

**MINUTES OF THE
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST
BOARD MEETING
THURSDAY, NOVEMBER 8, 2007**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority - East (Authority or SLFPA-E) was held on Thursday, November 8, 2007, in the Second Floor Hall, Lake Vista Community Center, 6500 Spanish Fort Boulevard, New Orleans, Louisiana, after due legal notice of the meeting was sent to each member and the news media and posted.

Mr. Doody called the meeting to order at 9:33 a.m. and led the Board in the pledge of allegiance.

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

Present:

Timothy P. Doody, President
Abril B. Sutherland, Vice President (left meeting 3:15 p.m.)
John M. Barry, Secretary (left meeting 4:47 p.m.)
David P. Barnes, Jr.
Stradford A. Goins
Thomas L. Jackson
Larry A. McKee
Ricardo S. Pineda (left meeting 4:47 p.m.)
Sara Lee St. Vincent
Louis E. Wittie

Absent:

George Losonsky, Ph.D., Treasurer

OPENING COMMENTS:

Mr. Doody informed the Board that a Hurricane/Flood Summit is being planned to take place in New Orleans at 9:00 a.m. on November 26, 2007 at Ralph's on the Park. He hoped to bring together newly elected legislators and other elected officials to discuss flood protection issues and the importance of completing 100 year protection in a timely fashion. He also hoped all the Commissioners would be able to attend.

RESOLUTION #11-08-07-01 – ADOPTION OF AGENDA

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

“A resolution to adopt the agenda for the Board Meeting of November 8, 2007.”

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

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

RESOLUTION #11-08-07-02 – APPROVAL OF MINUTES

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

“A resolution to approve the minutes of the Board Meeting of
October 18, 2007.”

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

PUBLIC COMMENTS

Mr. Doody stated that public comments would be received at this time or should members of the public so choose at the time agenda items come up.

Ms. Linda Leon Barrett, a resident on Bayou Road in St. Bernard, stated it was disheartening to see what was happening in St. Bernard and the surrounding parishes because of current and possible future borrow pit sites. One of the possible borrow pit sites is Magnolia Plantation located in St. Bernard Parish. Ms. Barrett stated Magnolia Plantation is the oldest plantation in St. Bernard and has been her family’s home site for six generations. She explained the members of her family returned after Hurricane Katrina to rebuild and five families are currently living there. She asked that the Board not sign a right-of-entry for the U.S. Army Corps of Engineers (USACE) to take this area as a borrow site.

Mr. Louis Barrett, a resident on Bayou Road in St. Bernard for the past thirty years, stated he returned after Hurricane Katrina and has rebuilt. He was concerned about the number of borrow pits in St. Bernard Parish. He commented on the difficulty in navigating the various websites to determine the total impact of the borrow pits. The Natural Resources website shows twelve pits under the Coastal Use Permit process. The USACE has out IER 18 for government furnished borrow pits and IER 19 for pre-approved contractors furnished borrow pits, which are not shown on the Natural Resources website. Currently, the contractors furnished borrow pits are five sites which total 159.5 acres and 1,900,034 cubic yards. IER 19 shows 68 acres with 1,870,000 cubic yards. He felt no agency has addressed the overall impact of all the borrow pits on St. Bernard Parish. The USACE is now requesting a right-of-entry to assess six additional sites located on private lands. He asked that the Board not allow the right-of-entry into the private lands for borrow pits. He invited Board members to tour the

borrow sites in St. Bernard and mentioned that most of the borrow pits are located in the highest areas of the parish.

Mr. Doody responded that he would take a look at the identified borrow sites. He added, the Board could not stop property owners who choose to do so from selling borrow material.

Mr. Jackson commented on the USACE's struggle to obtain suitable borrow material and suggested that perhaps the borrow pits could be backfilled.

Mr. Barrett stated he met with USACE representatives who advised they are not authorized to backfill the borrow pits.

Mr. Jackson felt some type of compromise could possibly be reached, adding SLFPA-E is responsible for flood protection for the entire area and must use its best skills to come up with solutions with the least impact and get the job done.

Mr. Pineda pointed out the right-of-entry is for investigation purposes; however, Mr. Barrett stated he feared that the sites would be commandeered if the USACE found them suitable.

Mr. Louis Pomes, a resident on Bayou Road in St. Bernard Parish, stated he is part owner of Creedmore Plantation and had long term leases on four other areas. Mr. Pomes advised on September 21st a meeting was held involving the USACE and St. Bernard Parish government, which he became aware of after the fact. Right-of-entry is being requested for soil borings and investigations on six tracts of land for the possible location of borrow pits. He explained the history of the six tracts, which before Hurricane Katrina were fenced and had cattle corals, various pieces of equipment and hundreds of livestock located on them. As a result of Katrina, 90 percent of the livestock drowned, fencing was destroyed and tons of debris was left on the land. Since it is a non-residential area, neither the USACE nor FEMA helped with the clean up. These properties were cleaned and re-fenced with miles of fencing, and new hay equipment and livestock were purchased, and Mr. Pomes stated he is back in business after having spent ½ million dollars. Mr. Pomes stated he is the last cattleman in St. Bernard Parish and asked that the Authority protect the high ground remaining in the Parish, which includes land that he makes a living off of and maintains, and not sign the right-of-entry. Mr. Pomes stated he owned part of a Parish levee on which he had cattle located for about 18 years, and when asked, he removed the cattle at a cost of thousands of dollars for re-fencing. He was concerned he would again be requested to move livestock and re-fence property, adding this is historic, prime land in St. Bernard Parish.

Mrs. Valerie Bobear, part owner of Creedmore Plantation, echoed Mr. Pomes comments and requested this property not be taken. She stated these properties are needed and taking them will destroy part of St. Bernard.

Ms. Catherine Serpas, who resides on Bayou Road approximately 200 feet from the Creedmore Plantation, stated she was at the meeting to plead with the Board not to

sign a right-of-entry on any of these tracts. She felt St. Bernard suffered enough as a result of Hurricane Katrina and commented this is good high land that could be used for the future of St. Bernard. Ms. Serpas stated she is currently fighting for the backfilling of borrow pits and felt there should be alternatives other than taking all the mud located in St. Bernard.

Mr. Jackson stated he did not have background information and did not feel he could vote on this issue without USACE representatives being present to answer questions and address public concerns.

Mr. Pomes added, the St. Bernard Parish levee system will need 60 million cubic yards of material, which is three times the amount of any other parish. The USACE is close to having 29 million cubic yards or 9,000 acres of land. In order to achieve 60 million cubic yards, a total of 18,000 acres of land would be needed for borrow pits.

Mr. Donald Serpas, a resident on Bayou Road, stated he has been fighting, along with the St. Bernard Parish Council, for several months for the backfilling of borrow pits. Over 40 borrow pits were located in St. Bernard Parish before Katrina and more borrow pits were dug since Katrina. He requested the Board look into this issue and felt if this right-of-entry is allowed, it would be the first step in the taking of these properties.

Mr. Pineda explained when executing a project like the 100 year protection project, the non-federal sponsor can execute betterments; i.e., if the project is authorized only to obtain borrow and leave the pits, the non-federal sponsor can pay 100 percent non-federal money and backfill the pits as part of the project, however, it is not part of the federal cost share. He reminded the Board under the Water Resources Development Act rules, it is the non-federal sponsor's responsibility to provide all lands, easements, rights-of-way and relocations, including borrow sites. The USACE, as part of the engineering reports, is investigating sites to determine feasibility, however, the cost of providing the borrow is a non-federal responsibility.

Mr. Doody hoped in working with the USACE to find a way to backfill any pits that may be used for borrow materials.

Mr. Jackson commented Hurricane Katrina blew over levees built by the USACE as though they didn't exist, causing immense suffering to the people of St. Bernard and the surrounding parishes. Geographically, St. Bernard is a very small parish and the best lands and soils are located close to the Mississippi River. He reiterated he appreciated the USACE's struggle to find suitable borrow material; however, there are ways for mitigation and he felt the USACE was responsible. He also felt it was incumbent upon the Board to make every attempt to find a way to do things which will not again impact the people of St. Bernard and the surrounding parishes.

Mr. John Bobear stated his wife, Mrs. Valerie Bobear, is part owner of Creedmore Plantation and told of her family's history on the Plantation and its historic significant. Creedmore Plantation is situated on approximately 400 acres of land, 200 acres of which is possibly the highest land in the parish. This land has been used to

pasture cattle for over 100 years and is currently leased to Mr. Louis Pomes. In addition to his concern relative to the destruction of this historic site, he felt that once the borrow pits are dug they could become breeding grounds for mosquitoes and result in possible health risks. He noted, the site is not designated as a historic site since much of its history is not documented.

