

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
PUBLIC HEARING  
THURSDAY, JUNE 16, 2011**

A Public Hearing was conducted at 9:30 a.m. on Thursday, June 16, 2011, in the St. Bernard Parish Council Chambers, St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana, by the Southeast Louisiana Flood Protection Authority-East ON BEHALF OF THE LAKE BORGNE BASIN LEVEE DISTRICT, pursuant to Article 7, Section 23(C) of the Louisiana Constitution and R.S. 47:1705(B), to consider levying additional or increased millage rates without further voter approval or adopting the adjusted millage rates and rolling forward to millage rates not to exceed the prior year's maximums. The notice of the public hearing was advertised and posted in accordance with Article 7, Section 23(C) of the Louisiana Constitution and R.S. 47:1705(B).

**PRESENT:**

Timothy P. Doody, President  
John M. Barry, Vice President  
Louis E. Wittie, Secretary  
Stephen Estopinal, Treasurer  
David P. Barnes, Jr.  
Thomas L. Jackson  
Ricardo S. Pineda

**ABSENT:**

Stradford A. Goins  
George Losonsky, PhD

Mr. Doody asked whether there was any member of the public who wished to comment. There was no comment from the public.

A motion was offered by Mr. Estopinal, seconded by Mr. Wittie and unanimously adopted, to close the public hearing at 9:38 a.m.

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING  
THURSDAY, JUNE 16, 2011**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, June 16, 2011, in the St. Bernard Parish Council Chambers, St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana, after due legal notice of the meeting was sent to each Board 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.

**PRESENT:**

Timothy P. Doody, President  
John M. Barry, Vice President (left meeting at 1:30 p.m.)  
Louis E. Wittie, Secretary  
Stephen Estopinal, Treasurer  
David P. Barnes, Jr.  
Thomas L. Jackson  
Ricardo S. Pineda

**ABSENT:**

Stradford A. Goins  
George Losonsky, PhD

**ADOPTION OF AGENDA:**

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

A motion was offered by Mr. Wittie and seconded by Mr. Barnes to include Item No. 3 under Executive Session to discuss the litigation entitled Olivier Plantation, L.L.C., Park Investments, Ltd. and Morning Park, Inc. vs. Parish of St. Bernard and Lake Borgne Basin Levee District, No. 109272 (34<sup>th</sup> JDC). There was no public comment on the amendment of the agenda. A roll call vote was conducted and the Board voted unanimously to amend the agenda to include Executive Session Item No. 3.

**RESOLUTION NO. 06-16-11-01 – APPROVAL OF MAY 29, 2011 MINUTES**

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves the minutes of the Board Meeting held on May 19, 2011.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

**OPENING COMMENTS:**

Mr. Doody reported on House Bill (HB) 640 and HB 475 pending in the Louisiana Legislature. Initially, HB 640 started out as HB 430 and was sponsored by the Association of Levee Boards of Louisiana to address the issue of hauling on levees. The resistance on this issue seems to have been resolved. Components of HB 640 allow levee districts to piggy back the purchase of certain items on a favorable bid received by another levee district, impose fines specifically aimed at barges for tying up to levees, and would allow levee districts to become a part of the decision making process for permits. Currently, if the U.S. Army Corps of Engineers (USACE) and the Department of

Transportation and Development (LA DOTD) issue letters of no objection, a levee district is required to issue a permit. The levee districts are attempting through HB 640 to become a component in the decision making process. As originally filed HB 475 added an additional member from the SLFPA-E to the Non-Flood Protection Asset Authority Board. A component of HB 475 would allow the proceeds of the sale of any of the non-flood assets to be split 80 percent for the Orleans Levee District and 20 percent for the Bohemia Spillway plaintiffs. An amendment was proposed to the bill that would have sent tax dollars generated in Algiers directly to the Algiers Levee District, potentially bypassing its responsibility and obligation on the currently outstanding bonds.

Mr. Doody advised that he, Mr. Jackson and Mr. Estopinal recently met with New Orleans Sewerage and Water Board representatives to begin preliminary discussions on the operation of the outfall canals and the permanent closure structures for the canals.

Mr. Doody commented that the elevation of the Mississippi River is subsiding and currently fluctuating around +15-ft. Seepage areas are being monitored. The levee districts will need to look closely at the levees that have been covered by river waters and prepare for the removal of debris from the batture.

### **NEW BUSINESS: LAKE BORGNE BASIN LEVEE DISTRICT MILLAGE ORDINANCES**

Mr. Wittie read in full Ordinance No. 1-2011.

The following ordinance was offered by Mr. Barry and seconded by Mr. Estopinal:

#### **ORDINANCE NO. 1 - 2011**

#### **AN ORDINANCE PROVIDING FOR THE ADJUSTMENT OF MILLAGE RATES, AS ALLOWED BY ARTICLE VII, SECTION 23 (B) AND (C) OF THE LOUISIANA CONSTITUTION OF 1974 AND LA R.S. 47:1705(B), AND LEVYING AND IMPOSING TAXES AND ASSESSMENTS FOR 2011 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE LAKE BORGNE BASIN LEVEE DISTRICT.**

**WHEREAS**, it is necessary for the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the governing authority of the Lake Borgne Basin Levee District, Louisiana (the "District"), to levy taxes and assessments for the year 2011;

**WHEREAS**, as a result of the mandated reappraisal and valuation of the property subject to taxation within the Parish of St. Bernard, State of Louisiana (the "Parish"), certain millages levied by the District in 2011 must be adjusted downwards from the 2010 levy in proportion to the increase in the taxable assessed valuation;

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the governing authority of said District, that:

**SECTION 1. Operation and Maintenance Taxes.** Under the authority of the Constitution and Laws of the State of Louisiana, particularly Article VII, Section 23 (B) and (C) of the Louisiana Constitution of 1974 and La. R.S. 47:1705(B), and pursuant to the authority of Special Elections held on the dates shown below, the following

special taxes are hereby levied, assessed and imposed on all the property in the Lake Borgne Basin Levee District, Louisiana (the "District"), for the year 2011, for the respective purposes described below:

2010 Millage Rate (Millage Rate)	2011 Adjusted Millage Rate per Reassessment (Millage Rate)	2011 Millage Rate not Subject to Reassessment (Millage Rate)	Election Date	Years Authorized	Purpose
3.83	3.79		N/A	N/A	Constitutional Tax (La. Const. Article VI, Section 39)
4.27		4.27	Oct. 17, 2009	2011-2020	Constructing & maintaining necessary levees, levee drainage, flood protection, and hurricane flood protection and all other purposes incidental thereto.
3.00	2.97		Nov. 15, 2003	2005-2014	Constructing & maintaining necessary levees, levee drainage, flood protection, and hurricane flood protection and all other purposes incidental thereto.

**SECTION 2. Local or Forced Contribution.** Under the authority of Part II and Sub-Part B of Part VI, Chapter 4, Title 38 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, a local of forced contribution of Fifty-Two and 80/100 Dollars (\$52.80) per mile of railroad lines within the District is hereby levied and assessed for the year 2011, for the purpose of constructing and maintaining levees, levee drainage, and for all other purposes incidental thereto.

**SECTION 3. Collection of Taxes.** The proper administrative officials of the Parish of St. Bernard, State of Louisiana, are hereby empowered, authorized and directed to spread said taxes and assessment, as set forth above, upon the assessment roll of said Parish for the year 2011, and to make the collection of the taxes and assessment imposed for and on behalf of the District according to law, and the taxes and assessment herein levied shall become a permanent lien and privilege on all the property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

Specifically, the Assessor of the Parish of St. Bernard shall extend said taxes and assessment on said assessment roll as required by law, and the Sheriff and *ex officio* tax collector of the Parish of St. Bernard shall collect said taxes and assessment in the same manner as state taxes are collected and shall settle therefore with the State Treasurer, as provided by Section 404 of Title 38 of the Louisiana Revised Statutes of 1950, as amended; provided, however the proceeds of the tax levied by Section 3 of this ordinance shall be remitted to the District pursuant to the authority of Section 551.9 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

Certified copies of this ordinance shall be forwarded to the St. Bernard Parish Assessor and to the St. Bernard Parish Sheriff and *ex officio* tax collector as complete authority to levy and collect the taxes and assessment herein provided.

**SECTION 4. Publication.** This ordinance shall be published one time in the official journal of the District in the manner provided by law.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately.

The foregoing ordinance was read in full; the roll was called on the adoption thereof, and the vote thereupon was as follows:

YEAS: Mr. Barnes, Mr. Barry, Mr. Doody, Mr. Estopinal, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

ABSTENTIONS: None

And the ordinance was declared adopted on this, the 16th day of June, 2011.

Mr. Wittie read in full Ordinance No. 2-2011. Mr. Doody advised that the additional increase would be 7/100's of a mill.

The following ordinance was offered by Mr. Barry and seconded by Mr. Wittie:

#### **ORDINANCE NO. 2 - 2011**

**AN ORDINANCE PROVIDING FOR THE INCREASE IN MILLAGE RATES, BUT NOT IN EXCESS OF THE PRIOR YEAR'S MAXIMUM RATES, AS ALLOWED BY ARTICLE VII, SECTION 23 (B) AND (C) OF THE LOUISIANA CONSTITUTION OF 1974 AND LA R.S. 47:1705(B), AND LEVYING AND IMPOSING TAXES AND ASSESSMENTS FOR 2011 ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE LAKE BORGNE BASIN LEVEE DISTRICT.**

**WHEREAS**, it is necessary for the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the governing authority of the Lake Borgne Basin Levee District, Louisiana (the "District"), to levy taxes and assessments for the year 2011;

**WHEREAS**, as a result of the mandated reappraisal and valuation of the property subject to taxation within the Parish of St. Bernard, State of Louisiana (the "Parish"), certain millages levied by the District have been adjusted downwards from the 2010 levy in proportion to the increase in the taxable assessed valuation;

**WHEREAS**, pursuant to Article VII, Section 23(C) of the Louisiana Constitution of 1974 and La. R.S. 47:1705(B), it is the desire of this Board of Commissioners to adjust the taxes levied by the District for the year 2011 back to the prior year's maximum authorized millage rate;

**WHEREAS**, a public hearing has been held by this Board of Commissioners on the subject of the proposed millage adjustment in accordance with La. R.S. 47:1705(B);

**NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana, acting as the governing authority of said District, that:

**SECTION 1. Operation and Maintenance Taxes.** Under the authority of the Constitution and Laws of the State of Louisiana, the following special taxes are hereby levied, particularly Article VII, Section 23 (B) and (C) of the Louisiana Constitution of 1974 and La. R.S. 47:1705(B), and pursuant to the authority of Special Elections held on the dates shown below, the following special taxes are hereby levied, assessed and imposed on all the property in the Lake Borgne Basin Levee District, Louisiana (the "District"), for the year 2011, for the respective purposes described below:

2011 Adjusted Millage Rate per Reassessment (Millage Rate)	2011 Maximum Authorized Levy (Millage Rate)	Election Date	Years Authorized	Purpose
3.79	3.83	N/A	N/A	Constitutional Tax (La. Const. Article VI, Section 39)
	4.27	Oct. 17, 2009	2011-2020	Constructing & maintaining necessary levees, levee drainage, flood protection, and hurricane flood protection and all other purposes incidental thereto.
2.97	3.00	Nov. 15, 2003	2005-2014	Constructing & maintaining necessary levees, levee drainage, flood protection, and hurricane flood protection and all other purposes incidental thereto.

