to assume for the moment that the USACE will dewater and inspect the Bayou St. John Sector Gate, but only insofar as it relates to flood protection with a closed gate. He also asked the Authority to assume for the moment that the USACE will do a visual inspection, but will not remove the silt in order to allow the gates to be opened and closed, and that the USACE would not do a complete mechanical inspection. If these assumptions prove to be true, the Authority would be given the opportunity while the structure is dewatered to do its own inspection and check all the components. He asked the Authority to consider a game plan under these assumptions, including locating a source of funding, in order to end up with an operable gate. He offered the Alliance's assistance in this matter. Mr. Counce added that he spoke with David Miller with the Office of Coastal Protection and Restoration (OCPR) concerning the inclusion of funding for the Bayou St. John issues in the CPRA budget. Mr. Counce requested that the Authority consider the adoption of a resolution in a future meeting articulating its support for the Bayou St. John related issues.

Mr. Doody advised that the message concerning the need to inspect the gates, which is a safety issue, was carried to Washington and delivered to General Temple. The Authority takes the inspection of the gates very seriously and will take actions to assure it is informed about their operability. The Authority will work with the Alliance concerning the other issues.

Mr. Jackson stated that assuming Mr. Counce's assumptions are correct and the USACE does the dewatering and inspection of the sector gate at Bayou St. John, the O.L.D. should take the opportunity to do a mechanical and electrical inspection of the gate structure with either in-house personnel or a contractor. The USACE has a mandate from Congress to provide 100 year protection and its investigations and studies indicate that the gate must be raised. The USACE will need to inspect the condition of the structure not only to make sure that it can be raised as planned, but also to assure there is no failure or distress in the structure or the foundation. The USACE would be obligated to do whatever is necessary to provide 100 year protection.

Carol Byram, a resident with a home adjacent to the fattened levee section of the 17th Street Canal (east side), commented that tree removal was a waste of money and a way for the USACE to get control and give out control. She stated that in some cases

tree removal is necessary, but in other cases it does more harm. She hoped the Authority would keep this in mind when giving future rights-of-entry for tree removal.

PRESENTATIONS:

P. J. Hahn, Director of Coastal Restoration - Plaquemines Parish Coastal Plan.

Mike Flores with GCR & Associates and a member of the management consulting team for the project explained that he would provide the presentation since Mr. Hahn was unable to be at today's meeting.

Mr. Flores explained that Plaquemines Parish has initiated a Coastal Restoration Program; however, the focus of today's presentation is on a specific project (Reach B2 - Boothville to Venice). A permit application will be submitted to the USACE and Plaquemines Parish is seeking a letter of no objection from the Authority. The purpose of the project is to do a costal restoration initiative that also reduces storm surge. The coastal restoration projects were matched in tandem with the USACE's labeling of reaches.

Mr. Flores advised that FEMA proposes to do a re-run of the Digital Flood Insurance Rate Maps (DFIRM) in 2011 for Plaquemines Parish. Plaquemines Parish hopes to have the coastal restoration project in place at that time. The USACE is constructing \$500 million of levee improvements in Plaquemines Parish. The coastal restoration project would reduce wave action, which is a consideration in the calculation of the DFIRM numbers.

Mr. Flores explained that Reach B2 is the southernmost reach between Boothville and Venice on the west bank of the Mississippi River. The assigned levee height for Reach B2 is 16-1/2 feet. The USACE cannot determine whether or not this height would provide 100 year protection. Plaquemines Parish believes that 100 year protection may be available by the time the DEFIRM maps are run with the coastal restoration improvements in place helping to reduce wave action on top of a storm surge.

Mr. Flores explained the basic concept of using a forested wetland habitat to reduce wave action and storm surge. He showed depictions of the proposed concept along the Boothville to Venice reach. It was pointed out that wave action is reduced by over five feet with the addition of the trees and protective vegetation. In initial meetings with the Department of Natural Resources, Plaquemines Parish was asked to move the area so that all of the improvements would be in open waters because of the impact to wetlands. The cost of moving the project into open water (Option B) is \$230 million; the cost of locating the project adjacent to the levee (Option A) is \$227 million. Option B will be submitted to the USACE for approval. Plaquemines Parish anticipates starting construction in 2010, after receipt of the USACE permit, and completing the project in 2011 in tandem with the USACE's project. A team of professionals is currently putting together the engineering and environmental components to submit to the USACE. The project is consistent with the State's master plan.

Mr. Flores advised that the Boothville to Venice reach is a pilot initiative to determine whether benefits are achieved when the DFIRM maps are run. If a benefit is achieved, then other reaches will be put in place. Funding for the project is being sought from the State through use of coastal restoration funding designated for Plaquemines Parish. He stated that he would provide a letter with a draft resolution for the Board's next meeting.

COMMITTEE REPORTS:

Finance Committee: Mr. Losonsky advised that the Committee's report would consist of the FY 2010 budget presentations.

East Jefferson Levee District (EJLD):

Lindsay Calub explained that due to the receipt of \$970,000 of FEMA funds a revision of the FY 2009 Budget is required in order to increase revenues and expenditures. He then reviewed the FY 2010 proposed budget. Revenues are projected at \$7.7 million and expenditures at \$20 million. The \$12 million of excess expenditures over revenues will bring the beginning fund balance projected at \$18 million to approximately \$6 million. A major reason for the large projection of expenditures is the projected \$6.1 million for the local cost share for levee projects. In addition, \$3.5 million is projected to be spent in 2010 for a safe house and operational building and \$1.85 million for surveys and recordations. A copy of the budget details were provided.

Southeast Louisiana Flood Protection Authority-East (SLFPA-E):

Robert Turner advised that total revenues are projected at \$625,500. Revenues and expenditures were projected based on a two year history. Expenditures are projected to total \$654,500, which will result in a deficit of \$29,000. The fund balance projected for the end of this year of \$180,000 will be drawn down by the amount of the deficit, leaving a projected fund balance for the end of FY 2010 of \$151,000. A copy of the budget details were provided.

Orleans Levee District (O.L.D.):

Jim Bollinger explained that the surpluses shown for the three years after Hurricane Katrina result from the State of Louisiana's payment of the O.L.D.'s debt service. The O.L.D. will recommence payment in FY 2010 of the General Fund and Levee Improvement Fund debt service totaling \$9 million per year. The debt service extends through 2015. In addition, at the end of FY 2009 the O.L.D. will have outstanding notes to the State of Louisiana of over \$26 million, which was the money loaned to the O.L.D. for payment of the debt service in the three years after Katrina. A deficit of \$283,000 is projected for the FY 2010 General Fund Budget. A copy of the budget details were provided.

Mr. Bollinger advised that the General Tax and Maintenance Tax millage rates for 2009 totaled 6 mills. In 2007 these rates had totaled 6.21 mills. The FY 2010 budget assumes that the millage rate will be rolled forward to 6.21 mills. In addition to the assumption of a .21 mil increase, the budget also assumes a five percent increase in the assessed value and an 85 percent net collection rate. Four percent of the collection is taken by the City and Assessor's Office before the taxes are remitted to the O.L.D.

Mr. Bollinger explained that the day-to-day expenses are estimated to grow at three percent per year compounded from 2008 actual to 2010 estimated figures. Salaries and personal services are estimated to increase 15 percent over the 2008 level primarily due to the number of vacant positions that need to be filled and increased cost of health insurance. The O.L.D. has used the Special Levee Improvement (SLIP) Fund as its capital fund; therefore, no monies from the Constitutional tax have been placed into a capital fund.. The SLIP tax that supports the SLIP Fund ends when that debt service ends in 2015. The O.L.D. has tried to restructure revenues to provide for long term stability of the General Fund and to provide some funding each year for major maintenance. Due to litigation mineral revenues were reduced in the FY 2010 Budget. Income from investments has decreased. The General Fund Budget has been balanced using prior years' surpluses.

Mr. Bollinger pointed out that the budget does not include a provision for funding the Post Employment Health Care Benefits liability. The O.L.D. was recently required to begin recognizing this liability. The first actuarially computed estimate is \$800,000 to \$900,000 per year; however, this number may be reduced with future study. Mr. Doody pointed out that there is a requirement to recognize this liability, but it is not required to be funded. Mr. Losonsky added that the Finance Committee discussed the GASB requirements covering this issue and came to the conclusion that the decision as to whether or not to fund this liability would be consistent for all three levee districts. The funding issue will be reconsidered next year by the Finance Committee.

