

The Board of Commissioners for the Pontchartrain Levee District met at its office on Tuesday, January 21, 2014, pursuant to due notice given to each member in due time, form and manner as follows:

January 17, 2014

Dear Sir:

You are hereby notified that the next Regular Board Meeting of the Board of Commissioners for the Pontchartrain Levee District will be held at 6:00 p.m. on Tuesday, January 21, 2014 at the Lutchet Office, Lutchet, Louisiana.

Very truly yours,

Monica Salins,  
Executive Director

President Steve Wilson called the meeting to order at 6:05 p.m. The following members were present: Messrs. Jerry Savoy, Ricky Bosco, Steve Wilson, Patrick Bell, Marty Poche, L.C. Irvin, Percy Hebert, Jr. and Allen St. Pierre, Sr. Absent: None.

Pontchartrain Levee District employees in attendance were: Messrs. Monica Salins – Executive Director/Acting Board Secretary and Dean Smith – Police Captain. Also in attendance were: Dwight Poirrier – PLD Legal Counsel and Clinton Rouyea – External Accountant. Special guests included: A.J. Domangue of G.C.R. & Associates, Nathan Junius of Linfield, Hunter & Junius, Jake Lambert of G.S.A. & Associates, Paul Tschirky of Moffatt & Nichol, Rhonda Braud of CPRA, Henry Picard, III of BKI, Les Waguespack of CB&I, Robert Billiot, Jr. of The Beta Group, Steve Gunter and Lance LaPlace of PSI, Lyles Budden with CSRS, Inc., and Mike Caparotta with Hienz & Macaluso.

The Pledge of Allegiance was recited.

A motion to approve the minutes of the regular board meeting of December 16, 2013 was offered by Commissioner St. Pierre and seconded by Commissioner Bosco. This motion also carried unanimously.

A motion to deviate from the Board Agenda and take up the Presentation by Mike Caparotta of Hienz & Macaluso of the FY Ending June 30, 2013 was offered by Commissioner Poche and seconded by Commissioner Bosco. This motion carried unanimously.

Mr. Mike Caparotta addressed members of the Board of Commissioners of the PLD and stated that the audit for FY Ending June 30, 2013 was again a success and there were no findings again this year. Mr. Caparotta ran through the audit and some discussion was had. Members thanked Mr. Caparotta for his attendance and explanations.

A motion to return to the regular Board Agenda was offered by Commissioner Bell and seconded by Commissioner Hebert. This motion carried unanimously.

## COMMITTEE REPORTS

**Security/Safety Committee:** Commissioner Poche reported on the security meeting held on January 14, 2014. Commissioner St. Pierre moved, seconded by Commissioner Bosco to approve the Moffatt & Nichol -Task Order No. 1 – Geotechnical Data Report and Hydrologic Survey final report specific to the I-10 Canal Salinity Control Structure Project for a total lump sum of \$32,370.00 as recommended by committee on January 14, 2014. This motion carried unanimously.

**Equipment Committee:** Commissioner Poche reported on the equipment meeting held on January 14, 2014 and stated there were no action items.

**Finance Committee:** Commissioner Savoy reported on the Finance meeting held on January 16, 2014. Commissioner Bell moved to approve the regular monthly invoices in the amount of \$71,942.23 as recommended by committee. This motion was seconded by Commissioner Irvin and carried unanimously. Commissioner St. Pierre moved, seconded by Commissioner Bosco to approve the invoice from G.C.R. and Associates for the St. Charles Parish Hurricane Protection 100 year protection in the amount of \$9,290.48 for the month of December 1, 2013 to December 31, 2013 as recommended by committee. This motion carried unanimously. Commissioner Bosco moved, seconded by Commissioner Irvin to approve the Association of Levee Boards of Louisiana membership dues in the amount of \$2,000.00 as recommended by committee. Commissioner Irvin moved, seconded by Commissioner Poche to approve the revised proposal from GSA Consulting Engineers to complete the Geotechnical Engineering efforts for the revised alignment of the Laurel Ridge Levee Extension Project dated January 15, 2014 for the sum of \$542,294.00 as recommended by committee on January 16, 2014.

**Personnel Committee:** Commissioner St. Pierre reported on the Personnel meeting which was held on January 16, 2014. There were no action items.

## STAFF REPORTS

The Executive Director, Ms. Salins, gave a written report relative to her approval of Letters of No Objections (LONOs) issued as of the date of the board meeting.

Written reports were given for each of the following projects by the respective engineer and/or representative:

- a) Amite River & Tributaries Bayou Manchac & Ecosystem
- b) West Shore-Lake Pontchartrain Hurricane Protection Project
- c) St. Charles Urban/Cross Bayou Pump Station
- d) Laurel Ridge Levee/Bayou Conway –Panama Canal
- e) St. Charles Hurricane Protection Levee
- f) LaBranche Wetlands

## **RIGHTS OF ENTRY**

None.

