

The Board of Commissioners for the Pontchartrain Levee District met at The Clarion Inn & Conference Center (Iberville Room), Gonzales, LA on Monday, September 20, 2021, pursuant to notice given to each member in due time, form and manner as follows:

September 17, 2021

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, September 20, 2021 at The Clarion Inn & Conference Center, 1500 Louisiana 30 West, Gonzales, Louisiana.

Very truly yours,

Monica Salins Gorman,
Executive Director

Vice President Blaine Sheets called the meeting to order at 6:02 p.m. Board Secretary, Shevette Fulton was asked to call the roll. Committee member present were: Blaine Sheets, Senecca Boudreaux, Matthew Butler, Allen J. St. Pierre, Sr., Leonard C. Irvin, Sr., Percy Hebert, Jr., Claude A. "Trey" Granier, III, Aaron Pourciau and Randy T. Clouatre, Sr. Committee member via teleconference was: None. Absent was: None.

Pontchartrain Levee District employees present were: Shevette Fulton-PLD Board Secretary, Monica Salins Gorman – Executive Director, Kenny Steib, Sr.- Levee Board Operations Superintendent, and Kelly Poche- PLD Administrative Assistant 6, and Jerri Henderson- HR Analyst B. Also, in attendance: Dwight Poirrier – PLD Board Counsel and Joseph Sevario – Executive Assistant to the Board of Commissioners.

Recognition of guests at PLD HQ included: Nickie Monica and John Ohle of River Parishes Construction Materials, Kimberly Koehl of McKim & Creed, Jane Dufour of Civix, Jack Morgan of Evans-Graves Engineers, Henry Picard, III and David Boyd of BKI, Nathan Junius with LH&J and John Troutman of CPRA.

A motion to approve the minutes of the regular board meeting of August 16, 2021 was offered by Commissioner Butler, seconded by Commissioner Boudreaux. There were no objections, there were no public comments and the motion carried unanimously.

COMMITTEE REPORTS

Security/Safety Committee: Vice President Sheets called upon Commissioner Hebert, Co-Chair of said committee, who noted that there was nothing to report on September 14, 2021.

Equipment Committee: Vice President Sheets called upon Commissioner Hebert, Co-chair of said committee, who noted that there were no items to report from the Equipment Committee meeting held on September 14, 2021.

Finance Committee: Vice President Sheets called upon Commissioner Boudreaux, Chairperson of the Finance Committee, who reported on the Finance Committee meeting held on September 16, 2021:

The first item on the agenda was to approve the regular monthly invoices in the amount of \$70,666.25 for the month of August 2021 as recommended by committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner Hebert, seconded by Commissioner Boudreaux. There was no other discussion, there were no objections and the motion carried unanimously.

The next item on the agenda was to approve the invoices from Civix totaling \$68,608.35 (this total represents 3 projects: LPV- \$9,622.50; Laurel Ridge - \$1,757.50 and WSLP- \$57,228.35) said invoicing representing the fees from August 1 through August 31, 2021, as recommended by committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner Irvin, seconded by Commissioner Boudreaux. There was no other discussion, there were no objections and the motion carried unanimously.

The next item on the agenda was to approve the invoice from Dwight Poirrier, Board Attorney, in the amount of \$5,437.74 for the West Shore Lake Pontchartrain Project as recommended by committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner Hebert, seconded by Commissioner Clouatre. There was no other discussion, there were no objections and the motion carried unanimously.

Next, was to approve the invoice invoices from McKim & Creed for Laurel Ridge Levee Extension in the amount of \$3,279.52 as recommended by committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner Clouatre, seconded by Commissioner Boudreaux. There was no other discussion, there were no objections, and the motion carried unanimously.

The next item on the agenda was to approve the invoices from McKim & Creed for Bluff Swamp Control Structure in the amount of \$3,347.04 as recommended by committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner Irvin, seconded by Commissioner Hebert. There was no other discussion, there were no objections, and the motion carried unanimously.

Next on the agenda was to approve the invoice from Burk-Kleinpeter, Inc. in the amount of \$1,345.75 for West Shore Task Order No. 9 as recommended by committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner Boudreaux, seconded by Commissioner Irvin. There was no other discussion, there were no objections, and the motion carried unanimously.

The next item was to approve the invoice from Central Auction House, Ltd., for 2021 Annual Fee in the amount of \$400.00 as recommended by committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner Irvin, seconded by Commissioner St. Pierre. There was no other discussion, there were no objections, and the motion carried unanimously.

