

The Board of Commissioners for the Pontchartrain Levee District met at its office on Monday, November 24th, 2008, pursuant to due notice given to each member in due time, form and manner as follows:

November 21, 2008

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, November 24, 2008 at the Lutchter Office, Lutchter, Louisiana.

Very truly yours,
Monica Salins,
Executive Director

President Wilson called the meeting to order at 6:00 p.m. The following members were present: Messrs. Jesse Bartley, Steve Wilson, Bill Addison, Mike Delaune, Tony Cunningham, Marty Poche and Webb Harelson.

Pontchartrain Levee District employees in attendance were: Messrs. Monica Salins - Executive Director, Dwight Poirrier - PLD Board Attorney, Kenny Steib, Sr. – (detailed) Levee Board Operations Superintendent, and Susan M. Canatella, Secretary to the Board. Also in attendance were: Clinton Rouyea – PLD External Accountant, Joe Sevario- Executive Assistant to the Board and Jimmy Smith – PLD Maintenance Consultant. Special guests included: Les Waguespack and Deborah Saxton of Shaw Coastal, Henry Picard of Burk Kleinpeter, Inc, Jesse McClendon of LA DOTD, Eddie Renton and Jonathan McDaniel of State Machinery, Nathan Junius of Linfield, Hunter & Junius, Inc. and David Peterson of the Attorney General's office.

The Pledge of Allegiance was recited.

A motion to approve the minutes of the Regular Board Meeting of October 20, 2008 was offered by Mr. Harelson, seconded by Mr. Delaune and unanimously carried.

COMMITTEE REPORTS

Finance Committee: Mr. Jesse Bartley reported on the Finance Meeting held on November 18, 2008. Mr. Bartley moved, seconded by Mr. Cunningham to approve the regular monthly invoices in the amount of \$51,341.08 as recommended by committee. This motion also carried unanimously. Next, Mr. Cunningham moved to approve the invoice from G.C.R. & Associates in the amount of \$13,093.32 for October 1, 2008 through October 31, 2008 as recommended by committee. This motion was seconded by Mr. Harelson and carried unanimously. Mr. Bartley moved, seconded by Mr. Cunningham to approve the invoice from G.C.R. & Associates for computer technical support in the amount of \$665.00, pending clarification and support documentation, of time charged regarding a computer purchase, as recommended by committee. The motion carried unanimously. Mr. Cunningham then moved to approve the invoice from G.C.R. & Associates for FEMA Recovery Claims in the amount of \$676.55 as recommended by committee. This motion was seconded by Mr. Delaune and also carried unanimously. Mr. Harelson moved, seconded by Mr. Poche to approve the invoice from CN Railroad for the elevation of railroad tracks in connection with the CN Railroad Swing Gate Project in the amount of \$110,497.37 as recommended by committee. This motion carried unanimously. Mr. Bartley then moved to approve the payment in the amount of \$5,000.00 representing PLD's deductible, regarding the John Mark Taylor, et al lawsuit as recommended by committee, pending review by PLD Board Attorney

who will notify the Executive Director prior to monies being released. This motion was seconded by Mr. Addison and also carried unanimously. Mr. Cunningham moved, seconded by Mr. Delaune to approve to pay half of the expenses for the External Accountant to attend the Annual AGA Conference on December 3 & 4, 2008 in Baton Rouge as recommended by committee. This motion carried unanimously. Lastly, Mr. Poche moved, seconded by Mr. Harelson to approve the overage of the monthly contractual amount for the Board Attorney in the amount of \$1,302.50 as recommended by committee. This motion carried unanimously.

Equipment Committee: Mr. Webb Harelson reported on the Equipment Meeting held on November 18, 2008. Mr. Harelson moved, seconded by Mr. Cunningham to approve taking the hauling quotes under advisement and after review by the PLD Board Attorney, award said hauling service proposal to the lowest bidder provided specifications, information and documentation requirements meet with legal, PLD reserving its right to reject any and all proposals in whole or in part, to waive any and all informalities, and being in the best interest of the PLD according to law, and after all of those provisions having been reviewed and satisfied as indicated by the PLD Board Attorney, to award said hauling job to the lowest proposal meeting the provisions set forth herein, specifically to S.M.E. Contracting, LLC, in the amount of \$146,000.00, as recommended by committee. This motion carried unanimously. Next, Mr. Cunningham moved to approve the taking of excavator bids under advisement and after review by the PLD Board Attorney of all of the bid packages for compliance of instructions, specifications, and all necessary executed documentation and award said bid to the lowest responsible bidder, taking into consideration the conformity with the specifications, meeting the needs and being in the best interest of the PLD according to law, and after all of those requirements having been reviewed and satisfied as indicated by the PLD Board Attorney, to award said excavator bid to the lowest bidder, specifically to State Machinery, in the amount of \$131,838.00, as recommended by committee. This motion was seconded by Mr. Bartley and also carried unanimously.