Mr. Charles Leon, a resident on Bayou Road, explained his family owns Magnolia Plantation, which was both before and after Katrina the oldest home in St. Bernard Parish. He explained the plantation is not on the historic register because the family did not want to have government dictate what they can and cannot do with the property. He felt many of the people present at the meeting had already sacrificed thousands of acres of land because of USACE projects in St. Bernard Parish. Between the Armbruster-Bobear and Leon families, 300 acres have been taken with no compensation for current levees, and thousands of acres were left on the outside of the levees with damages resulting from salt water intrusion. He was adamantly against digging these borrow pits and felt an alternative to digging pits must exist. Mr. Leon stated his family moved back and began rebuilding 30 days after Katrina, and these pits would further dwindle quality of life and economic development. He asked the Authority not to give the USACE right-of-entry, which he felt was a foothold to appropriate land.

Mr. Doody advised the Authority would do everything in its power to both protect the public and the rights of property owners, and he felt a solution could possibly be reached to satisfy both interests.

Mr. McKee advised he and Mr. Wittie attended a meeting in Baton Rouge on Monday that included a diverse group of contractors, Plaquemines Parish officials, the Mayor of Grand Isle, and others, who discussed a review of the new standards required for fill materials and the construction of earthen levees, as well as the concern that fill requirements may not be met because of the stringency of the standards. Additional dialog and debate will be held amongst this group and the USACE to determine whether some of these issues can be mitigated.

Presentations:

1. Presentation by Dr. Christel Slaughter of SSA Consultants regarding organizational assessment of the Authority.

Dr. Christel Slaughter explained she recently worked on a study for the CPRA and at that time met several Board members and Ms. Denise Fitzgerald and was asked to look at SLFPA-E's responsibilities and the organizations under its authority and present recommendations to the Board for an organizational assessment to assist in streamlining operations and to provide better service. Dr. Slaughter provided information regarding SSA Consultants, which is 37 years old and was started by Dr. Slaughter's husband. Dr. Slaughter stated she and her husband are both former university professors and were on the faculty of LSU in Baton Rouge in the College of Business and Management Department. Dr. Slaughter's degree is in organization design and strategic planning. About 50 percent of SSA's work is with public organizations.

Dr. Slaughter envisioned an organizational assessment or audit at a very high level looking at the functions, processes and potential capacity of the organizations and providing recommendations to develop the appropriate infrastructure to promote success. She did not feel a detailed assessment would be needed at this point in time. SSA would help the Authority to come up with something practical and palatable in terms of implementing recommendations. Phase I methodology was reviewed. The assessment would begin with individual interviews of Board members in order to understand goals, areas of interest, priorities and desired outcomes. SSA would work with staff, beginning at the top of the organization and then going to the different sites, with individuals interviewed regarding opportunities and needs. Some documentation review has been done in preparation for today's meeting. Process mapping would take place only at a high level unless the Authority wishes something more detailed.

Basic recommendations are typically brought to the appropriate body (Board, Committee, subgroup or staff) in Phase II. Assumptions will have to be made along the way; e.g., potential for increasing or decreasing staff or redeploying resources in certain areas, and additional information from the Board or staff may be important at that point. Suggested timelines will be provided. The study is anticipated to take about 90 days; however, implementation of recommendations may be a two or three year process. Phase III would be the final report. Meetings would take place with the Board and staff as the Board deems appropriate. Dr. Slaughter stressed the importance of the tone of the study. Deliverables would be a final report that would outline findings, an analysis and recommendations that would be tied to timelines. SSA would also provide a communications plan and recommendations for accountability of implementation.

Dr. Slaughter cited examples of recent case studies that included Louisiana's Coastal Integration Project for which a Memorandum of Understanding between the agencies involved was crafted, the redesign of the Welfare to Work System, the Louisiana National Guard, and a bank merger.

As a part of the study, a review of the Authority's current annual budget of \$500,000 was briefly discussed. Interviews would be conducted with key stakeholders to understand expectations and could assist with possible Legislative adjustments.

Mr. Doody commented on the difficulty the Orleans Levee District is currently experiencing in employing personnel and the need for restructuring the organizations to place assets where they are most needed and beneficial to all the levee districts. He asked that Ms. Fitzgerald review the appropriate statutes relating to contracting this type of service, and after he receives this information, the actions necessary to proceed could be discussed by a small informal group.

2. Report on drainage study.

Mr. McKee explained the Authority advertised for statements of qualifications; eight responses were received and the list was narrowed to four firms. A meeting was held just over a week ago with those four firms, during which instructions were given concerning the individual development of scopes of work with responses to be returned on November 21. He anticipated those documents would be reviewed and one of the

four firms selected and brought to the Board. Mr. McKee stated he wanted to assure that everyone on the Board was comfortable with this procedure.

Mr. Pineda expressed his concern regarding the tasking of contractors at their expense to draft a scope of work that would be used in the selection process, and relative to a significant study being done by the USACE on interior drainage and his concern that the Authority not pay for work that the USACE may already be doing.

Mr. Doody pointed out that funding for this study is not a certainty. The contractors were asked to do a great deal of work without any compensation for that work; however, none of the contractors objected and pulled out. Therefore, they were willing to go at least that far. In meetings it was explained that everyone's work would be utilized in an attempt to come up with the best product. Additionally, USACE representatives were present and work done by the USACE on completed and on-going drainage studies was discussed.

Mr. McKee advised negotiations would be entered into once a firm is selected. He explained the grading procedure used to come up with the short list of four firms; i.e., the eight firms were graded one to eight and the lowest combined total was ranked as the number one firm. The same procedure would be used for grading the four firms for the final selection. In the event of a tie, firms would be interviewed and a vote taken.

The Commissioners briefly discussed the issue of the Board's acceptance of committee recommendations in general and possible exceptions.

Mr. Jackson commented the scopes provided by the four firms could be distributed to each Board member for review before the selection process.

Mr. Doody pointed out any interested Commissioner could attend and participate in the review meeting. He requested that Mr. McKee and his committee proceed as intended and bring a recommendation to the Board.

Committee Reports:

Finance Committee: Mr. Doody advised the Committee had not met since the last Board meeting. Mr. Jackson expressed his concern about not receiving regular budget reports. Mr. Doody stated he would request the Treasurer to prepare a monthly financial report for the Board's review.

Operations Committee: Chairman McKee advised the Committee would not be meeting during the month of November, but would be holding a meeting in December in which one of the topics would be inspection reports. He requested Mr. Turner provide a report on activities of the Quick Response Task Force.

Mr. Turner reported two incidents were handled by the Task Force. The first incident concerned the East Jefferson Levee District's west return wall where water had seeped through some joints during high tide events. He described the investigations conducted with participation by the USACE and DOTD. The second incident dealt with

a different section of the wall in the same general area and concerns because of staining on the asphalt walking path adjacent to the wall and nearby standing water. He explained based on review of information on the sheetpile wall and viewing conditions in the vicinity, it was felt the standing water was residual from recent heavy rains. This area will be monitored, particularly for high tide events where rain is not a factor.

Legal Committee: Chairwoman Sutherland reported the Committee meet the first Thursday of November and discussed the selection of legal counsel.

Special Issues Committee: Chairman Goins advised an on-going issue concerns the assumptions that went into the risk assessment model.

Mr. Pineda advised he plans to meet in December with Mr. Al Naomi of the USACE about the LaCPR study, which may be a key to this geographic area getting a project beyond the 100 year project, and to work with Mr. Losonsky on this matter.

Mr. Doody requested that the Board take as the next order of business Agenda Items XI.B.1 through XI.B.3 concerning O.L.D. ad valorem tax millage rates. There was no objection. He explained the required public hearing was conducted at the October 18th Board Meeting; however, further public comment would be allowed at this time.

Ms. St. Vincent reviewed additional O.L.D. expenditures required in FY 2008; i.e., additional employees, increased equipment expenses, litigation costs and inflation. FY 2007 ad valorem tax revenues were \$19 million. Using the 2008 assessment figures and rolling millage rates back to equal \$19 million, a total of 9.33 mills is reached. However, using a millage rate of 9.33 mills with estimated FY 2008 operating expenses would leave a deficit of \$725,000. In order to have a zero deficit, a total roll forward of approximately .3 mills is needed, with the adjusted millage rate being 9.64 mills.

When asked about the difference between the numbers presented at the last Board meeting and this meeting, Mr. Doody explained at the last meeting certified numbers had not been received from the City and that revenues generated by other sources; i.e., royalty and interest, had inadvertently not been backed out when calculating required tax revenues. Revenues required to service bond debt was included.