Next on the agenda was to approve the Notice to Proceed to McKim & Creed for the Bayou Manchac Regional Flood Risk Reduction Project as recommended by committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner Cloutre, seconded by Commissioner Hebert. There was no other discussion, there were no objections, and the motion carried unanimously.

Next on the agenda was to approve the Cooperative Endeavor Agreement by and between the State of Louisiana through the Office of Community Development and the Pontchartrain Levee District for the Louisiana Watershed Initiative (LWI) Highway 22 Gapping Project as recommended by committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner Cloutre, seconded by Commissioner Hebert. There was no other discussion, there were no objections, and the motion carried unanimously.

Next on the agenda was to approve the Notice of Proceed for the Sorrento Storm Surge Project subject to verification of Capital Outlay Funding for the West Shore Enhancement as recommended by committee on September 16, 2021. Public Comments: Commissioner Boudreaux opposed said agenda item. Motion to approve said agenda item was made by Commissioner Irvin, seconded by Commissioner Cloutre. There was no other discussion, it was noted that Commissioner Boudreaux opposed the motion and the motion carried by majority vote.

Next on the agenda was a resolution by the Board of Commissioners of the Pontchartrain Levee District and on behalf of the Coastal Protection and Restoration Authority Board of Louisiana to purchase and/or expropriate the required real estate interest now or formerly owned by Nature Land Co., L.L.C., as recommended by committee on September 16, 2021. Public Comments: None. There was no other discussion and there were no objections.

On the motion of Commissioner Boudreaux, seconded by Commissioner St. Pierre, the following resolution was adopted:

RESOLUTION

A Resolution by the Board of Commissioners of the Pontchartrain Levee District and on behalf of the Coastal Protection and Restoration Authority Board of Louisiana to purchase and or/expropriate the required real estate interest now or formerly owned by Nature Land Co., L.L.C.

WITNESSETH, THAT:

WHEREAS, the U.S. Army Corps of Engineers, New Orleans District (USACE) has determined that certain lands, easements, servitudes and rights-of-way situated in the Parish of St. John, State of Louisiana are required for the construction of the West Shore Lake Pontchartrain (WSLP) Hurricane and Storm Damage Risk Reduction Project, WSLP-105, WSLP-106, WSLP-107, WSLP-108, WSLP-114, and Access Roads D and F; and,

WHEREAS, the Coastal Protection and Restoration Authority Board of Louisiana and the Board of Commissioners of the Pontchartrain Levee District (PLD), as Non-Federal Sponsors of the Project, have the responsibility for providing all lands, easements, servitudes, and rights-of-way (real estate interest) determined by USACE to be required for the construction of the Project; and,

WHEREAS, portions of the real estate interest determined by USACE to be required for the construction of the Project in WSLP-105, WSLP-106, WSLP-107, WSLP-108, WSLP-114, and Access Roads D and F is across property now or formerly owned by Nature Land Co., L.L.C; and,

WHEREAS, on September 16, 2021 PLD made a Just Compensation Offer to Nature Land Co., L.L.C. for acquisition of required real estate interest for the WSLP Project; and,

WHEREAS, the Just Compensation Offer in the amount of \$492,800 was the fair market value of required real estate interest to be acquired from Nature Land Co., L.L.C. for the WSLP Project based on the higher of the two (2) appraisals prepared by two (2) licensed Appraisers and reviewed by a Review Appraiser; and,

WHEREAS, the PLD has informed the landowner if amicable acquisition of required real estate interest cannot be negotiated 30 days from delivery of the Just Compensation Offer, PLD will have no alternative other than to acquire the required real estate interest through expropriation in accordance with the law;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Pontchartrain Levee District, in regular session assembled, for and on behalf of PLD and the Coastal Protection and Restoration Authority Board of Louisiana, that:

1. In the event that Nature Land Co., L.L.C. refuses to grant the required real estate interest and/or the amicable acquisition of the required real estate interest cannot be negotiated in the 30 day timeframe, the PLD will proceed to legally expropriate, prior to judgment, the required real estate interest, identified in Exhibit A, in accordance with the law;
2. That the President or Vice President of the Board of Commissioners of the Pontchartrain Levee District is hereby authorized to execute any and all documents necessary to complete said purchase and/or expropriation on behalf of PLD.

The foregoing resolution was made a part of the record, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

YEAS: Randy Clouatre, Allen J. St. Pierre, Sr., Senecca Boudreaux, Matthew Butler, Blaine J. Sheets, Leonard C. Irvin, Percy Hebert, Claude Granier, III and Aaron Pourciau

NAYS: None.

