MINUTES OF BOARD MEETING

OF

THE BOARD OF COMMISSIONERS

OF THE ORLEANS LEVEE DISTRICT

NOVEMBER 21, 1990

THE BOARD OF COMMISSIONERS

OF THE ORLEANS LEVEE DISTRICT

NOVEMBER 21, 1990

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*Denotes approval

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*Denotes approval

THE BOARD OF COMMISSIONERS

OF THE ORLEANS LEVEE DISTRICT

NOVEMBER 21, 1990

ACTION PAGE

*For approval to authorize increasing the Board's health self-insurance risk fund to $1,500,000, said funds to be accountable from unobligated prior year funds, and that the Board provide coverage for the aggregate claims not covered by the employee contributions established by Resolution No. 5-062090 32

To direct General Counsel to follow the transfer procedure approved herewith in the return of various tracts of land in the Bohemia Spillway to persons certified by the Secretary of the Department of Natural Resources as owners or as successors to owners, and utilize the documents which have been recommended, as may be modified from time to time by the General Counsel according to his best judgment, but which transfers shall always quit-claim, grant, convey, assign, set-over, abandon, and deliver, without any warranty whatsoever, all of this Board's rights, title and interest in the transferred property and all rights pertaining thereto, unto the parties certified by the Secretary of the Department of Natural Resources, and to authorize the President, Vice-President, Secretary or Assistant Secretary to execute any and all documents as approved by the General Counsel as necessary to accomplish the transfer of the certified property in accordance with the law. 34

*For approval to direct General Counsel to follow the transfer procedure as currently prescribed for transfer of properties in the Bohemia Spillway certified over the next three months by the Secretary of the Department of Natural Resources and to utilize the documents which he has recommended, as may be modified from time to time by the General Counsel according to his best judgment, but which transfers shall always quit-claim, grant, convey, assign, set-over, abandon, and deliver, without any warranty whatsoever, all of this Board's rights, title and interest in the transferred property and all rights pertaining thereto, unto the parties certified by the Secretary of the Department of Natural Resources; to authorize the President, Secretary and General Counsel on behalf of the Board to approach the entities involved to seek a resolution as to financial responsibility for the aforesaid transfers; and to authorize the President, Vice-President, Secretary or Assistant Secretary to execute any and all documents as approved by the General Counsel as necessary to accomplish the transfer of the certified property in accordance with the law 34

*Denotes approval

THE BOARD OF COMMISSIONERS

OF THE ORLEANS LEVEE DISTRICT

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THE BOARD OF COMMISSIONERS
OF THE ORLEANS LEVEE DISTRICT

MINUTES OF MONTHLY BOARD MEETING

November 21, 1990

The regular monthly meeting of the Board of Commissioners of the Orleans Levee District was held on Wednesday, November 21, 1990, at 3:15 p.m., in Room 228, Administration Building, New Orleans Lakefront Airport, after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

The meeting was called to order by President Medo.

President Medo then led the group in the pledge of allegiance to the flag.

Secretary Lansden called the roll and stated that a quorum was present.

PRESENT:

The Honorable Steven O. Medo, Jr., President
The Honorable John H. Ross, Vice President
The Honorable Lambert C. Boissiere, Jr., Commissioner (arrived 3:25 p.m.)
The Honorable Jerome P. Dickhaus, Commissioner
The Honorable Robert S. Maloney, Commissioner
The Honorable Robert C. Ramelli, Commissioner
The Honorable Janet Vincent, Commissioner

ABSENT:

The Honorable James E. Smith, Jr., Commissioner

ALSO PRESENT:

Allison Marshall, Nolmar Corp.
Bob Segari, Hibernia National Bank
Harold Glade, Caudle Aviation
W. B. Conway, Modjeski & Masters
Stoney Dale, Schubert Marine
Bruce Feingerts, Feingerts & Kelly
Norma Grace, UNO
Val Cupit, L.C.I.A.
Carole Grout, Lakeview Civic

OLB STAFF AND CONSULTANTS:

H. B. Lansden, OLB Director
Frederic Chatry, Chief Engineer
Richard J. McGinity, General Counsel
Edmond Pepper, Pepper & Associates
Jerome Pepper, Pepper & Associates

THE BOARD OF COMMISSIONERS
OF THE ORLEANS LEVEE DISTRICT

MINUTES OF MONTHLY BOARD MEETING

November 21, 1990

Emery Spiers, OLB Police
Ted Field, OLB Police
Arthur Perrot, Jr., OLB Police
Frank C. Crawford, Petroleum Consultant
Jean LaPlace, LaPlace & Associates
A. S. Pappalardo, Pappalardo Consultants
R. W. Taylor, Lakefront Airport
W. Sickinger, Safety-Risk
Max Hearn, Field Office
R. Stoddard, South Shore Harbor
Harry Cancienne, Data Processing
Mary Scheib, Personnel
Ted Lange, Finance
Glenda Boudreaux, OLB Director's Office

-ooOoo-

I. OPENING REMARKS AND PRESENTATIONS BY PRESIDENT OR COMMISSIONERS:

None.

II. APPROVAL OF MINUTES:

There were no corrections, additions or deletions to the minutes of the Regular Board Meeting held on October 17, 1990, therefore, the minutes of the Regular Board Meeting held on October 17, 1990, were approved as submitted.

III. MOTIONS:

President Medo asked that Motion No. 9-112190 be taken out of order. There was no objection.

A. To approve transfer of Boathouse N-16 in the Orleans Marina from Mr. Joseph M. Costello, III, to Mr. Norman Augusta, subject to the terms and conditions of the present lease and to authorize the President or OLB Director to sign any and all documents necessary to carry out the above.

There was no discussion on the motion, therefore, Resolution No. 1-112190, offered by President Medo and Commissioner Boissiere, seconded by Commissioner Ross, was unanimously adopted, to-wit:

MOTION: NO. 9-112190

RESOLUTION: No. 1-112190

BY: Commissioner Lambert Boissiere
Commissioner Jerome P. Dickhaus
President Steven O. Medo, Jr.
Commissioner Robert C. Ramelli
Commissioner Janet Phillpott-Vincent
Real Estate Committee

SECONDED BY: Commissioner John H. Ross

November 21, 1990

R E S O L U T I O N

WHEREAS, Boathouse No. N-16 in the Orleans Marina is owned by Mr. Joseph M. Costello, III, who wishes to have his lease transferred to Mr. Norman Augusta, said lease is dated July 1, 1972, and expiring June 30, 1992, providing for three (3) five-year renewal options. Present rental: $1,807.46 per annum, payable quarterly at $451.86, and

WHEREAS, The Board's Real Estate Consultant, Mr. A. S. Pappalardo, has evaluated the appraisal and found it appropriate as to value for improvements only, and the Board's Real Estate Committee gave its approval at the meeting held November 7, 1990.

BE IT HEREBY RESOLVED, That Boathouse N-16 in the Orleans Marina be transferred from Mr. Joseph M. Costello, III, to Mr. Norman Augusta subject to the terms and conditions of the present lease, and

BE IT FURTHER RESOLVED, That the Board's President or Director be authorized to sign any and all documents necessary to carry out the above.

AYES: Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioners Boissiere and Smith

RESOLUTION ADOPTED: Yes

B. Ratification of Poll Vote to approve emergency funding in an amount not to exceed $50,000 for repair of the Mitchell Hangar roof, and to authorize the President, OLB Director or Chief Engineer to sign any and all documents necessary to accomplish the above.

Mr. Chatry stated bids have been opened, however, the contract has not been awarded as yet; the low bid is $30,000.

There was no further discussion on the motion, therefore, Resolution No. 2-112190, offered by Commissioner Ramelli, seconded by Commissioner Vincent, was unanimously adopted, to-wit:

MOTION: NO. 1-112190

RESOLUTION: No. 2-112190

BY: Commissioner Robert C. Ramelli
Airport Committee
President Steven O. Medo, Jr.
Commissioner Janet Phillpott-Vincent

SECONDED BY: Commissioner Janet Vincent

November 21, 1990

R E S O L U T I O N

WHEREAS, as the Mitchell Hangar suffered exterior damage during a recent storm, and this damage, in conjunction with a very serious termite problem, has caused an emergency requirement to replace the lean-to structure of the Hangar.

BE IT HEREBY RESOLVED, That the Poll Vote taken on November 9, 1990 be ratified and that emergency funds be made available in an amount not to exceed $50,000 to replace the roof as soon as possible to render the area safe and usable by the tenant.

BE IT FURTHER RESOLVED, That the President, the Director or the Chief Engineer is hereby authorized to sign any and all documents necessary to accomplish the above.

BE IT FURTHER RESOLVED, That the Poll vote taken on November 9, 1990 be hereby ratified.

AYES: Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioners Boissiere and Smith

RESOLUTION ADOPTED: Yes

C. To request on a cost sharing basis of up to 50 percent funding support from the State of Louisiana Aviation Trust Fund to accomplish various projects, in addition to the matching funds for FAA AIP grant request to improve taxiway "B" Bravo and the terminal aircraft parking apron, and to authorize the President, OLB Director or Director of Aviation to execute any and all documents necessary to accomplish the above.

Mr. John Maloney explained this is a State program, approximately $9 million funded through fuel taxes to support State airports; those projects that cannot get to the Federal stage, the State will provide matching funds anywhere from 50-50 up.