**SECTION 2. Local or Forced Contribution.** Under the authority of Part II and Sub-Part B of Part VI, Chapter 4, Title 38 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, a local of forced contribution of Fifty-Two and 80/100 Dollars (\$52.80) per mile of railroad lines within the District is hereby levied and assessed for the year 2011, for the purpose of constructing and maintaining levees, levee drainage, and for all other purposes incidental thereto.

**SECTION 3. Collection of Taxes.** The proper administrative officials of the Parish of St. Bernard, State of Louisiana, are hereby empowered, authorized and directed to spread said taxes and assessment, as set forth above, upon the assessment roll of said Parish for the year 2011, and to make the collection of the taxes and assessment imposed for and on behalf of the District according to law, and the taxes and assessment herein levied shall become a permanent lien and privilege on all the property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

Specifically, the Assessor of the Parish of St. Bernard shall extend said taxes and assessment on said assessment roll as required by law, and the Sheriff and *ex officio* tax collector of the Parish of St. Bernard shall collect said taxes and

assessment in the same manner as state taxes are collected and shall settle therefore with the State Treasurer, as provided by Section 404 of Title 38 of the Louisiana Revised Statutes of 1950, as amended; provided, however the proceeds of the tax levied by Section 3 of this ordinance shall be remitted to the District pursuant to the authority of Section 551.9 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

Certified copies of this ordinance shall be forwarded to the St. Bernard Parish Assessor and to the St. Bernard Parish Sheriff and *ex officio* tax collector as complete authority to levy and collect the taxes and assessment herein provided.

**SECTION 4. Publication.** This ordinance shall be published one time in the official journal of the District in the manner provided by law.

**SECTION 5. Effective Date.** This ordinance shall become effective immediately.

The foregoing ordinance was read in full; the roll was called on the adoption thereof, and the vote thereupon was as follows:

YEAS: Mr. Barnes, Mr. Barry, Mr. Doody, Mr. Estopinal, Mr. Jackson,  
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

ABSTENTIONS: None

And the ordinance was declared adopted on this, the 16th day of June, 2011.

#### **NOMINATION AND ELECTION OF OFFICERS FOR ONE YEAR TERM EFFECTIVE JULY 1, 2011**

The floor was opened for nominations for the office of President. Mr. Wittie offered and Mr. Pineda seconded the nomination of Timothy Doody. There were no further nominations. The Board voted unanimously to elect Mr. Doody to the office of President.

The floor was opened for nominations for the office of Vice President. Mr. Barnes offered and Mr. Wittie seconded the nomination of Mr. Barry. There were no further nominations. The Board voted unanimously to elect Mr. Barry to the office of Vice President.

The floor was opened for nominations for the office of Secretary. Mr. Barnes offered and Mr. Barry seconded the nomination of Louis Wittie. There were no further nominations. The Board voted unanimously to elect Mr. Wittie to the office of Secretary.

The floor was opened for nominations for the office of Treasurer. Mr. Wittie offered and Mr. Barnes seconded the nomination of Stephen Estopinal. There were no further nominations. The Board voted unanimously to elect Mr. Estopinal to the office of Treasurer.

## RESOLUTION NO. 06-16-11-02 – ELECTION OF OFFICERS

“A resolution stating the results of the election of Officers of the Southeast Louisiana Flood Protection Authority-East for a term of one year commencing July 1, 2011.”

**WHEREAS**, at a Regular Board Meeting held on December 17, 2009, the Board adopted revised Bylaws, which provide in part for the designation and election of Officers of the Board; and

**WHEREAS**, Article IV, Section 1 (Officers and Elections), designates the officers as President, Vice President, Secretary and Treasurer to be elected from among the members of the Board at the regularly scheduled June meeting; and

**WHEREAS**, Article IV, Section 1 further provides that officers shall assume their duties on July 1<sup>st</sup>; and

**WHEREAS**, Article IV, Section 2, provides that officers shall be elected to serve one year terms.

**BE IT HEREBY RESOLVED**, that, in accordance with elections held this date, the Officers of the Southeast Louisiana Flood Control Authority-East shall be as follows for the term commencing July 1, 2011:

President – Timothy P. Doody  
Vice President – John M. Barry  
Treasurer – Stephen Estopinal  
Secretary – Louis E. Wittie

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

### **PUBLIC COMMENTS:**

Epsie Hennesy, a resident along the 17<sup>th</sup> Street Canal, stated that she had not received an accounting of the expenses and legal fees for defending the obtaining of the property along the 17<sup>th</sup> Street Canal. She asked whether the SLFPA-E's legal team had any appraisals done on the affected property while they were doing their extensive research. She commented that at a Board meeting some months ago the SLFPA-E's attorneys defended its actions against the property owners and listed the litany of successes. She stated that Judge Kern Reese told the residents that he thought that the USACE used the SLFPA-E in order to take the property without paying the owners and that he admired that the residents were fighting for their property rights and encouraged them to seek remedy in Federal court. She asked, who benefits from the failure to reach some type of fair settlement with the property owners?

Mr. Doody advised that the requested legal invoices could be made available at the SLFPA-E's office in a redacted form because of the on-going litigation. Ms. Hennesy explained that the reason she asked about the costs and appraisals was so that she could determine the cost effectiveness of the Board's actions and then be in a position to



ask the Board whether it had considered this issue. Mr. Doody asked Ms. Hennesy to speak to the SLFPA-E's General Counsel, Robert Lacour, about the information that she was seeking.

Carol Byram, a resident along the 17<sup>th</sup> Street Canal, stated that the property owners appealed to the Board when it was only four months old because of the USACE's unnecessary and destructive tree issue in Lakewood South. She stated that the Board claimed that it supported the property owners, but that in the end they found out that it was actually working against them. She stated that the deceitful actions of this public board behind their backs deprived the property owners of crucial time and information to defend their property and rights. She stated that the Board denied information showing that the property should not be touched and ignored facts indicating that the tree removal was about to be put on hold. The Board insisted on rushing it through that summer, tearing up the most secure levee section in Lakeview just before Hurricane Gustav. She stated that the SLFPA-E used the USACE to take the property without compensation by making them take fences they did not want so that the SLFPA-E could force the property owners to sign new fence permits to allow the seizure of even more of their property. She commented further on the actions of the Board and asked that her fence be put back on the legal property line because it was removed for reasons that had nothing to do with safety and everything to do with greed and deception. She commented that the Board needed to reread and practice its guiding principle stating "we are transparent, honest, visible, responsive, responsible and accountable". Ms. Byram stated that she is cutting the grass on her property and asked that levee district employees stay off of her property so that she would not be liable for the district's workers and machinery.

Mr. Doody requested that Mr. Lacour review the issue of insurance relative to the levee district performing grass maintenance on Ms. Byram's property.

Craig Berthold, a resident along the 17<sup>th</sup> Street Canal, requested documentation on the use of R.S. 19:14 by the SLFPA-E's attorneys. He stated that the St. Julien doctrine should not have been used relative to the property along the 17<sup>th</sup> Street Canal because certain conditions were not met. He stated that there is no documentation that a petition has been filed with the parish or that consent or authorization was obtained from residents. He stated that a notarized document would have had to be filed in the parish of origin for the property to be donated by the original owners. Mr. Berthold stated that he is seeking some type of documentation from the Board to show that the appropriate conditions were met.

Mr. Doody explained that the attorneys for the property owners should have copies of all of the documentation relative to this case and should be able to make these copies available to the residents. He added that he would speak to the Board's attorneys.

Roy Arrigo, a resident along the 17<sup>th</sup> Street Canal, commented that he thought that the Board members were well intentioned. He asked when would the Board admit that something wrong had taken place and fix this situation. He commented that the Attorney General's Office stated in the summer of 2006 that because they could not find any documentation to the rights of this property, they were looking to fabricate those rights through R.S. 19:14. He stated that the property was taken from the owners.

Mr. Doody commented that the litigation is on-going and at some point would be adjudicated.

### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Estopinal reported that the Finance Committee met on June 2<sup>nd</sup>. The Committee discussed the selection of an auditing firm. He notified the Board that the Legislative Auditor's Office opened bids and selected the firm of Silva, Gurtner & Abney, LLC, the low bidder, to audit the SLFPA-E and the levee districts under its jurisdiction. The Committee also discussed the repayment of the Go Zone notes by the Orleans Levee District (O.L.D.) to the State of Louisiana. The Committee determined that the Go Zone notes should be repaid during the life of the current SLIP tax and should not be carried forward beyond that time. Motions have been placed on the Board agenda dealing with the remaining items discussed and recommended by the Committee.

**Operations Committee:** Mr. Wittie reported that the Operations Committee met on June 2<sup>nd</sup>. The Committee received an update on the Mississippi River elevation and the recent flood fight from Jerry Colletti with the USACE. A slow fall of the river elevation is anticipated. Mr. Wittie advised that the Committee discussed the assignment of ID-IQ contracts and that this issue will be discussed by Mr. Lacour later in this meeting. A report was provided to the Committee by Robert Turner, SLFPA-E Regional Director, on the table top hurricane exercise conducted by the USACE. The levee districts provided their monthly status reports to the Committee.

**Legal Committee:** Mr. Barry advised that the Legal Committee did not meet in the month of June. The approval of legal invoices has been placed on the Board's agenda.

**Engineering Advisory Committee:** Mr. Jackson advised that the Engineering Advisory Committee did not meet in the month of June. He reported that a meeting took place with representatives of the SLFPA-E, the New Orleans Sewerage & Water Board (S&WB) and the USACE. The meeting included initial discussions on the drafting of an intergovernmental agreement between the SLFPA-E and the S&WB relative to the operation of the outfall canals. At the appropriate time an agreement should be drafted between the SLFPA-E and the S&WB relative to the permanent gates at the pumping stations at the lake end of the outfall canals. He advised that Mr. Turner will draft the agreement between the SLFPA-E and S&WB for the outfall canals dealing with the safe water elevation (SWE). Mr. Jackson explained that in the meeting the SLFPA-E discussed its concerns with respect to the +8-ft. SWE established by the USACE for the outfall canals. The USACE is performing remediation along the outfall canals to attain the +8-ft. SWE. The SLFPA-E voiced its concern to the USACE and S&WB that the protection height along the canals is between +12-ft. and +12.5-ft.; however, based on calculations performed by Halcrow, Inc., the consultant tasked by the SLFPA-E, the point at which the levees/floodwalls could reach imminent failure is +10-ft. He advised that the S&WB did not seem to want to deal with this issue and that the position of the USACE is that it is establishing the maximum water elevation and that the SLFPA-E could do what it wishes with the levees/floodwalls after that point. Mr. Jackson stated that this issue will need to be addressed in the agreement on the operation of the outfall canals.