ABSENT: None.

Motion carried unanimously.

This resolution was declared adopted the 20th day of September, 2021.

Next on the agenda was to approve the advanced certification of Just Compensation for appropriations of right-of-way owned by Belle Terre Land, L.L.C., Marathon Petroleum Company, LP, and Ten-G, L.L.C. based on compensation determined by the higher of the two (2) USACE reviewed and approved appraisals as recommended by committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner St. Pierre, seconded by Commissioner Irvin. There was no other discussion, there were no objections, and the motion carried unanimously.

Next on the agenda was to approve the Intergovernmental Agreement between the State of Louisiana, through the Coastal Protection and Restoration Authority Board and the Pontchartrain Levee District regarding Real Estate Acquisition and OMRR&R for West Shore Lake Pontchartrain Hurricane Storm Damage Risk Reduction Project (PO-0062) as recommended by

committee on September 16, 2021. Public Comments: None. Motion to approve said agenda item was made by Commissioner Hebert, seconded by Commissioner Boudreaux. There was no other discussion, there were no objections, and the motion carried unanimously.

Personnel Committee: Vice President Sheets called upon Commissioner Granier, Chairperson of said committee, who stated that there were no items to report from the Personnel Committee meeting held on September 16, 2021.

STAFF REPORTS

Executive Director LONO Report: The Executive Director's report was in the packet for the board members review. Mrs. Gorman recapped her 17 years at Pontchartrain Levee District beginning with Hurricane Katrina and offered prayers to all of those suffering from the post traumatic stress that Hurricane Ida had brought upon so many here in Louisiana lately. She offered her assistance to any of the members should they have any questions or comments concerning any of the issued LONOs within the last month.

Reports on Projects: Reports were given for each of the following projects by the respective engineer and/or representative. Written reports were also in the board members packets.

- a) West Shore-Lake Pontchartrain Hurricane Protection (Henry Picard III and David Boyd, BKI) *Special note to the USACE decision of 2 pump stations totalling 2000 cfs each to be at Reserve Relief and I-55 Interchange
- b) Laurel Ridge Levee Extension, Bluff Swamp & Spanish Lake Flood Risk Reduction, LA 22 Gapping Project (Kimberly Koehl, McKim & Creed)
- c) St. Charles Hurricane Protection Levee, ROE's, LRLE, WSLP (Jane Dufour, Civix)

RIGHTS OF ENTRY

None.

PRESIDENT'S REMARKS

None.

OLD BUSINESS

A resolution by the Board of Commissioners of the Pontchartrain Levee District and on behalf of the Coastal Protection and Restoration Authority Board of Louisiana to rescind or amend prior appropriation resolutions of right-of-way across property now or formerly owned by Nature Land Co., L.L.C Public Comments: None. There was no other discussion and there were no objections.

On the motion of Commissioner Clouatre, seconded by Commissioner Irvin, the following resolution was adopted:

RESOLUTION

A resolution by the Board of Commissioners of the Pontchartrain Levee District and on behalf of the Coastal Protection and Restoration Authority Board of Louisiana to rescind or amend prior appropriation resolutions of right-of-way across property now or formerly owned by Nature Land Co., L.L.C.

WITNESSETH, THAT:

WHEREAS, the U.S. Army Corps of Engineers, New Orleans District (USACE) has determined that certain lands, easements, servitudes and rights-of-way situated in the Parish of St. John, State of Louisiana are required for the construction of the West Shore Lake Pontchartrain (WSLP) Hurricane and Storm Damage Risk Reduction Project, WSLP-105, WSLP-106, WSLP-107, WSLP-108, and Access Roads D and F; and,

WHEREAS, the Coastal Protection and Restoration Authority Board of Louisiana and the Board of Commissioners of the Pontchartrain Levee District (PLD), as Non-Federal Sponsors of the Project, have the responsibility for providing all lands, easements, servitudes, and rights-of-way determined by USACE to be required for the construction of the Project; and,

WHEREAS on April 19, 2021 the PLD adopted resolutions to appropriate required Flood Protection Levee & Drainage Ditch Easements for WSLP-105, WSLP-106, WSLP-107, WSLP-108, and Road Easements for Access Roads D and F; and,

WHEREAS, portions of the appropriated right-of-way in WSLP-105, WSLP-106, WSLP-107, WSLP-108, and Access Roads D and F are across property now or formerly owned by Nature Land Co., L.L.C; and,