Mr. Bollinger explained that the SLIP fund millage rate was not rolled forward. Six million dollars per year of SLIP Fund revenues were used to fund the SLIP debt service. The State's payment of the O.L.D.'s debt service also resulted in a large surplus over the past three years in the SLIP Fund. The FY 2010 SLIP Fund Budget projects \$3.9 million of expenditures for major maintenance, which includes \$1 million for a safe house, \$900,000 for roof replacement and \$500,000 for Lake Pontchartrain and Vicinity Utility Relocations. The SLIP debt service payment for this year is \$5.2 million, which is net of the 7.5 percent Algiers Levee District contribution. The FY 2010 SLIP Fund Budget is projected to have a surplus of \$2 million.

Lake Borgne Basin Levee District (LBBLD):

Buddy Doize advised that ad valorem revenues are expected to increase by \$400,000, however, since there will be a decrease in FEMA funding, the net increase in revenues for FY 2010 is \$250,000. He reviewed the projected expenditures. There is an increase in Professional Services for consultant fees for land surveying and right-of-

ways. Levee Maintenance expenses are increased by \$144,000 in order to hire three additional employees and to provide a cost of living increase. Pump Station Operation expenses have increased by \$270,000 in order to hire nine additional employees and to provide for a cost of living increase. The hiring of nine additional employees will bring pump station staffing to the pre-Katrina level.

Mr. Doize explained that \$500,000 remains in an account after paying off a bond issue that in accordance with the bond covenants must be used for pump stations. The \$500,000 is shown in the Capital Projects Fund and will be used to fund a project to provide remote operation of Pump Station 2. Funding in the amount of \$100,000 has been budgeted for a drainage feasibility study and \$50,000 for a safe house study.

Mr. Doize advised that the FY 2010 Budget will have a deficit of \$1.1 million, which will be funded from prior years' savings. It is anticipated that this deficit can be funded from the fund balance for two more years and then the LBBLD will be facing serious cash flow problems. The LBBLD's final bond issue was paid off in February, 2009; therefore, it no longer has any debt. This bond issue was serviced through an ad valorem tax dedicated to the service of that debt. Thus, the LBBLD's total millage rate will be reduced next year since the district will no longer collect that specific tax millage.

Mr. Jackson commented that the LBBLD is not only responsible for levees and flood protection, but is also responsible for drainage and pumping stations in St. Bernard. The LBBLD is supported by the standard Constitutional millage provided to levee districts. The standard Constitutional millage does not include specific millage for pumping and drainage. If the present situation continues, in three years the LBBLD will not be able to provide for drainage or flood protection. He suggested that the President convene a group of Board members and experts in this area to start developing a plan to resolve this problem.

Mr. Doody informed the Board that the budgets were vetted at the Finance Committee meeting. He pointed out that the purchase of the capital equipment that is included in the levee districts' approved budgets would not be brought back to the Board for further action unless the purchase is not in compliance with State law.

RESOLUTION #03-19-09-03 - EJLD FY 2010 BUDGET

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) has reviewed financial projections for Fiscal Year 2010 for the East Jefferson Levee District, including estimated operating revenues and expenditures, and

WHEREAS, funding in the following amounts is required as detailed by the line item budget for Fiscal Year 2010:

| | General Fund | Levee Improvement Fund | Total (Memorandum Only) |
|---|--------------------|------------------------------|-------------------------------|
| REVENUES | | | |
| Ad Valorem Taxes Collected | 7,000,000 | | 7,000,000 |
| State Revenue Sharing Funds | 510,000 | | 510,000 |
| Interest and Dividend | 100,000 | 100,000 | 200,000 |
| Permit | 13,000 | | 13,000 |
| 30% Transfer of Ad Valorem | (2,100,000) | 2,100,000 | 0 |
| TOTAL REVENUES | 5,523,000 | 2,200,000 | 7,723,000 |
| EXPENDITURES | | | |
| Administrative & Executive | 752,535 | | 752,535 |
| Levee Maintenance | 4,233,473 | | 4,233,473 |
| Police | 2,006,525 | | 2,006,525 |
| Sheriff Pension Costs | 289,000 | | 289,000 |
| Capital Outlays | 502,000 | 11,910,000 | 12,412,000 |
| TOTAL EXPENDITURES | 7,783,533 | 11,910,000 | 19,693,533 |
| EXCESS OF REVENUES OVER EXPENDITURES | (2,260,535) | (9,710,000) | (11,970,535) |
| BEGINNING FUND BALANCES | 5,716,601 | 12,316,958 | 18,033,559 |
| ENDING FUND BALANCES | 3,456,068 | 2,606,958 | 6,063,026 |

WHEREAS, the East Jefferson Levee District is mandated to submit an approved budget by April 1, 2009, to the Joint Legislative Committee on the Budget and other various oversight authorities.

WHEREAS, the Finance Committee at its meeting held on March 5, 2009, reviewed and recommended approval of the East Jefferson Levee District Budget for the Fiscal Year Ending June 30, 2010.

BE IT HEREBY RESOLVED, That the SLFPA-E approves the Fiscal Year 2010 General Operating Budget and the Fiscal Year 2010 Levee Improvement Budget for the East Jefferson Levee District.

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 and Mr. Wittie

NAYS: None

ABSENT: None

RESOLUTION #03-20-09-04 - SLFPA-E FY 2010 BUDGET

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) has reviewed financial projections for Fiscal Year Ending June 30, 2010 including estimated operating revenues and expenditures, and

WHEREAS, funding in the following amounts is required as detailed by the line item budget for Fiscal Year Ending June 30, 2010:

**SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST
TWELVE MONTHS ENDING JUNE 30, 2010 BUDGET**

| | AS PROPOSED |
|--|---------------------------|
| <u>REVENUES:</u> | |
| Intergovernmental Revenue | 500,000.00 |
| Interest Earnings | 1,500.00 |
| Reimbursements from Districts | <u>124,000.00</u> |
| TOTAL REVENUES | <u>625,500.00</u> |
| <u>EXPENSES:</u> | |
| Wages | 310,000.00 |
| Benefits | 88,400.00 |
| Professional Services | 29,200.00 |
| Purchased Property Services | 21,700.00 |
| Other Purchased Services | 130,600.00 |
| Supplies | 35,600.00 |
| Capital Projects | 0.00 |
| Furniture and Equipment | <u>39,000.00</u> |
| TOTAL EXPENDITURES | <u>654,500.00</u> |
| NET CHANGE IN FUND BALANCE | <u>(29,000.00)</u> |
| FUND BALANCE IN BEGINNING OF YEAR | <u>180,000.00</u> |

FUND BALANCE AT END OF YEAR

151,000.00

WHEREAS, the Southeast Louisiana Flood Protection Authority – East is mandated to submit an approved budget by April 1, 2009, to the Joint Legislative Committee on the Budget and other various oversight authorities.

WHEREAS, the Finance Committee at its meeting held on March 5, 2009, reviewed and recommended approval of the SLFPA-E Budget for the Fiscal Year Ending June 30, 2010.

BE IT HEREBY RESOLVED, That the SLFPA-E approves the Fiscal Year Ending June 30, 2010 General Operating Budget for the Southeast Louisiana Flood Protection Authority-East.

