

**MINUTES OF THE  
SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST  
BOARD MEETING  
THURSDAY, SEPTEMBER 18, 2014**

The regular monthly Board Meeting of the Southeast Louisiana Flood Protection Authority-East (Authority or SLFPA-E) was held on Thursday, September 18, 2014, at 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. Estopinal called the meeting to order at 9:30 a.m. and led in the pledge of allegiance.

The roll was called by Mr. Wittie and a quorum was present:

**PRESENT:**

Stephen V. Estopinal, President  
Lambert J. Hassinger, Jr., Vice President  
Louis E. Wittie, Secretary  
Wilton P. Tilly, III, Treasurer  
Tyrone Ben  
G. Paul Kemp  
Kelly J. McHugh  
Richard A. Luettich, Jr.

**ABSENT:**

Jefferson M. Angers

**OPENING COMMENTS:**

Mr. Estopinal announced with sadness the passing of Mr. David P. Barnes, Jr., who was one of the founding members of the Board. Mr. Barnes attended the meetings of the Board for many years while he was the caretaker for a very ill spouse. Mr. Barnes' wife recently passed away and Mr. Barnes passed away earlier this week.

**ADOPTION OF AGENDA:**

A motion was offered by Mr. Hassinger and seconded by Mr. Tilly to adopt the agenda. Mr. Estopinal requested that the item listed under Executive Session be removed from the agenda since there is no report on the litigation. Mr. Hassinger and Mr. Tilly accepted the removal of the item listed under Executive Session from the agenda. The Board voted unanimously in favor of adopting the agenda as amended.

**RESOLUTION NO. 09-18-14-01 –  
APPROVAL OF AUGUST 21, 2014 BOARD MEETING MINUTES**

On the motion of Mr. Wittie,  
Seconded by Mr. Hassinger, 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 August 21, 2014.

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,  
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

**PUBLIC COMMENTS:**

Roy Arrigo, a resident along the 17<sup>th</sup> Street Canal, stated that at the last Legal Committee meeting the SLFPA-E's counsel, Thomas Anzelmo, was called upon to explain how the St. Julien servitude was acquired along the 17<sup>th</sup> Street Canal. The cornerstone of his explanation was that on February 15, 1916, via Ordinance No. 3130 the City accepted a donation of this land. Once this donation occurred, levee work commenced on the land and continued in pieces and parts throughout the following decades. According to Mr. Anzelmo, the donation of the land and the construction that followed satisfied the requirement of acquiescence and the construction of the levee in accordance with the St. Julien doctrine where it occurred. The land donation ordinance included a map and a written legal description of the land that was being donated. Mr. Anzelmo made no mention of either of these documents. The documents show that the land donated in the ordinance is not the private property, but the land adjacent to the private property. The levee projects did commence on the donated land, as Mr. Anzelmo stated, but only on the donated land, not the adjacent private properties. The right-of-way portions of the documents for the levee projects go to great lengths to show the Levee Board's rights as ending at the property lines and to warn the contractors to stay away from the private properties because the Levee Board had no rights there. The documents show that no work was done on the private property. Mr. Arrigo commented that satisfying the St. Julien doctrine on one piece of land does not grant land rights to the adjacent land. He asked the Board was the rear portion of his property included in the donated land as was indicated by the SLFPA-E's counsel. He stated that if the Board could show him that the land donated included the rear portion of his land and not just the adjacent land, or if the Board could show that the Levee Board engaged in the construction of a levee on his property and that it is not just a dormant railroad foundation that it is claiming rights to, he would personally be prepared to drop out of the lawsuit, the blogs, the Board's meetings and delete his You Tube account and move past this issue. He asked whether the Board is interested in doing

the right thing based on the truth or just interested in swindling Orleans Parish citizens out of their property.

Craig Berthold, a resident along the 17<sup>th</sup> Street Canal, concurred with Mr. Arrigo's comments and added that Ordinance Nos. 3129 and 3130 apply to the property adjacent to the private properties. He requested that the Board work with the property owners to resolve this issue.

Carol Byram commented that SLFPA-E arbitrarily removed fences and vegetation using a levee toe location that is not only highly questionable, but buried eight feet under the levee and not on the private property. She commented that she took photographs to document the facts and to compare the condition of the levee before and after the remediation took place, talked to experts and provided detailed information regarding the issues to try to help the Board understand what was really happening. The toe plus 15-ft. issue came about in 2011 and the property owners had to keep working. She commented on the information that was provided to Board members by its counsel concerning the lawsuit and stated that the attorneys were attempting to rewrite history. She provided a packet of information to the Board concerning the issues that were discussed by the SLFPA-E's counsel that included comments from Federal Judge Barbier's rulings indicating that there is no servitude, the questionability of the levee toe as determined by the U.S. Army Corps of Engineers (USACE), and the absurdity of the claim that the property owners acquiesced to a servitude because of erratically moving toe lines.

### **COMMITTEE REPORTS:**

**Finance Committee:** Mr. Tilly advised that the Finance Committee did not meet during the month of September.

**Operations Committee:** Mr. Wittie reported that the Operations Committee met on September 4<sup>th</sup> and considered the following items:

- Issuance of a task order to Design Engineering, Inc. for Phase 1 (Reaches 1A and 3B) and for the survey and geotechnical work for Phase 2 (Reaches 2C, 2D and 3C) of the Lake Pontchartrain Seawall Erosion Control Project Reaches 1A, 1C, 2A, 2C, 2D, 3A, 3B, 3C and 5B – The engineering fees were previously reviewed and adjustments were made. The Committee recommended that the task order be approved.
- Issuance of a task order to Evans-Graves Engineers, Inc. for the preparation of plans and specifications for the Erosion Control Project along the Outfall Canals – The consultant revised the flow rates included in the preliminary study. The Committee recommended that the task order be approved.
- Louisiana Capital Outlay Requests - An item has been included on today's agenda for the Orleans Levee District's request.