**CPRA/Governmental Affairs:** Mr. Barry reported that at its meeting yesterday the Coastal Protection and Restoration Authority (CPRA) discussed the new policy that will be followed by the State dealing with CWPPRA (Coastal Wetlands Planning, Protection and Restoration Act) funds. The State will no longer pay a cost share towards the restoration of navigation channels. He explained that interstate navigation is a 100 percent Federal responsibility and that CWPPRA dollars were never intended for this purpose and would be used in the future for other restoration projects. He pointed out that it is unlikely that the USACE will receive the money to fund this effort and that the strategy to force the Federal government to fund this responsibility is not yet clear.

Mr. Barry advised that he provided a presentation to the CPRA on the comparison of the 1927 and 2011 floods. One of the main points of the presentation was that the 2011 flood was three to four feet higher than the 100-year flood level for hundreds of miles of river levee. The 2011 flood is the third or fourth time in the past 84 years that the 100-year flood level on the river was exceeded. The 100-year flood level was exceeded in 1927, 1937, possibly 1973 in some stretches of the river, and 2011.

Mr. Barry commented on the billion dollar down payment by British Petroleum (BP) for restoration efforts. Half of this money went directly to the states at \$100 million each and the other half went to several Federal agencies for distribution to the states and other Federal agencies. Louisiana is anticipated to receive between four and five hundred million of the total billion dollars. He pointed out that Louisiana sustained 68 percent of the damage resulting from the oil spill.

Mr. Doody requested that the USACE provide a presentation on armoring for the Hurricane and Storm Damage Risk Reduction System (HSDRRS) at the next Board meeting. He advised that Mike Park is the SLFPA-E's advocate with the USACE on armoring. Mr. Park with the USACE stated that a presentation will be provided next month as requested and proceeded to give a brief update on the armoring of the system. The USACE team convened to do an alternative evaluation process. The local sponsors and stakeholders were provided information on the evaluation process and briefed on the preliminary outcomes. A meeting is scheduled to receive comments from the local sponsors and stakeholders on the preferred alternatives. Armoring methods will be selected based on current information and research, as well as collaboration with local sponsors in order to obtain an understanding of their capabilities to operate and maintain the system.

Mr. Jackson recommended that the issue of armoring be assigned to the Operations Committee. Mr. Doody requested that the Operations Committee include on its agenda for next month's meeting a discussion of the armoring presentation in order to ensure that the presentation covers all aspects of armoring in which the Board may be interested.

Mr. Doody noted that he would like to receive a report from the Coastal Advisory Committee on Bayou St. John. He explained that an opinion was requested from the Attorney General relative to the SLFPA-E's ability to legally fund the operation and maintenance of the Bayou.

**Report by the Ad Hoc Police Committee:** Mr. Pineda advised that the members of the Ad Hoc Police Committee are Mr. Barry, Mr. Pineda, Gerry Gillen, O.L.D. Executive

Director, Richard Lewis, O.L.D. Chief of Police, Robert Garner, East Jefferson Levee District (EJLD) Chief of Police, and Major Donald Booth, O.L.D. Police Department (OLDPD). The Committee was charged with the goal of determining a way to ensure the continuation of police protection for the O.L.D. flood protection assets after the de-funding of the OLDPD by the Non-Flood Assets Division. The Committee met at various times and discussed the pros and cons of various alternatives to move forward with police services for the O.L.D. flood protection assets. Working with the O.L.D. Executive Director, the Committee determined that 23 officers and an administrative assistant are needed in order to provide the necessary police security for the O.L.D. flood protection assets. The OLDPD currently has 31 personnel that carry out activities for the flood protection and non-flood assets; therefore, the force will be reduced by seven.

Mr. Pineda explained that the Committee understands the complexities of the Civil Service process related to the layoff or transition of the O.L.D. Police force from the O.L.D. Non-Flood Assets Division to the O.L.D. It is uncertain at this time if there will be a complete layoff and new hiring or a transfer—the process will be determined by the Louisiana Department of Civil Service. Because of the complex Civil Service issues and the fiscal and legal uncertainties associated with these issues, the Committee supports the position that the O.L.D. postpone any final decision on the transfer or layoff for a minimum of 30 days beyond June 30, 2011 in order to allow sufficient time to work out an appropriate process that can be approved by Civil Service. The end of the fiscal year and the last day of funding of police activities by the Non-Flood Assets Division is June 30, 2011. During this 30-day period the O.L.D. Flood Protection Division is willing to pay the salaries of the Non-Flood Asset Police Force to ensure that all of the flood protection assets of the O.L.D. are properly protected and that there is no time gap in that protection. Essentially, the O.L.D. Flood Protection Division is agreeing to pay for the complete police force for a 30-day period into the new fiscal year. It is anticipated that the process by which the police force will be established within the O.L.D. will be worked out during this 30-day period. The Committee recommended that the police force be managed by Gerry Gillen, O.L.D. Executive Director, during the 30-day period. Once a police force is established and funded by the Flood Protection Division to protect the flood protection assets, it will no longer be funded to carry out non-flood related activities or protect non-flood assets—this would also apply during the 30-day transition period.

Mr. Pineda advised that the Committee recommended that if Lakeshore Drive is determined to be a flood asset, the O.L.D. establish a reserve to assist in the protection of the flood protection assets on Lakeshore Drive. The reserve force would provide supplemental staff to provide protection at a low cost.

Mr. Doody pointed out that the SLFPA-E is attempting to work through the issues as best and as quickly as possible. He added that work must begin immediately on transitioning the police force from a non-flood force to a flood protection force.

Mr. Jackson asked whether O.L.D. Police officers would continue neighborhood patrols. Mr. Doody explained that the intention is that neighborhood patrols will be discontinued on June 30th. It is the belief of many people that the New Orleans Police Department is responsible for patrolling the neighborhoods. As of July 1<sup>st</sup> the O.L.D. Police will have a flood protection mission, which will be defined by Mr. Gillen. Mr. Jackson inquired about flood protection training. Mr. Doody explained that the O.L.D. and EJLD Police Chiefs

have been meeting to discuss best practices. The O.L.D. Police officers have had a divided mission; i.e., a non-flood assets mission and a flood protection mission. However, the O.L.D. Police officers are well trained and have a great deal of experience, and their training will be more homogenized going forward. He noted that the O.L.D. Police officers remained on the job during and after Hurricane Katrina. Mr. Doody pointed out relative to the recommended number of officers that three shifts are needed in order to patrol the flood protection assets on a twenty-four hour basis. Mr. Jackson commented on the complexity of the flood protection system in Orleans Parish. Mr. Estopinal suggested that the possibility of expanding the jurisdiction of levee district police officers throughout the SLFPA-E's jurisdiction be explored. Mr. Barry pointed out that, assuming the Cooperative Endeavor Agreement is approved redefining Lakeshore Drive at least temporarily as a flood protection asset, there is a legal and moral obligation to patrol Lakeshore Drive if it is open to the public.

Mr. Pineda explained that the Committee's objective of not having a gap in service during the transition ruled the majority of the issues discussed and the recommended decisions; however, there are a multitude of on-going issues that will need attention once the police force is established under Mr. Gillen on the flood protection side. Some of the issues include the age and mileage of vehicles, storage of weapons, the age and condition of the current police headquarters and private details. He suggested that in some form the Ad Hoc Committee should continue its work in order to have the best possible police force for the flood protection assets. Mr. Doody concurred with Mr. Pineda and stressed that the SLFPA-E takes its responsibility for flood protection very seriously. He pointed out that a change in the type of vehicles used by the officers may be necessary so that officers can better patrol the flood protection assets during heavy weather events.

Mr. Doody commented that some of the O.L.D. Police officers received layoff notices from the Non-Flood Assets Division in its effort to comply with Civil Service rules. He hoped that by having the 30-day delay that the transition will happen more smoothly.

A motion was offered by Mr. Barry, seconded by Mr. Pineda and unanimously approved by a roll call vote, to amend the agenda to include a motion to approve the payment for the full police force for a 31-day period (July 1 – July 31, 2011) paid by the O.L.D. Flood Protection Division.

Mr. Doody advised that depending on how quickly advice is received from the attorney engaged for this process, the Board may need to consider an additional extension in July. The Board briefly discussed the cost of the extension. Mr. Gillen stated that the Flood Protection Division is currently paying about \$120,000 per month towards the total cost of the OLDPD. Since the recommended number of police personnel for the flood protection assets is 24, Mr. Doody roughly estimated that the additional cost that would be picked up by the Flood Protection Division during the extension would be about \$60,000.

A motion was offered by Mr. Barry and seconded by Mr. Pineda to approve the payment for the full police force for a 31-day period (July 1 – July 31, 2011) paid by the O.L.D. Flood Protection Division. The Board discussed lengthening the extension from a 31-day period to a 60-day period in order to ensure that no gap in protection occurs during the transition. Mr. Pineda stressed that he did not want the process to slow down because the extension is lengthened. Mr. Barry recommended that in light of the service provided

by the O.L.D. Police that the Board approve a 60-day extension. Mr. Barry and Mr. Pineda accepted a friendly amendment to the motion to extend the time period to 62-days (July 1 - August 31, 2011).

Mr. Lacour explained that an Attorney General's opinion was requested relative to treating this situation as an interagency transfer rather than a dismissal and rehire. Several bills are pending in the Legislature dealing with general funds from the State of Louisiana for the Non-Flood Assets Division; therefore, the Attorney General will not rule on the opinion until these bills are withdrawn or the session ends.

### **RESOLUTION NO. 06-16-11-03 – O.L.D. POLICE DEPARTMENT**

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East approves payment for the full Orleans Levee District police force for a sixty-two day period, commencing on July 1, 2011 and ending on August 31, 2011, paid by the Orleans Levee District Flood Protection Division.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Estopinal, Mr. Jackson, Mr. Pineda  
and Mr. Wittie

NAYS: None

ABSENT: Mr. Goins and Mr. Losonsky

### **REGIONAL DIRECTOR'S REPORT:**

Mr. Turner reviewed the highlights of the Regional Director's Report (a copy of which is appended to the minutes). He supplemented the Coastal and Restoration section of his report by commenting on the preliminary report received from Ben C. Gerwick, Inc. on the New Orleans Land Bridge Study. Mr. Turner explained that input on the report should be obtained from the Coastal Advisory Committee and possibly the Engineering Advisory Committee. Decisions will be needed on a path forward. Some of the outstanding issues deal with sea level rise and whether the elevation of shoreline protection should be raised.