Commissioner Ross asked if this would affect the percentages the Board will receive on Federal grants.

Mr. Maloney replied, no; any time the Board obtains a grant from the Federal government, the State will match that 10 percent.

Mr. Lansden pointed out that the projects on this list would either be very low on the Federal funding program or not authorized in the Federal program.

President Medo asked the reasonable chance of getting this money from the State.

Mr. Maloney indicated, pretty good, with a valid project, as Lakefront Airport is the only reliever airport in the State.

President Medo asked if this would come back to the Board to decide whether or not to do a project.

Mr. Maloney responded, absolutely. The Airport's next project will be Taxiway Bravo, then the landfill and the parking apron; the FAA is well funded this year and next year to carry out these projects.

President Medo expressed his concern that the State could approve all the projects, and then the Board may have to come up with $2 million.

Mr. Maloney pointed out the Airport could not handle all of those projects at one time.

Mr. Lansden explained there is nothing definitely said that the State will come back 50-50 or whatever the percentage may turn out to be, and the State may not come back with the whole

list, but only part of it. However, if the State approves this list in its entirety tomorrow and asks the Board to put up $2 million, the Board could not afford to do that now. This will take some time, and he did not perceive this as putting anything in concrete. The State may make an offer to put up a certain amount for a project, and the Levee Board can say at that time whether it can or cannot do it.

There was no further discussion on the motion, therefore, Resolution No. 3-112190, offered by Commissioner Ramelli, seconded by Commissioner Vincent, was unanimously adopted, to-wit:

MOTION: 2-112190

RESOLUTION: No. 3-112190

BY: Commissioner Robert C. Ramelli
President Steven O. Medo, Jr.
Commissioner Janet Phillpott-Vincent
Airport Committee
SECONDED BY: Commissioner Janet Vincent

November 21, 1990

R E S O L U T I O N

WHEREAS, the State of Louisiana through its Department of Transportation, Airport Division administers an Aviation Trust Fund which is supported through taxes collected on aviation fuels. The purpose of the fund is the development of air transportation for the State in conjunction with the national program. To accomplish this, a needs and priority system has been established based upon airports' governing bodies requests for assistance.

WHEREAS, Lakefront Airport is the main reliever airport for Moissant Field and the State's busiest airport and is in need of funding to support its continuing development. Funds for the following projects are hereby requested from the State's Aviation Trust Fund in fiscal 91-92 year:

Hangar expansion for Zemurray Hangar	$200,000.00
Taxiway D (Closed runway 13/31) Additional lighting and repaving	$1,277,000.00
Taxiway F reconstruction	$793,281.00
Taxiway E resurface	$475,832.00
Runway 36R/18L Runway 9-27 Slurry Seal	$1,321,642.00
TOTAL	**$4,067,755.00**

BE IT HEREBY RESOLVED, That the Board on a cost sharing basis of up to fifty (50%) percent does hereby request funding support from the State of Louisiana Aviation Trust Fund to accomplish the above listed projects in addition to the matching funds for FAA AIP grant request to improve taxiway "B" Bravo and the terminal aircraft parking apron.

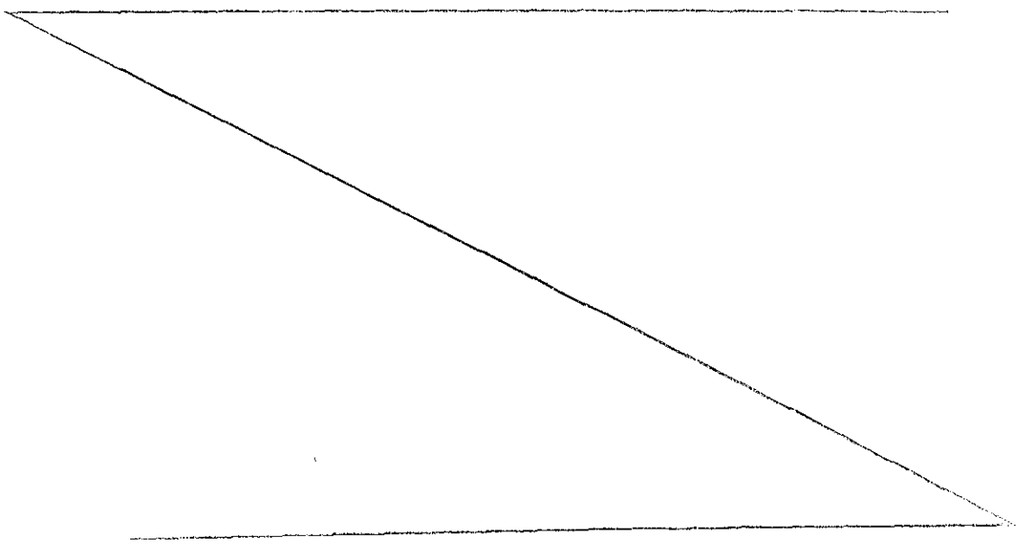
BE IT FURTHER RESOLVED, That the President, the Director or the Director of Aviation is hereby authorized to execute any and all documents necessary to accomplish the above.

AYES: Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioners Boissiere and Smith

RESOLUTION ADOPTED: Yes

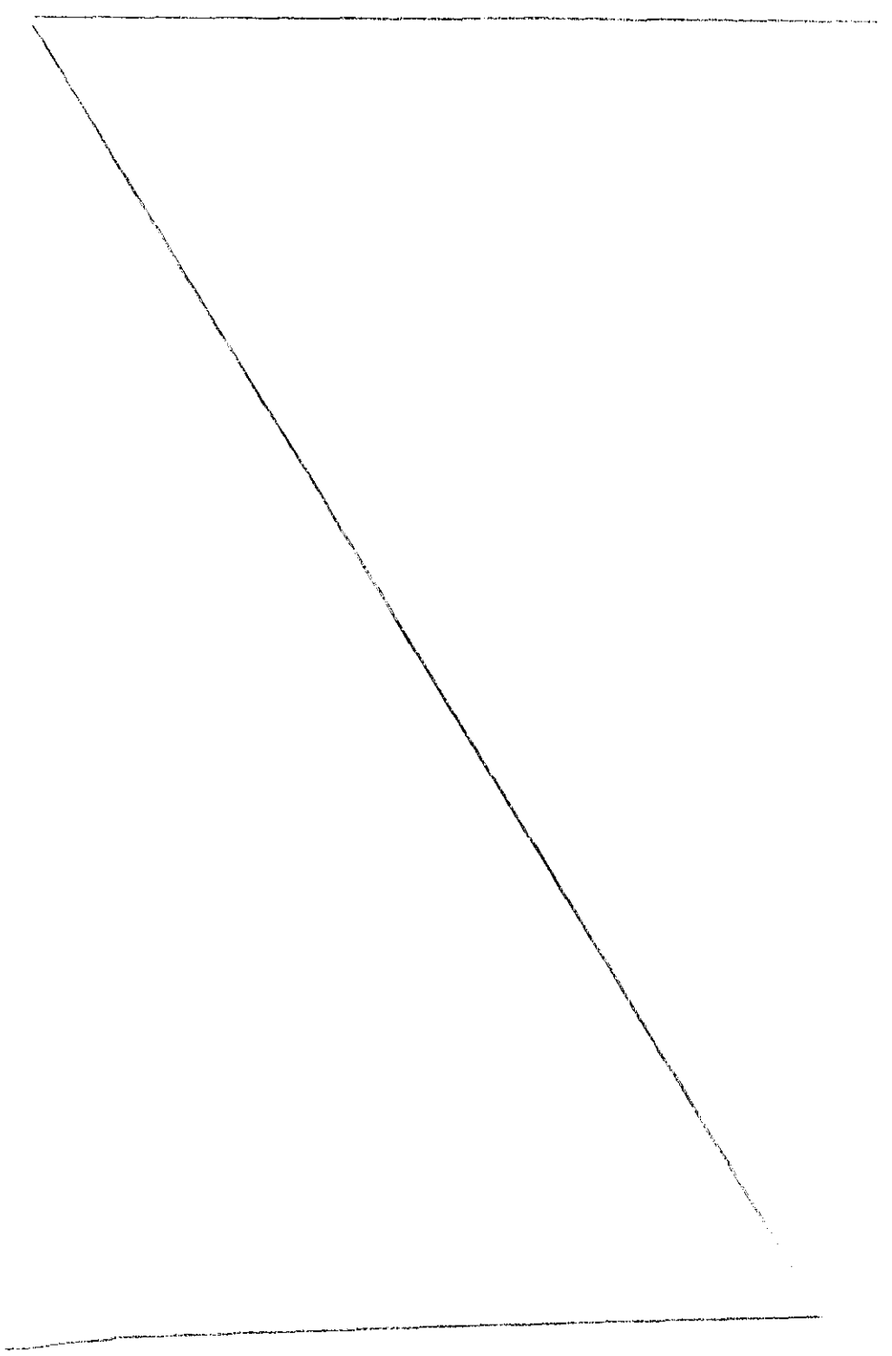


D. To accept the bid of Nolmar Corporation for janitorial services for the facilities of the Orleans Levee Board for a period of one year, with renewal options to extend the contract on a year to year basis up to but not exceeding 36 months.

President Medo offered a motion to amend the resolution to state in the RESOLVED portion, "with the Orleans Levee District having renewal options".