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 and Mr. Wittie

NAYS: None

ABSENT: None

RESOLUTION #03-19-09-05 – O.L.D. FY 2010 BUDGET

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) has reviewed financial projections for Fiscal Year Ending June 30, 2010 for the Orleans Levee District, including estimated revenues and expenditures; and

WHEREAS, funding in the following amounts is required as detailed by the line item budget for Fiscal Year Ending June 30, 2010:

**ORLEANS LEVEE DISTRICT
BUDGET
FOR FISCAL YEAR JULY 1, 2009 - JUNE 30, 2010**

| | GENERAL FUND | SPECIAL LEVEE IMPR FUND | (MEMORANDUM ONLY) |
|--------------------------------|-------------------------|--|------------------------------|
| REVENUES | | | |
| AD VALOREM TAXES | 13,225,662 | 10,542,194 | 23,767,856 |
| REVENUE SHARING | 1,200,000 | - | 1,200,000 |
| INTEREST INCOME | 600,000 | 800,000 | 1,400,000 |
| OIL & GAS ROYALTIES | 80,000 | | 80,000 |

| | | | |
|--------------------------------------|------------|------------|------------|
| MISC. INCOME | 70,000 | | 70,000 |
| TOTAL REVENUE | 15,175,662 | 11,342,194 | 26,517,856 |
| EXPENDITURES | | | |
| ADMINISTRATIVE & EXECUTIVE | 3,038,535 | | 3,038,535 |
| PROFESSIONAL SERVICES | 681,757 | | 681,757 |
| INSURANCE | 88,131 | | 88,131 |
| LEVEE MAINTENANCE | 8,575,073 | | 8,575,073 |
| CAPITAL OUTLAYS | | 3,925,000 | 3,925,000 |
| TOTAL EXPENDITURES | 12,383,496 | 3,925,000 | 16,308,496 |
| OTHER USES OF FUNDS | 100,000 | | 100,000 |
| DEBT SERVICE: | 2,975,971 | 5,227,526 | 8,203,497 |
| TOTAL OTHER USES OF FUNDS | 3,075,971 | 5,227,526 | 8,303,497 |
| EXCESS OF REVENUES OVER EXPENDITURES | (283,805) | 2,189,668 | 1,905,863 |
| FUND BALANCES, BEGINNING OF YEAR | 38,000,000 | 46,805,850 | 84,805,850 |
| FUND BALANCES AT END OF YEAR | 37,716,195 | 48,995,518 | 86,711,713 |

WHEREAS, the Orleans Levee District is mandated to submit an approved budget by April 1, 2009, to the Joint Legislative Committee on the Budget and other various oversight authorities; and

WHEREAS, the Finance Committee at its meeting held on March 5, 2009, reviewed and recommended approval of the Orleans Levee District Budget for the Fiscal Year Ending June 30, 2010.

BE IT HEREBY RESOLVED, that the SLFPA-E approves the Fiscal Year Ending June 30, 2010 Budget for the Orleans Levee District.

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 and Mr. Wittie

NAYS: None

ABSENT: None

RESOLUTION #03-19-09-06 - LBBLD FY 2010 BUDGET

On the motion of Mr. Goins,

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) has reviewed financial projections for Fiscal Year Ending June 30, 2010 for the Lake Borgne Basin Levee District, including estimated revenues and expenditures, and

WHEREAS, funding in the following amounts is required as detailed by the line item budget for Fiscal Year Ending June 30, 2010,

**LAKE BORGNE BASIN LEVEE DISTRICT
PROPOSED BUDGET
FOR FISCAL YEAR ENDING JUNE 30, 2010**

| | GENERAL FUND | CAPITAL PROJECTS FUND | TOTAL (MEMORANDUM ONLY) |
|---|--------------------|-----------------------------|-------------------------------|
| REVENUES | | | |
| AD VALOREM TAXES | \$3,000,000 | | \$3,000,000 |
| REVENUE SHARING | 158,000 | | 158,000 |
| INT INCOME | 50,000 | 1,000 | 51,000 |
| OIL & GAS ROYALTIES | 0 | | 0 |
| FEMA GRANTS | 150,000 | | 150,000 |
| MISC. INCOME | 30,000 | | 30,000 |
| | <hr/> | | |
| TOTAL REVENUE | 3,388,000 | 1,000 | 3,389,000 |
| EXPENDITURES | | | |
| ADMINISTRATIVE & EXECUTIVE | 542,850 | | 542,850 |
| PROFESSIONAL SERVICES | 209,400 | | 209,400 |
| INSURANCE | 250,000 | | 250,000 |
| LEVEE MAINTENANCE | 1,079,600 | | 1,079,600 |
| PUMPING STATION EXPENSE | 1,927,100 | 500,000 | 2,427,100 |
| SHERIFF PENSION COST | 100,000 | | 100,000 |
| CAPITAL OUTLAYS | 220,500 | | 220,500 |
| SAFE HOUSE STUDY | 50,000 | | 50,000 |
| DRAINAGE FEASIBILITY STUDY | 100,000 | | 100,000 |
| | <hr/> | | |
| TOTAL EXPENDITURES | 4,479,450 | 500,000 | 4,979,450 |
| | <hr/> | | |
| EXCESS OF REVENUES OVER EXPENDITURES | (1,091,450) | (499,000) | (1,590,450) |
| | <hr/> | | |

| | | | |
|---|--------------------|----------------|--------------------|
| FUND BALANCES AT BEGINNING OF YEAR | 4,501,000 | 499,000 | 5,000,000 |
| FUND BALANCES AT END OF YEAR | \$3,409,550 | \$0 | \$3,409,550 |

WHEREAS, the Lake Borgne Basin Levee District is mandated to submit an approved budget by April 1, 2009, to the Joint Legislative Committee on the Budget and other various oversight authorities.

WHEREAS, the Finance Committee at its meeting held on March 5, 2009, reviewed and recommended approval of the Lake Borgne Basin Levee District Budget for the Fiscal Year Ending June 30, 2010.

BE IT HEREBY RESOLVED, that the SLFPA-E approves the Fiscal Year Ending June 30, 2010 Budget for the Lake Borgne Basin Levee District.

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 and Mr. Wittie

NAYS: None

ABSENT: None

**RESOLUTION # 03-19-09-07 –
EAST JEFFERSON LEVEE DISTRICT FY'09 BUDGET REVISIONS**

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

WHEREAS, a review of the operating results to date indicates that budget revisions to the East Jefferson Levee District Operating Budget for Fiscal Year ending June 30, 2009 is necessary to comply with applicable state law, which requires that budgets be changed to reflect new expectations; and

WHEREAS, funding in the following amounts is required for Fiscal Year 2009:

| | General Fund | Levee Improvement Fund | Total (Memorandum Only) |
|------------------------------------|---------------------|-------------------------------|--------------------------------|
| REVENUES | | | |
| Ad Valorem Taxes Collected | 7,000,000 | | 7,000,000 |
| State Revenue Sharing Funds | 510,000 | | 510,000 |
| Interest and Dividend | 100,000 | 100,000 | 200,000 |
| Sale/Disposal of Equipment | 24,175 | | 24,175 |
| Permit | 13,000 | | 13,000 |
| Miscellaneous Income | 40,572 | | 40,572 |
| Fema Income | 970,000 | | 970,000 |
| 30% Transfer of Ad Valorem | (2,100,000) | 2,100,000 | 0 |

| | | | |
|---|------------------|-------------------|-------------------|
| TOTAL REVENUES | 6,557,747 | 2,000,000 | 8,757,747 |
| EXPENDITURES | | | |
| Administrative & Executive | 1,742,722 | | 1,742,722 |
| Levee Maintenance | 2,257,300 | | 2,257,300 |
| Police | 1,666,784 | | 1,666,784 |
| Sheriff Pension Costs | 289,000 | | 289,000 |
| Capital Outlays | 427,575 | 108,500 | 536,075 |
| TOTAL EXPENDITURES | 6,383,381 | 108,500 | 6,491,881 |
| EXCESS OF REVENUES OVER EXPENDITURES | 174,366 | 2,091,500 | 2,265,866 |
| BEGINNING FUND BALANCES | 5,542,235 | 10,225,458 | 15,767,693 |
| ENDING FUND BALANCES | 5,716,601 | 12,316,958 | 18,033,559 |

BE IT HEREBY RESOLVED, that the revisions to the East Jefferson Levee District Fiscal Year 2009 Operating Budget and the Fiscal Year 2009 Levee Improvement Budget is approved.

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 and Mr. Wittie

NAYS: None

ABSENT: None

Operations Committee: Mr. Wittie advised that the Operations Committee met on March 5th. He reported the following Committee actions:

- The USACE provided a presentation on the right-of-entry (ROE) request for tree and fence removal on the IHNC west side, 17th Street Canal west side and along LPV 109. The USACE requested ROE for the levee toe plus 6-ft. or levee toe plus 15-ft. in areas where right-of-way is established. The Committee recommended that the ROE's be granted.
- The selection committee that reviewed the Statements of Qualifications for the LBBLD safe house study recommended the selection of Digital Engineering & Imaging, Inc. The Operations Committee concurred with the selection committee's recommendation.
- Preliminary plans for the O.L.D. safe house build out were reviewed. The Committee recommended changes and the revised plans will be brought back to the next Committee meeting.
- Mr. Barnes provided a status report on St. Tammany's interest relative to activating a levee district. Mr. Barnes will follow up with meetings with the appropriate officials.