**Legal Committee:** Mr. Hassinger reported that the Legal Committee met on September 4<sup>th</sup>. The Committee directed the advertisement of the position of SLFPA-E Executive Counsel and will provide an update on the response.

**CPRA:** Mr. Hassinger advised that he was unable to attend the Coastal Protection and Restoration Authority (CPRA) Board meeting that was held yesterday in Lake Charles, LA. He requested that the CPRA provide a copy of the presentations given at the meeting and offered to distribute this information to Board members.

**Coastal Advisory Committee:** Mr. Kemp advised that the Coastal Advisory Committee did not meet during the month of September.

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

Robert Turner, SLFPA-E Regional Director, reviewed the highlights of the Regional Director's Report (copy appended to minutes). He provided additional comment concerning the following issues:

- Complex structures (navigation gates) – All of the complex structures are operational at this time. Some issues remain outstanding, such as paint issues on the Surge Barrier, Seabrook and Caernarvon gate structures. The USACE's expert inspected the gates regarding the paint issue and the SLFPA-E is awaiting the results of the inspection.
- LPV 144 Bayou Dupre Sector Gate – The USACE dewatered the structure to fix the vibration problem. The problem was fixed on one leaf, but continued on the other leaf. The USACE is considering additional options, including re-machining the hinge causing the problem or converting the hinge from a greaseless fitting to a greased fitting. The SLFPA-E requested that if the greased fitting option is selected that the hinges on both leaves be converted for consistency.
- LPV 145A – The swing bridge to access the six miles of levee and floodgates between Bayou Bienvenue and Bayou Dupre and the IHNC Surge Barrier is under construction.
- Armoring – The SLFPA-E is working with the CPRA to determine the costs associated with raising several levees prior to the application of armoring in order to achieve a minimum ten to fifteen year life from the armoring system. The current estimated cost to raise the levees is \$30 million. The majority of the levee raising will take place along the East Jefferson Levee District lakefront. Some levee raising will take place in New Orleans East. The CPRA is attempting to determine to what height the levees can be raised without creating a stability problem and which parts of the levee must be raised (i.e., stability berms, wave berms and/or crest). Staff is developing a plan to present to the Operations Committee. A written commitment will be needed so that the USACE can schedule the armoring project around the levees to be raised. Language was placed in the WRDA bill to address credits for levee lifts; however, the USACE's attorneys have not yet made a determination as to how this language affects the USACE.

- Mississippi River Levee (MRL) – The potential need to raise the MRL in the Violet Canal to Braithwaite area for storm surge protection was discussed. In 2010-2011 the USACE profiled the MRL and determined that sections of this stretch of levee are below the required design grade for the MRL project; however, the available Mississippi River & Tributaries (MR&T) funding is being used in higher risk areas. The crossover point (the point where the storm surge governs the height of the levee, not the riverine condition) for the East Bank was below Braithwaite; however, as time progresses the crossover point moves upriver. The MRL in this location will be deficient for storm surge if it is not raised at least to meet the riverine conditions within the next ten years.
- Peer Review of the Hurricane and Storm Damage Risk Reduction System (HSDRRS) – The Independent External Peer Review (IEPR) process was split amongst several projects. The HSDRRS design guidelines, the IHNC Surge Barrier, LPV 111 (deep soil mixing) Project and to some extent the St. Bernard Parish T-Walls have undergone IEPRs. A limited amount of IEPR was done on the armoring project. Several IEPR reports have been published.
- Non-federal levee certification – Work has been completed for the certification of the Maxent Levee and the paperwork has been executed for submittal to FEMA. A major issue remains for the certification of the Forty Arpent Levee. The estimated cost for the construction of a floodwall in the Violet Canal area in the vicinity of the Shrimp Factory is \$4 million. Meetings have taken place with members of the legislative delegation in an attempt to secure funding through the Interim Emergency Board. Staff is proceeding with the process to acquire the necessary land and preliminary designs are underway for the construction of the floodwall. Meetings have taken place with the consultant regarding other potential issues; however, these issues are anticipated to be solved without a great deal of difficulty.
- IHNC Regulated Navigation Area – A patrol is conducted monthly during hurricane season with the U.S. Coast Guard and USACE to survey and determine the number of vessels in the area and develop a timeline for the evacuation of the vessels if required.
- Construction of East Jefferson Levee District (EJLD) Safehouse and Consolidated Facilities – Mr. Turner reported that he and Mr. Tilly attended a meeting last night in the City of Kenner that was sponsored by the EJLD. The purpose of the meeting was to meet with the members of the community and listen to concerns and suggestions relative to the site layout and the project. Staff is looking at potential changes to the plans to accommodate some of the comments and concerns expressed by local citizens. Feedback is anticipated from leadership in the area early next week.
- USACE Notification of Contract Completion (NCC) – Staff is developing a list of all of the projects turned over to the SLFPA-E/levee districts and the projects yet to be turned over. He noted that there are outstanding punch list items on some of the projects that have been turned over; however, the USACE has assured the SLFPA-E that the punch list items will be addressed.