There was no discussion on the amendment, therefore, the amendment, offered by President Medo, seconded by Commissioner Ross, was unanimously adopted.

There was no further discussion on motion as amended, therefore, Resolution No. 4-112190, offered by Commissioner Ramelli, seconded by Commissioner Ross, was unanimously adopted, to-wit:



MOTION: 3-112190

RESOLUTION: No. 4-112190

BY: Commissioner Robert C. Ramelli
President Steven O. Medo, Jr.
Commissioner Janet Phillpott-Vincent
Airport Committee
SECONDED BY: Commissioner John H. Ross

November 21, 1990

R E S O L U T I O N

WHEREAS, on October 11, 1990, bids were received and opened for janitorial services for the facilities of the Orleans Levee Board, and

WHEREAS, the current budget year's appropriations are $105,000.00 with new money to be appropriated as of July 1, 1991 in the 91-92 budget package, and

WHEREAS, the apparent lowest most responsive and responsible bidder is Nolmar Corporation, with a total yearly cost not to exceed $110,000.00, and whose contract period will begin on December 1, 1990 and extend through November 30, 1991, and

WHEREAS, the Airport Committee on November 7, 1990 approved the Staff's recommendation and accepted the bid of Nolmar Corporation,

BE IT HEREBY RESOLVED, That the Board of Commissioners accept the bid of Nolmar Corporation for a period of one (1) year, with the Orleans Levee District having renewal options to extend the contract on a year to year basis, up to but not exceeding three (3) years.

AYES: Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioners Boissiere and Smith

RESOLUTION ADOPTED: Yes

E. To grant a right-of-entry to the Lake Borgne Levee District as required to repair and maintain ditches on Orleans Levee District owned property between Stations 1+00 and 50+40 (West Railroad Ditch), and 1+00 and 53+00 (East Railroad Ditch), upon terms and conditions as established by the Board's Chief Engineer, and to authorize the President or Chief Engineer to execute any and all documents necessary to accomplish the above.

Commissioner Dickhaus asked for a clarification based on the minutes of the Engineering Committee meeting of November 7, 1990, regarding maintenance of the ditches.

Mr. Chatry explained maintenance is involved, however, it will be done wholly by the Lake Borgne Basin Levee District. The only role the Orleans Levee District would have in this would be to provide a right-of-entry over lands that the Orleans Levee District holds title to.

Commissioner Dickhaus stated Mr. McGinity has indicated that the Board would have an indemnification and hold harmless agreement, and it would be in the permit; however, he asked whether allowing another entity to maintain the levee would be establishing a precedent.

Mr. Chatry explained the Board would not be allowing them to maintain the levee, they would be maintaining drainage ditches adjacent to the levee. The Board just happens to own the land on which the drainage ditches sit.

Commissioner Dickhaus asked whether maintenance would be the Orleans Levee Board's obligation.

Mr. Chatry replied, no; it is drainage for St. Bernard Parish.

Mr. McGinity indicated under this project, it is St. Bernard's responsibility to maintain the drainage ditches.

There was no further discussion on the motion, therefore, Resolution No. 5-112190, offered by Commissioner Dickhaus, seconded by Commissioner Ramelli, was unanimously adopted, to-wit:

MOTION: 4-112190

RESOLUTION: No. 5-112190

BY: Commissioner Jerome P. Dickhaus
Engineering Committee
Commissioner Robert C. Ramelli
President Steven O. Medo, Jr.
Commissioner Janet Phillpott-Vincent

SECONDED BY: Commissioner Robert C. Ramelli

November 21, 1990

R E S O L U T I O N

WHEREAS, the Lake Borgne Levee District as a part of a federally mandated drainage project will improve the East and West Railroad Ditches in accordance with State Project No. 576-44-02, and

WHEREAS, in order to complete the project, a right-of-entry is required from the Orleans Levee District to repair and maintain ditches on Orleans' Levee District owned property between Stations 1+00 and 50+40 (West Railroad Ditch), and 1+00 and 53+00 (East Railroad Ditch), and

WHEREAS, the Lake Borgne Levee District by Resolution No. R-142-90 requests the Orleans Levee District to grant this right-of-entry subject to reaching an acceptable maintenance agreement between the respective Boards, with the Lake Borgne Levee District providing insurance as may be required to protect this Board's interests.

BE IT HEREBY RESOLVED, That the Orleans Levee District grant a right-of-entry to the Lake Borgne Levee District as required to accomplish the aforesaid work, upon terms and conditions as established by the Board's Chief Engineer, and

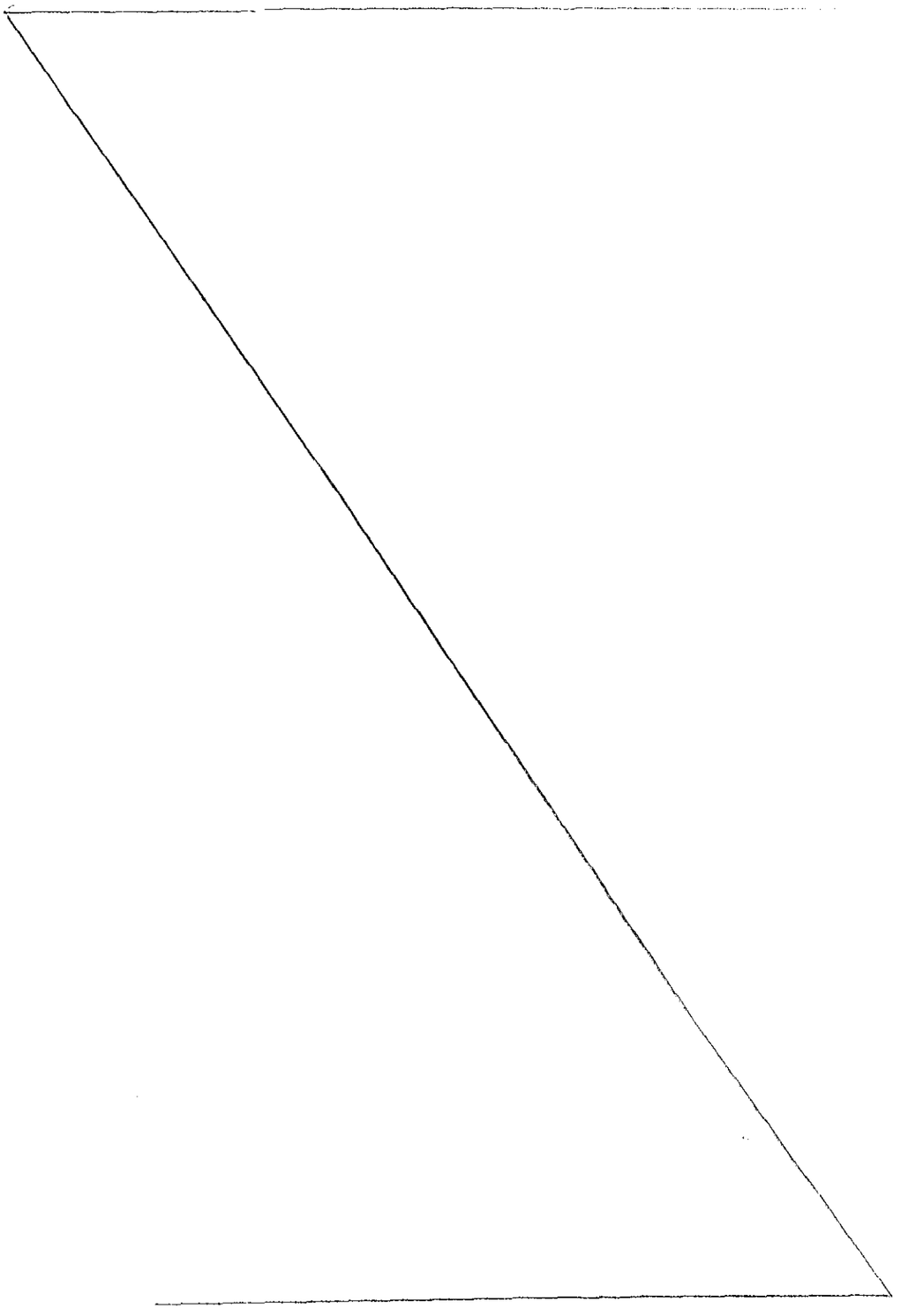
BE IT FURTHER RESOLVED, That the Board's President or Chief Engineer be authorized to execute any and all documents necessary to accomplish the above.

AYES: Commissioners Ross, Boissiere, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioner Smith

RESOLUTION ADOPTED: Yes



F. To appropriate all lands as appear on U.S. Government maps of survey for levee rights of way and/or new levee construction to be used for the purpose of constructing the Jackson Avenue to Thalia Street Floodwall, and floodwall at Milan Street Wharf, Phase III, Item M-97.2L to 95.6L, Mississippi River Levees, Orleans Parish, Louisiana, and that all property owners affected by appropriation of said lands are notified to vacate the lands hereby appropriated.

Commissioner Dickhaus asked for a clarification, based on the minutes of the Engineering Committee meeting of November 7, 1990, as to whether or not there was any opposition to granting the Corps of Engineers the right of way.

Mr. Chatry stated there was no opposition. Most of the property is probably owned by the Dock Board. This is essentially the last gap in the whole Mississippi River levee system and through the port area of New Orleans; once this is complete, the system will essentially be complete. The Orleans Levee Board is responsible for acquiring the property for the Corps of Engineers.