Mr. Jarrell Godfrey explained last year's rates for the General Tax was 5.46 mills and the Special Levee Improvement (SLIP) Tax was 6.55 mills, both of which are dedicated to the payment of different specific bond issues. He pointed out the Louisiana Constitution provides for reassessment not less frequently than four years. The Board is required by law to readjust millage rates for 2008 in a manner that would provide the same amount of tax assessed revenue as received the prior year and is accomplished in the first resolution. The Board is allowed by law with a two-thirds vote to roll the rolled-down millage rates up to rates not exceeding those assessed in 2007.

Mr. Doody advised the Board has an opportunity annually to have a hearing on this millage issue and pointed out the likelihood of having a public hearing next year.

The local cost share of future projects is unknown at this time; therefore, the issue of the local match may dictate the collection of additional tax dollars.

Mr. Godfrey delineated the rolled back millage rates provided in the first resolution: the General Tax rate of 5.46 mills is rolled back to 4 mills, the SLIP tax rate of 6.55 mills is rolled back to 4.79 mills, and the Maintenance Tax rate of .75 mills is rolled back to .55 mills. He further explained the assessments were certified by the City Council; however, the City Council staff indicated their concern about a possible miscalculation. Additionally, the assessments had not been approved by the Tax Commission. Therefore, Section 4 is included in the resolution to provide that should there be any further adjustments by the City Council, City Council staff or Tax Commission, O.L.D. staff can simply place the new certified reassessments into the formula in the schedule and as a ministerial act recalculate the exact millage rates for the purpose of the resolution. Other entities are required to take required final actions by December 1st based upon the Board's actions.

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

RESOLUTION #11-08-07-03

WHEREAS, the Orleans Levee District levied three (3) ad valorem taxes in year 2007 for the following purposes at the following millage rates:

- 1 Tax authorized by Article 6 Section 39 (A) of the Constitution (the "General Tax"), at the rate of 5.46 Mills;
- 2 Special Levee Improvement Tax authorized by the Special Election of November 19, 1983 (the "SLIP Tax") at the rate of at the rate of 6.55 Mills;
- 3 Maintenance tax authorized by the Special Election of November 19, 1983 and imposed by Resolution No. 1-081899 (the "Maintenance Tax") at the rate of .75 Mills.

WHEREAS, the property subject to ad valorem taxation in Orleans Parish has been revalued and reassessed by the tax assessors for the year 2008; and

WHEREAS, Article 7, Section 23 (B) of the Louisiana Constitution of 1974, as amended (the "Constitution") and La. R. S. 47: 1705 B. (2) (a) require taxing authorities to adjust the millage rates upward or downward so that the taxing authorities receive not more nor less ad valorem taxes than in the year preceding reassessment of the property, for these purposes 2007; and

WHEREAS, the reassessment of property in Orleans Parish as completed for use for tax year 2008 resulted in more assessed valuation than that assessed in 2007, which requires a reduction in millage rates for 2008; and

WHEREAS, Act 475 of the Louisiana Legislature for 2007 ("Act 475") reorganized the Orleans Levee District making its geographic boundaries only the portions of Orleans Parish located on the East Bank of the Mississippi River and creating the Algiers Levee District with geographic boundaries of the portion of Orleans Parish located on the West Bank of the Mississippi River; and

WHEREAS, the portions of Orleans Parish on the West Bank of the Mississippi River are included in the Fifth Assessment District of the City of New Orleans.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST as the governing authority of the Orleans Levee District that:

SECTION 1. Downward Adjustment of Millages. As required by applicable law, including Section 23 (B) of Article 7 of the Constitution, and La. R. S. 47: 1705 B. (2) (a) the millage rates for each of the three (3) taxes authorized to be levied by the Orleans Levee District (the "District") be and they are hereby adjusted downward so that they are hereby fixed and levied at the adjusted (reduced) rates (adjusted to yield total ad valorem taxes within the changed geographic boundaries of the District resulting from Act 475 equal to the prior year's, 2007, total tax collections within the boundaries of the District as changed by Act 475) of:

1. 4 mills for the District's General Tax";
2. 4.79 mills for the District's SLIP Tax ; and
3. .55 mills for the District's Maintenance Tax,
as reflected in the adjustment schedules attached hereto.

SECTION 2. Further Resolution. A further resolution actually levying either (i) the above adjusted downward millages or (ii) millages in excess of those provided above but not to exceed the prior year's, 2007, maximum millages of 5.46 for the General Tax, 6.55 for the SLIP Tax and .75 mills for the Maintenance Tax shall be adopted after adoption of this resolution but at the same meeting of the Board of Commissioners.

SECTION 3. Total Millage Levied. A total of 9.34 mills shall be levied in 2008.

SECTION 4. Further Adjustment of Millages To Conform to Any Adjustments or Changes in Assessed Valuations. The millage rates established in Section 1 above were based upon the assessed valuations determined by the City Council (the "Council") of the City of New Orleans (the "City") at its meeting of October 18, 2007 and certified to the Louisiana Tax Commission (the "Tax Commission") on or about October 19, 2007. In the event the Council determines some mistake was made in its October 18 assessments and certifies a different set of assessments or any change is made by the Tax Commission to any of the assessments by the Council, the proper officers of the District and its staff are hereby authorized and directed to recalculate the millages established in Section 1 above using the final adjusted assessed valuations, certify and advise the City Finance Department and the Legislative Auditor of such revised millage rates and prepare a resolution of this Authority ratifying such adjusted millage rates.

Attachment to Resolution: Calculation of Derivation of Adjusted Millage for 2008.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

Mr. Godfrey explained Section 1 of the second resolution proposed adjusted rates that Mr. Doody felt would yield the appropriate revenues; i.e., the General Tax would roll up to 4.12 mills; the SLIP Tax would roll up to 4.95 mills; and the Maintenance Tax would roll up to .57 mills. A two-thirds favorable vote would be required, or six voting members, to roll up the millage rates.

Mr. Doody added, the presentation demonstrated these numbers would cover any deficit. Rates would be rolled up from a total of 9.33 mills to 9.64 mills, or a roll up of .31 mills.

Mr. Barry explained at the Board's last meeting he opposed rolling forward millage rates without voter approval and without an emergency as a point of principle; however, since that time he considered several additional considerations. Politically, it would be a serious mistake for this area to be perceived as unwilling to tax itself at all and then request help from Congress and the State. Additionally, relative to the idea of drawing on monies escrowed for payment of bond debt and repayment of those monies after approval of the voters, he realized that an issue could not be placed on a ballot except to create a new millage; that is, the Board could not ask voters for authority that it already has under the present millage and would have to ask voters to authorize an entirely new millage. Therefore, he was in favor of the resolution.

Mr. Jackson pointed out that discussions at the last Board meeting led to further discussions about the local share for 100 year protection projects and to the Board wisely making a decision to investigate what could be done. He commended the President for calling the upcoming meeting with local officials on the cost share issue. He added, a public comment made at the Board's last meeting dealt with the Authority's responsibility to keep O.L.D. operations running. Mr. Jackson stated he was in favor of this minimal increase.

Mr. Doody noted the efforts made to calculate numbers as closely as possible so that residents would only be taxed for what was truly needed for what was known. When the costs for future projects becomes known, the Board's responsibility will be to tell tax payers what would be needed to fund 100 year protection. He commended Ms. St. Vincent on the presentations made at the last meeting and today's meeting.

Mr. Doody asked for public comment and there was none.

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

RESOLUTION #11-08-07-04

WHEREAS, the property subject to ad valorem taxation in Orleans Parish has been revalued and reassessed by the tax assessors for the year 2007; and

WHEREAS, Article 7, Section 23 (B) of the Louisiana Constitution of 1974, as amended (the "Constitution") and La. R. S. 47: 1705 B. (2) (a) require taxing authorities to adjust the millage rates upward or downward so that the taxing

authorities receive not more nor less ad valorem taxes than in the year preceding reassessment of the property, for these purposes 2007; and

WHEREAS, the reassessment of property in Orleans Parish as completed for use for tax year 2008 resulted in more assessed valuation than that assessed in 2007, which requires a reduction in millage rates for 2008; and

WHEREAS, the millage rates have been adjusted for the year 2008 and set at the reduced rates required by Article 7, Section 23 (B) of the Constitution and La. R. S. 47: 1705 of 4 mills for the District's tax authorized to be levied by Article 6 Section 39 (A) of the Constitution (the "General Tax"), 4.79 mills for the District's Special Levee Improvement Tax authorized by the Special Election of November 19, 1983 (the "SLIP Tax") , and .55 mills for the District's maintenance tax authorized by the Special Election of November 19, 1983 and imposed by Resolution No. 1-081899 (the "Maintenance Tax"), pursuant to Resolution No. 11-08-07-03, adopted immediately prior to the taking up of this Resolution; and