Legal Committee: Mr. Goins reported that the Legal Committee met on March 12th. The Committee approved legal invoices and received the Statements of Qualifications in response to the recently issued RFQ for legal services for evaluation.

Special Issues Committee: Mr. Goins stated that the Committee did not meet in March. He advised that he has reviewed the submittals on some of the proposed designs that may present issues that will need to be addressed.

REGIONAL DIRECTOR'S REPORT:

Mr. Turner reviewed the Regional Director's Report (copy appended to minutes). He requested that Mr. Estopinal chair the selection committee for the evaluation of the Statements of Qualifications submitted in response to the Authority's RFQ for Land Surveying Services and that Mr. Jackson participate on the selection committee.

Mr. Jackson requested a report on the search for a LBBLD Executive Director. Mr. Turner advised that an advertisement has been published in the newspaper for a LBBLD District Engineer. The decision can be made whether an individual can be hired as an engineer or director. A meeting is scheduled with former LBBLD Director Daniel Caluda concerning the possibility of Mr. Caluda working on a two to three day per week basis to assist with field operations. Mr. Caluda would also assist Mr. Turner with negotiating an agreement with Plaquemines Parish for the LPV 148 project. Mr. Pineda suggested that the position be advertised in civil engineering and trade publications.

Mr. Turner reported that the National Levee Safety Committee's report to Congress (Recommendations for a National Levee Safety Program) has been submitted to OMB for review. The report can officially be transferred to the two Congressional Committees after it is cleared through OMB. The two Committees have received a draft copy of the report and a presentation. He advised that he will be making presentations at the ASCE's meeting in Baton Rouge in April, the Association of Levee Boards' Workshop in May, and possibly for the ASCE again in September. Mr. Doody commented on the importance nationwide of levee certification and a levee safety program.

Mr. Pineda commented on the Central Valley Levee Framework Agreement, which was negotiated with the USACE, FEMA and resources agencies for California's Central Valley levees in order that those levees would not be expelled from the PL 84-99 program for three to four years while erosion protection, under seepage, vegetation and other levee maintenance issues are being addressed. He stated that he would provide the executive summary of the agreement to the Board so that it would have this information in the event the Authority is faced with a similar situation.

Mr. Barry advised that conversations have been taken place with the Business Council in terms of the upcoming State Legislative Session. He also advised that the National Research Council, which is the active arm of the National Academies of Science, will deliver a report on the study of the subject of reforming the USACE in the next several

weeks. The possibility of monies going to the State or Parishes was discussed with OMB; however, OMB did not seem to support this proposed concept.

Mr. Barry provided further comment on the three day Diversion Conference held by the USACE. He explained that the USACE listened to many of the scientists who articulated proposals similar to the proposal to re-engineer the mouth of the river, along with other proposals and other scientific research. Mr. Barry stated that he provided a presentation on the politics of the issue, which will be at least as difficult as the engineering, and in terms of priorities may pit one region or state against another. He pointed out that sediment is a limited resource. A representative of the maritime industry provided a presentation to make the point that the maritime industry will need to be at the table early.

EXECUTIVE SESSION:

1. Personnel matters – Stevan Spencer and Gerry Gillen.

A motion was offered at 12:28 p.m. by Mr. Losonsky, seconded by Mr. Goins and unanimously adopted, for the Board to convene in Executive Session to discuss the item listed on the agenda.

A motion was offered at 1:33 p.m. by Mr. Goins, seconded by Mr. Losonsky and unanimously adopted, for the Board to reconvene in regular session.

RESOLUTION #03-19-09-08 – SLFPA-E REGIONAL DIRECTOR AND O.L.D. EXECUTIVE DIRECTOR

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

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the implementation of the recommendations on the position and job duties of Stevan G. Spencer and Gerard Gillen as discussed in the Executive Session, as follows:

Gerard Gillen as the Acting Executive Director of the Orleans Levee District
Stevan G. Spencer as the Acting SLFPA-E Regional Chief Engineer

BE IT FURTHER RESOLVED, that both appointments shall be subject to and pending the approval of the Louisiana Department of Civil Service.

BE IT FURTHER RESOLVED, that both appointments shall be permanent once approval has been granted by the Louisiana Department of Civil Service.

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 and Mr. Wittie

NAYS: None

ABSENT: None

Motion to approve SLFPA-E Strategic Plan and Discussion of Organizational Study performed by SSA Consultants.

Mr. Pineda explained that the Board began discussions in the summer of 2007 on the development of a strategic plan. A competitive Request for Proposals process was used to engage the services of SSA Consultants to assist the Board with the development of a strategic plan as a deliverable and to conduct an organizational scan. Copies of the "Southeast Louisiana Flood Protection Authority East Strategic Plan and Operational Scan" dated March 2009 were distributed to Board members at the meeting. Mr. Pineda pointed out that the Strategic Plan was reviewed and discussed at the Board's February meeting and no comments had been submitted regarding the language in the Strategic Plan. He explained that the Strategic Plan is designed to be dynamic in nature and that any of the elements of the Plan can be changed at a future meeting. He further suggested that the Strategic Plan be reviewed annually.

Board members were asked whether they wished to consider approval of the Strategic Plan at today's meeting, after which the Organizational Scan could be discussed.

Mr. Jackson recommended that a vote on the Strategic Plan be deferred until the Board had an opportunity to review the document entitled "Southeast Louisiana Flood Protection Authority East Strategic Plan and Operational Scan" dated March 2009.

Mr. Losonsky commented that what the Board has seen thus far in the way of a Strategic Plan is light and concurred with the recommendation to defer the vote.

Mr. Barry indicated that he came away favorably impressed with the amount of time SSA Consultants put into interviews and the manner in which the interviews were conducted. He noted that at least one Board member may have desired something considerably more extensive than what was called for in the proposal or the contract.

The Board discussed whether the product should be voted on as a whole or broken into two components; i.e., Strategic Plan and Organizational Scan. The Board also discussed the need to evaluate the product presented in terms of whether it met expectations in accordance with the contract and the limited fee.

Mr. Doody pointed out that SSA Consultants was engaged to do an organizational scan without a clear definition in terms of reports. The original proposal based upon what the Authority had wanted would have included an in-depth study at a higher cost.

Wilma Heaton clarified that the Strategic Plan is the Board's Plan. The consultant assisted the Board with the development of its plan. The Organization Scan is something that the Board can either accept or reject and the Board can pursue all or part of the recommendations. The Strategic Plan and Organizational Scan were handled as separate components from the start of the contract. It was anticipated that the Strategic Plan would encompass about 75 percent of the initial endeavor; however,

the interviews would dovetail into a more in-depth organizational study as the Authority progresses. The initial scope did not envision details, such as how many employees are needed in each department.

Mr. Barry requested that Board members e-mail their comments to all of their colleagues on this matter.

Mr. Estopinal offered a motion that the Authority formally accept the draft document entitled "Southeast Louisiana Flood Protection Authority East Strategic Plan and Operational Scan" dated March 2009, for review and study, with the commitment that the Board shall come back at the next Board meeting prepared to give comment to the Chair on this document and recommendations thereon. The motion was seconded by Mr. Jackson and unanimously adopted.

**RESOLUTION #03-19-09-09 –
REQUIREMENTS FOR ACQUISITION OF REAL PROPERTY,
RIGHTS-OF-WAY, SERVITUDES AND OTHER REAL PROPERTY HOLDINGS**

Mr. Estopinal stated that since the Board's last meeting he has become even more convinced of the need for the Board to adopt this resolution and for the levee districts to have a good inventory and solid knowledge of the location of the limits of their properties. The resolution simply affirms the Authority's intention to follow the laws, rules, regulations and practices having to do with right-of-way and property acquisitions.

Mr. Estopinal advised that he had attended the Coastal Protection and Restoration Authority (CPRA) meeting, however, this issue was not addressed. Mr. Barry explained that he had requested at last month's Board meeting that this resolution be delayed, however, he agreed that it was now time to vote on it. He asked that Ms. Allgood provide a report on the progress between the CPRA and USACE.