There was no further discussion on the motion, therefore, Resolution No. 6-112190, offered by Commissioner Dickhaus, seconded by Commissioner Ramelli, was unanimously adopted, to-wit:

MOTION: 5-112190

RESOLUTION: No. 6-112190

BY: Commissioner Jerome P. Dickhaus
Engineering Committee
Commissioner Robert C. Ramelli

SECONDED BY: Commissioner Robert C. Ramelli

November 21, 1990

R E S O L U T I O N

WHEREAS, the U. S. Government, in accordance with the provisions of the Flood Control Act, has made an official request to the Orleans Levee District to furnish the rights of way to construct the Jackson Avenue to Thalia Street Floodwall, and floodwall at Milan Street Wharf, Phase III, Item M-97.2L to 95-6L, Mississippi River Levees, Orleans Parish, Louisiana, as shown on Map File No. H-4-30860, Plates 1 through 4 of 4, dated June 1990, and

WHEREAS, under Article 6, Section 42 of the 1974 Constitution and other laws as may be applicable hereto, it is incumbent upon the Board of Commissioners of the Orleans Levee District to appropriate rights of way and lands required for levee setbacks, enlargements and new levee construction within this Levee District, including the following described lands and property as required by the U. S. Government.

BE IT HEREBY RESOLVED, by the Board of Commissioners of the Orleans Levee District as the governing body of the Orleans Levee District, in regular session convened, that all of said lands as appear on said Government maps of survey for levee rights of way and/or new levee construction to be used, be and they are hereby appropriated by the Orleans Levee District for the purpose of constructing the above mentioned floodwall in this Levee District as follows, to wit:

Item M-97.2L to 95.6L
Jackson Avenue to Thalia Street Floodwall, Phase III
Rights of Way
Corps of Engineers, U. S. Army District, New Orleans
Plates 1 through 4 of 4
File Number : H-4-30860
Dated: January 1990

the same being appropriated in accordance with the provisions of law.

BE IT FURTHER RESOLVED, That all property owners affected by appropriation of said lands are notified to vacate the lands hereby appropriated.

BE IT FURTHER RESOLVED, That this Resolution be published and that the Secretary be and he is hereby directed to send a certified copy of this Resolution by U. S. Mail to each of the property owners hereby affected, as notice of the adoption hereof and as notice to said property owners to vacate the lands hereby appropriated.

AYES: Commissioners Ross, Boissiere, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioner Smith

RESOLUTION ADOPTED: Yes

G. To authorize the President to request, accept and receive, on behalf of the Board reimbursement from the United States, in whole or in part, any sums expended or to be expended by the Board in utility and facility relocations in connection with the construction of the Jackson Avenue to Thalia Street Floodwall, and floodwall at Milan Street Wharf, Phase III, and upon receipt of any sums requested and accepted in reimbursement as aforesaid, to defend, indemnify and hold harmless the United States, its officers, contractors, agents, employees and assigns against any and all claims for all persons, agencies, corporations or others whomsoever with respect to the utility relocations by reason of the construction, operation and maintenance of said floodwall.

Mr. Chatry explained this is the companion resolution to Motion No. 5-112190, and authorizes the Board to accept the funds which will be reimbursed for monies the Board will spend on relocation of utilities.

There was no further discussion on the motion, therefore, Resolution No. 7-112190, offered by Commissioner Dickhaus, seconded by Commissioner Ramelli, was unanimously adopted, to-wit:

MOTION: 6-112190

RESOLUTION: No. 7-112190

BY: Commissioner Jerome P. Dickhaus
Engineering Committee
Commissioner Robert C. Ramelli

SECONDED BY: Commissioner Robert C. Ramelli

November 21, 1990

R E S O L U T I O N

WHEREAS, the Board of Commissioners of the Orleans Levee District, at the request of the United States, represented by the District Engineer, New Orleans District, Department of the Army Corps of Engineers, on November 21, 1990, appropriated rights of way for construction of the Jackson Avenue to Thalia Street Floodwall, and floodwall at Milan Street Wharf, Phase III, as shown on Map File No. H-4-30860, Plates 1 through 4 of 4, prepared by the New Orleans District, Corps of Engineers, U. S. Army, the location of said floodwall being approved by the Office of Public Works of the State of Louisiana, and

WHEREAS, right of entry for said Jackson Avenue to Thalia Street Floodwall, and floodwall at Milan Street Wharf, Item M-97.2L to 95.6L, is being made available to the United Stated by the Board of Commissioners of the Orleans Levee District, and

WHEREAS, the Orleans Levee District is required to make payments to the owners of the utilities for relocations to their facilities as requested and directed by the Department of the Army Corps of Engineers in accordance with law, and

WHEREAS, the Department of the Army Corps of Engineers has by letter informed the Board of reimbursable amounts for such payments.

BE IT HEREBY RESOLVED, That the President of the Board of Commissiners of the Orleans Levee District, is hereby authorized to and directed to request, accept, and receive, on behalf of said Board of Commissioners of the Orleans Levee District, reimbursement from the United States, in whole or in part, any sums expended or to be expended by the Orleans Levee District in utility and facility relocations as aforesaid.

BE IT FURTHER RESOLVED, That upon receipt of any sums requested and accepted in reimbursement as aforesaid, the Board of Commissioners of the Orleans Levee District agrees to defend, indemnify and hold harmless the United States, its officers, contractors, agents, employees and assigns against any and all claims of all persons, agencies, corporations or others whomsoever with respect to the utility relocations by reason of the construction, operation and maintenance of said Jackson Avenue to Thalia Street Floodwall, that the Orleans Levee District agrees to receive these funds in full and complete satisfaction and extinguishment of all demands, rights and actions against the United States for the cost of utility relocations and complete acquaintance, release and discharge from any and all liability for work accomplished under said right of entry as set forth above.

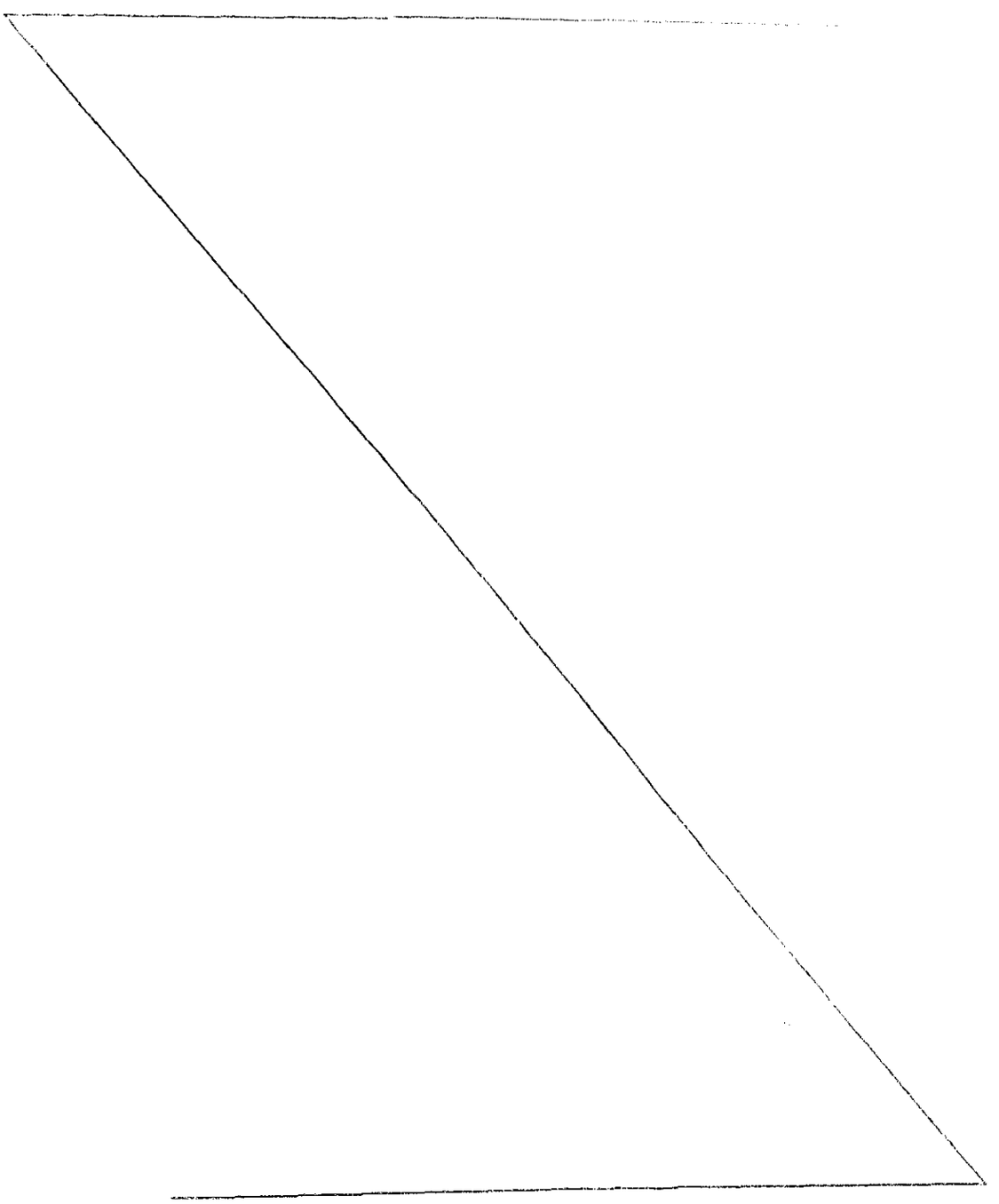
BE IT FURTHER RESOLVED, That the President be and he is hereby authorized and directed to take such action and do all things which may be necessary to effect reimbursement by the United States to the Orleans Levee District, including the submission of reimbursement, bill and supporting papers, and that all acts in furtherance to this purpose are hereby ratified.