WHEREAS, Article 7, Section 23 (C) of the Constitution and La. R. S. 47: 1705 (b) (2)(b) allows the collection of a larger amount of ad valorem taxes by the District by setting millages not to exceed the prior year's maximum millage, notwithstanding the provisions of Article 7, Section 23 (B), upon two-thirds vote of the governing authority of a taxing entity after a public hearing held pursuant to the open meetings law, the provisions of Article 7 Section 23 (C) and La. R. S. 47: 1705; and

WHEREAS, the Authority caused advertisements to be run in the Times Picayune on July 3 and 5, 2007 giving notice of the purpose, time and place for such a public hearing to be held at 9:30 a. m. on Thursday October 18, 2007 at Lake Vista Community Center, Second Floor Hall, 6500 Spanish Fort Boulevard New Orleans Louisiana to consider whether to adjust the millages upward to rates not in excess of the rates levied in year 2007 (the "Public Hearing"); and

WHEREAS, the Authority held and conducted the Public Hearing, at which three individuals appeared who spoke in favor of the Authority levying for year 2008 the same millage rates levied in year 2007 and no person appeared at the Public Hearing to oppose levying the same millage rates for year 2008 as was levied in year 2007 but because the City Council (the "Council") of the City of New Orleans, Louisiana (the "City") had not yet certified the assessed valuation of taxable property, the Authority could not calculate or vote on the 2008 millage rates which vote was continued until November 8, 2007.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY-EAST as the governing authority of the Orleans Levee District that:

SECTION 1. Adjustment Upward of Millage. As allowed by Section 23 (C) of Article 7 of the Louisiana Constitution of 1974 and La. R. S. 47: 1705 the millage rates for year 2008 be and they are hereby fixed and levied at the following rates:

General Tax	4.12 Mills
SLIP Tax	4.95 Mills
Maintenance Tax	.57 Mills

which rates do not exceed the 2007 levels respectively of 5.46 mills for the District's General Tax, 6.55 mills for the District's Special Levee Improvement Tax, .75 mills for the District's Maintenance Tax and in lieu of the millage rates required by the 2008 ad valorem millage adjustment schedules attached hereto.

SECTION 2. Notice Of Possible Millage Increases in Future Years. Although the Authority did not levy the General Tax, the SLIP Tax and the Maintenance Tax at the full increased millage rates permitted by Article 7 Section 23 (C) of the Constitution and La. R. S. 47: 1705 for year 2008, the Authority declares that it may well be necessary to increase the millage rates for year 2009 to the same millage rates levied in 2007 after following the required procedures.

SECTION 3. Further Adjustment of Millages To Conform to Any Adjustments or Changes in Assessed Valuations. The millage rates established in Section 1 above were based upon the assessed valuations determined by the Council at its meeting of October 18, 2007 and certified to the Louisiana Tax Commission (the "Tax Commission") on or about October 19, 2007. In the event the Council determines some mistake was made in its October 18 assessments and certifies a different set of assessments or any change is made by the Tax Commission to any of the assessments by the Council, the proper officers of the District and its staff are hereby authorized and directed to recalculate the millages established in Section 1 above using the final adjusted assessed valuations, certify and advise the City Finance Department and the Legislative Auditor of such revised millage rates and have prepared a resolution of this Authority ratifying such adjusted millage rates.

SECTION 4. Statement of Total Millage to be Levied. A total of 9.64 mills to be levied in 2008.

Attachment to Resolution: Calculations for Derivation of Adjusted Millage for 2008.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

Mr. Godfrey explained the third resolution certifies the approved rolled up millage rates to the Finance Department of the City of New Orleans, the Legislative Auditor and the Tax Commission. Both the second and third resolutions include the same language that was included in the first resolution, so that should there be an adjustment in the assessments, the staff can make the calculations and adjustments needed to come back to the same income levels.

On the motion of Mr. McKee,

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

RESOLUTION #11-08-07-05

WHEREAS, Act 741 of the 1975 Legislature (La. R.S. 47:1502.1(E)) authorizes the taxes levied by the Orleans Levee District to be collected by the City of New Orleans at the same time as the collection of taxes levied by the City; and

WHEREAS, The Southeast Louisiana Flood Protection Authority - East (the "Authority") acting as the governing authority of the Orleans Levee District, in compliance with Article 7, Section 23 [B] [or alternatively(C)] of the Louisiana

Constitution of 1974, has levied the millage rate for the Orleans Levee District for 2008 as follows:

Article 6 Section 39 (A) General Levee District Tax	4.12 Mills
Special Levee Improvement Tax Authorized by Special Election of November 19, 1983	4.95 Mills
Maintenance tax authorized by Special Election of November 19, 1983 and imposed by Resolution No. 1-081899	.57 Mills
TOTAL AUTHORIZED MILLAGE	9.64 Mills

WHEREAS, in accordance with the Constitution and applicable Statutes, the Orleans Levee District is required to levy each year sufficient millage to maintain the primary functions of hurricane and high water flood protection, associated bond indebtedness, joint public works projects and other bona fide public purposes mandated by law; and

WHEREAS, the required annual levy for 2008 is hereby certified at 9.64 mills on each dollar of assessed valuation on all real and personal property within the geographic boundaries of the Orleans Levee District as reorganized pursuant to Act 475 of 2007 of the Louisiana Legislature (“Act 475”) to include only portions of the City of New Orleans located on the East bank of the Mississippi River as assessed for City taxation.

BE IT HEREBY RESOLVED, That:

SECTION 1. Certification of Millage Rates. The annual levy of the Orleans Levee District taxes is hereby certified at 9.64 Mills by this Authority in accordance with Article 6, Section 39 of the Louisiana Constitution of 1974 and other applicable law to the City Council (the “Council”) of the City of New Orleans (the “City”) for the purpose of causing the tax to be entered on the tax rolls of said City and collected by the Department of Finance within the geographic boundaries of the Orleans Levee District as reorganized by Act 475 (the portions of the City of New Orleans located on the East Bank of the Mississippi River which includes all Assessment Districts other than the Fifth Assessment District) in the manner and under the conditions and with interest and penalties prescribed by law for City taxes; and such monies, the ad valorem tax including interest and penalties connected therewith, thus collected shall be paid to the District as provided by law for the calendar year 2008.

SECTION 2. Execution Documents. , The President or the Executive Director of the Authority be and they are hereby authorized and empowered to execute any and all documents necessary to accomplish the above.

SECTION 3. Further Adjustment of Millages To Conform to Any Adjustments or Changes in Assessed Valuations. The millage rates set forth in the Second Preamble hereof and the total millage rate set forth in Section 1 hereof above were based upon the assessed valuations determined by the Council at its meeting of October 18, 2007 and certified to the Louisiana Tax Commission (the “Tax

Commission”) on or about October 19, 2007. In the event the Council determines some mistake was made in its October 18 assessments and certifies a different set of assessments or any change is made by the Tax Commission to any of the assessments by the Council, the proper officers of the District and its staff are hereby authorized and directed to recalculate the total millage certified in Section 1 hereof, and the individual millages set forth in the Second Preamble hereof, using the final adjusted assessed valuations, certify and advise the City Finance Department and the Legislative Auditor of such revised millage rates and prepare a resolution of this Authority ratifying such adjusted millage rates.

Attachment to Resolution: Calculations for Derivation of Adjusted Millage for 2008.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

EXECUTIVE SESSION:

At 11:55 a.m. Mr. Barry offered a motion, which was unanimously adopted, for the Board to convene in Executive Session to discuss the items listed on the agenda.

A motion was offered by Mr. Barry, seconded by Mr. Goins and unanimously adopted, for the Board to reconvene in regular session at 2:38 p.m.

A motion was offered Mr. Jackson, seconded by Mr. Barry and unanimously adopted, to add an item to the agenda regarding a right-of-entry for investigations, surveys, soil borings, environmental and cultural resources investigations in conjunction with the Caernarvon Freshwater Diversion Project.

The following motions were offered as a result of discussions in Executive Session of Agenda items X.1, 4, 5 and 6:

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

RESOLUTION #11-08-07-06

A resolution to authorize counsel to proceed as directed in Executive Session in the litigation entitled, Yacht Homes of Gabriel, LLC and The Succession of Marie G. Krantz vs. The Board of Commissioners of the East Jefferson Levee District; No. 626-181, Div "P", 24th JDC, Parish of Jefferson.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

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

RESOLUTION #11-08-07-07

A resolution to authorize counsel to proceed as directed in Executive Session in the litigation entitled, Schwegmann Giant Super Markets, Inc. vs. Board of Commissioners for the Jefferson Levee District and Georgia Pacific Corporation, Case Number 563-683, "I", 24th JDC for the Parish of Jefferson.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

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

RESOLUTION #11-08-07-08

A resolution to authorize counsel to proceed as directed in Executive Session in the litigation entitled, East Jefferson Levee District vs. Salvador Ferrara, #138167 "B", First Parish Court for the Parish of Jefferson.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

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

RESOLUTION #11-08-07-09

"A resolution authorizing the attorneys for the Lake Borgne Basin Levee District and Executive Director of the Lake Borgne Basin Levee District (LBBLD) to execute documents settling litigation in Federal and State Court."