**EXECUTIVE SESSION:** None.

**NEW BUSINESS:**

**Discussion of pledge to support the efforts of the Flood Insurance Reform Coalition (SLFPA-E Resolution No. 03-20-14-10).**

Wilma Heaton, SLFPA-E Director of Governmental Affairs, explained that the Board adopted Resolution No. 03-20-14-10 committing to a one time payment of \$5,000 to the Flood Insurance Reform Coalition upon its creation. It appears that the Louisiana Association of Levee Boards has taken over this effort. Clarification is required as to whether the commitment is one time or potentially annual. Mr. Estopinal referred this issue to the Finance Committee.

**RESOLUTION NO. 09-18-14-02 –  
OUTFALL CANAL EROSION MITIGATION PROJECT**

Mr. Turner advised that the Outfall Canal Erosion Mitigation Project is a result of the report prepared by Evans-Graves Engineers, Inc. Adoption of the resolution would allow the consultant to proceed with the design work and the preparation of plans and specifications.

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

**WHEREAS**, Task Order 09-03-002 was issued by the Orleans Levee District (O.L.D.) under a Southeast Louisiana Flood Protection Authority-East (SLFPA-E) Indefinite Delivery-Indefinite Quantity (ID-IQ) contract with Evans-Graves Engineers, Inc. (Evans-Graves) for a preliminary study of the erosion along the Orleans Avenue, London Avenue and 17<sup>th</sup> Street Canals; and

**WHEREAS**, Evans-Graves presented a Preliminary Design Report to the SLFPA-E Operations Committee on June 5, 2014 and a revised report on August 7, 2014, and has thus concluded Task Order 09-03-002; and

**WHEREAS**, the O.L.D. and Evans-Graves negotiated engineering fees for the preparation of plans and specifications and for bidding assistance for the mitigation of erosion along the Outfall Canals; and

**WHEREAS**, the East Jefferson Levee District (EJLD) has committed to the engineering costs associated with the mitigation of erosion on the west side of the 17<sup>th</sup> Street Canal; and

**WHEREAS**, the total engineering fees for the project is \$205,912.45 (\$184,452.40 for the O.L.D. and \$21,460.05 for the EJLD); and

**WHEREAS**, invoices for the project shall be submitted to the SLFPA-E for payment and reimbursement shall be tendered by the O.L.D. and EJLD for each levee district's respective share of the services provided.

**BE IT HEREBY RESOLVED**, that the SLFPA-E approves the issuance of a Task Order (09-03-003) to Evans-Graves Engineers, Inc. in the amount of \$205,912.45 for the preparation of plans and specifications and to provide bidding assistance for the mitigation of erosion in the Outfall Canals.

**BE IT HEREBY RESOLVED**, that the O.L.D. Executive Director is hereby authorized to sign the aforementioned Task Order and 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. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,  
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

**RESOLUTION NO. 09-18-14-03 - LAKE PONTCHARTRAIN SEAWALL EROSION CONTROL PROJECT REACHES 1A, 1C, 2A, 2C, 2D, 3A, 3B, 3C AND 5B**

Mr. Turner explained that the project addresses the erosion taking place behind the lakefront seawall along Lakeshore Drive. Mr. Estopinal noted that Mr. Hassinger did not participate in the discussion of the item and abstained from the vote.

On the motion of Mr. Wittie,

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

**WHEREAS**, a Request for Qualifications was issued by the Orleans Levee District (O.L.D.) for the Lake Pontchartrain Seawall Erosion Control Project Reaches 1A, 1C, 2A, 2C, 2D, 3A, 3B, 3C and 5B; and

**WHEREAS**, the Board by Resolution No. 04-17-14-06 selected Design Engineering, Inc. (DEI) as the Engineering Consultant for the subject project, and by Resolution No. 08-21-14-05 approved the execution of a Professional Services Agreement with DEI for said project; and

**WHEREAS**, the Scope of Work for the project has been divided into four phases with a total not-to-exceed limit fee of \$5,335,362.87; and

**WHEREAS**, Task Order No. 1 under the aforementioned Agreement includes engineering services, construction administration services and resident inspection services for Phase 1 and a portion of Phase 2 of the project in the amount of \$803,739.83, as follows:

Phase 1 Basis of Design Memo -	\$ 77,253.45
Phase 1 Engineering -	\$ 675,624.96
Phase 2 Surveying -	\$ 27,939.62
Phase 2 Geotechnical -	\$ 22,921.80

**BE IT HEREBY RESOLVED**, that the Southeast Louisiana Flood Protection Authority–East approves the issuance of Task Order No. 1 to DEI in the amount of

\$803,739.83 for Phase I and a portion of Phase 2 of the Lake Pontchartrain Seawall Erosion Control Project Reaches 1A, 1C, 2A, 2C, 2D, 3A, 3B, 3C and 5B as stated above.

**BE IT FURTHER RESOLVED**, that the O.L.D. Executive Director is hereby authorized to sign Task Order No. 1 and 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. Ben, Mr. Kemp, Mr. Luettich, Mr. McHugh, Mr. Tilly and Mr. Wittie  
ABSTAINED: Mr. Hassinger  
NAYS: None  
ABSENT: Mr. Angers

**RESOLUTION NO. 09-18-14-04 - ORLEANS LEVEE DISTRICT  
CAPITAL OUTLAY PROGRAM FUNDING REQUEST**

Mr. Turner advised that the Orleans Levee District is requesting funding from the Capital Outlay Program for the projects listed in the resolution. The Capital Outlay Program funding requests for the East Jefferson Levee District and the Lake Borgne Basin Levee District will be presented at the next Board meeting.