Security/Safety Committee: Mr. Mike Delaune reported on the Security Meeting held on November 20, 2008. Mr. Harelson moved, seconded by Mr. Bartley to approve the Lost or Damaged Traffic Citation Form as recommended by committee. This motion carried unanimously. Mr. Poche moved to approve the update of the SOP Manual as presented and recommended by committee. This motion was seconded by Mr. Harelson and also carried unanimously. Lastly, Mr. Addison moved, seconded by Mr. Delaune to approve the proposal of the office space additions at the PLD Maintenance Shop for a total cost of \$1,961.01, all work is to be performed by the PLD Personnel, as recommended by committee. This motion also carried unanimously.

Personnel Committee: Mr. Tony Cunningham reported on the Personnel Meeting held on November 20, 2008. Mr. Delaune moved to approve the merit increases for December 2008 for eligible employees, Nos. 003659, 161707, 174995, 174696, 64707, 188123, 181555, 181587, 174975 and 199567, to be effective on their appropriate anniversary dates, as recommended by committee. This motion was seconded by Mr. Bartley and carried unanimously. Mr. Poche then moved, seconded by Mr. Addison to instruct the Executive Director to prepare and issue a Memorandum to all PLD employees specific to the organizational chart and following the "Chain of Command" when reporting issues and/or addressing specific questions as recommended by committee. This motion carried unanimously. Mr. Bartley then moved, seconded by Mr. Delaune to approve to complete the pre-hiring process for the Police Captain candidate and to allow the Executive Director to proceed accordingly as recommended by committee. This motion carried unanimously.

STAFF REPORTS

There was nothing to report, and therefore no status report given, on the Hurricane and Flood Control Projects by Mona Nosari. President Wilson briefly discussed the last monthly progress status meeting held between members of PLD and USACE and reiterated that not much has changed with the status since the October report.

LETTERS OF NO OBJECTION

The following request(s) are presented to the Board for action:

Norco Civic Association – request of October 21, 2008 to land a small helicopter on the levee adjacent to the red light at Apple Street and River Road in Norco, Louisiana, in St. Charles Parish. Mr. Cunningham moved, seconded by Mr. Addison to grant a “NO OBJECTION” to this request. The motion carried unanimously.

Entergy (Little Gypsy Power Plant) – request of December 20, 2007 and November 14, 2008 through Shaw Environmental, Inc. concerning permission to construct two new boilers, several silos, a conveyor system and to dredge sand, levee station 5140+00, at Montz, Louisiana in St. Charles Parish. Mr. Cunningham moved, seconded by Mr. Poche to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated October 23, 2008, and the Louisiana Department of Transportation and Development. The motion carried unanimously.

Iberville Parish Council Utility Department – request of October 27, 2008 concerning permission to install approximately 2,600 feet of a 2-inch PE gas main line, between levee station 1300+00 and 1330+00, at St. Gabriel, Louisiana, in Iberville Parish. Mr. Harelson moved, seconded by Mr. Delaune, to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated October 31, 2008, and the Louisiana Department of Transportation and Development. The motion carried unanimously.

Entergy Louisiana, LLC - request of November 6, 2008 concerning permission to install four (4) poles and two anchors, between levee stations 3748+52 and 3789+20, at Lutcher, Louisiana, in St. James Parish. Mr. Poche moved, seconded by Mr. Harelson to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated November 10, 2008, and the Louisiana Department of Transportation and Development. The motion carried unanimously.

Bocage Plantation – request of November 3, 2008 through Fugro Consultants, Inc. concerning permission to drill twelve (12) soil borings, levee station 2868+00, at Darrow, Louisiana, in Ascension Parish. Mr. Bartley moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated November 17, 2008, and the Louisiana Department of Transportation and Development. The motion carried unanimously.

Air Products and Chemicals, Inc. – request of April 9, 2008 through Mustang Engineering, L.P., concerning permission to install a 14-inch hydrogen pipeline from Norco to Michoud, Louisiana across Lake Pontchartrain, in Orleans, Jefferson, and St. Charles Parishes, which included paralleling the Bonne Carre East Guide levee and crossing the St. Charles Parish Hurricane Protection Levee in St. Charles Parish. Mr. Cunningham moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated October 9 and 23, 2008, and the Louisiana Department of Transportation and Development dated November 13, 2008. The motion carried unanimously.

Motiva Enterprises, LLC (Norco Facility) – request of November 11, 2008 through URS Corporation concerning permission to drill soil borings on the flood side of the Lake Pontchartrain & Vicinity, Hurricane Protection Levee, Reach 2A, vicinity of levee station 8+00, in St. Charles Parish, Louisiana. Mr. Poche moved, seconded by Mr. Addison to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated November 17, 2008, and the Louisiana Department of Transportation and Development. The motion carried unanimously.