Irys Allgood, Assistant Attorney General, reported that the attorneys for the CPRA, SLAPA-E and USACE have had several meetings to negotiate how rights-of-entry should and would be given. A policy agreement has been finalized between the CPRA and the USACE that will allow the locals to give rights-of-entry. The levee authorities and the levee districts individually have the right to give rights-of-entry to individual properties. They also have the authority to determine the parameters of those rights-of-entry and what will and will not be accepted for attachment to the rights-of-entry. Ms. Allgood stated that she is personally negotiating with one of the USACE attorneys to solidify the model right-of-entry that will be used for all rights-of-entry, and what will and will not be attached. She stressed that she has aggressively argued the SLFPA-E's position. One legal issue has not yet been resolved with regards to the right-of-entry from the levee authorities and levee districts. An additional issue that remains to be resolved deals with the attachments to the rights-of-entry; e.g., types of maps, surveys and restrictions.

Mr. Pineda asked how would the adopted resolution relate to the work that the USACE is doing? Mr. Estopinal replied that the Authority would be telling the USACE that when they do their right-of-way plans, if they are going to submit them as an acquisition, they need to follow the Federal and State rules, regulations and guidelines on real property boundary recoveries. Therefore, when a right-of-way plan is received, it would truly be a right-of-way plan for the acquisition of real property and not an engineering plan used to support construction. If the USACE is not willing to adhere to the Federal and State rules, regulations and guidelines, then the Authority would like to be able to do itself and be reimbursed.

Ms. Allgood pointed out that in the Cooperative Endeavor Agreement between the CPRA and the SLFPA-E, the SLFPA-E on behalf of the levee districts has take over the acquisition of LERRDs (Lands, Easement, Rights-of-Way, Relocations and Disposal Sites).

Mr. Estopinal clarified that he did not want the USACE to refer to a construction plan as a right-of-way plan. The USACE could present the construction document and tell the Authority to hire a surveyor to properly acquire or re-establish the right-of-way. The USACE would then reimburse the Authority for its expenditures for the right-of-way acquisition.

There was a brief discussion concerning the expense that the Authority may be taking upon itself.

Ms. Allgood stated that she had requested a list from the USACE of the projects and estimated number of properties that need to be acquired for rights-of-entry.

Mr. Barry asked whether there was any language in the resolution that may inadvertently go beyond the request that rights-of-way and land acquisitions comply with State and Federal law and that could create a problem. Ms. Allgood responded, no.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority- East in the interest of the levee districts under its control must supervise the acquisition of Real Property, Rights-of-Way, Servitudes and other Real Property holdings; and

WHEREAS, the Southeast Louisiana Flood Protection Authority- East in the interest of the levee districts under its control must supervise the maintenance of Real Property, Rights-of-Way, Servitudes and other Real Property holdings; and

WHEREAS, the knowledge, certainty and permanence of the boundaries and limits of the 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 is paramount to the rights and harmony of the public;

BE IT HEREBY RESOLVED that Acquisition 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 shall conform to:

1. All Federal laws, rules and regulations, including but not limited to, Public Law 91-646 (The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970), The United States Code Titles 23, 42 and 49, The Code of Federal Regulations 23 Part 710 and 49 Part 24;
2. All applicable Laws, Statutes and Regulations of the State of Louisiana;

BE IT FURTHER RESOLVED that:

1. All surveys of Real Property, Rights-of-Way, Servitudes and other Real Property holdings of the levee districts, both new acquisitions and recovery of existing boundaries, shall be performed under the direction and responsible charge of a Louisiana Registered Professional Land Surveyor;
2. All such surveys and the survey plats thereof shall comply with LAC 46:LXI Chapter 29 "Minimum Standards for Property Boundary Surveys";
3. A Registered Professional Surveyor shall be deemed to have exercised Responsible Charge of a land boundary survey after having physically visited the parcel being surveyed and personally directed the survey personnel during the collection of data OR after having physically visited the parcel being surveyed and reviewed the field notes of that survey in conference with the survey technician that personally directed the collection of data.
4. No provision of this resolution shall prevent the SLFPA-E Regional Director or a levee district Executive Director from proceeding with emergency work or emergency projects, provided a report on the emergency work/project is presented at the first regular Board meeting following the initiation of the work.

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 and Mr. Wittie

NAYS: None

ABSENT: None

RESOLUTION #03-19-09-10 --ID-IQ TASK ORDERS

Mr. Pineda explained that this issue deals with whether the Board wants the Regional Director to have the ability to write and execute task orders for the levee districts. He explained that the writing of task orders is an administrative matter and that Mr. Turner and his staff have received sample task orders from himself, the State and others that can be modified for the Authority. The resolution states that the Regional Director shall provide a report monthly on the issuance and status of task orders.

Mr. Turner clarified that the authorized limit for issuing task orders is the same as the limit authorized for Professional Service Contracts; i.e., up to \$50,000. Task orders for amounts over \$50,000 would be brought to the Board.

Mr. Bollinger requested that task orders fall within the budget and have an end date.

On the motion of Mr. Jackson,
Seconded by Mr. Estopinal, 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, Indefinite Delivery-Indefinite Quantity (ID-IQ) contracts are needed to expedite and accomplish the mission of the Authority and the Levee Districts under its jurisdiction.

WHEREAS, the Authority desires to establish authority for the issuance of Task Orders on ID-IQ contracts.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East authorizes the execution of Task Orders to previously executed ID-IQ Professional Service Contracts in accordance with the provisions contained in Resolution No. 02-19-09-10 - PROFESSIONAL SERVICES CONTRACT POLICY.

BE IT FURTHER RESOLVED, that each task order assignment shall require an executed Task Order to the ID-IQ contract, with the appropriate items to be included as Exhibits and attached to the Task Order.

BE IT FURTHER RESOLVED, that the SFLPA-E Regional Director shall include in his monthly report to the Board notification of task orders being planned and of task orders issued since the last report, and the status of active task orders.

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 and Mr. Wittie

NAYS: None

ABSENT: None

**RESOLUTION #03-19-09-11 – ID-IQ
CONTRACT FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES
FOR COASTAL ENGINEERING AND COASTAL RESTORATION PROJECTS**

Mr. Pineda advised that 14 Statements of Qualifications (SOQs) were received in response to the advertised Request for Qualifications (RFQs) for Professional Engineering Consulting Services for Coastal Engineering and Coastal Restoration Projects. The selection team that competitively rated the SOQs consisted of Ricardo Pineda, Stradford Goins, Stevan Spencer and Gerry Gillen. The five best respondents were placed on a shortlist, interviewed and competitively rated by a selection team consisting of Ricardo Pineda, Robert Turner, Stradford Goins and Gerry Gillen. Factors included location and availability of the firms. The selection team recommended the selection of Halcrow, Inc., Ben C. Gerwick, Inc. and Taylor Engineering, Inc.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) and the levee districts under its jurisdiction have a need for Professional Engineering Consulting Services for Coastal Engineering and Coastal Restoration Projects on an indefinite delivery-indefinite quantity basis; and

WHEREAS, by Resolution No. 11-13-08-07, the Board approved the advertisement of a Request for Qualifications (RFQ) for Professional Engineering Consulting Services for Coastal Engineering and Coastal Restoration Projects-for the purpose of selecting a consultant(s) and entering into an Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract with said consultant(s); and

WHEREAS, the Statements of Qualifications submitted in response to the RFQ were reviewed, competitively rated and a shortlist of five firms developed; and

WHEREAS, the five shortlisted firms were interviewed and competitively rated by the selection team; and

WHEREAS, the selection team has recommended the following consultant(s) for the purpose of entering into an ID-IQ Contract for Professional Engineering Consulting Services for Coastal Engineering and Coastal Restoration Projects with said consultant(s):

Halcrow, Inc.
Ben C. Gerwick, Inc.
Taylor Engineering, Inc.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the selection of the following firm(s) for the purpose of entering into an ID-IQ Contract with said consultant(s):

Halcrow, Inc.
Ben C. Gerwick, Inc.
Taylor Engineering, Inc.

BE IT FURTHER RESOLVED, that the SLFP AE Regional Director is authorized to negotiate the final ID-IQ Contract with the approved consultant(s), and that the SLFP AE President is hereby authorized to execute said ID-IQ Contract with the approved consultant(s).