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

**WHEREAS**, the Orleans Levee District (O.L.D) has successfully obtained funding from the State of Louisiana Capital Outlay Program (COP) for the design and construction of several vital projects over the past years; and

**WHEREAS**, the State of Louisiana COP funding applications are required to be submitted by November 1, 2014, with a Resolution requesting sponsor funding; and

**WHEREAS**, the O.L.D. 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 Protection Authority-East on behalf of the O.L.D. by this Resolution formally requests the State of Louisiana COP to fund the following O.L.D. projects for Fiscal Year 2015-2016 in the amounts shown:

<b>A. Seawall Flood Protection Modification, Phase 4 (at Lakeshore Drive)</b>	<b>\$ 7,000,000</b>
<b>B. Bayou St. John Water Management Improvements</b>	<b>\$ 875,000</b>
<b>C. Highway 90 Land Bridge</b>	<b>\$ 5,000,000</b>
<b>D. New Police Building</b>	<b>\$ 1,300,000</b>

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

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

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

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luettich, Mr. McHugh,  
Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

**RESOLUTION NO. 09-18-14-05 –  
SPECIAL ELECTION IN LAKE BORGNE BASIN LEVEE DISTRICT**

Mr. Estopinal advised that the Special Election is to request the citizens of St. Bernard Parish to approve a 7.5 mill ad valorem tax. Mr. Turner explained that the Lake Borgne Basin Levee District (LBBLD) has been operating at a deficit of about \$500,000 per year for several years. The number of dollars collected in ad valorem taxes in 2013 and 2014 is about the same number of dollars collected in 2005. Basically, there has been no growth in the ad valorem taxes; however, the millage rate has remained the same (11.1 mills). Several things have occurred to adjust for this situation. The size of the LBBLD staff has been reduced. The LBBLD currently has a total of 34 employees. Close to two-thirds of the operational cost is associated with salaries. Staff has done a good job keeping up with maintenance on a day-to-day basis relative to the Mississippi River Levee, the drainage pump stations and canals; however, the LBBLD has not yet taken on the full responsibility for the HSDRRS projects. There are items with deferred maintenance. Some of the pump stations are in dire need of work; for example, a rusted trash rig system at Pump Station No. 4. At this time the pump stations cannot be manned on a 24 hour per day/seven day per week basis because the LBBLD cannot hire enough employees. The LBBLD will soon have new pump stations coming on line that are being constructed by the USACE that

will add to the drainage capacity of the system. A cost study was performed by AECOM of the overall system. A minimum of about \$6 million per year is required in order for the LBBLD to operate effectively. The increase in revenue will not solve all of the LBBLD's problems, but will provide time to react and deal with the majority of the issues. The LBBLD will need to begin preparations and begin escrowing funds for the intense maintenance cycles for two navigation floodgates that will occur every ten years. The estimated cost of a maintenance cycle for one navigation floodgate is approximately \$1.2 million to \$1.5 million. The estimated total cost for a ten-year maintenance cycle for the two navigation floodgates is approximately \$3 million.

Mr. Turner stressed that it is critical for the levee system as a whole and for St. Bernard Parish that the additional 7.5 mills be approved. The additional millage equates to about \$50 for a \$150,000 home. He pointed out that at this time St. Bernard Parish has the best flood protection system that it has ever had; however, if the additional millage is not approved, the system will not be as good as it is today and will continue to degrade. The additional funding must be put in place so that the required operations and maintenance is performed in order to keep the system in tiptop shape so that it can perform in a storm event.

Mr. Kemp asked how the LBBLD addressed the annual deficit over the past several years. Nick Cali, LBBLD Executive Director, explained that the LBBLD had a general fund surplus of about \$4 million two years ago that accumulated through a number of ways through the years. The surplus is being eaten away and is uncomfortably low. He commended the LBBLD employees for their efforts and noted that the LBBLD is one of the most efficient organizations in the state. According to estimates, the additional millage will make the organization sustainable for about the next ten years.

Mr. McHugh asked the number of years that the millage will be collected and the amount of revenue that will be raised. Mr. Turner responded that the millage will be in place for thirty years. A mill in St. Bernard Parish produces about \$300,000; therefore, the 7.5 mills will raise about \$2.3 million annually.

Mr. Wittie commented concerning the work that is required in connection with the certification of the non-federal levee. Mr. Turner stressed the need to proceed with this work as soon as possible so that FEMA will not remap the Lower Ninth Ward and St. Bernard Parish on the Digital Flood Insurance Rate Maps. There is insufficient time to attempt to acquire the necessary funds through a millage election and the sale of bonds because the work must be done before FEMA begins its remapping effort. Therefore, funding has been requested through the Interim Emergency Board.

Mr. Turner advised that there are no restrictions on the revenues from the additional millage and that the revenues can be spent to operate, maintain and build the system.

Mr. Estopinal reiterated that the LBBLD operated at a loss of \$500,000 per year prior to taking on the responsibility of the newly constructed HSDRRS features constructed by the USACE, including approximately 23 miles of new floodwall and levee, new floodgates and IHNC Surge Barrier. The LBBLD must be able to operate and maintain the HSDRRS projects that are turned over to the levee district. He stated that he was confident that the revenues received by the LBBLD have been wisely spent and well regulated.

Mr. Estopinal asked if anyone in the audience wished to address this issue.