AYES: Commissioners Ross, Boissiere, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioner Smith

RESOLUTION ADOPTED: Yes



H. To select an Engineering Consultant for Upgrading of Electrical Systems and Controls at Seabrook Bridge. Request for Qualifications were issued and results were reviewed by Ad-Hoc Committee. Findings of Ad-Hoc Committee were presented to the Board prior to Board Meeting. At the Engineering Committee meeting held on November 9, 1990, it was requested this item be referred to the Board without recommendation.

Commissioner Ross offered a motion to accept the recommendation of the staff, that is, the firm of Modjeski & Masters, as consultant for this project. He added he is personally familiar with the firm of Modjeski & Masters and felt they were well qualified for this project.

Commissioner Dickhaus stated he had a problem with the selection process. He stated in the future he expected only professional firms to be graded as either qualified or unqualified, that it not be stated that a firm is more qualified or less qualified, and that the firms not be placed in a rating system.

Mr. Chatry explained the selection committee did, in fact, conclude that all firms submitted were qualified.

The process was briefly discussed, and it was concluded that the rating should not be part of the public recommendation.

President Medo recommended the selection process be discussed after the meeting for fine tuning.

Mr. McGinity asked about a project fee or budget.

Mr. Chatry stated the Board had not reached the phase where a fee could be negotiated; the selection had to be made first.

There was no further discussion on the motion, therefore, Resolution No. 8-112190, offered by Commissioner Ross, seconded by Commissioner Vincent, was unanimously adopted, to-wit:

MOTION: 7-112190

RESOLUTION: 8-112190

BY: Commissioner John H. Ross

SECONDED BY: Commissioner Janet Vincent

November 21, 1990

R E S O L U T I O N

WHEREAS, Seabrook Bridge is in excess of 25 years of age and is experiencing problems with the existing original electrical systems and controls, and

WHEREAS, problems include frequent component failures of panel, control, switches, outlets, sensing devices, and regulatory lighting which are difficult to replace, often times requiring special ordering procedures with long delivery time, and

WHEREAS, the Board approved a project in the major maintenance budget to replace this obsolete system, and

WHEREAS, Orleans Levee Board Engineering is not staffed with an electrical engineer, particularly versed in movable bridge electrical components, and, therefore the services of an outside consultant are required to accomplish the work, and

WHEREAS, the Chief Engineer appointed an Ad Hoc Committee of three staff members to establish a selection process, review the qualifications, and make a recommendation.

WHEREAS, based upon its review of the qualification of all applicants, said committee recommends the firm of Modjeski and Masters be retained to accomplish the work as required.

BE IT HEREBY RESOLVED, That the firm of Modjeski and Masters be retained as the Electrical Engineering Consultant for the aforesaid project.

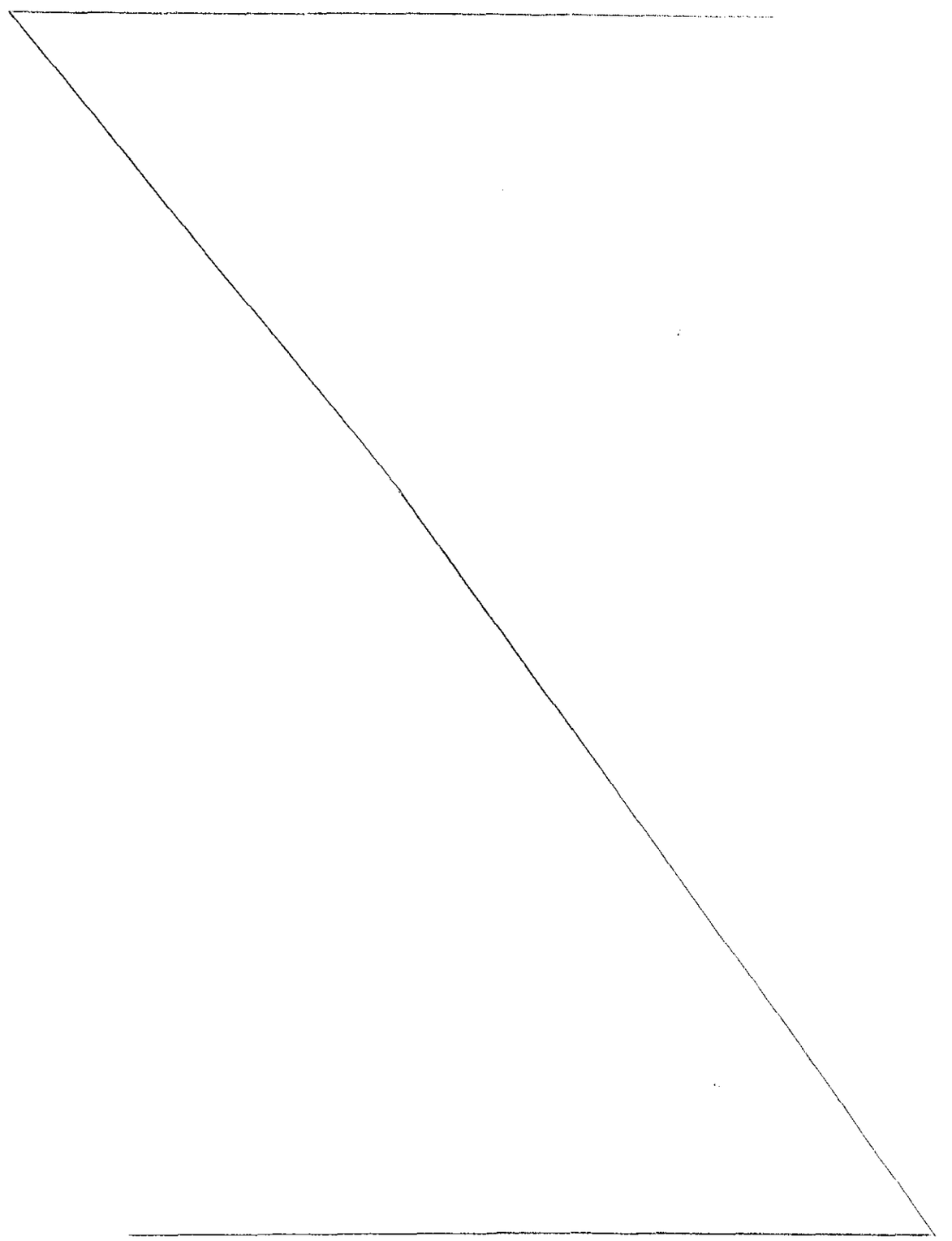
BE IT FURTHER RESOLVED, That the President, Director or Chief Engineer is hereby authorized to execute any and all documents as may be necessary to accomplish the above.

AYES: Commissioners Ross, Boissiere, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioner Smith

RESOLUTION ADOPTED: Yes



I. To designate Riverfront Floodwall Corridor Committee, Inc., as a coordinating advisory committee to this Board, subject to certain terms and conditions, relative to beautification proposals and projects to the New Orleans Riverfront Floodwall Corridor.

President Medo stated that a letter was received from Ms. Shannon Evans, Executive Director of the Riverfront Floodwall Corridor Committee, requesting that action be deferred on this item until the December Board meeting.

There was no objection, therefore, the item was deferred until the December Board meeting.

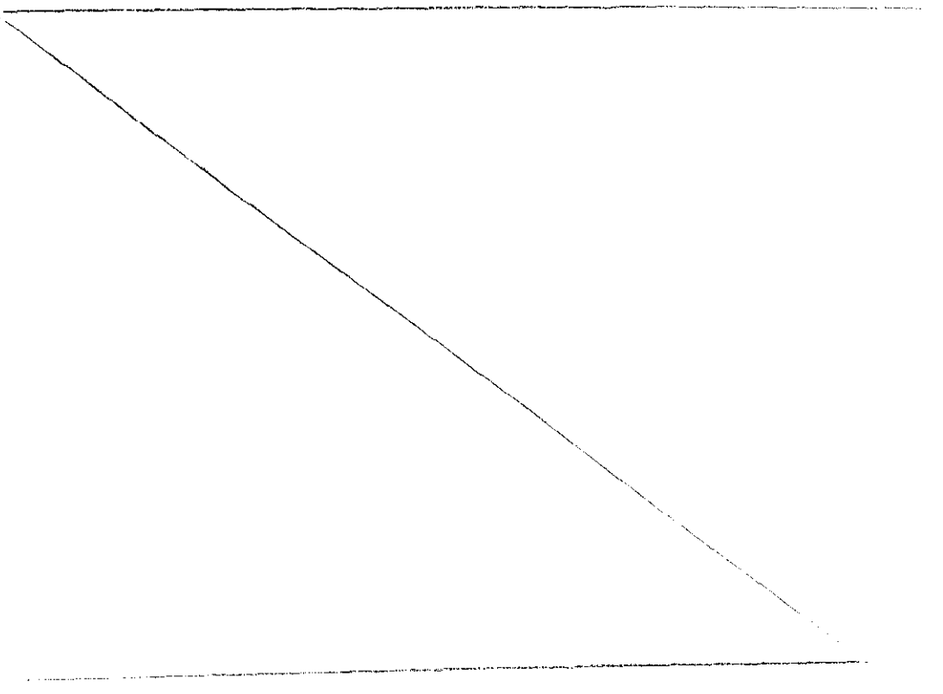
President Medo stated a telephone call was received earlier asking that Motion No. 10-112190 be taken later in the meeting. There was no objection, therefore, the Board proceeded to Motion No. 11-112190.