WHEREAS, the constitution and laws of the State of Louisiana provide that levee districts are authorized to appropriate needed lands for levee, drainage, flood and hurricane protection purposes;

WHEREAS, Nature Land Co., L.L.C. filed suit against PLD in the 40th Judicial District Court for the Parish of St. John the Baptist, Division A, Docket No. 76762, requesting that the Court declare the Levee Servitude Resolution[s] and Access Road Resolution null and void and require PLD to proceed with the taking of any such servitude via an expropriation proceeding;

WHEREAS, Nature Land Co., L.L.C. and PLD desired to resolve the dispute and entered into a Joint Stipulation and Partial Consent Judgment in which it was agreed that PLD would rescind the resolution(s) appropriating Nature Land Co., L.L.C.'s property and thereafter convert

the appropriation to an expropriation for the acquisition of the required property from Nature Land Co., L.L.C. for the WSLP project;

WHEREAS, on September 16, 2021 PLD made a Just Compensation Offer to Nature Land Co., L.L.C. for the acquisition of required property from Nature Land Co., L.L.C. for the WSLP project;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Pontchartrain Levee District, in regular session assembled, for and on behalf of PLD and the Coastal Protection and Restoration Authority Board of Louisiana, that:

1. The resolutions to appropriate required right-of-way for WSLP-106 and WSLP-107 adopted on April 19, 2021 are hereby rescinded.
2. The resolution to appropriate required right-of-way for WSLP-105 adopted on April 19, 2021 is hereby amended to remove those portions of the lands situated in the Parish of St. John on the east side of the Mississippi River described in the attached legal description, prepared by Stephen P. Flynn, P.L.S., as shown on the attached survey, described as Right of Way Map, West Shore Lake Pontchartrain, Louisiana Hurricane and Storm Damage Risk Reduction Project, St. John the Baptist Parish, Louisiana and St. Charles Parish, Louisiana, Sheets 9, 10, and 11, dated December 10, 2020 last revised December 21, 2020, collectively attached hereto as EXHIBIT A. All other aspects of said resolution shall remain unchanged.
3. The resolution to appropriate required right-of-way for WSLP-108 adopted on April 19, 2021 is hereby amended to remove those portions of the lands situated in the Parish of St. John on the east side of the Mississippi River described in the attached legal descriptions, prepared by Stephen P. Flynn, P.L.S., as shown on the attached survey, described as Right of Way Map, West Shore Lake Pontchartrain, Louisiana Hurricane and Storm Damage Risk Reduction Project, St. John the Baptist Parish, Louisiana and St. Charles Parish, Louisiana, Sheets 4, 5, and 6, dated September 30, 2020 last revised March 22, 2021, collectively attached hereto as EXHIBIT B. All other aspects of said resolution shall remain unchanged.
4. The resolution to appropriate required right-of-way for Access Roads D and F adopted on April 19, 2021 is hereby amended to remove those portions of the lands situated in the Parish of St. John on the east side of the Mississippi River described in the attached legal descriptions, prepared by Stephen P. Flynn, P.L.S., as shown on the attached surveys, described as Right of Way Map for Access Road D from Airport Road across various lands to reach WSLP-108 near Mississippi Bayou, West Shore Lake Pontchartrain, Louisiana

Hurricane and Storm Damage Risk Reduction Project, St. John the Baptist Parish, Louisiana, dated October 13, 2020, last revised March 17, 2021, and Right of Way Map for Access Road F from Airline Highway North across various lands to reach WSLP-106, West Shore Lake Pontchartrain, Louisiana Hurricane and Storm Damage Risk Reduction Project, St. John the Baptist Parish, Louisiana, dated November 13, 2020, last revised March 11, 2021, collectively attached hereto as EXHIBIT C. All other aspects of said resolution shall remain unchanged.

BE IT FURTHER RESOLVED, that this resolution shall be published in the official journal of the PLD in the manner prescribed by law.

The foregoing resolution was made a part of the record, the roll was called on the adoption thereof, and the resolution was adopted by the following votes:

YEAS: Randy Clouatre, Allen J. St. Pierre, Sr., Senecca Boudreaux, Matthew Butler, Blaine J. Sheets, Leonard C. Irvin, Percy Hebert, Claude Granier, III and Aaron Pourciau

NAYS: None.

ABSENT: None.

Motion carried unanimously.

This resolution was declared adopted the 20th day of September, 2021.