WHEREAS, the United States of America filed a Declaration of Taking and Complaint in Condemnation for the condemnation of two easements located on property in St. Bernard Parish, Louisiana; and

WHEREAS, as a result of this action, Glenn E. Diaz filed suit against the Board of Commissioners for the Lake Borgne Basin Levee District (LBBLD) and

Board of Commissioners for the Southeast Louisiana Flood Protection Authority - East Bank (Authority); and

WHEREAS, the parties to this litigation desire to settle the disputes between them.

THEREFORE, it is resolved as follows:

RESOLVED, by the Authority that Mark E. Hanna, attorney for LBBLD and Robert Turner, as Executive Director of LBBLD, be and are hereby authorized to execute on behalf of the Authority and LBBLD, a Settlement Agreement and Stipulation for entry of consent judgment in the matter entitled *United States of America vs. 6.9 Acres of Land Situated in St. Bernard Parish, and Glenn Edward Diaz, et al*, United States District Court, Eastern District of Louisiana, Civil Action No. 06-4075 (the "Agreement") which resolves the litigation between the parties in both Federal and State Court.

BE IT FURTHER RESOLVED, that Robert Turner, Executive Director of the LBBLD, be and he is hereby authorized for and on behalf of the Authority and the LBBLD to execute a servitude agreement and revestment by the United States, as provided in the Agreement.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

Mr. Doody requested the Board consider Agenda Item XII.D.1 as the next order of business and no objection was offered.

XII.D.1. Motion to authorize a right of entry to the U.S. Army Corps of Engineers for the investigation of borrow sources in connection with the hurricane protection system, St. Bernard Parish.

A motion was offered by Mr. Jackson, seconded by Mr. Barry and unanimously adopted, to table Agenda Item XII.D.1. until the next regular Board meeting so that the U.S. Army Corps of Engineers (USACE) could appear before the Board on this matter.

The Board further requested that the USACE provide a presentation at its December Board meeting on borrow needs in general for upcoming restoration and 100 year projects in St. Bernard Parish and discuss options regarding the backfilling of borrow pits.

Agenda Item XII.A.1 was considered next, in conjunction with Executive Session Item 2 -- discussion of personnel matters regarding the Regional Executive Director.

**RESOLUTION #11-08-07-10 –
EMPLOYMENT AGREEMENT WITH Mr. ROBERT TURNER**

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

“A resolution to approve an Employment Agreement with Mr. Robert Turner to serve as the SLFPA-E Regional Executive Director.”

WHEREAS, Louisiana Revised Statute 38:330.4 authorizes the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) to hire a Regional Executive Director; and

WHEREAS, by Resolution No. 10-18-07-05 the Board approved the selection, appointment and employment of Mr. Robert Turner as the Regional Executive Director of the SLFPA-E effective October 18, 2007; and

WHEREAS, SLFPA-E wishes to enter into an employment agreement with Mr. Turner relative to his service as Regional Executive Director, with a salary of \$135,000 per year, commencing on November 10, 2007.

BE IT HEREBY RESOLVED, that the Employment Agreement with Mr. Robert Turner to serve as the SLFPA-E Regional Executive Director is hereby approved, and that the SLFPA-E President is authorized to execute said Employment Agreement with Mr. Turner.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

RESOLUTION #11-08-07-11 – APPROVE LIST OF ATTORNEYS AND LAW FIRMS

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

“A resolution to approve a list of attorneys and law firms from which the SLFPA-E may choose to enter into contracts to provide special legal services, as needed, by the SLFPPA-E and the levee districts within its jurisdiction.”

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) published a Request for Qualifications (“RFQ”) for special legal services for the SLFPA-E and the levee districts within its jurisdiction; and

WHEREAS, after reviewing all timely submitted responses to said RFQ, the SLFPA-E Legal Committee recommends approval of the following list of attorneys and firms, from which the SLFPA-E Board may select an attorney or law firm with which to enter into a contract to provide special legal services, as needed, by the SLFPPA-E and levee districts within its jurisdiction:

Abbot, Simses, & Kuchler, APLC
Law Office of Bernard L Charbonnet, Jr., APLC
Duplass, Zwain, Bourgeois, Morton, Pfister & Weinstock
Elkins, PLC
T. Robert LaCour, APLC

Gordon Arata McCollam Duplantis & Eagan, LLP
The Godfrey Firm, APLC
Haley & McKee, LLC
The Kullman Firm, APLC
Mitchell & Associates, APLC
McCranie, Sistrunk, Anzelmo, Hardy, Maxwell & McDaniel, PC
Oats & Hudson
Dysart & Tabary, L.L.P.

WHEREAS, attorney fee rates in said contracts for special legal services shall comply with the Hourly Fee Schedule of the Attorney General for special legal services, unless otherwise specifically provided for in the contract and approved by the Attorney General. The hourly fee schedule for these contracts shall be as follows:

\$175.00	Per hour for Attorneys having experience of ten years or more in the practice of law
\$150.00	Per hour for Attorneys having experience of five to ten Years in the practice of law
\$125.00	Per hour for Attorneys having experience of three to five Years in the practice of law
\$100.00	Per hour for Attorneys having experience of less than three years in the practice of law
\$ 45.00	Per hour for Paralegal Services
\$ 25.00	Per Hour for Law Clerk Services

WHEREAS, the terms of any contract for special legal services shall be limited to a period of one year, and all contracts shall be submitted to the Attorney General's for approval.

BE IT RESOLVED, that the SLFPA-E approves the following list of attorneys and firms, from which the Board of Commissioners of the SLFPA-E may select an attorney or law firm with which to enter into a contract to provide special legal services, as needed, by the SLFPPA-E and levee districts within its jurisdiction:

1. Abbot, Simses, & Kuchler, APLC
2. Law Office of Bernard L Charbonnet, Jr., APLC
3. Duplass, Zwain, Bourgeois, Morton, Pfister & Weinstock
4. Elkins, PLC
5. T. Robert LaCour, APLC
6. Gordon Arata McCollam Duplantis & Eagan, LLP
7. The Godfrey Firm, APLC
8. Haley & McKee, LLC
9. The Kullman Firm, APLC
10. Mitchell & Associates, APLC
11. McCranie, Sistrunk, Anzelmo, Hardy, Maxwell & McDaniel, PC
12. Oats & Hudson
13. Dysart & Tabary, L.L.P.

BE IT FURTHER RESOLVED, that this Resolution be submitted to the Office of the Attorney General for the State of Louisiana for approval, and shall be included in the submission of each subsequent contract submitted to the Attorney General for approval pursuant to this resolution.

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

RESOLUTION #11-08-07-12 – MEMORANDUM OF UNDERSTANDING WITH DNR

Mr. Doody explained the Memorandum of Understanding (MOU) is required by the Department of Natural Resources (DNR)—the Authority’s funding source of \$500,000 per year. This document provides accountability and requires the Authority to submit a budget. Payments would be made on a quarterly basis.

Mr. Jackson commented that budget items will need to be carefully tracked and pointed out his concern that the Authority’s expenditures are not necessarily linear.

Mr. Doody advised Mr. Jackson’s concern was addressed in Article 2.1 of the MOU, which states, “At the beginning of each fiscal year, the Department will transfer to the Authority one fourth (1/4) of the funding appropriated by the legislature. All other funding will take place on an actual cash needs basis.” Also, the budget form that will be required by DNR is not any more detailed than what was provided in the past.

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

“A Resolution to approve a Memorandum of Understanding with DNR regarding the disbursement of funds appropriated from the Coastal Protection and Restoration Fund.”

WHEREAS, Act 43 of the 2006 1st Extraordinary Session provided Constitutional authority for the Legislature to appropriate up to five hundred thousand dollars (\$500,000.00) annually to regional flood protection authorities from the Coastal Protection and Restoration Fund; and

WHEREAS, pursuant to this authorization, the Legislature appropriated \$500,000 in operating expenses for the Southeast Louisiana Flood Protection Authority-East (“Authority”) in Act 18 of the 2007 Regular Session; and

WHEREAS, the Department of Natural Resources and SLFPA-E desire to establish a method for the disbursement of CPR Funds appropriated to the Authority, and have set forth said methodology, along with the appropriate terms and conditions in a Memorandum of Understanding, which shall be effective on July 1, 2007 and terminate on June 30, 2008.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority-East approves the Memorandum of Understanding Regarding the Disbursement of Funds Appropriated from the Coastal Protection and Restoration Fund, and authorizes the SLFPA-E President to execute said document and any and all other documents necessary to carry out the above.