Louisiana Department of Transportation & Development – request of October 10, 2008 concerning permission to perform excavations for the LA 48 and LA 50 intersection improvements on the protected side, levee station 5822+00, in St. Charles Parish. Mr. Cunningham moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated November 12, 2008, and the Louisiana Department of Transportation and Development dated October 28, 2008. The motion carried unanimously.

Southern Natural Gas – request of August 7, 2008 concerning permission to perform an excavation on the protected side, levee station 1972+85.54, in Iberville Parish, Louisiana. Mr. Harelson 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 August 20, 2008, and the Louisiana Department of Transportation and Development dated October 9, 2008. The motion carried unanimously.

Gnots-Reserve, Inc. – request of October 19, 2007 and Department of the Army permit dated November 19, 2007 through Richard Wright & Associates, Inc. concerning permission to construct a levee access ramp and to install a new boat fabrication facility on the adjacent batture, levee station 5677+31, at Destrehan, Louisiana, in St. Charles Parish. Mr. Cunningham moved, seconded by Mr. Addison to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated November 3, 2008, and the Louisiana Department of Transportation and Development dated November 29, 2007. The motion carried unanimously.

Yara North America – request of October 1, 2008 through Stueve Construction concerning permission to construct a dry fertilizer storage building on the protected side, levee station 3166+00, at Union, Louisiana, St. James Parish. Mr. Poche moved, seconded by Mr. Delaune to grant a “NO OBJECTION” to this request as per letters of no objection from the Corps of Engineers, New Orleans District dated November 10, 2008, and the Louisiana Department of Transportation and Development dated October 27, 2008. The motion carried unanimously.

RIGHTS OF ENTRY

Department of the Army, Corps of Engineers - right of entry request from the Corps of Engineers dated November 6, 2008 to Garret Graves, Chairman, Coastal Protection and Restoration Authority of Louisiana, to perform surveys, soil borings, environmental and cultural resources investigations, and hazardous, toxic and radioactive wastes (HTRW) assessments and to carry out other exploratory work as may be necessary to complete these investigations being made of said lands by the Government in connection with the Lake Pontchartrain, Louisiana and Vicinity, Hurricane Protection Project, North of Airline Highway, Cross Bayou Drainage Structure, St. Charles Parish, Louisiana. The limits of work will exceed Pontchartrain Levee District’s (PLD) right-of-way (ROW) boundaries as shown on the enclosed drawing entitled, “Lake Pontchartrain, Louisiana and Vicinity, Hurricane Protection Project, St. Charles Parish Floodwalls and Structures Phase II: Plans and Specifications Right of Entry Request Cross Bayou Drainage Structure,” undated, Sheet Identification DWG 2A. *Said Grant of Right of Entry predicated on Corps of Engineers furnishing revised right of entry request and revised map, as*

well as, contingent upon AG's review and approval from the CPRA counsel. Mr. Cunningham moved, seconded by Mr. Bartley to approve said request for right of entry. The motion carried unanimously.

Department of the Army, Corps of Engineers - right of entry request from the Corps of Engineers dated September 18, 2008 to Monica T. Salins, Executive Director, Pontchartrain Levee District, to perform floodwall construction in connection with the Lake Pontchartrain and Vicinity (LPV), Gulf South Pipeline, LPV 06d.2, North of Airline Highway, St. Charles Parish, Louisiana, project. All work will be performed within existing Pontchartrain Levee District (PLD) rights-of-way (ROW). The limits of work are indicated on the enclosed ROW drawings, entitled "Lake Pontchartrain, Louisiana & Vicinity Hurricane Protection Project, North of Airline Highway, St. Charles Parish, Gulf South Pipeline, LPV 06d.2, Right-of-Way", file number H-8-46747, drawings R-01 through R-04, dated August 22, 2008, (Enclosure 1). Said right of entry to be granted to Garret Graves, Chairman, Coastal Protection and Restoration Authority of Louisiana and USACE. **Said Grant of Right of Entry contingent upon AG review and approval from the CPRA counsel.** Mr. Cunningham moved, seconded by Mr. Bartley to approve said request for right of entry. The motion carried unanimously.

