

The Board of Commissioners for the Pontchartrain Levee District met at its office on Monday, May 18, 2009, pursuant to due notice given to each member in due time, form and manner as follows:

May 15, 2009

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 Monday, May 18, 2009 at the Lutcher Office, Lutcher, Louisiana.

Very truly yours,

Monica Salins,  
Executive Director

President Wilson called the meeting to order at 6:05 p.m. The following members were present: Messrs. Webb Harelson, Jesse Bartley, Bill Addison, Marty Poche, Allen St. Pierre, Mike Delaune and Steve Wilson. Absent were: Jerry Savoy and Tony Cunningham.

Pontchartrain Levee District employees in attendance were: Messrs. Monica Salins - Executive Director, Kenny Steib – Levee Board Operations Superintendent (detailed), Dan Falcon – Police Captain, Norris Melancon – Levee Maintenance Superintendent (detailed) and Susan M. Sheets - Secretary to the Board. Also in attendance were: Clinton Rouyea - External Accountant, Jimmy Smith - Maintenance Consultant, and Dwight Poirrier – PLD Legal Counsel. Special guest included: Mona Nosari from G.C.R. & Associates, Les Waguespack of Shaw Coastal, Henry Picard of BKI, Misty Evans from DOTD, Jake Lambert of G.S.A & Associates and John Monzon of OCPR.

The Pledge of Allegiance was recited.

A motion to approve the minutes of the Regular Board Meeting of April 20, 2009 was offered by Mr. St. Pierre, seconded by Mr. Poche and unanimously carried.

## COMMITTEE REPORTS

**Finance Committee:** Mr. Jesse Bartley reported on the Finance meeting held on May 12, 2009. Mr. Poche moved, seconded by Mr. Delaune to approve the regular monthly invoices in the amount of \$37,680.23 as recommended by committee. The motion carried unanimously. Next, Mr. Delaune moved, seconded by Mr. Addison to approve the invoice from G.C.R. & Associates in the amount of \$16,567.34 for the 100 year protection of the St. Charles Parish, HPL portion of the LP&V project for the period of April 1, 2009 thru April 30, 2009. This motion carried unanimously. Mr. Bartley moved, seconded by Mr. Poche to approve the invoice

from G.C.R. & Associates in the amount of \$2,834.10 for the period of March 1, 2009 through March 31, 2009 for work performed concerning FEMA claims. This motion carried unanimously. Mr. St. Pierre moved to approve the invoice from G.C.R. & Associates for computer technical support work in the amount of \$285.00 as recommended by committee. This motion was seconded by Mr. Addison and also carried unanimously. Mr. Delaune moved, seconded by Mr. Poche to approve the invoice from Board Attorney, Dwight Poirrier in the amount of \$2,188.40 as recommended by committee. This motion carried unanimously. Lastly, Mr. Bartley moved, seconded by Mr. Delaune to approve to continue utilizing G.C.R. & Associates for computer technical support on an hourly as needed basis. This motion was seconded by Mr. Delaune and carried unanimously.

**Equipment Committee:** Mr. Webb Harelson reported on the meeting held on May 12, 2009. There were no action items to report.

**Security/Safety Committee:** Mr. Mike Delaune reported on the security meeting held on May 14, 2009. Mr. Harelson moved to approve the purchase of two (2) Ford F-150's, ½ ton, extended cab, 4x4 pickup trucks at a cost of \$22,808.00 each for a total of \$45,616.00 as recommended by committee. This motion was seconded by Mr. Poche and carried unanimously. Mr. St. Pierre then moved, seconded by Mr. Addison to approve the purchase of the proposed PLD Police Department Logo changes as recommended by committee. This motion carried unanimously. Captain Falcon reported that Sheriff Wiley agreed to install the radios, siren and lights at no cost to PLD. Captain Falcon was commended for his work on the radios. At this time, Mr. Bartley opened discussion concerning a police personnel issue regarding proper documentation and logging. Discussion was had.

**Personnel Committee:** Mr. Delaune reported on the Personnel meeting which was held on May 14, 2009. Mr. Bartley moved, seconded by Mr. St. Pierre to approve the merit increase for employee #209123 on his respective anniversary date as recommended by committee. This motion carried unanimously. President Wilson requested that Mr. St. Pierre assist as co-chairperson for the personnel committee.