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

RESOLUTION #11-08-07-13 – EMERGENCY POWERS

Mr. Doody explained the recent Guichard Canal bank failure that endangered as many as four residential properties brought to light the need for this resolution, which is a mechanism to act quickly to prevent further damage. Repair of the bank failure under the non-emergency provisions of the public bid laws would have been a lengthy process and meanwhile the adjacent homes would be in danger should there be another rain event.

Comments were offered regarding the authorization of a second individual; i.e., Vice President or SLFPAE Executive Director in the event the President is unavailable.

Ms. Denise Fitzgerald, Assistant Attorney General, advised that the Board previously adopted an emergency powers resolution dealing strictly with storm events, and additional emergency powers were needed. This resolution would provide the President the authority to declare a public emergency on behalf of the SLFPAE Board in the event that a public emergency causes the loss of the ability to obtain a quorum of the members necessary to certify the emergency prior to taking the necessary action. This declaration of an emergency must be published within ten days in the journal.

Mr. Jackson requested the resolution reference R.S. 38:2211.

Mr. Doody requested the resolution also provide that the President notify the members of the Board via the most expedient means available when an emergency has been declared. Mr. Doody clarified the resolution would contain all the requested additions.

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

“A resolution to grant emergency powers to the President of the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) when a public emergency causes the loss of ability to obtain a quorum of the members necessary to certify the emergency prior to taking the necessary action.”

WHEREAS, the Board of Commissioners of the SLFPA-E, as the governing body of the levee districts within its jurisdiction, desires to grant to the President of its Board “Emergency Powers” when a public emergency causes the loss of ability to obtain a quorum of the members necessary to certify the emergency prior to taking the necessary action for the protection of life, property, or the continued function of the public entity; and

WHEREAS, the emergency powers granted to the President shall include:

1. Power to certify, on behalf of the Board, that a public emergency exists as required by R.S. 38:2211(D)(1)(a).
2. Power to authorize expenditures to acquire material or supplies needed to make necessary repairs;
3. Power to authorize the execution of any contract or documents needed to make necessary repairs;

BE IT RESOLVED, that the SLFPA-E hereby grants the above emergency powers to the President of its Board when a public emergency causes the loss of the ability to obtain a quorum of the members necessary to certify the emergency prior to taking the necessary action for the protection of life, property, or continued function of the district.

BE IT FURTHER RESOLVED, that the President notify the members of the Board via the most expedient means available when an emergency has been declared.

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

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

RESOLUTION #11-08-07-14 – SLFPA-E INTERIM GENERAL COUNSEL

Ms. Sutherland explained when the Legal Committee reissued its recommendations for outside counsel, the designation of general counsel was removed at the advice of the Attorney General's Office that general counsel for levee districts should be employed and not retained. She referred to the prior presentation on an operational audit and requested that interim measures be discussed, noting that Dr. Slaughter advised it would take 90 days before recommendations could be made on streamlining the Authority and levee districts. She felt it would be a mistake to begin combining organizational duties before those recommendations are received, and recommended those individuals currently serving as general counsel continue in this capacity in the interim.

Mr. Doody commented that retaining an interim general counsel at the Authority level had been discussed and recommended retaining such an individual to handle the business of the Authority and the levee districts. He proposed Mr. Robert Lacour be designated interim general counsel for the Authority to perform legal services and assign work as he deems appropriate to the previously approved list of firms.

The Board discussed the interim options presented.

Mr. Robert Lacour advised he would be glad to help the Authority in any way he could; however, should the work become too overbearing and take too many hours, he would need assistance.

A motion was offered by Mr. Barry, seconded by Mr. Barnes and unanimously adopted by the Board, to amend the agenda to consider a resolution to retain an interim general counsel.

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

WHEREAS, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E or Authority) is currently considering an Operational Audit of the Authority and East Jefferson, Orleans and Lake Borgne Basin Levee Districts, which will result in recommendations to make the organizations more efficient and effective, including possible streamlining of duties and services; and

WHEREAS, preliminary audit recommendations will not be received until approximately 90 days after the authorization of work; and

WHEREAS, general counsel is needed on an interim basis for the Authority and levee districts until such time as the aforementioned recommendations are received and can be implemented.

BE IT HEREBY RESOLVED, in consideration of the foregoing circumstances, that the SFLPA-E approves the retaining of an Interim General Counsel for the Authority and East Jefferson, Orleans and Lake Borgne Basin Levee Districts.

BE IT FURTHER RESOLVED, that T. Robert LaCour, APLC, be retained as Interim General Counsel, and that the SLFPA-E President be authorized to sign any and all documents necessary to retain Mr. LaCour in said capacity.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

XII.A.4. Motion to support the Water Resources Development Act (WRDA) of 2007.

Mr. Barry reported that the Presidential veto of the Water Resources Development Act was overridden by Congress; therefore, Agenda Item XII.A.4 was no longer necessary.

XII.A.5. Discussion of Authority Office Space.

Mr. Doody explained the Board has discussed since it was first seated the need for the Authority to separate itself from the levee districts—including a physical separation—so as not to become a burden on the individual levee districts. Ms. Wilma Heaton was tasked with the identification of office space for the Authority.

Ms. Heaton reported that available office spaces located in all parts of the Authority's jurisdiction were visited in order to determine the most reasonable and best located accommodations. The best value under the desired parameters was space located in the Lake Vista Community Center (LVCC). Expenses for the Orleans Levee

District's Non-Flood Division in the same building are approximately \$1,500 to \$2,000 per month, excluding rent. Rent is approx. \$14.00 per square foot for 1,120 square feet of space; however, since paint and new carpet are required, rent would be approx. \$10.00 per square foot for the first year. Painting will be done in-house and the only outlay is carpeting at a cost of \$1,600. The Authority is currently expending approximately \$1,800 per month for rent and utilities; therefore, it is felt the Authority can be kept within the same budget for the LVCC space. The space would be available next week and would not be a long term commitment. Salvaged furniture will be borrowed. The building has a fire alarm system and O.L.D. Police patrol the area.

The Board discussed the payment of rent at the LVCC, which is an O.L.D. non-flood asset. Mr. Turner commented the LVCC space would be centrally located and the Authority would, in effect, be paying itself rent.

Mr. Doody concluded that this is an operational issue and the Authority would proceed with the relocation of its office to the LVCC. There was no objection.

RESOLUTION #11-08-07-15 – LEGAL COMMITTEE AUTHORIZATION

Mr. Goins advised this resolution would provide authority to the Legal Committee to direct counsel to enter into negotiations on behalf of the Board. The authority to enter into negotiations could then be provided to counsel when he/she appears before the Legal Committee to provide briefing on litigation. When a potential settlement is reached, it would come to the Board for approval.

Ms. Fitzgerald explained counsel must be given authority before they can represent to opposing counsel that they are able to enter into negotiations. Currently, the Legal Committee must come to the Board to provide this authority.

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

“A resolution authorizing the Legal Committee to give outside counsel authorization to begin settlement negotiations.”

WHEREAS, during the process of litigation it may become necessary for outside counsel to negotiate the terms of a settlement; and

WHEREAS, outside counsel will present the option to enter into settlement negotiations to the Legal Committee, upon which the Legal Committee may authorize outside counsel to begin said settlement negotiations; and

WHEREAS, once outside counsel has determined the possibility of settlement and provided the Legal Committee with a potential settlement range and a recommendation, the Legal Committee will provide the potential settlement range and recommended settlement to the Southeast Louisiana Flood Protection Authority East (SLFPA-E) for Board approval.

BE IT RESOLVED, that the SLFPA-E, hereby grants the Legal Committee to authorize outside counsel to begin settlement negotiations when necessary.

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

RESOLUTION #11-08-07-16 – STATE MINERAL BOARD

Mr. Doody explained a presentation was provided at the Board’s last meeting by Ms. Marjorie McKeithen, Assistant Secretary Office of Mineral Resources and State Mineral Board Secretary. Ms. McKeithen advised this resolution is required before the Authority can take advantage of the services provided by the State Mineral Board.

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

“A resolution requesting and authorizing the State Mineral Board to lease lands owned by levee districts within the jurisdiction of the Southeast Louisiana Flood Protection Authority - East (SLFPA-E) for the development and production of minerals.”

WHEREAS, pursuant to La. R.S. 30:152, the SLFPA-E as the governing authority of the levee districts within its jurisdiction, may lease lands for the development and production of minerals on lands owned by the districts; and

WHEREAS, the Louisiana State Mineral Board is the body charged with leasing State lands for the development and production of minerals; and

WHEREAS, upon the request and authorization of the SLFPA-E and in accordance with LA. R.S. 30:153, et seq., the SLFPA-E will by resolution request and direct the State Mineral Board to lease specific levee district lands for the development and production of minerals.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East requests and directs the Louisiana State Mineral Board to lease lands owned by levee districts within its jurisdiction for the development and production of minerals.