J. To approve a budget revision and adjustment to the Fiscal Year 1991 Budget.

President Medo stated it was his appreciation that this is for equipment authorized but the purchases not completed and, therefore, they must be moved forward.

Mr. Lansden stated these are all approved items in the Fiscal Year 1990 Budget, and it is a matter of form to get these items into the 1991 Budget.

There was no further discussion on the motion, therefore, Resolution No. 9-112190, offered by President Medo, seconded by Commissioner Boissiere, was unanimously adopted, to-wit:



MOTION: 11-112190

RESOLUTION: No. 9-112190

BY: President Steven O. Medo, Jr.
By request

SECONDED BY: Commissioner Lambert C. Boissiere, Jr.

November 21, 1990

R E S O L U T I O N

WHEREAS, the Board approved an Operating Budget and Capital Improvements Budget for Fiscal Year 1991 to provide for expenditures for required personnel, contractual services, operating supplies, equipment, annual debt service and general improvement projects, and

WHEREAS, a review of operations to date reveals that for accounting purposes a budget revision and adjustment is necessary as follows:

1. Reapportionment of originally budgeted Equipment funds of $693,451 from F.Y. '90 that were brought forward for acquisition during F.Y. '91,

BE IT HEREBY RESOLVED, That the revision to the Fiscal Year 1991 Budget is approved.

AYES: Commissioners Ross, Boissiere, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioner Smith

RESOLUTION ADOPTED: Yes

FY '91 REAPPROPRIATION OF PRIOR YEAR
ENCUMBERED FY '90 EQUIPMENT FUNDS

DEPARTMENT	EQUIPMENT	PURCHASE ORDER	AMOUNT
FINANCE	WORK STATIONS	58450	30,297.00
POLICE ADMINISTRATION	OFFICE EQUIPMENT	59622	64.00
FIELD OFFICE	1/2 TON TRUCK	59596	38,174.00
FIELD OFFICE	DOZER	59506	34,890.00
FIELD OFFICE	OFFICE EQUIPMENT	58882	187.00
FIELD OFFICE	(4) TRACTORS	59161	----
FIELD OFFICE	(SAME)	59152	214,598.00
FIELD OFFICE	15 FOOT CUTTER	59167	17,752.00
FIELD OFFICE	TANK SPRAYER	59166	6,530.00
FIELD OFFICE	5 YARD DUMP TRUCK	59157	50,400.00
FIELD OFFICE	1 1/2 TON CREW TRUCK	59510	22,670.00
FIELD OFFICE	DUMP TRUCK	59550	47,384.00
FIELD OFFICE	ICE MACHINE	58707	1,512.00
FIELD OFFICE	KURB KUTTER	57676	4,547.00
SOUTH SHORE HARBOR ADMIN	AIR CONDITIONER	59442	482.00
AIRPORT SAFETY	POLICE VEHICLE	59311	13,500.00
AIRPORT SAFETY	OFFICE EQUIPMENT	59529	----
AIRPORT SAFETY	(SAME)	59600	305.00
AIRPORT MAINTENANCE	VEHICLE	58394	11,047.00
AIRPORT MAINTENANCE	TRACTOR	59152	41,056.00
AIRPORT MAINTENANCE	TRACTOR	59155	25,045.00
AIRPORT ADMINISTRATION	LASER PRINTER	59122	2,651.00
AIRPORT FUEL FARM	WASHER/DRYER	59486	670.00
		TOTAL	563,761.00

FY '91 REAPPROPRIATION OF PRIOR YEAR
UNENCUMBERED FY '90 EQUIPMENT FUNDS

DEPARTMENT		EQUIPMENT	AMOUNT
EXECUTIVE		OFFICE FURNITURE	16,536.00
EXECUIVE		MOBILE RADIOS	6,916.00
EXECUTIVE		MISC. EQUIPMENT	3,131.00
FINANCE		OFFICE FURNITURE	1,454.00
PERSONNEL		PAPER SHREADER	1,200.00
PURCHASING		OFFICE EQUIPMENT/FURNITURE	778.00
PURCHASING		MOBILE RADIOS	6,800.00
LAKEFRONT POLICE		VEHICLE CAGES	1,176.00
LAKEFRONT POLICE		DIVE EQUIPMENT	2,910.00
CHIEF ENGINEER		OFFICE EQUIPMENT	3,492.00
AIRPORT ADMINISTRATION		CAMERA	1,500.00
AIRPORT ADMDINISTRATION		MOBILE RADIOS	4,120.00
AIRPORT ADMINISTRATION	*	SWITCHING SYSTEM	79,677.00
		TOTAL	129,690.00

* TO BE TRANSFERRED TO CONTRACTUAL SERVICE

K. To certify the annual levy of ad valorem tax millage for the Orleans Levee District for 1991 in accordance with Article 6, Section 39 of the 1974 Louisiana Constitution to the Council of the City of New Orleans for the purpose of causing the tax to be entered on the tax rolls of said City and collected by the Department of Treasury in the manner and under the conditions and with the interest and penalties prescribed by law for the City taxes; and this money, the ad valorem tax including interest and penalties connected therewith, thus collected shall be paid to this Board as provided by law for the year 1991; and to authorize and empower the President or the OLB Director to execute any and all documents necessary to accomplish the above.

President Medo stated it was his appreciation that the Board used to do this once every four years, however, the City now wants the Board to certify this each and every year.

Mr. Lansden stated that was correct, and inasmuch as this is not a year wherein property is being reappraised or reevaluated, the millage remains the same and this restates what the Board's millage continues to be.

There was no further discussion on the motion, therefore, Resolution No. 10-112190, offered by President Medo, seconded by Commissioner Ramelli, was unanimously adopted, to-wit:

MOTION: 12-112190

RESOLUTION: No. 10-112190

BY: President Steven O. Medo, Jr.

SECONDED BY: Commissioner Robert C. Ramelli

November 21, 1990

R E S O L U T I O N

WHEREAS, Act 741 of the 1975 Legislature [R.S. 47:1502.1(e)] authorizes the taxes levied by the Orleans Levee Board to be collected by the City of New Orleans at the same time as the collection of taxes levied by the City, and,

WHEREAS, the Board of Commissioners of the Orleans Levee District in compliance with Article 7, Section 23 of the Louisiana Constitution of 1974 has levied the millage rate for the Orleans Levee District for 1991 as follows:

ORLEANS LEVEE BOARD GENERAL FUND	**5.13**
ORLEANS LEVEE BOARD SPECIAL LEVEE IMPROVEMENTS FUND	**6.16**
TOTAL MILLAGE:	**11.29**

BE IT HEREBY RESOLVED, That the annual levy of this tax is hereby certified by the Board in accordance with Article 6, Section 39 of the 1974 Louisiana Constitution to the Council of the City of New Orleans for the purpose of causing the tax to be entered on the tax rolls of said City and collected by the Department of Treasury in the manner and under the conditions and with the interest and penalties prescribed by law for the City taxes; and this money, the ad valorem tax including interest and penalties connected therewith, thus collected shall be paid to this Board as provided by law for the year 1991.

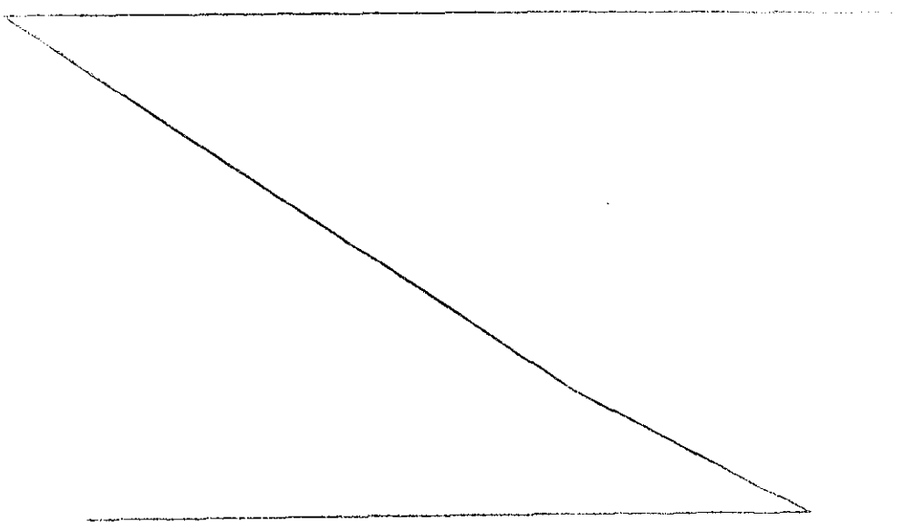
BE IT FURTHER RESOLVED, That the President of this Board, Steven O. Medo, Jr., or the Orleans Levee Board Director, H. B. Lansden, be and they are hereby authorized and empowered to execute any and all documents necessary to accomplish the above.