Mr. Hassinger inquired about the deficit since Hurricane Katrina. Mr. Cali explained that the LBBLD received assistance from the State after Hurricane Katrina in the 2006-2007 time period. He pointed out that if the ad valorem revenues are compared to the expenses for the day-to-day operations and maintenance, there is a deficit. Mr. Turner noted that three of the past four years the LBBLD operated with a \$500,000 deficit. Mr. Hassinger asked whether the LBBLD requested the voters to approve a millage increase since Hurricane Katrina. Mr. Cali explained that the LBBLD renewed two expiring millages since Hurricane Katrina; however, no request has been made for additional millage. Mr. Hassinger inquired about whether the request for additional millage should have already taken place. Mr. Cali responded that he had no explanation for what had taken place prior to his employment with the LBBLD; however, it has been known for some time that the request for additional millage would be required. Mr. Turner added that this information has been made known to the Board. He commented that the LBBLD has been successful in obtaining about \$8 million of Hazard Mitigation Program Grants to deal with capital expenditures such as safehousing for pump station operators and upgrades to some of the drainage pump stations. Mr. Estopinal pointed out that it was believed that ad valorem tax collections would increase as St. Bernard Parish recovered from the effects of Hurricane Katrina; however, this increase has not taken place and the collections have flat lined.

Mr. Hassinger noted that the LBBLD is the only levee district in the State that in addition to the levee system handles all of the pumping and drainage for a municipality. The newly constructed HSDRRS represents an additional \$1.4 billion of infrastructure that must be operated and maintained by the LBBLD. The annual cost for just the two new sector gates is \$300,000. The LBBLD currently has nine employees on the levee crew that are responsible for sixty miles of levees, 55 linear miles of drainage canals and 33 floodgates, in addition to maintenance of all of the equipment. The LBBLD currently has no full time mechanic. Mr. Cali commented that the current operations are not sustainable and that assistance is required. Mr. Hassinger asked whether it is fair to say that the additional millage that is being requested is the smallest amount of money needed to operate the LBBLD effectively. Mr. Cali responded that the request is bare bones and that every projected expense can be quantified.

Wilma Heaton, SLFPA-E Director of Governmental Affairs, advised that Representative Ray Garofalo, as well as the State Senators (Senators Morrell and Crowe) has been extremely supportive in the effort to get the message out concerning the LBBLD's need for funding for the work required for the non-federal levee certification. An emergency application was filed with the assistance of Representative Garofalo for the Capital Outlay Program; however, the request was not included in the Capital Outlay bill. Therefore, the LBBLD was eligible to file the application with the Interim Emergency Board (IEB). However, it has been difficult to explain the nature of the emergency request to the IEB since the application had been previously made and the State was aware of the request, but did not act upon it. She added that she has met with Senator Alario, Chairman of the IEB. She further explained that public confusion may occur because of the publicized \$52 million spent on hazard mitigation in St. Bernard Parish; however, none of this work is associated with the LBBLD. She pointed out that the special election will be placed on the Bond Commission's agenda for its October meeting and will be placed on the December 6<sup>th</sup> ballot.

Mr. Estopinal stressed the need to inform the citizens of St. Bernard Parish that it is vitally important that the LBBLD have the money needed to operate and maintain the flood protection system. Mr. Turner advised that staff will be going to various community and neighborhood groups to provide information.

John Koefler, a resident of the Lower Ninth Ward, commented on his confidence concerning what the staff is doing and that the levee district is very well run. He expressed concern relative to the weaknesses of the system, such as the design of the IHNC Surge Barrier Barge Gate, the evacuation of barges and vessels in the Industrial Canal prior to a storm event and the potential accumulation of excessive amounts of rainfall during a prolonged period in the IHNC basin.

There were no further comments relative to the special election.

The following resolution was offered by Mr. Hassinger and seconded by Mr. Ben:

**RESOLUTION NO. 09-18-14-05**

A resolution ordering and calling a special election to be held in the Lake Borgne Basin Levee District, Louisiana, to authorize the levy of a special tax therein; making application to the State Bond Commission; and providing for other matters in connection therewith.

BE IT RESOLVED by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana (the "Governing Authority"), acting as the governing authority of the Lake Borgne Basin Levee District, Louisiana (the "District"), that:

SECTION 1. Election Call. Subject to the approval of the State Bond Commission, and under the authority conferred by Article VI, Sections 30 and 32 of the Constitution of the State of Louisiana of 1974, the applicable provisions of Chapter 5 and Chapter 6-A of the Louisiana Election Code, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the District on **SATURDAY, DECEMBER 6, 2014**, between the hours of seven o'clock (7:00) a.m. and eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

PROPOSITION  
(MILLAGE)

Shall the Lake Borgne Basin Levee District, Louisiana (the "District"), levy and collect a special ad valorem tax of seven and one-half (7.5) mills on all property subject to taxation within the District (an estimated \$2,591,000 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of thirty (30) years, beginning with the year 2015 and ending with the year 2044, for the purpose of constructing and maintaining necessary levees, levee drainage, flood protection, hurricane flood protection and all other purposes incidental thereto which tax may be used as security for bonds or other evidences of indebtedness to be used to pay the costs of such projects?

SECTION 2. Publication of Notice of Election. A Notice of Special Election shall be published in the *St. Bernard Voice*, a newspaper of general circulation within the District, published in Arabi, Louisiana, and being the official journal of the District, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date of the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

SECTION 3. Canvass. This Governing Authority shall meet at, the 2<sup>nd</sup> Floor Council Chambers, Joseph Yenni Bldg., 1221 Elmwood Park Blvd., Harahan, Louisiana, on **THURSDAY, JANUARY 15, 2015**, at **NINE-THIRTY O'CLOCK (9:30) A.M.**, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. Polling Places. The polling places set forth in the aforesaid Notice of Special Election are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to

Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held on Thursday, January 15, 2015, as provided in Section 3 hereof. All registered voters in the District will be entitled to vote at the special election, and voting machines shall be used.

SECTION 6. Authorization of Officers. The Secretary of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the President and/or Secretary of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election.