BE IT FURTHER RESOLVED, that the President of the SLFPA-E is authorized to execute any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be sent to the Mineral Board of the State of Louisiana.

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

RESOLUTION #11-08-07-17 –

EMPLOYMENT AGREEMENT WITH MS. WILMA HEATON

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

“A resolution to approve the Southeast Louisiana Flood Protection Authority East (SLFPA-E) President to enter into an Employment Agreement with Wilma Heaton to serve as the SLFPA-E Executive Assistant.”

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

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

RESOLUTION #11-08-07-18 - RIGHT OF ENTRY AUTHORIZATION IN CONNECTION WITH THE LAKE PONTCHARTRAIN AND VICINITY PROJECT, MAXENT CANAL, ORLEANS PARISH, LOUISIANA.

O.L.D. Executive Director Stevan Spencer advised the USACE is looking at alternative levee alignments to divide areas into polders and to reduce the amount of future borrow material that may be required. The Maxent Canal levee is an alternate alignment in the New Orleans East area, located on private property owned by Wildlife and Fisheries, Sewerage and Water Board and other private owners. Levee districts are allowed under R.S. 38:301.D to perform sampling and surveys of this nature for levee purposes, provided property owners who live on the property are given five days' notice via certified mail, and owners who do not live on the property are given 15 days' notice. The USACE is currently preparing the list of property owners so that the O.L.D. can provide the required notice. The right-of-entry will be signed after the letters are sent and the appropriate time period elapses.

A clarification was requested concerning bringing right-of-entries, which are typically authorized by the executive directors of the levee districts, to the Board. Mr. Turner stated he had been advised by counsel that Board approval is required to invoke R.S. 38:301.D; however, Mr. LaCour felt the Board could delegate the authority under this statute to the Regional Director or the levee districts' Executive Directors. Mr. Doody requested that Mr. Turner as Regional Director, with the assistant of Mr. LaCour, make the decision on this matter, and further recommended routine rights-of-entry not be brought to the Board, but that significant rights-of-entry be brought to the Board.

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

WHEREAS, by letter dated October 31, 2007, the United States Army Corps of Engineers (USACE) requested that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) on behalf of the Orleans Levee District grant right-of-entry to conduct surveys, soil borings, environmental and cultural

resources investigations, and hazardous, toxic and radioactive waste (HTRW) assessments on the Maxent Canal, Orleans Parish, as soon as possible, but not later than November 15, 2007, for a period 18 months; and

WHEREAS, pursuant to Louisiana Revised Statute 38:301(D), levee boards and levee and drainage boards and their authorized agents and employees have the power to enter upon lands, waters and premises in the State for the purposes of making such surveys, soundings, drillings and examinations as are deemed necessary or convenient.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority - East on behalf of the Orleans Levee District authorizes the United States Army Corps of Engineers a right-of-entry to conduct surveys, soil borings, environmental and cultural resources investigations, and hazardous, toxic and radioactive waste (HTRW) assessments on the Maxent Canal, Orleans Parish, in accordance with USACE letter dated October 31, 2007.

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

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

RESOLUTION #11-08-07-19 - RIGHT OF ENTRY AUTHORIZATION IN CONNECTION WITH STAGING AREAS, LAKE PONTCHARTRAIN AND VICINITY HURRICANE PROTECTION PROJECT, INDIVIDUAL ENVIRONMENTAL REPORT (IER) #6 ORLEANS PARISH, LOUISIANA

Mr. Spencer explained the levee along the south side of Hayne Boulevard from Lakefront Airport to Highway 47 must be raised and/or a berm placed on the levee flood side, along with work required on the floodgate at Lincoln Beach. The USACE is looking at four staging and stockpiling areas; i.e., the old parking lot for Lincoln Beach, which is owned by the City, and three other private properties along Hayne Boulevard. This right-of-entry would allow testing to determine whether these areas are acceptable. The USACE has provided a list of private property owners. Authorization was recommended by DOTD's local office; however, DOTD recommended the Baton Rouge DOTD HPO office also provide a recommendation prior to authorizing right-of-entry.

On the motion of Mr. Goins,

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

WHEREAS, by letter dated October 31, 2007, the United States Army Corps of Engineers (USACE) requested that the Orleans Levee District (O.L.D.) grant right-of-entry to conduct surveys, environmental and cultural resources investigations, soil borings and hazardous, toxic and radioactive waste (HTRW) site evaluations, for staging areas in connection with the Lake Pontchartrain and Vicinity Hurricane Protection Project, Individual Environmental Reports (IER) #6, Orleans Parish, as soon as possible, but not later than November 13, 2007, for a

period 24 months; and

WHEREAS, pursuant to Louisiana Revised Statute 38:301(D), levee boards and levee and drainage boards and their authorized agents and employees have the power to enter upon lands, waters and premises in the State for the purposes of making such surveys, soundings, drillings and examinations as are deemed necessary or convenient.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority - East authorizes granting the United States Army Corps of Engineers a right-of-entry to conduct surveys, environmental and cultural resources investigations, soil borings and hazardous, toxic and radioactive waste (HTRW) site evaluations, for staging areas in connection with the Lake Pontchartrain and Vicinity Hurricane Protection Project, Individual Environmental Reports (IER) #6, Orleans Parish, in accordance with USACE letter dated October 31, 2007.

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

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

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

**RESOLUTION #11-08-07-20 –
O.L.D. DISCLOSURE LARGE LOSS CLAIMS INFORMATION**

Mr. Spencer advised health and dental insurance coverage for O.L.D. employees will expire on December 31st. The agent of record is investigating an extension and the availability of coverage.

Mr. Doody added, this requested release of information is typical when insurance coverage is bid. Potential carriers require information on claims experience, which must be authorized.

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

WHEREAS, Board of Commissioners, Orleans Levee District (the "Plan") is a fully insured group health plan, the benefits under which are provided through a fully-insured arrangement with UnitedHealthcare; and

WHEREAS, the Plan is a "group health plan" for purposes of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the regulations thereunder; and

WHEREAS, the Plan has requested disclosure of diagnosis information related to each large loss claim reported; and

WHEREAS, this information is to be disclosed only at renewal of the group and for the specific health care operations purpose of renewal or replacement of a contract of health insurance.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority-East, acting as the Board of Commissioners for the Orleans Levee District, authorizes the Plan to certify to UnitedHealthcare that the disclosure of the requested diagnosis information is to be made solely to Agent or Broker of Record for the Plan. The Plan represents that such Agent or Broker has agreed not to share this information with Plan Sponsor.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

**RESOLUTION #11-08-07-21- EAST JEFFERSON LEVEE DISTRICT
CAPITAL OUTLAY PROGRAM FUNDING REQUEST**

Mr. Doody explained this resolution would approve a change to the previously approved project estimate of \$41 to \$49 million for submittal to the Louisiana Capital Outlay Program.

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

WHEREAS, the State of Louisiana COP funding applications are required to be submitted by November 1, 2007, with a Resolution requesting sponsor funding; and

WHEREAS, the East Jefferson Levee District (EJLD) has projects that require funding from the COP in order to initiate design and/or construction phases of said projects.

BE IT HEREBY RESOLVED, that the Southeast Louisiana Flood Control Authority-East on behalf of the EJLD, by this Resolution, formally requests the State of Louisiana COP to fund the following EJLD projects for Fiscal Year 2008-2009 in the amounts shown:

LAKE PONTCHARTRAIN FORESHORE PROTECTION BULKHEAD		
Phase 1	Reach 1	\$12,015,000
Phase 2	Reach 2	\$ 6,525,480
Phase 3	Reach 5	\$ 4,539,000
Phase 4	Reach 4	\$11,267,400
Phase 5	Reach 3	<u>\$14,877,240</u>
TOTAL		\$49,224,120

BE IT FURTHER RESOLVED, that the EJLD does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation, special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.

3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER RESOLVED, that the EJLD is committed to providing a local project match to the extent it is economically able to for the amounts required/recommended and necessary by the State.

BE IT FURTHER RESOLVED, that the EJLD Executive Director be authorized to sign any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, that the EJLD Executive Director is hereby authorized and designated to act on behalf of EJLD in all matters pertaining to each of the aforementioned Projects for which Capital Outlay funds are being requested including requests for State disbursements.

BE IT FURTHER RESOLVED, that Resolution #10-18-07-10 previously adopted relative to this funding request is hereby rescinded.