Next was Executive Session to discuss the evaluations of the Executive Director and the Executive Assistant to the Board, as well as the Workers Compensation lawsuit. A motion to go into Executive Session was made by Commissioner Butler, seconded by Commissioner Irvin for no longer than 45 minutes. Executive session began at 6:50 p.m. and the recorder was turned off.

At 7:35 a motion to return to regular session was offered by Commissioner Irvin and seconded by Commissioner Pourciau. There were no motions to follow executive session and the meeting resumed as presented.

NEW BUSINESS

First under New Business was Election of a new Pontchartrain Levee District President. Commissioner Granier nominated Commissioner Senecca Boudreaux as PLD President. Commissioner Hebert seconded the motion to approve Senecca Boudreaux as PLD President. Commissioner Butler closed nominations after there was no opposition and/or discussion. Public Comments: None. There was no other discussion, there was no opposition and the motion carried unanimously.

Commissioner Butler and other members of the board questioned Dwight Poirrier concerning 'terms' for President and Vice President. Discussion was had but no motions were made. Commissioner Butler also spoke of long range planning sessions for PLD. He also suggested two (2) year terms for President and Vice President, elections to be in June of odd years taking office July 1st of each odd year and felt such a decision should be reflected in the PLD By-Laws.

Commissioner Boudreaux addressed members and the guests and thanked them for the opportunity and their support. She offered to work with everyone continuing the success of the Pontchartrain Levee District.

Second Item under New Business is the Emergency Declaration for Hurricane Ida. On a motion of Commissioner Clouatre, seconded by Commissioner Butler the following Declaration of Extreme Public Emergency was read into the minutes and also will be published in the official journal. Public Comments: None. There was no other discussion, there was no opposition and the motion carried unanimously.

THIS DECLARATION is entered into on the date set out below by:

THE PONTCHARTRAIN LEVEE DISTRICT

a political subdivision created, organized and existing under the Constitution
and laws of the State of Louisiana, herein represented by
Blaine Sheets, its duly authorized Vice-President

WHEREAS, the Louisiana Statutes Annotated R.S. 38:2211D(1)(a) and (b)(ii) directs that the requirement of advertisement and letting to lowest responsible bidder for public contracts, works and improvements does not apply in cases where the presiding officer is authorized to act on behalf of the governing authority of a political subdivision declares that an extreme emergency exists and notice of such has been published in the official journal of the public entity proposing or declaring such public emergency within ten days or as soon as possible;

WHEREAS, pursuant to LSA R.S. 38:2211 A(5)(a), an "Emergency" is defined in part as an unforeseen mischance bringing with it destruction or injury of life or property or the imminent threat of such destruction or injury;

WHEREAS, pursuant to LSA R.S. 38:2211 A(5)(b), an "Extreme Public Emergency" is defined as a catastrophic event which causes the loss of ability to obtain a quorum of the members necessary to certify the emergency prior to making the expenditure to acquire materials or supplies or to make repairs necessary for the protection of life, property, or continued function of the public entity;

WHEREAS, pursuant to LSA R.S. 42:17.1 allows an exception to the open meetings law by allowing for electronic meetings to be held in person during a Governor declared disaster or emergency in order to ensure matters critical to the continuation of business of the Pontchartrain Levee District to proceed as they cannot be postponed or delayed due to legal obligations and deadlines;

WHEREAS, the Governor of Louisiana has declared and published a state of emergency, Proclamation No. 165 JBE 2021, in preparation for and the aftermath of Hurricane Ida effective August 26, 2021 to September 27, 2021, unless terminated sooner; and

WHEREAS, the destruction and emergency conditions that may have disrupted the human life and property caused by Hurricane Ida have led to the Pontchartrain Levee District, through its duly authorized Vice-President, Blaine Sheets, to declare a state of extreme public emergency, as it deems it necessary and appropriate in response to the Proclamation of Governor Edwards.

NOW THEREFORE, I, BLAINE SHEETS, Vice-President of the Pontchartrain Levee District, by virtue of the authority vested by the State of Louisiana, does hereby order and direct as follows:

This declaration of extreme emergency is effective upon signature and shall apply retroactively from August 26, 2021 through September 27, 2021, unless amended, modified, terminated or rescinded by the Board of Commissioners of the Pontchartrain Levee District through its Vice-President, Blaine Sheets.

ADJOURNMENT

Commissioner Granier moved, seconded by Commissioner Hebert to adjourn. The motion carried unanimously and meeting adjourned at 7:40 p.m.

Monica Salins Gorman for Shevette Fulton,
Board Secretary

Blaine Sheets, Vice President
Pontchartrain Levee District