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 #03-19-09-12 –
ID-IQ CONTRACT FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES
FOR GEOTECHNICAL ENGINEERING, LEVEES AND FLOODWALLS**

Mr. Pineda advised that nine SOQs were received in response to the advertised RFQs for Professional Engineering Consulting Services for Geotechnical Engineer, Levees and Floodwalls. The selection team that competitively rated the SOQs consisted of Ricardo Pineda, Stradford Goins, Stevan Spencer and Gerry Gillen. The five best respondents were placed on a shortlist, interviewed and competitively rated by a

selection team consisting of Ricardo Pineda, Robert Turner, Stradford Goins and Gerry Gillen. The selection team recommended the selection of Ardaman & Associates, Inc. and URS Corporation.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) and the levee districts under its jurisdiction have a need for Professional Engineering Consulting Services for Geotechnical Engineering, Levees and Floodwalls on an indefinite delivery-indefinite quantity basis; and

WHEREAS, the Board at its meeting held on August 21, 2008, approved the advertisement of a Request for Qualifications (RFQ) for Professional Engineering Consulting Services for Geotechnical Engineering, Levees and Floodwalls for the purpose of selecting a consultant(s) and entering into an Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract with said consultant(s); and

WHEREAS, the Statements of Qualifications submitted in response to the RFQ were reviewed, competitively rated and a shortlist of five firms developed; and

WHEREAS, the five shortlisted firms were interviewed and competitively rated by the selection team; and

WHEREAS, the selection team has recommended the following consultant(s) for the purpose of entering into an ID-IQ Contract for Professional Engineering Consulting Services for Geotechnical Engineering, Levees and Floodwalls with said consultant(s):

Ardaman & Associates, Inc.
URS Corporation

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the selection of the following firm(s) for the purpose of entering into an ID-IQ Contract with said consultant(s):

Ardaman & Associates, Inc.
URS Corporation

BE IT FURTHER RESOLVED, that the SLFPAE Regional Director is authorized to negotiate the final ID-IQ Contract with the approved consultant(s), and that the SLFPAE President is hereby authorized to execute said ID-IQ Contract with the approved consultant(s).

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 #03-19-09-13 –
ID-IQ CONTRACT FOR PROFESSIONAL ENGINEERING CONSULTING SERVICES
FOR HYDRAULIC ENGINEERING AND HYDRAULIC STRUCTURES**

Mr. Pineda advised that 12 SOQs were received in response to the advertised RFQs for Professional Engineering Consulting Services for Hydraulic Engineering and Hydraulic Structures. The selection team that competitively rated the SOQs consisted of Ricardo Pineda, Stradford Goins, Stevan Spencer and Gerry Gillen. The five best respondents were placed on a shortlist, interviewed and competitively rated by a selection team consisting of Ricardo Pineda, Robert Turner, Stradford Goins and Gerry Gillen. The selection team recommended the selection of AECOM and Burk-Kleinpeter, Inc.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) and the levee districts under its jurisdiction have a need for Professional Engineering Consulting Services for Hydraulic Engineering and Hydraulic Structures on an indefinite delivery-indefinite quantity basis; and

WHEREAS, the Board at its meeting held on August 21, 2008, approved the advertisement of a Request for Qualifications (RFQ) for Professional Engineering Consulting Services for Hydraulic Engineering and Hydraulic Structures for the purpose of selecting a consultant(s) and entering into an Indefinite Delivery-Indefinite Quantity (ID-IQ) Contract with said consultant(s); and

WHEREAS, the Statements of Qualifications submitted in response to the RFQ were reviewed, competitively rated and a shortlist of five firms developed; and

WHEREAS, the five shortlisted firms were interviewed and competitively rated by the selection team; and

WHEREAS, the selection team has recommended the following consultant(s) for the purpose of entering into an ID-IQ Contract for Professional Engineering Consulting Services for Hydraulic Engineering and Hydraulic Structures with said consultant(s):

AECOM
Burk-Kleinpeter, Inc.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the selection of the following firm(s) for the purpose of entering into an ID-IQ Contract with said consultant(s):

AECOM
Burk-Kleinpeter, Inc.

BE IT FURTHER RESOLVED, that the SLFP AE Regional Director is authorized to negotiate the final ID-IQ Contract with the approved consultant(s), and that the SLFP AE President is hereby authorized to execute said ID-IQ Contract with the approved consultant(s).

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 #03-19-09-14

Mr. Jackson explained that the Board adopted a resolution on August 21, 2008, supporting Option 2 for the construction of the lakefront pumping stations. He stated that Marcia St. Martin, Executive Director of the Sewerage and Water Board of New Orleans (S&WB), has requested that the resolution be updated to coincide with the resolutions recently adopted by the S&WB, CPRA, Jefferson Parish Council and New Orleans City Council. The CPRA resolution resolves that the CPRA will withhold the approval of a Project Partnership Agreement until all alternatives for the three canals are compared on a level playing field. He advised that there have been discussions regarding the accuracy of the cost estimates contained in the USACE's 90 day report. He stated that based on his review of the report and discussions with the USACE over the past two and a half years that the USACE had done very little engineering on Options 2 and 2a. The USACE's recommendation of Option 1 is geared more towards getting the project within the budget than building something for the long term benefit of the community. Mr. Jackson read the resolution being offered before the Board.

Mr. Barry stated that if the CPRA refuses to sign the Project Partnership Agreement, the SLFPA-E refuses to give right-of-entry and the current situation remains indefinitely while attempts are made to obtain funds from Congress for Option 2, his understanding is that the current situation is not any worse than the situation that would be provided by Option 1. Mr. Jackson responded that Mr. Barry's understanding was correct. Mr. Goins pointed out that there is a fixed amount for the project and that project costs would escalate over time.

Mr. Jackson explained that the USACE claims that the proposal that they are putting forward is based upon their interpretation of the authorization. The USACE had indicated that Options 2 and 2a were not within the authorization and that they did not plan to do anything other than provide Congress with a cost comparison. He stated that in his opinion the USACE's evaluation of Options 2 and 2a was not sufficient to be able to tell which would be the best solution. The USACE has not considered how the system needs to work. He stated it is incumbent upon the Board to continue this fight and that he concurred with the resolutions adopted by the CPRA, S&WB and Jefferson Parish Council.

Mr. Doody clarified that there is 100 year protection at the lakefront; therefore, nothing that the Board is doing would delay the pursuit of 100 year protection by 2011.

Mr. Goins stressed that the flood threat due to the elevated canals still exists. He pointed out that prior to Hurricane Katrina rain water could be pumped into the canals at full capacity. Now rain water cannot be pumped into the canals after the safe water elevation is reached. Residents may now be protected from flooding due to storm surge, but at risk to flooding from rainfall due to canal capacities. He stated that the USACE is giving the community an inferior system. Mr. Goins also expressed his concerns about the floodwalls along the IHNC.

The Board discussed the risks due to the condition of the floodwalls and the possibility of using a cost/benefits analysis and other data to support the construction of Option 2.

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

A resolution restating Board Resolution #08-21-08-07 passed the 21st day of August, 2008, and urging the U.S. Congress to provide sufficient funds and clear authorization to the U.S. Army Corps of Engineers for Option 2 for the construction of the Lakefront Pumping Stations in Orleans Parish.

WHEREAS, the Sewerage and Water Board of New Orleans, the Jefferson Parish Council and the Coastal Protection and Restoration Authority (CPRA) have passed resolutions stating their opposition to the U.S. Army Corps of Engineers' (Corps) proceeding with the issuance of a Request for Proposals for the procurement of a design/build contract for the construction of the three pumping stations under Option 1, even though the Corps' Report to the Congress for P.L.110-252 dated September 26, 2008, revised December, 2008, states that Option 1 was selected because of least cost, while the report further states that Option 2 is technically and operationally superior; and

WHEREAS, the Corps is proceeding with Option 1 based on their interpretation of the Congressional authorization and budget, without regard for the safety of the City of New Orleans and the east bank of Jefferson Parish.

NOW THEREFORE BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority-East supports the Resolution of the CPRA in withholding execution of a Project Partnership Agreement until all alternatives for the three canals are compared on a level playing field.

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 #03-19-09-15 – RIGHT OF ENTRY FOR TREE AND FENCE
REMOVAL ACTIVITIES – WEST SIDE OF THE 17TH STREET CANAL**

Fran Campbell, EJLD Executive Director, recommended adoption of the resolution, but requested that the right of entry not be signed immediately. This would allow time for letters to be sent to residents for feedback and for residents to remit documentation. The USACE was requested to wait as long as possible on this reach. Letters were previously sent to residents relative to the USACE's survey and staking along the reach and some questions have arisen. Approximately 17 residences are affected along with several commercial properties.