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

YEAS: Mr. Barnes, Mr. Barry, Mr. Goins, Mr. Jackson, Mr. McKee,
Mr. Pineda and Mr. Wittie

NAYS: None

ABSENT: Mr. Losonsky

RESOLUTION #11-08-07-22 - GUICHARD CANAL BANK FAILURE

Regional Director Robert Turner showed photographs of the Guichard Canal bank failure, which was discovered while doing damage assessments two days after a heavy rain fall event. Actions were taken immediately to effect the repair. DOTD and Eustis Engineering were called in to provide information and assist in determining the most cost effective option to do the repair work. Currently, approximately 180 feet of sheeting is being driven at the toe of the canal. He explained as St. Bernard Parish was developed, rights-of-way in residential areas were taken on one side of the canals; however, private properties on the other side of the canals were allowed to go up to the canal banks, which were constructed at a 1.5 to 1 slope.

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

“A resolution ratifying the President’s declaration on October 30, 2007, of an extreme public emergency due to the bank failure along the eastern side of the Guichard Canal.”

WHEREAS, LS R.S. 38:2211, et seq., mandates that all public work contracts exceeding \$100,000 must be advertised and let by contract in accordance with the procedures set forth in the Louisiana Public Bid Law; and

WHEREAS, the Public Bid Law provides that in the event of an extreme public emergency that has been certified by a public entity and notice of such public emergency has been published in the official journal of the public entity that the advertising and bidding requirements of the Public Bid Law shall not apply; and

WHEREAS, after a recent rainfall event, a failure of the canal bank behind two residences along the eastern side of the Guichard Canal occurred which has left very limited work room at the top of the bank behind the residences to perform repairs; and

WHEREAS, repairs to the canal bank are required as quickly as possible before more of the canal bank is eroded or sloughed into the canal and to minimize potential damage to the existing residences.

BE HEREBY RESOLVED, that the Southeast Louisiana Flood Protection Authority-East certifies that an extreme public emergency exists as a result of the bank failure along the eastern side of the Guichard Canal, and hereby authorizes notice declaring such extreme public emergency to be published in the official journal of the Southeast Louisiana Flood Protection Authority-East and the Lake Borgne Basin Levee District in accordance with the provisions of La. Rev. Stat. 38:2212(D).

BE IT FURTHER RESOLVED, That the SLFPA-E authorizes its Regional Director to negotiate and execute a contract to affect the repair of said canal bank failure, and to take any and all other actions, and sign any and all documents necessary to carry out the above.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. McKee,
and Mr. Wittie

NAYS: None

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

RESOLUTION #11-08-07-23 - DEBRIS REMOVAL AGREEMENT

Mr. Turner reminded the Board at its last meeting he had explained the problems the LBBLD was encountering in trying to remove debris, particularly the materials dug out of the canals by the USACE and placed at the drainage pumping stations. Details have been worked out in order to have St. Bernard Parish's contractor remove the debris. FEMA will write a letter to St. Bernard Parish stating it will reimburse the Parish government if its contractor removes the debris. An agreement must be executed between the LBBLD and the St. Bernard Parish Government, which is based upon a Memorandum of Understanding that the Parish Government had with DOTD. The agreement was reviewed by Mr. Mark Hanna, LBBLD legal counsel, who advised there were no undo liabilities placed upon the LBBLD by entering into this agreement.

On the motion of Mr. Jackson,

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

"A resolution to approve the Debris Removal Agreement between the Lake Borgne Basin Levee District and St. Bernard Parish Government"

WHEREAS, a substantial amount of debris has accumulated along the levee and canal rights-of-way of the Lake Borgne Basin Levee District (LBBLD) as a result of Hurricane Katrina and the subsequent cleaning of the drainage canals; and

WHEREAS, an Agreement is contemplated between the LBBLD and St. Bernard Parish Government for the removal and disposal of all eligible debris from the LBBLD rights-of-way; and

WHEREAS, the costs of performing the aforementioned debris removal is currently 100 percent reimbursable by FEMA; and

WHEREAS, said Agreement shall commence immediately upon execution and remain in effect until August 29, 2008, or until a disengagement strategy is implemented whichever is later, or either party may, for convenience or cause, terminate the Agreement at any time by giving fifteen days' written notice.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority-East hereby approves the Debris Removal Agreement between the Lake Borgne Basin Levee District and St. Bernard Parish Government and authorizes the LBBLD Executive Director to execute said agreement and 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. Goins, Mr. Jackson, Mr. McKee,
and Mr. Wittie

NAYS: None

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

RESOLUTION #11-08-07-24 - RIGHT OF ENTRY AUTHORIZATION FOR THE LAKE PONTCHARTRAIN AND VICINITY HURRICANE PROTECTION PROJECT, IER-10 ST. BERNARD PARISH, LOUISIANA

Mr. Turner advised this right-of-entry request involves environmental assessments on property that is not owned by the LBBLD; therefore, this was brought to the Board to begin the process that was previously described concerning the invoking of R.S. 38:301.D and providing notice to private property owners.

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

WHEREAS, by letter dated October 16, 2007, the United States Army Corps of Engineers (USACE) requested that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) grant right-of-entry to conduct wetlands investigations and delineations in connection with the Lake Pontchartrain and Vicinity Hurricane Protection Project, IER-10, St. Bernard Parish, as soon as possible, but not later than November 16, 2007, for a period 12 months; and

WHEREAS, the aforementioned request is for the purpose of conducting surveys, soil borings, environmental assessments, cultural resources surveys and hazardous, toxic and radioactive waste (HTRW) site evaluations; and

WHEREAS, pursuant to Louisiana Revised Statute 38:301(D), levee boards and levee and drainage boards and their authorized agents and employees have the power to enter upon lands, waters and premises in the State for the purposes of making such surveys, soundings, drillings and examinations as are deemed necessary or convenient.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection

Authority - East grants the United States Army Corps of Engineers a right-of-entry to conduct wetlands investigations and delineations in connection with the Lake Pontchartrain and Vicinity Hurricane Protection Project, IER-10, St. Bernard Parish, in accordance with USACE letter dated October 16, 2007.

BE IT FURTHER RESOLVED, that the SLFPA-E President or Lake Borgne Basin Levee District Executive Director be authorized to sign any and all documents necessary to carry out the above.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. McKee,
and Mr. Wittie

NAYS: None

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

**RESOLUTION #11-08-07-25 - RIGHT OF ENTRY AUTHORIZATION
IN CONNECTION WITH THE RISK REDUCTION VIA MODIFICATION
TO THE CAERNARVON FRESHWATER DIVERSION PROJECT,
MARSH CREATION, ST. BERNARD PARISH, LOUISIANA**

Mr. Turner explained this right-of-entry is for the conducting of surveys, soil investigations, etc., relative to a marsh creation project in the area between Caernarvon and Lake Lery in conjunction with work accomplished under the LaCPR and the CPRA master plan. This right-of-entry involves property not owned by the LBBLD; therefore, the previously described process involving the invoking of R.S. 38:301.D would be utilized. He added, under R.S. 38:301.D levee districts are provided the authority to enter upon any lands in the State for flood protection purposes. Levee districts can delegate this right to its agents, and the USACE would be granted the right to enter upon the property as an agent of the LBBLD.

Mr. Greg Carter, USACE representative, explained he is involved in securing the right-of-entry for the project manager. This right-of-entry involving marsh creation is for preliminary investigations for environmental purposes, soils investigations and to determine possible impact to the area.

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

WHEREAS, by letter dated November 7, 2007, the United States Army Corps of Engineers (USACE) requested that the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) grant right-of-entry in connection with the risk reduction via modification to the Caernarvon Freshwater Diversion Project, Marsh Creation, St. Bernard Parish, as soon as possible, but not later than November 30, 2007, for a period 12 months; and

WHEREAS, the aforementioned request is for the purpose of conducting surveys, soil borings, environmental and cultural resource investigations, and hazardous, toxic and radioactive waste investigations (HTRW); and

WHEREAS, pursuant to Louisiana Revised Statute 38:301(D), levee boards and levee and drainage boards and their authorized agents and

employees have the power to enter upon lands, waters and premises in the State for the purposes of making such surveys, soundings, drillings and examinations as are deemed necessary or convenient.

BE IT RESOLVED, that the Southeast Louisiana Flood Protection Authority - East grants the United States Army Corps of Engineers a right-of-entry to conduct surveys, soil borings, environmental and cultural resource investigations, and hazardous, toxic and radioactive waste investigations (HTRW) in connection with the risk reduction via modification to the Caernarvon Freshwater Diversion Project, Marsh Creation, St. Bernard Parish, Louisiana, in accordance with USACE letter dated November 7, 2007.

BE IT FURTHER RESOLVED, that the SLFPA-E President or Lake Borgne Basin Levee District Executive Director be authorized to sign any and all documents necessary to carry out the above.

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

YEAS: Mr. Barnes, Mr. Goins, Mr. Jackson, Mr. McKee,
and Mr. Wittie

NAYS: None

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

The next Board meeting will be held on Thursday, December 20, 2007.

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