Department of the Army, Corps of Engineers - right of entry request from the Corps of Engineers dated September 18, 2008 to Monica T. Salins, Executive Director, Pontchartrain Levee District, to perform floodwall and structural retrofit construction in connection with the Lake Pontchartrain and Vicinity (LPV), Almedia and Walker Drainage Structure, LPV 07d.2 and LPV 07e.2, North of Airline Highway, St. Charles Parish, Louisiana, project. All work will be performed within existing Pontchartrain Levee District (PLD) rights-of-way (ROW). The limits of work are indicated on the enclosed ROW drawings, entitled "Lake Pontchartrain, LA & Vicinity Hurricane Protection, North of Airline Highway, St. Charles Parish, Almedia Drainage Structure , LPV 07d.2, Right-of-Way", file number H-8-46753, drawings R-01 through R-04, dated August 28, 2008, (Enclosure 1) and ROW drawings, entitled "Lake Pontchartrain, Louisiana & Vicinity Hurricane Protection Project, North of Airline Highway, St. Charles Parish, Walker Drainage Structure, LPV 07e.2 Right-of-Way", file number H-8-46755, drawings R-01 through R-04, dated August 28, 2008 (Enclosure 2). Said right of entry to be granted to Garret Graves, Chairman, Coastal Protection and Restoration Authority of Louisiana and USACE. **Said Grant of Right of Entry contingent upon AG review and approval from the CPRA counsel.** Mr. Bartley moved, seconded by Mr. Cunningham to approve said request for right of entry. The motion carried unanimously.

PRESIDENT'S REMARKS

At this time, President Wilson introduced Mr. David Peterson with the Louisiana Attorney General's office and thanked him for visiting the Pontchartrain Levee District. Mr. Peterson addressed the Board of Commissioners regarding various issues that have arisen due to the numerous Right of Entry requests being received by other levee districts from the U.S. Army Corps of Engineers, as those presented to the Pontchartrain Levee District at this meeting. Discussion was had and Mr. Peterson thanked the Board for their time.

President Wilson then addressed the Board and members of the public relative to the recent PLD 2007-2008 Audit prepared by Hienz & Macaluso. He commended the entire office staff, external accountant and entire PLD supervisory staff for the outstanding audit results and told them to keep up the good work. President Wilson further noted that this is the third year in a row that the Pontchartrain Levee District has received an outstanding rating with no comments, thus no improvements found to be necessary in the transaction of PLD business.

OLD BUSINESS

None.

NEW BUSINESS

Request from Lake Borgne Basin Levee District

President Wilson informed the Board that the Lake Borgne Basin Levee District had formally requested to have excess, surplus assets belonging to Pontchartrain Levee District (PLD) transferred to the Lake Borgne Basin Levee District (LBBLD). LBBLD requested the transfer due to their very tight budget and lack of funding available to their levee district. Mr. Harelson moved, seconded by Mr. Delaune to add an item to the agenda specific to the transfer of PLD surplus assets to LBBLD. This motion carried unanimously. Mr. Harelson moved to approve the transfer of surplus assets of the PLD, specifically, Two (2) TS115A, 2004 model New Holland tractors, Three (3) TN75, 2001 model New Holland tractors, One (1) TN75, 2001 model New Holland tractor with flail mower, One (1) 6610S, 1996 model New Holland open cab tractor, and One (1) D5B, 1980 model CAT Dozer to the LBBLD as per an agreement to be prepared by the PLD Board Attorney and to authorize PLD President Steve Wilson to execute any and all necessary documents to complete said transfer. This motion was seconded by Mr. Delaune and also carried unanimously.

Request from the Town of Sorrento

President Wilson informed the Board that the Town of Sorrento was also interested in a piece of surplus equipment belonging to Pontchartrain Levee District (PLD), specifically the 1986 model, 580E Case Rubber Tire Backhoe. He reminded members of the current Intergovernmental Agreement currently in place and suggested that said utilization could be handled through an amendment of said agreement. PLD Board Attorney, Dwight Poirrier, would look into same and prepare the necessary documents should that be the wishes of the Board. Mr. Delaune then moved, seconded by Mr. Bartley to add an item to the agenda specific to the use of PLD equipment to the Town of Sorrento. This motion carried unanimously. Mr. Delaune moved, seconded by Mr. Bartley to approve the use of equipment, one (1), 1986 580E Case Rubber Tire Backhoe to the Town of Sorrento as per an agreement, and/or an amendment to the current agreement in place with the Town of Sorrento, to be prepared by the PLD Board Attorney, Dwight Poirrier, and to authorize PLD President Steve Wilson to execute any and all necessary documents to complete said transfer. This motion carried unanimously. Mr. Bartley reminded the Executive Director that once all of these transfers are finalized, the surplus assets/equipment transferred need to be removed from the PLD State Asset listing as well as from the PLD insurance listing.

PUBLIC COMMENTS

None.

ADJOURNMENT

At this time, Mr. Harelson moved, seconded by Mr. Cunningham to adjourn. The motion carried unanimously and President Wilson declared the meeting adjourned at 7:02 p.m.

/s/ Monica T. Salins

Monica T. Salins, Acting Secretary
Executive Director

/s/ Steve Wilson

Steve Wilson, President
Pontchartrain Levee District