Mr. Jackson commented that during a USACE presentation on the 100-year level of protection, a question was raised about whether there is 100-year protection relative to pumping stations in East Jefferson Parish because of the issue of backflow. The USACE had advised that air suppression would be used to deal with backflow at these pumping stations. Mr. Jackson explained that air suppression will only work to a maximum elevation of three-feet above the inverted discharge tubes. Jefferson Parish intends to keep all pumps, in particular the horizontal pumps, operating during a storm. However, if a pump engine stops working, air suppression cannot be used because a backflow situation will already exist. He clarified that vertical pumps are not a problem. The problem exists with horizontal pumps. Therefore, East Jefferson Parish would not have 100-year protection until the projects are completed. The Board briefly discussed the pumping stations at other locations within the SLFPA-E's jurisdiction and whether these

stations will use positive cut off or air suppression to prevent backflow should an engine cease working. The certification of the HSDRRS by the USACE was also discussed.

Mr. Jackson advised that Taylor Engineering, Inc. (Taylor) currently has two on-going task orders issued by the SLFPA-E under an ID-IQ (indefinite delivery-indefinite quantity) contract. Robert Jacobsen has left the employ of Taylor. Mr. Turner explained that a representative of Taylor discussed with him three possible alternatives for proceeding with the task orders. The three alternatives are to (1) cancel the contract, which is not viable because funds have already been expended on the task orders; (2) assign the contract to Mr. Jacobsen; and (3) to continue the contract with Taylor. Taylor is concerned with continuing the contract because it will no longer have anyone locally who knows the area or has Mr. Jacobsen's expertise. The SLFPA-E would have to agree to an assignment of the contract. Mr. Jacobsen assured the Board that he continues to have a good professional relationship with Taylor. He explained that it is difficult for Taylor to maintain a business interest in Louisiana as Taylor Engineering, Inc. However, a way will be worked out to continue with the same individuals so that the work will be completed on budget and on a satisfactory schedule.

### **EXECUTIVE SESSION:**

1. Haspel & Davis Milling and Planting Company, Ltd., et al. v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 31-357, 25<sup>th</sup> Judicial District Court for the Parish of Plaquemines, State of Louisiana – settlement discussions.
2. Succession of Helen Katz, wife of/and Sam Mermelstein v. Board of Levee Commissioners of the Orleans Levee District of the State of Louisiana, No. 55-314, 25<sup>th</sup> Judicial District for the Parish of Plaquemines, State of Louisiana, Division "B" – settlement discussions.
3. Olivier Plantation, L.L.C., Park Investments, Ltd. and Morning Park, Inc. vs. Parish of St. Bernard and Lake Borgne Basin Levee District, No. 109272 (34<sup>th</sup> JDC)

A motion was offered at 12:00 noon by Mr. Barry, seconded by Mr. Wittie and unanimously adopted, for the Board to convene in Executive Session to discuss the items listed on the amended Agenda.

A motion was offered at 1:30 p.m. by Mr. Estopinal, seconded by Mr. Wittie and unanimously adopted, for the Board to reconvene in Regular Session.

### **RESOLUTION NO. 06-16-11-04 – LEGAL ACTION**

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes its attorneys to continue negotiations in the case of "Succession of Helen Katz, wife of/and Sam Mermelstein v. Board of Levee Commissioners of the Orleans Levee District of the State of Louisiana, No. 55-314, 25<sup>th</sup> Judicial District for the Parish of Plaquemines, State of Louisiana, Division B", and to pursue settlement options within specified limits discussed in executive session.

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

**RESOLUTION NO. 06-16-11-05 – LEGAL ACTION**

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

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes its attorneys to continue negotiations in the matter of “Haspel & Davis Milling and Planting Company, Ltd., et al. v. Board of Levee Commissioners of the Orleans Levee District, Docket No. 31-357, 25<sup>th</sup> Judicial District Court for the Parish of Plaquemines, State of Louisiana” within the specified limits as discussed in Executive Session.

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

**OLD BUSINESS:**

1. Notice of intent to amend Article III, Section 8 of the Board’s Bylaws to state:  
“F. Travel Expenses shall be paid in accordance with Louisiana Office of State Purchasing and Travel PPM 49 with the following exception, as modified by the Board from time to time.
  1. When traveling for the purpose of conducting the business of the Southeast Louisiana Flood Protection Authority-East, Commissioners shall be reimbursed for properly documented travel expenses and mileage to and from the Commissioner’s home or to and from the Commissioner’s place of business at the time of the meeting. The President may adopt reasonable rules and policies to implement the reimbursements.”

**NEW BUSINESS:**

**RESOLUTION NO. 06-16-11-06 – SELECTION OF OFFICIAL JOURNAL FOR SLFPA-E, E.J.L.D., O.L.D. AND LBBLD**

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

**WHEREAS**, R.S. 43:171 provides that levee districts and other political subdivisions shall have the proceedings of their board and such financial statements required by the legislative auditor published in a newspaper, which shall be selected at the first meeting in June of each year for a term of one year; and



**WHEREAS**, R.S. 43:171 further provides that the newspaper shall meet certain criteria relative to location and publication; and

**WHEREAS**, the Times Picayune meets the aforementioned criteria for the Southeast Louisiana Flood Protection Authority-East, East Jefferson Levee District and Orleans Levee District; and

**WHEREAS**, the St. Bernard Voice meets the aforementioned criteria for the Lake Borgne Basin Levee District.

**BE IT HEREBY RESOLVED**, that the Times Picayune is hereby selected as the Official Journal for publications as required under R.S. 43:171 for the Southeast Louisiana Flood Protection Authority-East, East Jefferson Levee District and Orleans Levee District for a one year term commencing on July 1, 2011.

**BE IT FURTHER RESOLVED**, that the St. Bernard Voice is hereby selected as the Official Journal for publications as required under R.S. 43:171 for the Lake Borgne Basin Levee District for a one year term commencing on July 1, 2011.

**BE IT FURTHER RESOLVED**, that the SLFPA-E President, SLFPA-E Regional Director or appropriate Levee District Executive Director are authorized 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. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

#### **RESOLUTION NO. 06-16-11-07 – APPROVAL OF LEGAL INVOICES**

On the motion of Mr. Wittie,

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

**WHEREAS**, the legal invoices submitted to the Southeast Louisiana Flood Protection Authority-East (SLFPA-E), East Jefferson Levee District, Lake Borgne Basin Levee District and Orleans Levee District listed on the spreadsheet entitled “Legal Invoices Approved on June 16, 2011”, have been reviewed and approved by the appropriate levee district Executive Director, the SLFPA-E Regional Director and the SLFPA-E General Counsel, Robert Lacour; and

**WHEREAS**, the aforementioned invoices were submitted to the members of the Legal Committee for review.

**BE IT HEREBY RESOLVED**, that the legal invoices listed on the spreadsheet entitled “Legal Invoices Approved on June 16, 2011” are hereby approved.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

## **RESOLUTION NO. 06-16-11-08 – 2011 SLFPA-E BUDGET REVISIONS**

Mr. Turner explained that revisions are required to the budget when revenues and/or expenditures are five percent more or less than previously approved. Revisions are required due to several major reasons:

- The Board adopted Resolution No. 12-16-10-06 on December 16, 2010, which allocated an apportionment of the SLFPA-E overhead to the levee districts.
- Adjustments to the professional services budget to account for task orders issued in connection with the strategic communications plan.
- The receipt and expenditure of Community Development Block Grant funds.

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

**WHEREAS**, by Resolution No. 03-18-10-07, the Board approved the General Operating Budget for the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) for Fiscal Year 2011 to provide for required expenditures for personnel services, contractual services, operating supplies, equipment and other costs; and

**WHEREAS**, when actual results or expectations for income or expenditures change materially, adjustments to the previously approved budget are proposed as amendments for the Board's approval; and

**WHEREAS**, the SLFPA-E obtained funding in the form of Community Development Block Grants not contemplated when the budget was developed, and adopted a cost allocation policy that has a significant financial impact; and

**WHEREAS**, the following summarized adjustments are determined to reflect the currently projected financial results of the Authority based on the latest revenue and expenditure information:

	<u>Change in Budget</u>	<u>Revised Budget</u>	<u>Pct</u>
<b>Revenues</b>			
SLFP AE	\$ 197,750	\$ 822,750	31.6%
CDBG	<u>397,949</u>	<u>397,949</u>	100.0%
<b>Total</b>	595,699	1,220,699	95.3%
<b>Expenses</b>			
SLFP AE	99,000	777,900	14.6%
CDBG	<u>397,949</u>	<u>397,949</u>	100.0%
<b>Total</b>	496,949	1,175,849	73.2%
Surplus (Def)	<u>\$ 98,750</u>	<u>\$ 44,850</u>	<u>183.2%</u>
Beginning Fund Balance		\$ 397,235	

**BE IT HEREBY RESOLVED**, that the revisions to the Fiscal Year Southeast Louisiana Flood Protection Authority East Budget are approved.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie  
NAYS: None  
ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

## **RESOLUTION NO. 06-16-11-09 – SLFPA-E 2011 STRATEGIC PLAN**

Mr. Pineda explained that the SLFPA-E began development of a strategic plan in mid-2007. The Board engaged the services of SSA Consultants to perform an organizational review of the levee districts and assist the Authority with the development of a strategic plan. The Board approved the “Southeast Louisiana Flood Protection Authority-East Strategic Plan dated March 2009” at its meeting held on April 16, 2009. The need to update the Authority’s Strategic Plan was discussed in 2010. Rather than use a consultant, Mr. Pineda volunteered to work with Mr. Turner and staff to update the plan. Mr. Pineda advised that some minor wordsmithing is needed and proceeded with a review of the various components of the revised plan for discussion.

### **Our Vision:**

“A flood risk management system that helps protect the lives and property of residents within the jurisdiction of the Southeast Louisiana Flood Protection Authority East from at least a 500-year flood event, which is defined as one with a 0.2% chance of being equaled or exceeded on an annual basis.”

Mr. Pineda commented that Mr. Barry suggested that a 1,000-year level of protection would be a more appropriate goal. Mr. Jackson suggested that the vision should include a level of protection that would be afforded through the construction of the Lake Pontchartrain barrier plan. Mr. Estopinal concurred with Mr. Barry’s suggestion of 1,000-years, if the Authority does not restrict itself to a levees only approach. Mr. Doody pointed out that the Strategic Plan is a living document and can be revised again at a later date. Mr. Pineda explained that after a debate on the wording of the original vision the Board settled on “at least” 500-year protection. As feasibility studies progress, higher levels of protection may be achieved for certain areas by implementing additional measures. He noted that the vision uses the verbiage “helps protect the lives and property”, since the flood protection system does not provide all of the protection. Protection is also provided by other means, such as internal drainage.

### **Mission Statement:**

“Our mission is to ensure the physical, operational and financial integrity of the regional flood risk management system, and to work with appropriate local, regional, state and federal agencies and officials to plan, design, construct, operate and maintain projects that will reduce the probability and consequences of flooding in SLFPAE’s jurisdiction.”

Mr. Pineda advised that the Mission Statement has essentially not changed.

Mr. Pineda reviewed the **Guiding Principles:**

1. We strive for operational excellence by leveraging the institutional knowledge, technical expertise, professionalism, and dedication of our personnel.