AYES: Commissioners Ross, Boissiere, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioner Smith

RESOLUTION ADOPTED: Yes



L. To approve the conceptual plan for the development of the New Basin Canal Park subject to the Lakeview Civic Improvement Association submitting more specific plans at the time of impending implementation and seeking approval of the Board's Engineering Division prior to the actual planting of trees.

Ms. Val Cupit, President of the Lakeview Civic Improvement Association, stated some months ago they came before the Board requesting that some kind of beautification project be done as far as trees to be planted on the New Basin Canal Park green space. The Levee Board suggested that they submit something that would be feasible to the residents of that area since it happens to be in the Lakeview area. A set of plans were submitted to the Real Estate Committee, and the Engineering Department has looked over the plans and has given its blessing. One can see from West End Boulevard to Pontchartrain Boulevard straight through; there will be no low shrubbery. The plan is an aerial view of the configuration they foresee as a goal they can shoot for, and she asked that the Board adopt the plan in conceptual agreement that they come back if they have anything more specific.

Commissioner Ross stated he had some legal concerns, and asked for Mr. McGinity's comments.

Mr. McGinity explained after the Committee meeting, he went back to the archives and determined the agreement that the Levee Board made when it accepted the responsibility of this green space with all of the civic associations, Representative Bruneau and Senator Bagert, and in consideration for the Board accepting the responsibility, it was agreed to that the Board would have the right in the years 2006, 2016 and 2026 to develop a certain small portion of this green space for residential use. The resolution that was passed by the Board authorizing the execution of this agreement carries this agreement in it, and it is attached to the Act of Sale and is a recorded covenant. He stated he just wanted to advise the Board, as he would assume this asset would be worth millions twenty years from now, that there is no time limit and that the past Board evidently just forgot about it and never sought to establish this right legally.

However, this Board has the right to seek to maintain this asset for the Board.

Commissioner Ross asked about the $100,000 that was to be received to maintain and develop this green space.

Mr. Lansden indicated the $100,000 was received at the Act of Sale, however, it had been spent long ago, and suggested that it has taken the Board far more than $100,000 to maintain this green space for the past six years.

Commissioner Ross commented, when it was said that the money was spent, that meant for wages.

Mr. Lansden added additional machinery, such as tractors, had to be purchased to maintain the property.

Commissioner Ross asked if Mr. Hearn has seen the plan to determine if it would impact maintenance of the property.

Commissioner Vincent responded that it was brought out at the Committee meeting that this organization made sure that members of the Levee Board staff were invited to their meetings. Mr. Lansden and members of the Engineering staff have met with them and have gone over the agreement, and see no problem with it.

Commissioner Boissiere asked if Mr. McGinity was suggesting by his report that the Board should proceed to do something about getting the resolution formally adopted by the legislature.

Mr. McGinity replied that basically he just wanted to let this Board be fully informed of an asset, and if the Board wants to seek to make it formal, he wanted the Board to be aware of what the asset was and what had to be done to get it.

Commissioner Boissiere asked what had to be done.

Mr. McGinity replied, just file a bill in the legislature asking that the act be amended. Without opposition from the civic association and local representative and senator as they have agreed, he did not see why it would not just fly by.

President Medo asked if it should be made clear in this resolution that the Board is not giving up this right.

Mr. McGinity responded that the Board should make it clear that it is not waiving any rights.

President Medo asked Ms. Cupit and Ms. Grout, representing Lakeview Civic Improvement Association, if they had any problem with this particular amendment to the resolution.

Ms. Cupit and Ms. Grout indicated they had no problem.

Commissioner Boissiere reported that he has asked the City's Emergency Preparedness Office to advise him of the status of the Civil Defense Shelter and whether or not the Department of Agriculture could use that site for seedlings.

Tree planting along the Orleans Avenue Canal and on the New Basin Canal green space was briefly discussed.

Commissioner Dickhaus commented that the Board is way ahead in its mitigation obligation under Federal law in the replacement of trees.

President Medo offered a motion to amendment the resolution to add the following,

"WHEREAS, it is understood that this Board, in consideration of the 1984 land swap, has certain rights to future development of a portion of the green space and that nothing herein should in any way be construed as waiving or affecting those rights."

and, to amend the RESOLVED portion to read, "BE IT THEREFORE RESOLVED, That subject to the aforesaid conditions,..."

Commissioner Ross stated he would like to give General Counsel the right to reword or to include or exclude what he finds necessary in the motion, such as the act or resolution number, in order to protect the Board's rights.

President Medo stated he did not feel there would be a problem with this, and asked if there was any objection to this technical amendment.

There was no objection.

There was no further discussion on the amendment, offered by President Medo, seconded by Commissioner Vincent, therefore, the amendment was unanimously adopted.

There was no further discussion on the motion as amended, therefore, Resolution No. 11-112190, offered by Commissioner Boissiere, seconded by Commissioner Vincent, was unanimously adopted, to-wit:

MOTION: 10-112190

RESOLUTION: No. 11-112190

BY: Commissioner Lambert Boissiere
Commissioner Jerome P. Dickhaus
President Steven O. Medo, Jr.
Commissioner Robert C. Ramelli
Commissioner Janet Phillpott-Vincent
Real Estate Committee

SECONDED BY: Commissioner Janet Vincent

November 21, 1990

R E S O L U T I O N

WHEREAS, The Lakeview Civic Improvement Association has submitted to the Board's Engineering Department and Real Estate Committee a conceptual plan for the development of the New Basin Canal Park, and

WHEREAS, said plan was developed showing intended planting of trees native to Louisiana and does not include any planting of bushes or shrubbery nor development of water areas, and

WHEREAS, the development of the New Basin Canal Park will be a project to be undertaken by the Lakeview Civic Improvement Association raising the funds necessary for its implementation and without cost to the Board, the plan meeting with the approval of both the Board's Engineering Division and Real Estate Committee.

WHEREAS, it is understood that this Board, in consideration of the 1984 land swap as set out in Resolutions #2-91885 and #11-012286 has certain rights to future development of a portion of the green space and nothing herein should in anyway be construed as waiving or affecting these rights.

BE IT HEREBY RESOLVED, That subject to the aforesaid conditions, the Board approve the conceptual plan for the development of the New Basin Canal Park subject to the Lakeview Civic Improvement Association submitting more specific plans at the time of impending implementation and seeking approval of the Board's Engineering Division prior to the actual planting of trees.

AYES: Commissioners Ross, Boissiere, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioner Smith

RESOLUTION ADOPTED: Yes

M. To authorize increasing the Board's health self-insurance risk fund to $1,500,000, said funds to be accountable from unobligated prior year funds, and that the Board provide coverage for the aggregate claims not covered by the employee contributions established by Resolution No. 5-062090.

Mr. Lansden explained the initial figure was at that time approximately the aggregate cost of the insurance program, all claims paid. The idea of the self-insurance fund is to provide an initial risk fund for payment of claims coming in so that you do not have to look for a revenue flow on a monthly basis. In essence, the Board is putting the fund up front and then repayments are made on a monthly premium basis as claims are paid out. Therefore, if there are high claims during the year, the funds are there to cover them. In the past year the Board has had to transfer general fund monies into this in order to meet the commitments set forth, which has been approved as a budget matter. This is in line with the self-insured funding requirements; money is put into the fund to begin with, anticipated claims for this year run at $1.2 million, and this is just a little more than that, and will be reimbursed monthly by premiums paid by the Board and by employees.

There was no further discussion on the motion, therefore, Resolution No. 12-112190, offered by Commissioners Smith and Ramelli, seconded by Commissioner Vincent, was unanimously adopted, to-wit:

MOTION: 13-112190

RESOLUTION: No. 12-112190

BY: Commissioners James E. Smith, Jr., and Robert C. Ramelli, by request

SECONDED BY: Commissioner Janet Vincent

November 21, 1990

R E S O L U T I O N

WHEREAS, by Board Resolution #5-062090, the Board made adjustments to the financial provisions of the health insurance provided to employees and dependents to include an increase in contributions and a change in co-payments in order to offset the increase in health care costs, and

WHEREAS, the cost of excess health insurance has risen in proportion to the amount of claims filed and such medical costs are projected to rise at 20% per annum, and

WHEREAS, the initial self-insurance fund established in fiscal year 1985 in the amount of $750,000 provided for increasing medical costs to provide for the employee's coverage (at no cost to the employee) and to cover a portion of the employee's dependent coverage, and

WHEREAS, the reserve fund so established is insufficient to accommodate the current high costs of health care, and