## **PRESIDENT'S REMARKS**

None.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

The first item under "New Business" had been taken care of prior to all other matters and therefore the members moved onto the next item. It was moved by Commissioner Bell and seconded by Commissioner Bosco to adopt a Resolution of Support for the Operation and Maintenance of the New Orleans Area Hurricane Protection System in Compliance with FEMA Regulations and for the purpose of FEMA Certification. This motion carried unanimously and said Resolution stated:

### **"PONTCHARTRAIN LEVEE DISTRICT STATE OF LOUISIANA January 21, 2014**

#### **A Resolution in Support of the Coastal Protection and Restoration Authority Board Resolution No. 2014-01-03 Regarding Operation and Maintenance of the New Orleans Area Hurricane Protection System in Compliance with FEMA Regulations and for the Purpose of FEMA Certification**

**WHEREAS**, Louisiana Revised Statute 49:214.1 established, authorized and empowered the Coastal Protection and Restoration Authority Board, hereinafter referred to as Board, to carry out any and all functions necessary to serve as the single entity responsible to act as the local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in areas under its jurisdiction, including the greater New Orleans and southeast Louisiana area, and

**WHEREAS**, under La. R.S. 49:214.5.2(A)(7), the Board had the power and authority to enter into any contract with the federal government or any federal agency or any political subdivision of the state or private individual for the construction, operation, maintenance, repair, rehabilitation, or replacement of any coastal protection or restoration, hurricane protection, infrastructure, storm damage reduction, or flood control project, and to this end, may contract for the acceptance of any grant money upon the terms and conditions, including any requirement of matching grants in whole or part, which may be necessary;

**WHEREAS**, several levee districts and authorities (levee districts), including but not limited to the Southeast Louisiana Flood Protection Authority East (SLFPA-E) and the Southeast Louisiana Flood Protection Authority West (SLFPA-W), Pontchartrain Levee District, St. Charles Parish, and Plaquemines Parish, are contractually and/or statutorily mandated to be ultimately responsible for operation, maintenance, repair, replacement, and rehabilitation (OMRR&R) of the portions of the LPV and WBV projects under their jurisdiction.

**WHEREAS**, the Board entered into Project Partnership Agreements (PPAs) with the United States Army Corps of Engineers (USACE) to complete construction of the Hurricane Protection System (HPS) for the Lake Pontchartrain and Vicinity (LPV) and West Bank and Vicinity (WBV) projects, and

**WHEREAS**, the Board and the Coastal Protection and Restoration Authority requested that the USACE prepare the National Flood Insurance Program (NFIP) National Levee System Evaluation Report (NLSER) on behalf of the Board and CPRA in order to receive levee system accreditation from the Federal Emergency Management Agency (FEMA), and

**WHEREAS**, the USACE submitted their final NLSER to the Board and CPRA on June 20, 2013, and

**WHEREAS**, in the NLSER the USACE affirms that the HPS, upon full completion in accord with the requirements of the PPAs, meets all the requirements established by the USACE for determining that the levee system can be reasonably expected to exclude the 1% annual chance exceedance flood also referred to as the base flood, and

**WHEREAS**, Code of Federal Regulations Title 44 Section 65.10 (CFR 44:65.10) requires that for a levee system to be recognized as providing protection from the base flood, the levee system must be operated and maintained in accordance with an officially adopted operation and maintenance plan, and

**WHEREAS**, upon completion of its contracts for construction of the HPS with its contractors, the USACE has issued and continues to issue notices of contract completion (NCC) letters to the Board and the levee districts and declaring that the Board, through CPRA, and the levee districts are responsible under the PPAs for OMRR&R of the portions of the HPS referenced in the individual letters, and

**WHEREAS**, the USACE, in conjunction with the NCC letters issued to date, has supplied copies of Operation and Maintenance Manual Volume 1 and is in the process of completing Operation and Maintenance Manual Volumes 2 and 3, in coordination with CPRA and the levee districts.

**WHEREAS**, the Board, through its Chairman, Garret Graves, issued a letter to the Colonel Edward Fleming, then Commander of the New Orleans District, on June 28, 2012 indicating the Board's disagreement with the USACE's position regarding when functional portions and the entire HPS system are complete in accord with the PPAs, including but not limited to whether the entire system or portions thereof are functionally complete and/or meet the 100 year design criteria, and thus, when the Board and the levee districts would be legally and financially responsible for OMRR&R of the entire HPS or functional portions thereof, and

**WHEREAS**, in spite of the disagreement and in order to assure that the HPS system is properly operated and maintained in compliance with CFR 44:65.10 following USACE issuance of NCC letters, the Board, CPRA, Pontchartrain Levee District and the other levee districts with jurisdictional authority over all or portions of the LPV and WBV Projects have agreed to operate and maintain the HPS system upon issuance of NCC letters relative to portions of the HPS system, whether or not said portions of the HPS system have been completed sufficiently in accord with the provisions of the PPAs between the USACE and the Board to trigger the legal and financial obligations for OMRR&R by CPRA and the levee districts, and

**WHEREAS**, in order to be in compliance with CFR 44:65.10, CPRA and the levee districts intend to officially adopt HPS Operation and Maintenance Manual Volume 1 as well as adopt, upon completion, delivery, and acceptance by the Board and the levee districts, Operation and Maintenance Manual Volumes 2 and 3.