2. We plan and manage flood protection as an integrated regional system rather than as a series of projects or individual, stand-alone levee districts. While we respect the history and uniqueness of each district, we believe it is their connectivity and shared history that knits neighboring districts into an effective regional system.
3. We recognize the contribution and dedication of each employee who, regardless of his or her job, plays a vital role in flood protection.
4. Our staff and board of commissioners must be transparent, honest, visible, responsive, responsible and accountable so that our actions over a sustained period of time will build trust with the public and the agencies with whom we work in the mission of building and managing a true regional system.
5. We value input from all sources at all levels.
6. We exercise fiscal responsibility through the continuous improvement of our business operations.
7. We operate and maintain existing levees, flood gates, floodwalls, armoring, and in the Lake Borgne Basin Levee District, pumping stations as well, and we leverage the most advanced standards and methods that public finances permit.
8. We embrace coastal restoration and preservation, as well as the proper mitigation of flood protection-related construction, as critical components of flood risk reduction.
9. We strive to better communicate to the public the residual risks that remain in any system, no matter how much protection it offers. That includes informing the public that flood risk reduction is a shared responsibility covering a range of activities as diverse as individuals raising their homes, improvements to local drainage systems, and local governments making flood risk reduction a consideration in all land use decisions.
10. We believe that a “multiple lines of defense” strategy should be adopted to reduce flood risks. We further believe that the system must be resilient to overtopping, using splash guards, armoring, and other engineered methods in order to prevent catastrophic levee and floodwall failures.

Mr. Doody commented that the Board has received a great deal of attention concerning the development of a plan to communicate residual risks to the public in accordance with Guiding Principle No. 9. The Board retained the services of Schulkens/Floyd Communications for this effort. He pointed out that if the Board approves the updated plan, then this engagement will continue. Mr. Pineda added that he would work with staff and the consultant to try to obtain cost share grants to better communicate flood risks.

Mr. Pineda explained that the remainder of the revised Strategic Plan essentially deals with goals and objectives. He stated that he worked with Mr. Turner, SLFPA-E staff and the Executive Directors of the levee districts to put together realistic dates to achieve each of the goals and objectives.

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

**WHEREAS**, by Resolution No. 04-16-09-04 the Board approved the Southeast Louisiana Flood Protection Authority-East Strategic Plan dated March 2009; and

**WHEREAS**, the aforementioned plan was reviewed by an ad hoc committee consisting of Ricardo Pineda, the SLFPA-E Regional Director, the levee district Executive Directors and other appropriate staff, and has been updated and revised to reflect current recommendations and goals.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East 2011 Strategic Plan is hereby approved and adopted.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

### **DISCUSSION OF ASSIGNMENT OF ID-IQ CONTRACTS**

Robert Lacour, SLFPA-E General Counsel, advised that the current ID-IQ contracts do not have a provision for the contract to be assigned or sublet. He stated that he would like to include a provision in future contracts that a contract cannot be assigned by operation of law.

Mr. Lacour also explained that it is important that the SLFPA-E have the right to cancel a contract if an employee that is essential for the proposed work leaves the firm. Mr. Jackson pointed out that the responsibility for the work falls on the corporation under contract and that it is difficult for a firm to guarantee the services of an employee who may choose to leave its employ. Mr. Estopinal stated that it is reasonable to expect that a firm with key people with special talent would guarantee that those individuals will be applied to the project. Mr. Doody added that should a firm agree to this provision that it would be important for the firm to ensure that the person the Authority is looking to for a particular expertise remains with that firm. Mr. Lacour suggested that the Authority try utilizing this provision for future contracts, and if it proves to be too difficult, then the issue could be revisited. Mr. Jackson stated that a solution to the problem is to not select firms that have only one individual with the expertise needed for a project. Mr. Doody reminded everyone that the Authority must make decisions with the safety of the public in mind. This provision would give the Board this ability because it would not have to spend taxpayers' dollars twice for work performed by an individual. Mr. Jackson recommended that the recourse be considered if there is a default on a contract. He also recommended that the provisions in LA DOTD contracts relative to the principals in a firm be reviewed.

Mr. Turner advised that the one year extension, commencing July 1, 2011, in the current ID-IQ contracts was approved by the Board. This is the only extension provided in the current contracts. The Authority will be issuing a Request for Qualifications in order to select additional firms and for new contracts. Mr. Jackson stated that further work is needed on future contracts, in addition to the provisions discussed in today's meeting. He recommended that the Board consider provisions dealing with salary rates audited by another agency such as DOTD, the right to audit a contract and a requirement for firms to submit certain material on any and all subcontractors used for a project. Mr. Pineda pointed out that the negotiated rates should be categorized and should be the same across the board. Mr. Doody requested that Mr. Lacour proceed with the development of language for future ID-IQ contracts that will give the Board some flexibility in dealing with

assignments and with situations were key individuals leave a firm and that will address the recommendations offered by Mr. Jackson.

**RESOLUTION NO. 06-16-11-10 –  
EJLD PROCUREMENT/RENEWAL OF INSURANCE COVERAGES**

Hardie Edgecombe with Arthur J. Gallagher Risk Management Services provided the following recommendations for the East Jefferson Levee District insurance coverages:

- General Liability Insurance – Options were submitted by two carriers. The option submitted by Alterra is recommended. The Alterra option costs less than the expiring coverage, includes a \$25,000 deductible in lieu of a Self Insured Retention (SIR), and deletes the levee breach exclusion.
- Automobile Insurance – Renewal of coverage with Southern Insurance Company at a three percent rate reduction.
- Umbrella Insurance – Renewal of coverage with Lexington Insurance Company with limits of \$3 million. The renewal premium is the same as the expiring premium. Lexington would not remove the levee breach exclusion.
- Commercial Crime Insurance – This is the third installment of a three year policy with Travelers Insurance Company.
- Flood Insurance – The recommendation is to keep the same coverage limits.

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

**WHEREAS**, the East Jefferson Levee District's (EJLD) General Liability, Automobile Liability, Umbrella, Commercial Crime and Flood Insurance coverages are due to expire in July, 2011; and

**WHEREAS**, Arthur J. Gallagher Risk Management Services shopped the market, received quotes and provided recommendations to the Finance Committee at its meeting held on June 4, 2011 on the procurement or renewal of said coverages; and

**WHEREAS**, the Finance Committee recommended renewal of Flood Insurance coverage for a one year period commencing on July 9, 2011 for the Police/Maintenance Complex and July 7, 2011 for the Sandbagging Building, and the procurement or renewal of all other coverages for a period of one year commencing on July 19, 2011, as follows:

- General Liability Insurance from Alterra at a premium of \$61,078.50 with limits of \$1 million per occurrence and \$2 million aggregate
- Automobile Liability Insurance from Southern Insurance Company at a premium of \$121,634
- Umbrella Insurance from Lexington Insurance Company at a premium of \$50,400
- Commercial Crime Insurance from Travelers Insurance Company at a premium of \$2,288
- Flood Insurance from Fidelity National Insurance Company for the Police/Maintenance Complex (1135 Lesan Drive) at a premium of \$1,839 (coverage

\$88,600 building and \$100,000 contents), and for the Sandbag Building (1135 Lesan Drive Rear) at a premium of \$588 (coverage \$38,000 building and \$10,000 contents)

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement or renewal of General Liability, Automobile Liability, Umbrella, Commercial Crime and Flood Insurance coverages as stated above through Arthur J. Gallagher Risk Management Services.

**BE IT FURTHER RESOLVED**, that the EJLD Executive Director is authorized to execute any and all documents necessary to carry out the above.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

**RESOLUTION NO. 06-16-11-11 –  
O.L.D RENEWAL OF GENERAL LIABILITY INSUANCE COVERAGE**

Mr. Edgecombe advised that two options were received for General Liability Insurance for the Orleans Levee District. He recommended the option submitted by Alterra, which costs less than the expiring coverage, includes a \$25,000 deductible in lieu of a SIR, and deletes the levee breach exclusion. The higher coverage limits (\$2 million per occurrence and \$5 million aggregate) are necessary due to work performed around railroads.

On the motion of Mr. Estopinal,

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

**WHEREAS**, the Orleans Levee District's (O.L.D.) General Liability Insurance coverage is due to expire on July 19, 2011; and

**WHEREAS**, Arthur J. Gallagher Risk Management Services shopped the market, received quotes and a provided recommendation to the Finance Committee at its meeting held on June 4, 2011 on the procurement of said coverage; and

**WHEREAS**, the Finance Committee recommended the procurement of General Liability Insurance Coverage for the O.L.D. Flood Protection Division from Alterra at a premium of \$111,037.50 with limits of \$2 million per occurrence and \$5 million aggregate for a period of one year commencing on July 19, 2011.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of General Liability Insurance coverage from Alterra as stated above for the O.L.D. Flood Protection Division.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is authorized to execute any and all documents necessary to carry out the above.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

**RESOLUTION NO. 06-16-11-12 –  
O.L.D. WORKERS' COMPENSATION INSURANCE COVERAGE**

Mr. Estopinal advised that the procurement of all of the insurance coverages were reviewed and recommended by the Finance Committee.

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

**WHEREAS**, the current Workers' Compensation Insurance Coverage for the Orleans Levee District (O.L.D.) is due to expire on July 1, 2011; and

**WHEREAS**, LWCC, the incumbent provider, has offered a Guaranteed Cost Plan through Morrison Insurance Agency for the period of one year commencing on July 1, 2011 at a proposed estimated annual premium of \$194,898.00, which shall be apportioned between the Flood Protection Division and Non-Flood Assets Division; and

**WHEREAS**, the annual estimated premium for the Flood Protection Division is \$163,460.95; and

**WHEREAS**, the annual estimated premium is subject to policy term payroll audit.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Workers' Compensation Insurance coverage from LWCC through the Morrison Insurance Agency at the apportioned annual estimated premium of \$163,460.95 for the Flood Protection Division for a period of one year commencing on July 1, 2011 and ending on July 1, 2012 at 12:01 AM.

**BE IT FURTHER RESOLVED**, that O.L.D. Flood Protection Division Executive Director is authorized to execute any and all documents to carry out the above.

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

**RESOLUTION NO. 06-16-11-13 – O.L.D. PRIMARY FLOOD INSURANCE**

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

**WHEREAS**, the primary Flood Insurance coverage for the Franklin Administration and Franklin Warehouse buildings is due to expire on July 21, 2011; and

**WHEREAS**, the notice to renew the current Flood Insurance coverage for Building and Contents for the Franklin Administration Building and Franklin Warehouse was submitted by Fidelity National Insurance Company through the Eagan Insurance Agency at a total cost of \$2,268.00 for a term of one year, commencing on July 21, 2011 and ending on July 21 2012 at 12:01 a.m.