Mike Stout, representing the USACE, advised that this matter was discussed with Brett Herr and the USACE has some ability to do what is being requested.

Ms. Campbell requested that the removal of the tree on the EJLD right of way lakeward of 5013 Folse Drive, Metairie, be included in the resolution.

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

WHEREAS, by letter dated March 17, 2009, the U.S. Army Corps of Engineers (USACE) requested a right-of-entry to perform tree and fence removal activities along the 17th Street Canal Levee and Floodwall, West Side in Jefferson Parish, Louisiana; and

WHEREAS, the proposed limits of work will extend from Rosebud Street to the vicinity of Pump Station No.6 between the floodwall and the levee toe plus fifteen (15) feet line or to the extent of available right of way (ROW), whichever is greater, reference maps, entitled "Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project Emergency Restoration, 17th Street Canal- Jefferson Parish, Louisiana, Tree and Fence Removal Plan," dated March 10, 2009, and as further described in the USACE letter dated March 17, 2009.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East grants the U.S. Army Corps of Engineers (USACE) authorization for entry to perform tree and fence removal activities along the 17th Street Canal Levee and Floodwall, West Side in Jefferson Parish, Louisiana, in accordance with the USACE letter dated March 17, 2009, and referenced map, and for the removal of the tree on the EJLD right of way lakeward of 5013 Folse Drive, Metairie, Louisiana, and authorizes the President or East Jefferson Levee District 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. Estopinal, Mr. Goins, Mr. Jackson,
Mr. Losonsky, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

RESOLUTION #03-19-09-16 – RIGHT OF ENTRY FOR TREE AND FENCE REMOVAL ACTIVITIES – WEST SIDE OF IHNC

Stevan Spencer explained that this request involves 38 residences. The property on which the levee is located is owned by the Port of New Orleans and abuts the back yards of the residences. Tree and fence removal will be within the levee toe plus 6-feet.

Mr. Goins objected to removal of fences on property owned by the residents without the fences being replaced.

Mr. Lacour explained that R.S. 38:225 states that improvements cannot be placed within six feet of a levee. Under the 1921 Constitution prescription cannot run against a levee district.

Mr. Doody pointed out the Authority's responsibility to assure the safety of the flood protection system.

Mr. Pineda commented that the USACE is doing the physical work in this instance. However, in other parts of the country the USACE is telling the maintaining agencies that they must do this work so as not to receive an unacceptable rating.

Mr. Stout explained that the USACE has tried to be consistent in the tree removal program and is working within the boundaries of the levee districts' rights-of-way and whatever rights are available through State law. In addition, the USACE must work within its authorities. The USACE was only able to place fences at locations where there is a swimming pool because of City ordinances and for public safety. The attorneys for the USACE and the Authority could not find a legal basis to replace fences. If a fence is salvageable, the USACE contractor will disassemble the fence and place it in the yard for the resident to reassemble.

The Board discussed the possibility of replacement of the fences by the levee district. Mr. Barry stated that he would prefer to see the estimated cost of the fence replacement before voting on this issue. Mr. Estopinal recommended that the resolution be voted on as presented and that the issue of fence replacement be taken up at another time.

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

WHEREAS, by letter dated March 17, 2009, the U.S. Army Corps of Engineers (USACE) requested a right-of-entry to perform tree and fence removal activities along the IHNC Floodwall, West Side, Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project, Orleans Parish, Louisiana; and

WHEREAS, the limits of work will extend from the vicinity of Dwyer Road to the vicinity of U.S. Hwy 90 between the floodwall and the levee toe plus six (6) feet line, as shown on the map, entitled " Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project Emergency Restoration, Inner Harbor Navigation Canal: West-side Adjacent Properties, U.S. Highway 90 to Dwyer Canal, Orleans Parish, Louisiana, Tree and Fence Removal Plan," dated March 10, 2009, and as further described in the USACE letter dated March 17, 2009.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East grants the U.S. Army Corps of Engineers (USACE) authorization for entry to perform tree and fence removal activities along the IHNC Floodwall, West Side, Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project, Orleans Parish, Louisiana, in accordance with the USACE letter dated March 17, 2009, and aforementioned map, and authorizes the President or Orleans Levee District 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. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie
NAYS: Mr. Goins and Mr. Losonsky
ABSENT: Mr. Barnes

**RESOLUTION #03-19-09-17 –
RIGHT OF ENTRY FOR TREE AND FENCE REMOVAL ACTIVITIES – LPV-109**

Mr. Spencer advised that this work is along an eight mile reach from South Point to the CSX Railroad tracks. Trees will be removed within 15-feet of the levee toe. All of the work is located on U.S. Fish and Wildlife property.

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

WHEREAS, by letter dated March 17, 2009, the U.S. Army Corps of Engineers (USACE) requested a right-of-entry to perform tree removal activities along the LPV -109 Levee Item, Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project, Orleans Parish, Louisiana; and

WHEREAS, the limits of work will extend from the vicinity of South Point to the CSX Railroad and extending from the levee centerline to a point 15 feet out from the levee toe, as shown on the maps, entitled "Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project Emergency Restoration, LPV -109 Levee Item, South Point to CSX Railroad, Orleans Parish, Louisiana, Tree Removal Plan," dated March 10, 2009, and as further described in the USACE letter dated March 17, 2009.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East grants the U.S. Army Corps of Engineers (USACE) authorization for entry to perform tree removal activities along the LPV -109 Levee Item, Lake Pontchartrain, Louisiana and Vicinity Hurricane Protection Project, Orleans Parish, Louisiana, in accordance with the USACE letter dated March 17, 2009, and the aforementioned maps, and authorizes the President or Orleans Levee District 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. Estopinal, Mr. Goins, Mr. Jackson,
Mr. Losonsky, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barnes

**RESOLUTION #03-19-09-18 –
REPLACING ORLEANS LEVEE DISTRICT FINANCIAL MANAGEMENT SYSTEM**

Mr. Doody advised that the new up-to-date software proposed for purchase could potentially be used across district boundaries. The O.L.D. will also achieve significant savings in software maintenance.

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

"A resolution to authorize the Orleans Levee District Executive Director or the SLFPA-E Regional Director to execute all documents necessary to enter into contracts for the licensing and implementation of Financial Management Software for the Orleans Levee District.

WHEREAS, generally accepted accounting principles require the use of fund accounting for financial accounting and management of governmental enterprises; and

WHEREAS, use of state of the art computer-based systems providing such capability is recognized as "best practice" in meeting these requirements as well as providing adequate control over assets and financial reporting necessary to meet the needs of the Board as it exercises its fiduciary responsibilities; and

WHEREAS, the Orleans Levee District's (O.L.D.) current Financial Management System is more expensive than is justifiable in today's market, and acquiring a modern system results in savings that provide a 1 to 1 ½ year payback, and

WHEREAS, the O.L.D. has conducted its evaluation of software and firms expert in implementing the selected software in accord with the Authority's policy on selecting professional and technical services, as well as provisions of State law relating to acquisition of software; and

WHEREAS, the software selected by the O.L.D., MIP Fund Accounting (Sage Software) is recognized as delivering exceptional functionality and efficiencies; and

WHEREAS, the business partner of Sage Software selected by the O.L.D. to provide necessary services including design, data conversion, implementation and training has displayed an the needed expertise and provided strong positive references from prior clients at reasonable terms; and

WHEREAS, the contract negotiated with the provider by the O.L.D. has been reviewed by the Government Finance Officers Association's Research and Consulting group and found to be reasonable as to cost and appropriate as to terms.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorizes the SLFPA-E Regional Director or the O.L.D. Executive Director to execute all agreements necessary for the licensing and implementation of the selected financial management system.

BE IT FURTHER RESOLVED, that the value of such contracts for licensing of the financial management software, for technical training and implementation services relating to that system, and for the initial year of software support, shall be in the approximate amount of \$100,000; with an additional \$10,000 allowed as a contingency against unforeseen circumstances.

BE IT FURTHER RESOLVED, that the budget for the project be increased from \$90,000 to \$110,000 to include contingencies.

BE IT FURTHER RESOLVED, that the Board recognizes that certain limited additional costs outside of the contract will be incurred, such as licensing Microsoft's SQLServer database software (\$4,000), all of which will be funded within the operating budget for 2009.