**WHEREAS**, the Pontchartrain Levee District, officially adopts the Operation and Maintenance Manuals in accord with the CPRA Resolution No. 2014-01-03 and to authorizes the Pontchartrain Levee District President to accept, on behalf of the Pontchartrain Levee District, the ultimate responsibility of all the tasks and actions listed in those plans for portions of the HPS under their jurisdiction, once the Operation and Maintenance Manuals are completed by and received from the USACE and accepted by the Board, CPRA, Pontchartrain Levee District and the other levee districts, in coordination with the USACE.

**WHEREAS**, notwithstanding the interim decision of the Board, Pontchartrain Levee District and the other levee districts to OMRR&R the portions of the HPS for which the USACE has issued NCC letters to the Board and the levee districts, the Board and the Pontchartrain Levee District, nonetheless, desire to reserve their rights to seek

the enactment or modification of Federal law or to seek a change or modification of the USACE's interpretation of the law and/or the PPAs regarding the OMRR&R of the HPS, the official completion of the projects and system, and completion, delivery, and acceptance of outstanding Operation and Maintenance Manuals, as well as, any and all other legally available and applicable rights, remedies, and actions necessary to enforce the provisions of the PPAs and/or applicable federal, state, and local laws and regulations..

**THEREFORE, BE IT HEREBY RESOLVED THAT,** the Pontchartrain Levee District acknowledges the NLSER submitted by the USACE for the purpose of levee system accreditation.

**BE IT FURTHER RESOLVED THAT,** the Board, through its oversight authority and as the Non-Federal Sponsor of the HPS vis-a-vis the USACE, will ensure that the levee systems in the Hurricane Protection System will be operated and maintained by the levee districts as directed in the operation and maintenance manuals prescribed by the USACE in the NLSER.

**BE IT FURTHER RESOLVED THAT,** for the sole purpose of compliance with CFR 44:65.10, the Board, Pontchartrain Levee District and CPRA intend to officially adopt HPS Operation and Maintenance Manual Volume 1, and upon completion, deliver, and acceptance by the Board, CPRA and the levee districts Operation and Maintenance Manual Volumes 2 and 3.

**BE IT FURTHER RESOLVED THAT,** the Pontchartrain Levee District will take all actions necessary to adopt the HPS Operation and Maintenance Manuals in accordance with the resolution of CPRA and to authorize the appropriate head of their agencies to accept the ultimate responsibility of all the tasks and actions listed in those plans, once said plans are completed by and received from the USACE, and accepted by the Board, CPRA, Pontchartrain Levee District and all of the other levee districts, in coordination with the USACE.

**BE IT FURTHER RESOLVED THAT,** the President of the Pontchartrain Levee District is delegated the authority and is authorized to take all necessary actions on behalf of the Pontchartrain Levee District and to sign any documents necessary to carry out the purposes of this resolution and to assure certification of the HPS in accord with the NFIP and FEMA regulations, including CFR 44:65.10 and is further authorized to delegate such authority to the President of Pontchartrain Levee District.

**BE IT FURTHER RESOLVED THAT,** this resolution and actions taken hereunder are intended neither to absolve the USACE from completing their design and construction obligations or their responsibilities relative to completion of any Operation and Maintenance Manuals as dictated by and set forth in federal law and regulations and the PPAs, nor to be construed as final acceptance of the HPS projects or any Operation and Maintenance Manuals not completed, delivered to, and accepted by the Board, CPRA, Pontchartrain Levee District and the other levee districts as of the date of this resolution as dictated by and set forth per the terms of the PPAs and/or applicable federal, state, and local laws and regulations.

**BE IT FURTHER RESOLVED THAT,** the State of Louisiana, the Board, CPRA, Pontchartrain Levee District and the other levee districts reserve any and all rights to seek the enactment or modification of Federal law or to seek a change or modification of the USACE's interpretation of law and/or PPAs regarding the OMRR&R of the HPS, the official completions of the projects and system, and completion, delivery, and acceptance of any outstanding Operation and Maintenance Manuals, as well as any and all other legally available and applicable rights, remedies, and actions necessary to enforce the provisions of the PPAs and/or applicable federal, state, and local laws and regulations.

This Resolution was declared adopted this 21<sup>st</sup> day of January, 2014.

## **PUBLIC COMMENTS**

None.

**ADJOURNMENT**

At this time, Commissioner Irvin moved, seconded by Commissioner Hebert to adjourn. The motion carried unanimously and President Wilson declared the meeting adjourned at 6:55 p.m.

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**Monica Salins, Executive Director/  
Acting Secretary**

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**Steve Wilson, President  
Pontchartrain Levee District**