## **STAFF REPORTS**

A report on the Hurricane Protection Levee Project was presented by Ms. Mona Nosari. Members decided that updates for each project would be given by each consultant, each month. This would be placed on the agenda starting next month. Members present provided brief updates on the AR&T Bayou Manchac and Ecosystem project, West Shore project, Conway/Panama project, Laurel Ridge levee project, Duncan Point Seepage Study project, Multi-Parish Mississippi Bike Trail Study project and the St. Charles Urban Flood Control Project.

## LETTERS OF NO OBJECTION

The following requests were presented to the Board for action:

**St. John the Baptist Parish** – request dated April 27, 2009 to sponsor the annual “Independence Day Fireworks Celebration” on Friday July 3<sup>rd</sup> at 9:00 p.m. in Reserve, Louisiana, St. John the Baptist Parish. Mr. St. Pierre moved, seconded by Mr. Poche to grant a “NO OBJECTION” to this request. The motion carried unanimously.

**Entergy Louisiana LLC** – request dated January 28, 2009 concerning permission to install one 40-foot and one 50-foot wooden pole to provide service to the new St. John the Baptist Parish Animal Shelter, near levee station 4844+03, at LaPlace, Louisiana, in St. John the Baptist Parish. Mr. St. Pierre moved, seconded by Mr. Bartley to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated January 29, 2009 and the Louisiana Department of Transportation and Development dated February 3, 2009. The motion carried unanimously.

**MWH Global** – request dated April 14, 2009 through Ardaman & Associates, Inc. concerning permission to drill three (3) soil borings to a depth of fifty (50) feet and two (2) soil borings to a depth of eight (80) feet when the stage of the Mississippi River is below elevation +13.0 feet on the Carrollton Gage at New Orleans, near levee station 34+20, at Baton Rouge, Louisiana in East Baton Rouge Parish. Mr. Addison moved, seconded by Mr. Bartley to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated April 21, 2009 and the Louisiana Department of Transportation and Development dated April 21, 2009. The motion carried unanimously.

**Marathon Petroleum Co. LLC** – a waiver approval letter dated April 27, 2009 from the Corps of Engineers for LONO #09042027 concerning permission to drill three (3) soil borings while the river is below +13.0 feet at the Carrollton Gage. Mr. St. Pierre moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to this waiver request. The motion carried unanimously.

## RIGHTS OF ENTRY

**Department of the Army, Corps of Engineers, New Orleans District** – letter request of January 22, 2009, signed by Janet Cruppi for Linda LaBure, revised April 27, 2009 and unsigned by Linda LaBure, to the Pontchartrain Levee District for right-of-entry for a period of 18 months or until completion of work to perform the Test Pile Program on the Lake Pontchartrain and Vicinity Louisiana Project, North of Airline Highway, St. Charles Parish, Floodwall Under I-310 – Phase 2, LPV-06e.2, as per drawings entitled “Lake Pontchartrain and Vicinity Louisiana Project, North of Airline Highway, St. Charles Parish, Floodwall Under I-310 – Phase 2, LPV-06e.2, Right of Way” dated January 6, 2009, File Number H-8-46869, Sheet Identification G-001 and R-01, said grant of right-of-entry predicated on receiving a Driveway Permit for access from the LA DOTD. Mr. Harelson moved, seconded by Mr. St. Pierre to grant right of way request. This motion carried unanimously.

**Department of the Army, Corps of Engineers, New Orleans District** – unsigned request of April 27, 2009 from Linda C. LaBure to the Pontchartrain Levee District for right-of-entry for a period of one year or until completion of work to conduct surveys, soil borings, environmental and cultural resources investigations, and hazardous, toxic and radioactive waste (HTRW) assessments in connection with the Lake Pontchartrain and Vicinity Louisiana Project, North of Airline Highway, St. Charles Parish, Canadian National Railroad Gate – Phase 2, LPV-06f.2, as per drawing entitled “Lake Pontchartrain, LA and Vicinity Hurricane Protection Project, North of Airline Highway, St. Charles Parish, Canadian National RR Gate, LPV-06f.2, Right of Entry, James Business Park Access” dated March 9, 2009, Sheet Identification C-100, said grant of right-of-entry predicated on PLD obtaining a letter of no objection from LADOTD and notifying private landowners pursuant to Louisiana State Legislative Act 182 (Revised Statute 38:301)(D). Mr. Poche moved, seconded by Mr. Bartley to grant request. This motion carried unanimously.