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 #03-19-09-19 – SELECTION OF ARCHITECTURAL/ENGINEERING CONSULTANT FOR LBBLD SAFE HOUSE

Mr. Turner explained that eleven Statements of Qualifications were received in response to the advertised RFQ. The four short listed respondents were interviewed. The selection team recommended the selection of Digital Engineering and Imaging, Inc.

On the motion of Mr. Barry,

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

WHEREAS, by Resolution No. 10-16-08-06, the Board approved the advertisement of a Request for Qualifications (RFQ) for Professional Architectural/Engineering Consulting Services to review the U.S. Army Corps of Engineers' plan for storm proofing the Lake Borgne Basin Levee District (LBBLD) pump stations and to provide options for the implementation of safe housing for employees; and

WHEREAS, the Statements of Qualifications submitted in response to the RFQ were reviewed, competitively rated and a short list of firms developed; and

WHEREAS, the four short listed firms were interviewed and competitively rated by the selection team; and

WHEREAS, the selection team has recommended the selection of Digital Engineering and Imaging, Inc. for the design of the LBBLD safe-housing.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the selection of Digital Engineering and Imaging, Inc. for the design of the safe housing for the LBBLD.

BE IT FURTHER RESOLVED, that the SLFPAE Regional Director is authorized to negotiate the final Contract with Digital Engineering and Imaging, Inc., and that the SLFPAE President is hereby authorized to execute said Contract with Digital Engineering and Imaging, Inc.

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 #03-19-09-20 –
NRCS AGREEMENT – BLUE BIRD AND ARTILLERY DITCHES**

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

WHEREAS, by Resolution #12-18-08-10, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) authorized the execution of United States Department of Agriculture, Natural Resources Conservation Service Agreement No. 68-7217-09-001 to perform the Blue Bird Ditch (DSR No. 087-05-054K) and the Artillery Ditch (DSR No. 087-05-058K) projects; and

WHEREAS, the aforementioned agreement provided that said agreement shall become null and void after February 28, 2009 if a solicitation for bids has not been publicly advertised or a contract(s) have not been awarded; and

WHEREAS, a new agreement is required with the NRCS for the Blue Bird Ditch and Artillery Ditch debris removal projects.

BE IT HEREBY RESOLVED, that the Executive Director for the Lake Borgne Basin Levee District, the Regional Director for the Southeast Louisiana Flood Protection Authority-East, and/or the President of the Southeast Louisiana Flood Protection Authority-East, are hereby authorized and instructed to execute any and all documents necessary in order to accomplish the Blue Bird Ditch (DSR No. 087-05-054K) and the Artillery Ditch (DSR No. 087-05-058K) work, including but not necessarily limited to the execution of United States Department of Agriculture, Natural Resources Conservation Service Agreement No. 68-7217-09-017 for the Blue Bird Ditch (DSR No. 087-05-054K) and the Artillery Ditch (DSR No. 087-05-058K) projects.

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

The next Board meeting will be held on Thursday, April 16, 2009, and hosted by the East Jefferson Levee District.

There was no further business, therefore, the meeting was adjourned at 4:00 p.m.

SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

REGIONAL DIRECTOR'S REPORT

March 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. Pile load tests are scheduled for completion in April 2009. Our emphasis continues to be Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features early in the process.

The USACE has formed a "Tiger Team" to review all aspects of the project and make "value engineering" recommendations.

Reach 5 – East Jefferson Levee District:

The Contractor began work about two months ago (280 day contract duration). This work is progressing well and is on schedule.

Construction contracts are scheduled to be executed for Reaches 2, 3, and 4 in the 2nd quarter of this year.

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

The USACE's 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. This will require a new Control Structure in the Caernarvon Canal. The project still has to be vetted through the IER process. The St. Bernard Parish Government and the general public (particularly residences and businesses near the existing floodwall alignment) favor the USACE's proposed alignment change.

We have to develop and execute an agreement with Plaquemines Parish Government because the new alignment for this project is located outside the jurisdictional boundaries of Lake Borgne Basin Levee District. The agreement would allow for construction of the project in Plaquemines Parish and would place the responsibility for maintenance with LBBLD.

Permanent Pump Stations:

The "90 Day Report" on the Permanent Pump Stations and Outfall Canals in Orleans Parish has been submitted to Congress. The report lists estimated costs for Options 1, 2 and 2a. Option 1 is estimated at less than 1 billion dollars and Options 2 and 2a are estimated at over 3 billion dollars. It should be noted, however, that there are considerably higher risks associated with Option 1 because the existing I-Walls along the outfall canals between the proposed permanent pump stations and the existing internal pump stations will not be modified or replaced. Current federal appropriations are insufficient for Option 2 or 2a.

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 CPRA 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 100% capacity. LBBLD is preparing specs for the purchase of a new vacuum pump. LBBLD will be reimbursed by DNR for the cost of the pump.

Submittals

Copies of the following major submittals are available for review in the SLFPAE office:

- IHNC Storm Surge Barrier (new reviews daily)
- EJLD – Reaches 2, 3 & 4 – 95% P & S
- LPV 144 – Bayou Dupre Control Structure – 60% design review

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, LPV 103, and LPV 104 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.

The USACE has executed a contract for LPV 120 (West Side IHNC). The project will utilize soil stabilization techniques to attain a sufficient safety factor for slope stability.

Prices obtained by USACE for the LPV 117 Project (East Side IHNC) were significantly higher than anticipated. The Corps is taking another look at the proposed design for the project and may make some changes in the proposed relief well configuration.

Murray Architects is proceeding with the Safe House plans and specification for Orleans Levee District. The Operations Committee suggested modifications to the proposed floor plan. Revised plans may be available for review at the next committee meeting.

Lake Borgne Basin Levee District:

LBBLD Office Building Repairs are substantially complete. The new furniture has arrived and staff has begun moving from the trailer into the rebuilt facility.

LPV 148.01 - Verret to Caernarvon Reach is 90% complete. The project is scheduled for completion in June 2009. The contractor has experienced weather related delays. Some of the last sections worked on by the Contractor must be reworked because of quality issues with final grading.

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. Bids should be on the market in April 2009.

The Contractor has begun fabricating the new Tainter Gates for Drainage Pump Stations 1 and 4.

The SOQ's submitted for the LBBLD Safe House Project have been submitted and the evaluation committee is ready to make a recommendation to the full Board.

Internal Affairs

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

The SOQ's submitted for ID/IQ work for Coastal, Geotechnical, and Hydraulic engineering services have been reviewed and the evaluation committee is prepared to make recommendations to the full Board.

The deadline for submittal of SOQ's for Land Surveying Services was February 27, 2009. The review process should be completed before the next Operations Committee meeting.

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

We are continuing to send employees from LBBLD and OLD to apply for TWIC cards. The cards are necessary for access to the fenced-in/gated levees for maintenance and inspection. The cost is about \$140.00 per employee. This requirement seems to conflict with other CFR's, which require unobstructed entry for levee maintenance.

Earlier this week we met with our legislative delegation (Senator Mary Landrieu, Senator David Vitter, Congressman Charles Boustany, Congressman Steve Scalise, Congressman Joseph Cao, Congressman Rodney Alexander, and Congressman Charlie Melancon), MG Temple and others at USACE HQ, Sally Ericsson and others of OMB, Congressional Committee staffers and others in Washington DC. Most of our discussions centered around the following three main points:

- OMRR&R of the IHNC – Lake Borgne Storm Surge Barrier Navigational Gates
- Storm proofing of drainage pump stations in St. Bernard and Plaquemines Parishes
- Permanent Pump Stations - Option 1, 2, and 2a

We also discussed issues related to the LACPR and the need for stronger consideration and additional study related to diversions, particularly diversions that might be located 30 – 40 miles upstream of the existing mouth of the River.

Upcoming Events

- | | |
|-------------|--|
| March 20 | Land Acquisition Process (w/ OCPR) 10:00 am to 12:00 pm New Orleans District Room 186 |
| March 24-26 | IHNC Floodgate Risk Workshop 8:00 am to 4:30 pm New Orleans District Room CGD8 |
| March 26 | Vertical Datum Workshop for Managers 1:00 pm to 3:00 pm New Orleans District Room 381 |
| April 2 | SLFPAE Committee Meetings |
| April 6–10 | 2009 31 st Annual National Hurricane Conference Austin, Texas |
| April 14-15 | ASCE Spring Conference Baton Rouge |
| May 7 – 8 | 24 th Annual ALBL Workshop Holiday Inn Select Baton Rouge, LA |