**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the renewal of Flood Insurance coverage for the Franklin Administration Building and Franklin Warehouse, offered by Fidelity National Insurance Company through the Eagan Agency, at a total cost of \$2,268.00 for a term of one year commencing on July 21, 2011.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is authorized to execute any and all documents to carry out the above.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

### **RESOLUTION NO. 06-16-11-14 - O.L.D. EXCESS FLOOD INSURANCE COVERAGE**

Mr. Gillen advised that Lexington Insurance Company submitted an offer to renew the Excess Flood Insurance coverage with the same limits provided last year at an increase in premium of \$176.

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

**WHEREAS**, the Orleans Levee District's (O.L.D.) Excess Flood Insurance coverage for the Franklin Facility Warehouse building and contents is due to expire on July 29, 2011; and

**WHEREAS**, Lexington Insurance Company has offered to renew the Excess Flood Insurance coverage with limits of coverage of one million dollars for building and one million dollars for contents through the Eagan Insurance Agency at a total annual cost of \$14,695.80.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement of Excess Flood Insurance coverage from Lexington Insurance Company as stated above for one year, commencing on July 29, 2011 and expiring on July 29, 2012 at 12:01 am.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is authorized to execute any and all documents necessary to carry out the above.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

### **RESOLUTION NO. 06-16-11-15 – 2011 ORLEANS LEVEE DISTRICT BUDGET REVISIONS**

Mr. Gillen explained that revisions are required to the budget when revenues and/or expenditures are five percent more or less than previously approved. Revisions are required to the General Fund Budget due to Bohemia Spillway revenues being less than

the projected budget, a decrease in expenditures for salaries and the retirement of the Community Disaster Loan debt in the current fiscal year. Revisions are required to the SLIP Fund Budget due to a contribution received towards the France Road Project and expenditures for flood control projects that exceeded the initial budgeted amounts.

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

**WHEREAS**, by Resolution No. 03-18-10-09, the Authority approved the General Operating Budget and the Special Levee Improvement Fund budgets for Fiscal Year 2011 to provide for required expenditures for personnel services, contractual and professional services, operating supplies, equipment, annual debt service and capital projects; and

**WHEREAS**, when actual results or expectations for income or expenditures change materially, adjustments to the previously approved budget are proposed as amendments for the Board's approval; and

**WHEREAS**, the following summarized adjustments are determined to reflect the currently projected financial results of the General Fund of the Orleans Levee District based on the latest revenue and expenditure information:

	<u>In Thousands</u>		
	<u>Change</u>	<u>Pct</u>	<u>Revised</u>
REVENUE	-1,444	-8.90%	14,730
EXPENSE (decr)	949	-8.04%	-10,851
CDL Retirement	-4,427	-100%	-4,427
All Other	141	-	-143
	<u>-4,781</u>	<u>-116.91%</u>	<u>-692</u>
Beginning Fund Balance			28,809

**WHEREAS**, the following summarized adjustments are determined to reflect the currently projected financial results of the Special Levee Improvement Fund of the Orleans Levee District based on the latest revenue and expenditure information:

	<u>In Thousands</u>		
	<u>Change</u>	<u>Pct</u>	<u>Revised</u>
REVENUE	818	6.8%	12,911
MMCI INCREASE	(484)	13.9%	(3,964)
Other	-	-	-506
NET	<u>334</u>	<u>4.1%</u>	<u>8,441</u>
Beginning Fund Balance			29,686

**BE IT HEREBY RESOLVED**, that the revisions to the Fiscal Year 2011 General Fund and the 2011 Special Levee Improvement Budgets are approved.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

**RESOLUTION NO. 06-16-11-16 – CEA BETWEEN NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY AND ORLEANS LEVEE DISTRICT**

Mr. Doody explained that the Cooperative Endeavor Agreement (CEA) was distributed to Board members. The resolution under consideration would authorize the SLFPA-E President to execute the CEA between the Non-Flood Protection Asset Management Authority and the Orleans Levee District.

Mr. Jackson commented that while he disagreed with the structure in terms of the O.L.D. reimbursing the Non-Flood Assets Division for things such as grass maintenance and lighting, he would vote for the resolution because something needs to be done.

Mr. Lacour asked about the blank in Section 5 of the CEA. Mr. Doody advised that “30 days” should be filled in the blank.

On the motion of Mr. Wittie,

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

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East was created by Act 1 of the First Extraordinary Session of 2006 of the Louisiana Legislature and given governing authority of the Orleans Levee District for the purpose of flood protection; and

**WHEREAS**, the Non-Flood Protection Asset Management Authority was created by Act 1014 of 2010 of the Louisiana Legislature and given governing authority of the non-flood assets of the Orleans Levee District; and

**WHEREAS**, the parties desire to enter into a Cooperative Endeavor Agreement between the Non-Flood Protection Asset Management Authority and the Orleans Levee District, a copy of the draft agreement is \*attached hereto and made a part hereof, relative to the operation and maintenance of Lakeshore Drive.

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) approves the Cooperative Endeavor Agreement between the Non-Flood Protection Asset Management Authority and the Orleans Levee District, and authorizes the SLFPA-E President to execute said agreement on behalf of the Orleans Levee District.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

\*appended to minutes

**RESOLUTION NO. 06-16-11-17 –  
LBBLD PROCUREMENT/RENEWAL OF INSURANCE COVERAGES**

Mr. Edgecombe provided the following recommendations for the Lake Borgne Basin Levee District insurance coverages:

- General Liability Insurance – Options were submitted by two carriers. The option submitted by Alterra is recommended. The Alterra option costs less than the expiring coverage, includes a \$25,000 deductible in lieu of a SIR, and deletes the levee breach exclusion.
- Automobile Insurance – Renewal of coverage with Southern Insurance Company at a three percent rate reduction.
- Umbrella Insurance – Renewal of coverage with Lexington Insurance Company with limits of \$3 million. The renewal premium is the same as the expiring premium.
- Hull and P&I Insurance – Renewal of coverage with Great American Insurance Company with the same coverage as last year at a slight reduction in premium.
- Vessel Pollution Insurance – Renewal of coverage with Great American Insurance Company with limits of one million dollars at a slight reduction in premium.
- Inland Marine Insurance – Renewal of coverage with Great American Insurance Company with a rate decrease of eight percent.
- Property Insurance – Renewal of coverage with RSUI with the same limits of coverage as last year. The renewal premium is the same as the expiring premium.
- Commercial Crime Insurance – This is the third year of a three year policy with Travelers Insurance Company.
- Law Enforcement Liability Insurance – Procurement of coverage from Darwin Select Insurance Company. Coverage for the one LBBLD Police officer was previously included in the General Liability Insurance Policy; however, it is no longer included in the General Liability Insurance coverage.

On the motion of Mr. Estopinal,

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

**WHEREAS**, the Lake Borgne Basin Levee District's (LBBLD) General Liability, Automobile Liability, Umbrella, Hull and P & I, Vessel Pollution, Inland Marine, Property and Commercial Crime Insurance coverages are due to expire on July 19, 2010; and

**WHEREAS**, Arthur J. Gallagher Risk Management Services shopped the market, received quotes and provided recommendations to the Finance Committee at its meeting held on June 4, 2011 on the procurement or renewal of said coverages; and

**WHEREAS**, the Finance Committee recommended the procurement or renewal of all coverages for a period of one year commencing on July 19, 2011, as follows:

- General Liability Insurance from Alterra at a premium of \$76,860.35 with limits of \$2 million per occurrence and \$5 million aggregate
- Automobile Liability Insurance from Southern Insurance Company at a premium of \$57,201

- Umbrella Insurance from Lexington Insurance Company at a premium of \$33,600
- Hull and P & I Insurance from Great American Insurance at a premium of \$18,300
- Vessel Pollution Insurance from Great American Insurance at a premium of \$1,350
- Inland Marine Insurance from Great American Insurance at a premium of \$10,113
- Property Insurance from RSUI at a premium of \$86,906.40
- Commercial Crime Insurance from Travelers Insurance Company at a premium of \$1,054
- Law Enforcement Liability Insurance from Darwin Select Insurance Company at a premium of \$2,070

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority-East authorizes the procurement or renewal of General Liability, Automobile Liability, Umbrella, Hull and P & I, Vessel Pollution, Inland Marine, Property, Commercial Crime and Law Enforcement Liability Insurance coverages as stated above through Arthur J. Gallagher Risk Management Services.

**BE IT FURTHER RESOLVED**, that the LBBLD Executive Director is authorized to execute any and all documents necessary to carry out the above.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

**RESOLUTION NO. 06-16-11-18 – LBBLD/ OCPR  
HOPEDALE HYDROLOGIC RESTORATION PROJECT (O&M) CONTRACT**

Stuart Williamson, LBBLD Executive Director, advised that the Office of Coastal Protection and Restoration will reimburse the LBBLD for work performed by its employees in connection with the Hopedale Hydrologic Restoration Project.

On the motion of Mr. Estopinal,

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

**WHEREAS**, the Hopedale Hydrologic Restoration Project (PO-24) was constructed and became operational in 2004, and was designed to relieve impounding problems in the marsh to the north and south of the Bayou La Loutre ridge near Yscloskey in St. Bernard Parish; and

**WHEREAS**, the Office of Coastal Protection and Restoration (OCPR) and the United States Department of Commerce National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) constructed the project in accordance with the U.S. Department of Commerce NOAA Cooperative Agreement No. NA07FZ0008; and

**WHEREAS**, the Memorandum of said agreement, fully executed on February 10, 1999, specifies the arrangement between parties to execute and fund long term project activities, i.e., operation and maintenance (O&M); and

**WHEREAS**, the 3,805 acre project is located southeast of Yscloskey, in St. Bernard Parish, Louisiana, and is bordered by LA Hwy 46 on the west, the MRGO spoil depository area to the north, and LA Hwy 624 and Bayou La Loutre to the south and the east; and

**WHEREAS**, the OCPR requests the Lake Borgne Basin Levee District (LBBLD) to operate and maintain the structure on its behalf; and

**WHEREAS**, the OCPR will reimburse LBBLD for the O&M costs associated with said work.

**BE IT HEREBY RESOLVED**, that the LBBLD Executive Director is authorized to execute the Intergovernmental Agreement with OCPR regarding the Hopedale Hydrologic Restoration Project O&M; OCPR Contract No. 2511-11-08.

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

YEAS: Mr. Barnes, Mr. Estopinal, Mr. Jackson, Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Barry, Mr. Goins and Mr. Losonsky

The next regular Board meeting will be held on July 21, 2011 and hosted by the EJLD.

There was no further business; therefore, the meeting was adjourned at 2:38 p.m.

# SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY - EAST

## REGIONAL DIRECTOR'S REPORT

June 16, 2011

### **100 Year Level of Protection**

#### IHNC 01- Seabrook Structure:

All tie-in T-Wall monoliths are complete. Both coffer dams are complete. Dewatering of the TRS has been completed. Pipe Piles are being driven in the coffer dam. The IHNC is completely closed to navigation at the Seabrook construction site.

LPV104.02A which is being done under this contract is 95% complete. A pre-final inspection of this work will be scheduled in the next few weeks.