**Department of the Army, Corps of Engineers, New Orleans District** – unsigned request of March 16, 2009 from Linda C. LaBure to the Pontchartrain Levee District for right-of-entry for a period of 36 months or until completion of construction to perform construction on the Lake Pontchartrain and Vicinity Louisiana Project, North of Airline Highway, St. Charles Parish, I-310 Floodwall – Phase 2, LPV-06e.2, as per drawings entitled “Lake Pontchartrain, LA and Vicinity Hurricane Protection Project, North of Airline Highway, St. Charles Parish, I-310 Floodwall, LPV-06e.2, Right of Way Drawings” dated January 13, 2009, File Number H-8-46751, Sheet Identification R-01 through R-05, said grant of right-of-entry predicated on permitting and approval of additional ROW and a driveway permit from the LADOTD. Mr. Addison moved, seconded by Mr. Poche to grant request. This motion also carried unanimously.

### **PRESIDENT’S REMARKS**

President Wilson gave a brief update regarding the Bayou Manchac Project and advised members that the signing was set for June 19<sup>th</sup>. President Wilson also advised members that the scenic Bayou resolution had been signed.

### **OLD BUSINESS**

Mr. Bartley asked for an update relative to the legal matter with Tod’s Catering. This matter would be discussed in Executive Session at the end of the meeting.

### **NEW BUSINESS**

Under new business, President Wilson presented two resolutions:

Resolution by the Board of Commissioners of the Pontchartrain Levee District, pursuant to a resolution adopted by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, agree to transfer to the East Jefferson Levee District the full exercise of all functions, jurisdictions and responsibilities which otherwise devolve upon the Pontchartrain Levee District by law in that limited portion of the Parish of St. Charles which comprises the western side of the Jefferson-St. Charles Parish Line Canal and the accompanying construction of the Jefferson-St. Charles Parish Line Floodwall between Airline Highway and Lake Pontchartrain. The following resolution was offered by Mr. Addison and seconded by Mr. St. Pierre and carried unanimously:

BE IT RESOLVED by the Board of Commissioners of the Pontchartrain Levee District, pursuant to a resolution adopted by the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, that it does hereby transfer to the East Jefferson Levee District the full exercise of all functions, jurisdictions and responsibilities which otherwise devolve upon the Pontchartrain Levee District by law in that limited portion of the Parish of St. Charles which comprises the western side of the Jefferson-St. Charles Parish Line Canal and the accompanying construction of the Jefferson-St. Charles Parish Line Floodwall between Airline Highway and Lake Pontchartrain.

BE IT FURTHER RESOLVED, that pursuant to the above referenced resolution of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, the East Jefferson Levee District shall assume any and all liability and financial responsibilities which might otherwise devolve upon the Pontchartrain Levee District for any reason, whether by act or omission, or otherwise, arising in any way with respect to that portion of property located in the Parish of St. Charles as described and referred to hereinabove.

BE IT FURTHER RESOLVED, that pursuant to the above referenced resolution of the Board of Commissioners of the Southeast Louisiana Flood Protection Authority-East, if any claims are made against the Pontchartrain Levee District for any reason, whether by act or omission, or otherwise, arising in any way with respect to that portion of property located in the Parish of St. Charles as described and referred to hereinabove, the East Jefferson Levee District shall provide legal counsel to the Pontchartrain Levee District for all matters relating to the defense of any such claim and shall further hold harmless and indemnify the Pontchartrain Levee District from any financial loss suffered by the Pontchartrain Levee District that arises in any way with respect to that portion of property located in the Parish of St. Charles as described and referred to hereinabove. The resolution carried unanimously.