SECTION 7. Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Clerk of Court and *Ex-Officio* Parish Custodian of Voting Machines of St. Bernard Parish and the Registrar of Voters of St. Bernard Parish, as notification of the special election, in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. Application to State Bond Commission. Application is made to the State Bond Commission for consent and authority to hold the special election as herein provided, and in the event said election carries, for further consent and authority to levy and collect the special tax provided for therein. A certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a request for the prompt consideration and approval of this application.

SECTION 9. Additional Notice Requirement. This Governing Authority made the announcement with respect to the adoption of this resolution required by La. R.S. 42:19.1, at its public meeting on Thursday, August 7, 2014 and published said announcement in the Official Journal on Friday, August 8, 2014. This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Mr. Ben, Mr. Hassinger, Mr. Kemp, Mr. Luetlich, Mr. McHugh, Mr. Tilly and Mr. Wittie

NAYS: None

ABSENT: Mr. Angers

And the resolution was declared adopted on this, the 18<sup>th</sup> day of September, 2014.

**EXHIBIT "A"**

**NOTICE OF SPECIAL ELECTION**

Pursuant to the provisions of a resolution adopted by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, Louisiana (the "Governing Authority"), acting as the governing authority of the Lake Borgne Basin Levee District, Louisiana (the "District"), on September 18, 2014, NOTICE IS HEREBY GIVEN that a special election will be held within the District on **SATURDAY, DECEMBER 6, 2014**, and that at the said election there will be submitted to all registered voters in the District qualified and entitled to vote at the said election under the Constitution and Laws of the State of Louisiana and the Constitution of the United States, the following proposition, to-wit:

**PROPOSITION  
(MILLAGE)**

Shall the Lake Borgne Basin Levee District, Louisiana (the "District"), levy and collect a special ad valorem tax of seven and one-half (7.5) mills on all property subject to taxation within the District (an estimated \$2,591,000 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of thirty (30) years, beginning with the year 2015 and ending with the year 2044, for the purpose of constructing and maintaining necessary levees, levee drainage, flood protection, hurricane flood protection and all other purposes incidental thereto which tax may be used as security for bonds or other evidences of indebtedness to be used to pay the costs of such projects?

The said special election will be held at the following polling places situated within the District, which polls will open at seven o'clock (7:00) a.m., and close at eight o'clock (8:00) p.m., in accordance with the provisions of La. R.S. 18:541, to-wit:

POLLING PLACES	
Precinct	Location
0010	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0011	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0012	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0013	Arabi Elementary School Cafeteria, 7200 Alexander Avenue, Arabi
0014	Andrew Jackson Middle School Lobby, 201 Eighth St, Chalmette
0015	Andrew Jackson Middle School Lobby, 201 Eighth St, Chalmette
0016	Andrew Jackson Middle School Lobby, 201 Eighth St, Chalmette

POLLING PLACES	
Precinct	Location
0017	Andrew Jackson Middle School Lobby, 201 Eighth St, Chalmette
0020	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0021	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0022	Nunez College Gym, 3700 Lafontaine Street, Chalmette
0023	Chalmette Elementary School Cafeteria, 75 E. Chalmette Circle, Chalmette
0024	Nunez College Gym, 3700 Lafontaine Street, Chalmette
0025	Nunez College Gym, 3700 Lafontaine Street, Chalmette
0030	Chalmette High School - Lacoste Campus Cafeteria, 1101 E. Judge Perez Drive, Chalmette
0031	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0032	Chalmette High School - Lacoste Campus Cafeteria, 1101 E. Judge Perez Drive, Chalmette
0032A	Chalmette High School - Lacoste Campus Cafeteria, 1101 E. Judge Perez Drive, Chalmette
0033	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0034	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0035	Chalmette High School Cafeteria, 1100 E. Judge Perez Drive, Chalmette
0040	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0041	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0042	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0042A	Joe Davies Elementary School, 4101 Mistrot Drive, Meraux
0043	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0044	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0045	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0046	N. P. Trist Middle School, #1 Pirates Cove, Meraux
0050	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet
0051	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet
0052	W. Smith Elementary School, 6701 E. St. Bernard Hwy., Violet





**Motion to request the State of Louisiana Capital Outlay Program to fund certain LBBLD projects for Fiscal Year 2015-2016.**

Mr. Turner asked that the motion be removed from the agenda at this time. Additional information is required and the resolution will be submitted to the Board for approval at its next meeting.

Mr. Estopinal announced that the next regular monthly Board meeting will be held on October 16, 2014 and hosted by the EJLD.

There was no further business; therefore, the meeting was adjourned at 11:13 a.m.

# SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – EAST

## REGIONAL DIRECTOR’S REPORT

Sept. 18, 2014

### HSDRRS Project Status Update

**IHNC-02 – Lake Borgne Surge Barrier Complex** The Orleans Levee District (OLD) and its Complex Structures crew continues to exercise gate components in the Surge Barrier Complex. The maintenance is current, the crew is adequately staffed and all gate systems are fully operational. Divers under contract to the OLD are on standby and available if needed during the 2014 Hurricane Season.

The Army Corps of Engineers recently stated its intent to install tripping dolphins for navigational purposes on the inside and outside of the GIWW Sector Gate. The Southeast Louisiana Flood Protection Authority-East (SLFPA-E) had asked that if the Corps chose to install the dolphins, that the Corps also agree to maintain them, since navigation is a Corps responsibility. However, Corps leadership has declared the dolphins part of the Surge Barrier Complex project and, as such, says the OLD must operate, maintain and inspect them.