#### IHNC 02 - Inner Harbor Navigation Canal Hurricane Storm Surge Barrier

The Contractor continues to make good progress. Overall design is almost 100% complete. Major construction activities are about 87% complete. The Floodwalls and T-Walls in this project are complete. The Bypass Gate is open to navigation while work continues on the Sector Gate. Our emphasis continues to be on Operation & Maintenance considerations and the necessity to "design in" reasonable O&M features.

The concrete barge is now on site and a test fit training exercise is scheduled for 3:00 am on June 22, 2011. All concrete repairs to the barge have been completed.

The Bayou Bienvenue steel lift gate is in place in the closed position and the structure has been flooded. Construction on the towers will begin in mid July 2011.

The O&M manuals are under development and onsite training for the NFS is scheduled to begin in January 2012.

#### **East Jefferson Levee District:**

##### Reaches 1 thru 5:

The Work is substantially complete. Turf establishment issues still remain. The vegetation contractor has started work on turf establishment. There is no time frame for Final Inspections on these projects because of turf issues. The USACE will initiate a contract modification to address East Jefferson Levee District's concerns with access ramps in these Reaches.

Bonnabel Breakwater Project:

The Notice of Construction Complete Letter for this Project was transmitted by the USACE to CPRA and copied to EJLD on November 12, 2010.

Duncan Breakwater Project:

The Notice of Construction Complete Letter for this Project was transmitted by the USACE to CPRA and copied to EJLD on February 2, 2011.

Williams Blvd. Floodwall and Gate:

Work is substantially complete. The final inspection was held on January 24, 2011. The USACE transmitted the final punch list and the Contractor is addressing the punch list items. The gate winch, which was sent back to the manufacturer for inspection and repair/replacement, is now back in the hands of the Contractor. The gate has been repainted by the Contractor on site. Turf establishment issues remain.

Bonnabel Floodwall and Gate:

Work is substantially complete. Final inspection was held on December 20, 2011. Turf establishment issues remain.

Pump Station Fronting Protection:

The Work is approximately 38% complete. Work is ongoing at Elmwood and Suburban Pump Stations and Breakwaters. The Contractor is installing interim measures at both Elmwood and Suburban Pump Stations to defend against a 100 year event by June 1, 2011.

LPV 017.2 (Causeway Crossing):

Causeway traffic has been rerouted onto a temporary roadway on the median for both northbound and southbound traffic. The Contractor is driving piles on the west side of the projects. Work is approximately 21% complete.

West Return Levee/Floodwall - North:

Work is approximately 62% complete. H-pile driving operations are now progressing on three headings. Pile driving hours have been extended (7:00am to 10:00pm). The Contractor is placing concrete monoliths in the area on the north end of the Project (north of Vintage Blvd).

West Return Levee/Floodwall - South:

Work is approximately 30% complete. The Contractor is driving H-piles for the T-Wall foundation, progressing from south to north. The sheet pile cut-off wall beneath the I-10 Bridge has been constructed and pipe pile driving operations are



underway at this location. Limited overhead clearance is causing some problems. Elsewhere, sheet pile driving operations are complete. Work has begun on the concrete monoliths.

Foreshore Protection Reaches 1 and 2:

The Contractor is placing fabric and stone. Work is approximately 13% complete.

Foreshore Protection Reaches 3 and 4:

The Contractor is placing fabric and stone. Work is approximately 27% complete. High River stages have adversely affected delivery of rip-rap.

West Return Levee (Airport Runway):

Phase I (northern section) work is approximately 96% complete. Phase II has been delayed because the NOAB runway landing light relocation project will extend into July 2011. The Bonnet Carre borrow pit used for this Project is flooded due to the opening of the spillway. The Contractor has been authorized by the USACE to obtain borrow material from the River Birch borrow pit on the West Bank. HESCO baskets are in place to defend against a 100 year storm surge event.

**Orleans Levee District:**

LPV 101.02 (17<sup>th</sup> St. Canal to Topaz Street):

Construction is approximately 92% complete. The aesthetic quality of the wall finish has been poor and we have requested the USACE to require the Contractor to make the appropriate repairs. The Project has entered Red Zone.

The L1A floodgate column is bowed and prevents proper sealing of the gate in the closed position. The Contractor is surveying the site and will present a plan to correct the deficiencies by June 17, 2011.

LPV 102.01, 103.01, and 104.01:

Projects are 100% complete. The Notice of Construction Complete has been transmitted to Orleans Levee District on all three Projects.

LPV 103.01 A1 (Bayou St. John):

Construction is now about 99% complete. The pre-final inspection was held on December 9, 2010. A Contract Modification was issued to address excessive I-wall stick-up on the Orleans Canal near Lakeshore Blvd and construction of the modified Work is now complete. Several roadway panels damaged during construction are being replaced by the contractor. Turf issues still need to be addressed.

LPV 103.01 A2 (Rail Street and Lake Terrace Flood Gate):

Construction is approximately 90% complete. Lakeshore drive is now open at Rail St. and Lake Terrace. The pre-final inspection has been rescheduled for June 21, 2011.

LPV 104.01 A (Ramp Crossings – Lakeshore Dr.):

Construction is approximately 99% complete. All ramps are open to vehicular traffic. A pre-final inspection was held on February 9, 2011. The pre-final punch list was issued on Feb 17, 2011. Turf establishment is still required. The Contractor is working the punch list items.

LPV 104.02 (Seabrook West Side IHNC):

Construction is approximately 99% complete. The pre-final inspection was held on May 31, 2011. The pre-final punch list has been issued and the Contractor is working the punch list items. Final inspection is set for June 23, 2011.

LPV 104.02A (Retrofit of Wall and Floodgate South of W-40):

This Project will be completed as part of IHNC-01 (Seabrook).

LPV 105.01 (Lakefront Airport T-Wall West):

Construction is approximately 80% complete. All lanes of traffic are open at Downman Rd. The Contractor has completed major repairs to the floodgate monoliths to correct misalignment problems. All T-Wall monoliths are complete. The USACE will issue a contract modification to require sod for turf establishment.

LPV 105.02 (Lakefront Airport T-Wall East):

Construction is approximately 78% complete. All T-Wall monoliths are complete. Work is progressing on the discharge end of the St. Charles Drainage Pump Station.

LPV 106 (Citrus Lakefront Levee):

Construction is approximately 80% complete.

LPV 107 (Lincoln Beach Floodgate):

Construction is approximately 92% complete.

LPV 108 (New Orleans East Lakefront Levee):

The Project is substantially complete. Some of the final punch list items have not yet been addressed. The USACE hired labor group is mowing the grass. Turf issues still remain.

LPV 109.02a (South Point to CSX Railroad – Levee Embankment):

Construction of the Project has been combined with LPV 109.02c (HWY 90 and HWY 11 floodgates). Construction is about 90% complete. The T-Wall monoliths associated with the floodgate at HWY 90 and HWY 11 are complete and the floodgates are installed. HWY 90 and HWY 11 are open to traffic.

LPV 109.02a1 (South Point to CSX Railroad - Wick Drain Test Section):

Construction is complete.

LPV 109.02a2 (South Point to CSX Railroad – Drainage Blanket):

Construction is complete.

LPV 109.02b (South Point to CSX Railroad - I-10 Crossing):

Construction is approximately 99% complete. I-10 traffic has been rerouted back to the normal lane configuration. The final wearing course has been installed. The Contractor is working on median and shoulder restoration. Turf establishment issues remain.

LPV 109.02c (South Point to CSX Railroad – Hwy 90 and Hwy 11 Floodgates):

Construction will be done under LPV 109.02a.

LPV 110 (CSX Railroad Crossing):

Construction is approximately 91% complete. The pre-final inspection was held on June 8, 2011. The pre-final punch list has been issued and the Contractor is working the punch list items.

LPV 111.01 Deep Soil Mixing (North Side GIWW):

The Project is approximately 100% complete. All Deep Soil Mixing work is complete. The Project is in Red Zone. Turf establishment work has begun. The Contractor has installed a temporary irrigation system to facilitate turf establishment.

LPV 111.02 Pump Station 15 Fronting Wall:

All sheet pile, H-piles and pipe piles have been driven. All of the monoliths are now complete. Pre-final inspection will be held before the end of June 2011. NOSWB will participate in the inspection.

LPV 111.03 Tie-in to IHNC:

The Project consists of about 1000' of new T-Wall. All monoliths have been completed. The overall Project is approximately 95% complete. This project is in Red Zone.

LPV 113 (NASA):

Construction is approximately 99% complete. Pre-final inspection was conducted in the first week of October 2010. The Contractor repaired the ruts and rills and started work on turf establishment.

OFC-03 London Ave. Canal:

The Work is 80% completed. A mod to the original contract has added 2100 linear feet of sheet pile and 630 linear feet of embankment to this Project. Work is scheduled to be completed 6/30/2011.

OFC-04A Orleans Canal:

The Work is approximately 40% complete and scheduled to be completed 6/30/2011.

OFC-05 17th Street Canal:

The Work is 80% complete. Contractor is working on deep soil mixing and a grout curtain. A contract modification will be issued for construction of a berm on Reach 16 (between Canal St. Pump Station and I-10). Work is scheduled to be completed by 6/30/2011.

OFC-06 Orleans Canal:

The Work is nearly complete. The pre-final inspection was premature. The punch list is being worked. Work is scheduled to be completed by 6/30/2011.

LPV192.02 Buttress Slab:

The scope of work includes installation of pre-stressed/precast concrete piles, placement of a buttress slab, structural backfill and seepage lifts. Work is approximately 18% complete.

LPV192.02 Berms:

USACE Memphis Hired Labor is scheduled to construct this project. Lock site work is now underway. Work is approximately 60% complete at the lock site. All other work with the exception of turf establishment is complete.

### LPV192.03 Relief Wells

In Reach 2, the scope of work includes the installation of 12 new relief wells. In Reach 3, the scope of work includes the installation of 50 new relief wells, modification of 9 existing relief wells, and the installation of subsurface collector line and cleanouts. The Work is approximately 20% complete.

### **Lake Borgne Basin Levee District:**

#### LPV 144 (Bayou Dupre Control Structure):

Overall, the Work is approximately 78% complete. Concrete has been placed for both walls of the Sector Gate Structure and the Sector Gate leafs are installed. The pre-inundation inspection was held on May 26, 2011. Bayou Dupre will be closed to navigation at the existing Control Structure until construction is complete.

#### LPV 145 (Bayou Bienvenue to Bayou Dupre):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. Construction is approximately 99% complete. Interim inspections of the T-Wall monoliths are complete. The interim inspections will not take the place of the required pre-final and final inspections that are part of the Red Zone process.

#### LPV 146 (Bayou Dupre to Verret):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. The Work is approximately 98% complete. All wall monoliths are in place. Work is continuing on the emergency by-pass ramp for LA HWY 46. Interim inspections of the T-Wall monoliths are complete. The interim inspections will not take the place of the required pre-final and final inspections that are part of the Red Zone process.