Resolution by the Board of Commissioners of the Pontchartrain Levee District in accordance with the Louisiana Department of Transportation and Development, Statewide Flood Control Program, authorizing the Pontchartrain Levee District to advertise State Project No. State Project No. 576-45-0025, Cross Bayou Pump Station, Ormond, St. Charles Parish, Louisiana for competitive bids in accordance with LRS 38:2212, et seq., for the award of a contract in the name of Pontchartrain Levee District, covering said improvements, predicated on Louisiana Department of Transportation and Development review and approval of final project plans and specifications. Mr. Addison moved, seconded by Mr. Poche and carried unanimously:

WHEREAS, the Pontchartrain Levee District has submitted an application for funding of the Cross Bayou Pump Station, Ormond Boulevard, St. Charles Parish, flood control project 576-45-0025 under the Statewide Flood Control Program; and

WHEREAS, the State's share of the project funds have been made available and the Pontchartrain Levee District has available its local matching share of the project funds in an amount of not less than thirty (30%) percent; and

WHEREAS, at the request of the Pontchartrain Levee District, Evans-Graves Engineers, Inc. has prepared plans and specifications for said project, which plans and specifications are designated by State Project No. 576-45-0025; and

WHEREAS, the Pontchartrain Levee District has reviewed the final plans, specifications and cost estimate and has submitted them to the Department of Transportation and Development. The Pontchartrain Levee District will accept the final plans and specifications contingent on the Department of Transportation and Development's final approval inasmuch as they comply with the requirements of the Statewide Flood Control Program; and

WHEREAS, all necessary servitudes, rights-of-way, spoil disposal areas, rights of ingress and egress and the means thereof have been acquired by the Pontchartrain Levee District and the titles thereto are valid and indefeasible; and

WHEREAS, the Pontchartrain Levee District has obtained all necessary permits required for the construction of this project; and

WHEREAS, the Pontchartrain Levee District has agreed to accomplish all necessary utilities, fence and other facility relocations and alterations made necessary for this project; and

WHEREAS, the Official Journal for the Pontchartrain Levee District is the News Examiner, whose mailing address is P.O. Box 460, Litcher, Louisiana 70071, and whose telephone number is 225-869-5784; and

WHEREAS, the Pontchartrain Levee District desires to advertise for competitive bids, in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the Pontchartrain Levee District, and furnish engineering services during the progress of the work.

NOW, THEREFORE, BE IT RESOLVED by the Pontchartrain Levee District, in Regular session assembled on this 18<sup>th</sup> day of May, 2009, that the Department of Transportation and Development be and hereby is requested to authorize the Pontchartrain Levee District to advertise for competitive bids in accordance with LRS 38:2212, et seq., for the award of a contract in the name of the Pontchartrain Levee District, covering the aforesaid improvements.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all necessary servitudes, rights-of-way, rights of ingress and egress and the means thereof have been obtained by the Pontchartrain Levee District and the titles thereto are valid and indefeasible and the Pontchartrain Levee District expressly agrees to defend any action for the failure of any servitude, right-of-way, right of ingress or egress, and the Pontchartrain Levee District does hereby assume complete responsibility for providing engineering services during construction and the maintenance and upkeep of the project after construction.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that all required permits have been obtained by the Pontchartrain Levee District.

BE IT RESOLVED that the Department of Transportation and Development be and hereby is assured that the Pontchartrain Levee District available its local matching funds in an amount not less than thirty (30%) percent of the total project cost to insure construction of this project.

BE IT RESOLVED that the Pontchartrain Levee District will and hereby does assume complete responsibility for all utilities, fence, and other facilities relocations and alterations made necessary by this project.

BE IT RESOLVED THAT the Pontchartrain Levee District does hereby save and hold harmless the Department of Transportation and Development against any loss or damage of any kind incident to or occasioned by Activities undertaken in pursuance of this agreement and expressly agrees to defend any suit brought against the Department of Transportation & Development, and pay any judgment which may result from said suit as it relates to this project.

## **PUBLIC COMMENTS**

There were no public comments. At this time the Board returned to the Old Business on the Agenda. Mr. Bartley moved, seconded by Mr. Addison to add an item to the agenda regarding the legal issues concerning Tod's Catering. The motion carried unanimously. Mr. Bartley then moved to go into Executive Session for approximately forty-five (45) minutes to discuss legal matter. This motion was seconded by Mr. Delaune and carried unanimously. Executive Session began at 7:09 p.m. At 7:43 p.m., Mr. Bartley moved, seconded by Mr. Poche to return to regular session. There was no action taken at this time.

## ADJOURNMENT

At this time, Mr. Addison moved, seconded by Mr. St. Pierre to adjourn. The motion carried unanimously and President Wilson declared the meeting adjourned at 7:43 p.m.

/s/ Susan M. Sheets

**Susan M. Sheets, Secretary**

/s/ Steve Wilson

**Steve Wilson, President  
Pontchartrain Levee District**