We continue to await a Corps response to OLD concerns regarding Sector Gate paint problems, but that issue does not affect operation of the Barrier gates.

**IHNC-01 – Seabrook Complex** The OLD also continues to regularly exercise and maintain this structure. It is also adequately staffed, well-maintained and fully operational. Divers are on standby to do underwater checks before closure of this structure, as well, if needed this storm season.

We also continue to await a Corps response to the state Coastal Protection and Restoration Authority (CPRA) report on Vertical Lift Gate paint problems, but that issue does not affect operation of the Seabrook gates.

**LPV-01.2 – Foreshore Protection Reaches 1&2** Repairs of substantial erosion along the landward interface between the rock and the soil embankments are complete, and the Corps hopes to finish seeding this month. A final inspection was held on Aug. 19, 2014, and the Notification of the Contract Completion (NCC) is expected later this month.

**LPV-109.02a – Levee Enlargement for South Point to CXS Railroad and US 11 and US 90 Floodgates** The Corps continues to address vegetation encroachments, turf establishment issues, low spots in the crown at the monitoring stations and excessive ruts and rills. The NCC was issued on July 31, 2014, but the Corps continues to address punch list items.

**LPV-111 – CSX RR to Michoud Canal** About 12 inches of fill is being added to about 3,000 linear feet of levee that is currently below design grade, and on another 3,000 linear feet, six inches of fill is being added. Half of the work is completed and the raised areas are seeded. The work is scheduled to be complete and the NCC issued by month's end.

**LPV-144 – Bayou Dupre** The recent replacement of hinge and pintle assemblies has not fully corrected an issue in the west leaf, which emits grinding sounds when moving. The investigation continues, and at present, the path forward considers a combination of shaving the plates that hold the top bearing to increase clearances, placing shims against the abutment walls and using greased bearings. The Corps exercises the gates weekly to monitor any reoccurrence of grinding.

**LPV-145,146 & 148.02** NCC Inspections These three projects were inspected by NFS and the Corps in August that resulted in a Task Order to Keiland LLC to repair hog damage, address settlement around access ramps and to mow LPV-145. Additional issues still to be addressed include the removal and replacement of timber mats in access roads over pipelines and lighting strike repairs to floodwalls. A follow-up site inspection has not been scheduled. The NCCs for 146 and 148.02 have been issued.

**LPV-145A – Bayou Bienvenue Bridge** Bridge approach “bent” pilings are being driven. The entire project won't be complete until the 2015 hurricane season. A two-day, over-the-shoulder review of the current plans with contractor and designer of record will begin Sept. 23.

**LPV-149 – Caernarvon Structure** The Corps continues investigating paint peeling off the flood side skin plate of the Sector Gates, but that issue does not interfere with gate operation. The haggler gears were adjusted by Corps hired labor personnel.

**LPV-149A – Floodwall Tie-In to the MRL at Caernarvon** Construction is complete, and a final inspection was held Aug. 7, 2014. The NCC is expected by early October.

**Outfall Canals** The installation of sheet pile along the London Ave Canal (OFC-07) continues, and the project is not scheduled for completion until early November. Contractors have submitted their plans for removing work barges from the canals if necessary this storm season. All of the sheet piling has been driven along the 17<sup>th</sup> Street Canal, and the safe water elevation has been raised to Elev +8'; however, it remains at +6' on London Canal until all sheet piling is in place and back fill added.

All rights of entry have been granted for the 17<sup>th</sup> Street Canal bank protection project (OFC-08). The contractor has established his lay-down yard and is receiving stone. A stone, flood-side bulkhead has been established to protect the

wall while loading and moving barges in canal. The contractor began placing stone along the canal on Sept. 15, and completion is expected in January of 2015.

**Permanent Canal Closures and Pumps (PCCP)** Please check the New Orleans District web site [www.mvn.usace.army.mil/missions/hsdrrs/pccp.aspx](http://www.mvn.usace.army.mil/missions/hsdrrs/pccp.aspx) for details and regular updates on this last major HSDRRS perimeter project.

**Armoring** The first system-wide armoring installation contracts are scheduled to be awarded in December 2015. The two initial contracts will armor levees in St. Charles Parish. Additionally, SLFPA-E, SLFPA-W and CPRA continue investigating with the Corps the likelihood of raising some levees at local cost before they are armored in order to save millions of dollars in future armoring replacement costs.

**SBPS-07 – Repairs to LBBLD Pump Stations #2 and # 3** Construction bids were opened on June 11 and awarded on June 27, 2014, to Cayo, LLD. A pre-construction meeting was held on July 24, and the contractor has mobilized to the site.

**LPV-148.02A Safe house at St. Mary’s Pump Station** The project was awarded and pre-construction meeting was held on Sept. 4, 2014. Completion is scheduled for April 2015.

## Mississippi River Projects

**Jefferson Heights** The first 10,000 linear feet of levee enlargement is complete and the seeding and fertilization is being done now. Work on the next 10,000 linear feet is underway. A two-mile length of the bike path is currently out of service due to the construction that is adding height to the river levee in Jefferson Parish. As a levee section is completed, new material for the bike path base is placed. The project is 33% complete and is expected to finish in December 2015.

**Carrollton Project** All levee enlargement work in Orleans Parish is complete, and only site cleaning remains. A final inspection was held on July 16, 2014, and the Corps is looking into some OLD concerns.