#### LPV 147 (LA Hwy 46 Flood Gate):

The Work is approximately 99% complete. Both Trolley Gates are in place. The pre-final inspection was conducted and the Contractor is working on punch list items.

The USACE has eliminated the emergency stand-by beams for all Trolley Gate projects in the St. Bernard Polder.

The LA Hwy 300 Flood Gate will be constructed under the LPV 148.02 Project.

#### LPV 148.02 (Verret to Caernarvon):

The USACE has instructed the Contractor to use uncoated steel sheet piles and H-piles on this project in order to meet schedule demands. Construction is approximately 96% complete.

Contrary to St. Bernard Parish's wishes, the USACE has determined that the Creedmore Drainage Structure is no longer needed and it has been removed from the Project without replacing the structure's drainage capacity.

LPV 149 (Caernarvon Floodwall – Lake Borgne Basin Levee District):

The Work is approximately 95% complete. All 90 day breaks (lifts one and two) exceed the minimum requirements for compressive strength.

OCPR has contracted with AECOM to provide technical assistance regarding the concrete issues on this structure. AECOM inspected the structure. Several areas of concern were identified in the sections that contain the 90 day (slow setting) concrete. AECOM recommended additional testing, including the taking of corings to test for in-place compressive strength. OCPR requested permission to conduct this work. A decision from HPO is still pending.

The Upper Hinge Keeper Plate and Upper Hinge Bushings supporting the sector gate leafs experienced distress during operational testing. The welds on the Keeper Plate on the upper hinge plate broke and the gate hinge pin popped up and broke the weld. It was determined that the ball and bushings are not within acceptable tolerance. The ball and bushings were shipped back to manufacturer to be redone. The USACE Philadelphia District will provide the QA of work at the manufacturer's facility. The repaired assemblies should be back on site by June 19, 2011. The reinstallation of the assemblies will begin as soon as they arrive and should be completed by the June 24, 2011. The watering of sector gate is scheduled to begin shortly after testing is completed.

## **Armoring**

On June 6, 2011 the Corps gave a presentation on the results and recommendation from the AEP workgroup for armoring on the protected side of earthen levees in the HSDRRS. Mike Parks gave the presentation as to how the reviews were done, how the rating system was developed and provided the final decision matrix results. A copy of the AEP meeting minutes were also provided with further explanation as to the decision process.

The Corps had 6 alternatives that were reviewed, all for the 50% confidence level, at both 500 year and 750 year occurrence intervals. Three alternatives were given for each time period. One was for armoring on levees to the 2011 design elevation, the next for armoring and a 6" surface on top of the 2011 design elevation, and the final alternative was for armoring at the 2011 elevation with the risk assessment results included. The armoring for the 2011 elevation with the risk assessment results included at 500 years, had the highest rating from the committee.

A sensitivity study was also run that increased O&M from a 25% to 30% importance factor in the criteria. This resulted in a tie between the armoring for the 2011 elevation with risk assessments for both the 500 and 750 year occurrences.

No T-walls were considered for armoring, and no consideration was given to flood side armoring requirements.

The Risk Analysis work has not been completed and will not be done for several more weeks. Studies for overtopping and eventual ponding levels in the polders have not been completed either. This information is required for further review by the NFS.

The Corps has allowed the NFS a review period of two weeks for comment and recommendations, concluding on June 20, 2011. OCPR is expected to ask for an extension of time for review.

### **Permanent Pump Stations**

The Design Build Contract was awarded on April 13, 2011 for \$675 million to CBY Design Builders, a joint venture of CDM, Brasfield and Gorrie, and Yates Construction, but the Award is under protest. The Government Accountability Office (GAO ) is processing the protest. By law, the GAO has only 100 days to resolve such a complaint, which means a decision should be made no later than Aug. 4, 2011.

All three Pump Stations will undergo Independent External Peer Review.

### **HSDRRS Elevation and Status Maps**

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 2010. The map can be found at the following web address:

[http://www.mvn.usace.army.mil/hps2/pdf/2010\\_System\\_Construction%20Status\\_Map.pdf](http://www.mvn.usace.army.mil/hps2/pdf/2010_System_Construction%20Status_Map.pdf)

The new Greater New Orleans HSDRRS June 2011 Status Map can be found at the following web address:

<http://www.mvn.usace.army.mil/hps2/pdf/riskstatusmap.pdf>

### **FEMA NFIP Levee System Accreditation**

According to the latest tally compiled by the New Orleans district, 18 projects are “at risk for accreditation”, and all but four are on the West Bank.

### **Coastal Protection and Restoration**

Lake Borgne Basin Levee District:

The Violet Freshwater Diversion siphon is flowing at full capacity.

## **Flood Fight**

The Mississippi River is near 15' at the Carrollton Gage and is falling

MVN remains in Phase II of Flood Fight on both the Mississippi River and Atchafalaya River. The New Orleans Area Office will likely return to Phase I activity on June 16, 2011.

Bonnet Carre Spillway: Closure of the structure began on June 11, 2011. 190 bays remain open with a computed flow of 86,000 cfs.

Morganza Control Structure: 1 bay remains open with a computed flow of 5,700 cfs.

The frequency of inspections conducted by the levee districts, OCPR, and USACE will decrease as the river continues to fall. We will continue to maintain vigilance for remaining seepage spots, signs indicating potential slides as the river falls, and unauthorized/unpermitted construction activities within 1500' of the river levee.

## **Design and Construction**

### East Jefferson Levee District:

Work is continuing on the EJLD Safe House. Discussions are underway with the Jefferson Parish Government and the City of Kenner regarding property acquisition.

### Orleans Levee District:

The Safe House Project is approximately 95% complete. The Contractor has completed the installation of the refrigeration equipment.

The Bayou St. John Water Management Study Draft Final Report has been distributed. This Project is being funded through State Capital Outlay.

A Contract Amendment has been signed with DEI for the Seawall Steps Erosion Project. The proposal for modifications is under negotiation.

The Outfall Canal Bank Stabilization Monitoring Project, awarded to Gerwick, is 43% complete.

### Lake Borgne Basin Levee District:

The Preliminary Design Report for the Engine Replacement Project at Pump Station 4 has been reviewed by LBBLD and comments have been forwarded to BKI for incorporation into the 60% design submittal. A meeting was held on June 15, 2011 with BKI to discuss LBBLD review comments. The 90% design submittal will address all comments. Design Work is scheduled for completion in June 2011.



LBBLD signed an MOU with OCPR to utilize an ID/IQ Contract between OCPR and Atkins North America (formerly PBS&J) to procure the professional engineering services needed to complete the documents necessary to bid the Repairs to Pumps at Pump Station #6. Eligibility for FEMA reimbursement is undergoing re-review.

The Emergency Work required to address the seepage issue at Pump Station #3 has been completed. Sheet piles were driven to construct a temporary cofferdam to isolate two of the three discharge tubes. Seepage stopped after the cofferdam was dewatered. W. S. Nelson was selected to provide engineering services required for the permanent work. A scoping meeting was held with Nelson on January 21, 2011. It was decided to conduct the work in two separate phases. The first phase will involve site investigations to tie down the source of seepage. The second phase will involve the design of the required work to stop the seepage. LBBLD has executed the Contract with Nelson for the first phase of the Work.

LBBLD has entered into a Contract with W. S. Nelson for the preparation of plans and specs for a remote control system to operate the pumps at Pump Station 2 from Pump Station 6, and Pump Station 3 from Pump Station 7. The 90% design submittal has been reviewed by LBBLD and submitted comments will be incorporated into the final plans and specifications.

OCPR is working on the preparation of Plans and Specifications for the Violet Canal Dredging Project (Phase II). LBBLD secured the necessary right-of-way from the Meraux Foundation for dredge disposal.

Work on the Violet Canal Closure Structure Improvement Project is nearing completion. A change order was issued to delete the installation of riprap erosion protection at this time due to temporary site access issues. Riprap will be installed under a separate contract after work on the Bayou Dupre Control Structure is complete and open to barge traffic. A Certificate of Substantial Completion was submitted to LBBLD on May 2, 2011.

## **Internal Affairs**

Our ID/IQ Consultant, Halcrow Inc. has completed the review the Safe Water Elevation Reports and the designs for the remediation work proposed by the USACE. All major comments submitted by Halcrow have been incorporated into the current plans or are under further review by the USACE's consultants. The maximum stick-up/minimum embedment issues identified by Halcrow are still being investigated by the USACE.

We have four inspectors working with us provided by OCPR. We have been getting additional technical assistance from OCPR staff, LDOTD staff, and Atkins North America [formerly PBS&J] (through an ID/IQ contract with OCPR).

The SLFPA-E Emergency Module for Floodgate Management was completed several months ago. SLFPA-W, OCPR and the USACE have expressed a strong interest in modifying the module to make it "web based" so that it can be used on a regional basis. Work to convert the module to a web based product is now

underway. This Project is funded by OCPR, SLFPA-E, SLFPA-W and Plaquemines Parish.

Royal Haskoning submitted a potential SLFPA-E Project for funding through Flood Control 2015. The Project is called "Hurricane Risk & Safety Module for New Orleans Levee System". Royal Haskoning was notified last month that the Dutch Government approved the Project.

The O&M Cost Study for all three levee districts is underway by AECOM. Regular by-monthly meetings are scheduled with AECOM and the Levee Districts to review progress and plan the path forward. A preliminary report was submitted and a meeting will be scheduled with AECOM to address our comments. This work is funded through a CDBG Grant.

### **Safety:**

SLFPA-E levee districts will continue to conduct ongoing safety meetings to review levee district safety manuals and emphasize the importance of following safety rules and guidelines at all times. All field inspectors will conduct a similar ongoing safety meetings process.

### **New Contracts:**

#### **Hurricane Preparedness**

Preparations for the upcoming 2011 hurricane season have already begun. A meeting with the Executive Directors was held at SLFPA-E offices to discuss plans for this year. Each levee district is updating their emergency manual. Weekly radio checks using the State's interoperability communication system began today.

At SLFPAE's urging, the Corps of Engineers hosted a tabletop exercise late last month for participants from the authority and the three levee districts. Maj. Carter presented a major hurricane scenario and asked the district directors and authority regional director to outline what preparatory actions each of them would take from 96 hours out to landfall. The exercise provided a detailed exchange of information between levee directors and key corps personnel from the Emergency Operations Center, HPO and PRO, as well as the corps liaisons who will be assigned to each district and the authority during an event. The exercise included considerable discussion of the need to coordinate gate closings, which this year could well involve contractors on projects that are not yet complete. Of particular importance are gates that must remain open as long as possible to facilitate an evacuation. All parties are working to confect a master gate closure plan, as well as a plan to make certain that contractors with barges working at the West Return Canal floodwall in Kenner and other projects throughout the metro area evacuate those barges in advance of a storm.

The Coast Guard established a Regulated Navigation Area (RNA) for the IHNC that requires evacuation of marine vessels there unless the owners that receive a waiver and utilize CG approved moorings.