## Internal Affairs

### Non-Federal Levee Certification

Geotechnical field investigations, lab tests and land surveying are complete in St. Bernard and Orleans. The Geotechnical report is completed for the Maxent/Paris

levee and should be completed for the 40-Arpent Levee in October. The O&M Manuals are complete and being reviewed by the Levee Districts. Alternative designs for a new closure at the Shrimp Factory in St. Bernard were developed by the consultant and discussed with the property owner. The preliminary cost estimate for this work is about \$3 million. LBBLD's request for \$2 million in state capital outlay funds to help finance the project was unsuccessful and funds are being again sought from the Interim Emergency Board. Meetings have been held with both Orleans and St. Bernard governmental officials concerning the urgency of this project, and both parties are looking for funding sources. Detailed topographic and property surveys have begun in the Shrimp Factory area.

Both SLFPA-E and the City of New Orleans have received copies of the final certification report that will be submitted to FEMA for the Maxent/Paris Road levee. It will be submitted when the City flood plan manager signs off on it.

The draft certification report to be submitted to FEMA for the 40-Arpent Levee will be ready for review by SLFPAE and St. Bernard Parish next month. Submittal of a final document to FEMA cannot be made until the Shrimp Factory work is done. We continue bi-monthly meetings with our consultant to discuss progress of repairs and alternate closures.

**Training** The OLD's Complex Structure Team continues to evolve its training program, becoming ever more familiar with the operation and maintenance of HSDRRS complex gated navigational structures. Development of an overall asset management program was awarded to Moffat & Nichols (ID-IQ consultant) and preliminary meetings were held with them and appropriate OLD and LBBLD staff members.

**Emergency Preparedness** The Mississippi River, now around elev. 4.0', is expected to remain at this level before slowly falling.

**Hurricane Season Preparation** SLFPAE staff is accompanying the Coast Guard on regular boat rides to inventory barges in the IHNC that must be evacuated in advance of certain tropical storms and hurricanes. The tours will continue monthly throughout the 2014 season.

**Complex Structures** The bearing on the east leaf of the Bayou Bienvenue structure went out in late June. The new bearing has been installed, with the help of the Corps bridge contractor. The bearing on the west leaf is being reworked to be at the same degree of operation of operation. Until that work is complete and automation is fully functional, the structure will be closed and opened manually.

**Meetings and Items of Note:**

The next CPRA Board meeting will be on October 15, 2014, at 9:30am in Baton Rouge, at the LaSalle Building

**Levee District Construction Projects:**

<b>Project</b>	<b>District</b>	<b>Status</b>	<b>Comments</b>
<b>Seawall Steps Erosion – Phase 1B</b>	OLD	99% complete	NC
<b>OLD Franklin Facility Parking Lot Improvements Landscaping Plan</b>	OLD	complete	Substantial completion Aug. 22, 2014
<b>IHNC Florida Ave. Bridge Sheet Pile</b>	OLD	complete	
<b>Floodgate &amp; Floodwall Repairs</b>	OLD	90% complete	
<b>MRT and IHNC Vegetation Removal</b>	OLD	0% complete	Work begins in October
<b>MRT Poydras to Canal vegetation removal</b>	OLD	complete	
<b>Seawall Steps Erosion Phase 4&amp;5</b>	OLD	32% complete	
<b>Citrus levee Lincoln Beach Drain Repair</b>	OLD	Complete	
<b>IHNC Florida Floodwall Gap Closure</b>	OLD	Complete	
<b>Lakeshore Seawall Street Lights – Reach 2</b>	OLD	Complete	
<b>Lakefront Levee Shelter 1 Electric Rack</b>	OLD	Complete	Split meter for OLD & Non-Flood
<b>Lakefront Levee Shelter 2 Electric Rack</b>	OLD	Complete	Split meter for OLD & Non-Flood
<b>Lakeshore Drive Streetlights</b>	OLD	Complete	Repair streetlights for split meter service
<b>Paris and Maxent Levee Repairs</b>	OLD	Complete	RIP certification requirement
<b>Florida Avenue Levee Repairs</b>	OLD	0% Complete	Contractors begin this week
<b>Bayou Bienvenue Gear Box Repair (Eastside)</b>	OLD	Complete	
<b>Bayou Bienvenue Gear Box Refurbish (Westside)</b>	OLD	Complete	

## Levee District Project Designs and Studies

<b>Project</b>	<b>District</b>	<b>Comments</b>
<b>Outfall Canals Erosion</b>	OLD	Study complete
<b>Lakefront Seawall Area Reach , 4&amp;5</b>	OLD	Design complete; Construction Administration 30%
<b>Lakefront Seawall Area Reach 2B</b>	OLD	Design complete; bids due September 30
<b>Floodgate Seal Repairs</b>	OLD	Design complete; construction administration 90% complete
<b>IHNC St. Claude Bridge Drainage</b>	OLD	Design 70% complete.
<b>Lakefront Levee Slope Drainage Reach 4</b>	OLD	Design 50% complete
<b>Citrus Lakefront Levee Survey at Intersections</b>	OLD	complete, scope of work being developed for design
<b>Phase 1 for engine upgrades at Pump Stations</b>	LBBLD	Design contract awarded
<b>Phase 1 for Safe Room Design HMGP approved by FEMA</b>	LBBLD	Phase 2 approval received from FEMA Region 6; awaiting GOHSEP approval.
<b>Pump Station #6 pump repair and hangers at P.S. #7</b>	LBBLD	P&S complete; advertise when erosion control project is complete
<b>Pump Station #6 Erosion Repair</b>	LBBLD	P&S complete; preparing to advertise
<b>Safe house &amp; Consolidated Facility</b>	EJLD	Application for the PUD/Resub/Alienation of the Streets submitted to Kenner Planning Department on 9/10/14. Architect working with consultants to complete the design document that will be used to prepare the cost estimate for board review and action.