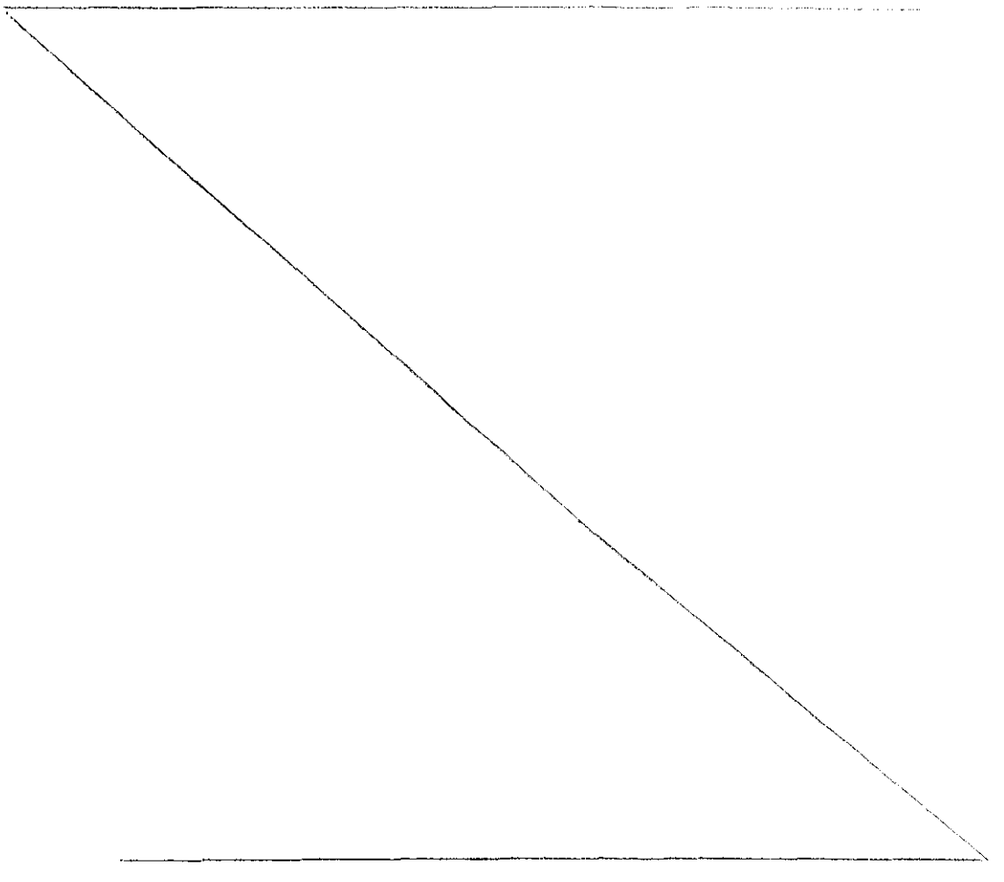
BE IT HEREBY RESOLVED, That the risk fund be increased to $1,500,000, said funds to be accountable from unobligated prior year funds, and that the Board provide coverage for the aggregate claims not covered by the employee contributions established by Resolution #5-062090.

AYES: Commissioners Ross, Boissiere, Dickhaus, Maloney, Ramelli and Vincent

NAYS: None

ABSENT: Commissioner Smith

RESOLUTION ADOPTED: Yes



N. To direct General Counsel to follow the transfer procedure approved herewith in the return of various tracts of land in the Bohemia Spillway to persons certified by the Secretary of the Department of Natural Resources as owners or as successors to owners, and utilize the documents which have been recommended, as may be modified from time to time by the General Counsel according to his best judgment, but which transfers shall always quit-claim, grant, convey, assign, set-over, abandon, and deliver, without any warranty whatsoever, all of this Board's rights, title and interest in the transferred property and all rights pertaining thereto, unto the parties certified by the Secretary of the Department of Natural Resources, and to authorize the President, Vice-President, Secretary or Assistant Secretary to execute any and all documents as approved by the General Counsel as necessary to accomplish the transfer of the certified property in accordance with the law.

Mr. McGinity explained in accordance with the 1984 and 1985 acts, the Board has received the first three certifications involving six tracts of land. The law requires that the Board take action to transfer the land to the names certified. It is a very complicated process; the Board is required to notify, what will eventually be 50,000 claimants, both those who are successful and those who are unsuccessful. There is a 30 day preemption period after notice. The procedure, which the Board has been working on, is when the Board receives the certifications to prepare the necessary documents, send out notices to the successful claimants and to the unsuccessful claimants, and record the acknowledged act, which will release any and all rights the Levee Board has in the land and minerals. The costs are substantial. The Board is presently negotiating with the Secretary of the Department of Natural Resources (DNR) to see if they would be willing to have some process to return or reimburse the Board's costs. DNR has not said no, but no agreement has been made. Postage alone for 50,000 claimants will be costly, plus recording and other costs. He added, the Board is also trying to get a way to authenticate the certifications coming from the Secretary of the Department of Natural Resources. The three received were simply in an envelope, on letterhead, and purportedly signed by the Secretary of the Department of Natural Resources. In the meantime, action must be taken on the certifications received before December 3rd. This Board

action is to generally receive authority to proceed in the best manner possible.

Commissioner Ross stated because of the technical nature of this particular arrangement and cost factors involved, he did not personally feel the Secretary of a Department has the authority to approve an arrangement like this with another agency, and with this being a legal arrangement, such direction or approval should come from the Louisiana Attorney General's office.

Mr. McGinity stated the Act gives the Secretary of DNR the authority to collect the costs from the claimants. The issue is whether that means Levee Board costs or just DNR costs. DNR originally had taken the position that the Act states all DNR has the authority to do is to collect the costs of the Secretary of DNR. It is a question of interpretation, and basically it will be up to the Secretary of DNR to make that determination.

Commissioner Ross questioned whether the legal procedures used should be approved by the Attorney General.

Mr. McGinity replied he was not sure what the Attorney General would have to do with it. The Board has taken every precaution and knows that it will be in jeopardy; if an unsuccessful claimant feels that a tract should have been transferred to him, the Board will probably be sued along with the State of Louisiana. All the Board can do is minimize its exposure.

Commissioner Ross stated this is the reason he suggested the Attorney General should review or approve the procedure, because if the State is sued, the Attorney General will have to defend the State. He added, he is not questioning the Board's procedures, but whether the Attorney General's office should have input. He asked why the Levee Board must notify claimants.

Mr. McGinity replied the Legislature has told the Board to do so.

Commissioner Ross questioned the Levee Board's responsibility for notifying claimants when it has no participation in the certification process.

Mr. McGinity explained the Levee Board is a creature of the Legislature and is subject to it.

Commissioner Boissiere asked what would happen if this was not done by December 3rd.

Mr. McGinity replied that the Board would be violating the statute. He explained the Board is not in harm's way other than legal fees and costs if a tract is transferred to the person the Department of Natural Resources tells the Board to transfer it to and it is the wrong person, as the Board is giving up the land.

Commissioner Ross asked from what fund would these costs come?

Mr. McGinity responded, the General Fund.

Mr. Lansden added, as long as it lasts, and pointed out the Board does not have any spare money.

Commissioner Ross stated his concern regarding whether this money should be used for the responsibility of transferring property to private citizens in another parish.

Mr. McGinity pointed out the peoples' of Orleans Parish representatives voted for these laws. He reiterated the Act states the Secretary may obtain the costs from the successful claimants, however, it does not say Levee Board costs, and, therefore, the Secretary of DNR has stated this is the State's costs and not the Levee Board's costs. The Board is trying to convince DNR this is the Levee Board's costs also. He added, the Board must transfer the property within sixty days or the Board is in violation of the Legislative Act.

Commissioner Ross expressed his concern in regards to protecting the citizens of this community by maintaining the necessary staff to perform the duties for which this Board was established and a situation being caused that will jeopardize the functions of the Levee Board.

Commissioner Vincent asked General Counsel for a legal opinion as to whether or not the Board has an option as to carrying out this Legislative mandate.

Mr. McGinity replied, no; the Board has been ordered by the Legislature, and the Supreme Court has confirmed their right to tell the Board to do it and the way they did it.

Commissioner Vincent stated, therefore, the Board has no option but to pass the resolution.

Mr. McGinity stated this was taken all the way up to the Supreme Court of Louisiana and they have told the Board to do it.

Commissioner Boissiere stated he did not see why the Commissioners have to vote on a resolution to direct anyone to do anything if the Legislature has already said to do it. He suggested that the Commissioners not vote on the resolution and that the representatives of the Board execute the agreements in accordance with the State statute, and, therefore, the liability would rest with the Legislature and not the Commissioners.

Mr. McGinity pointed out he has no authority. The Legislature said the Board of Commissioners have to do it. Under the law, Mr. McGinity explained, he has no authority to execute any document for the Board of Commissioners, and the President does not have any authority, and, basically, they are saying this Board has been ordered to appoint people to carry out their wishes, so please give them the authority.

Commissioner Boissiere suggested the Legislative Act was deficient and should have gone on to give someone authority other than the Board of Commissioners.

Commissioner Ross stated before the Board adopts the resolution it should know who is going to pay the costs.

President Medo stated they have tried to find out that answer in the sixty day period that the certifications were received, and he appreciates the problem, however, there is no resolution of the problem as yet.

Mr. Lansden suggested that it may be more agreeable to the Board to place some limitations on this, not just to the current six transactions, but for a limited time, with a provision that efforts be made to resolve the funding problem; it would

be something finite recognizing that the funding must be addressed and that it has not been addressed.

President Medo stated he would have no objection to this.

Commissioner Dickhaus asked whether it would be prudent to sit down with the Secretary of DNR or the Attorney General.

President Medo replied that extremely extensive negotiations have occurred between the Department of Natural Resources and the representatives of the Levee Board. Regarding the Attorney General's involvement, he did not believe the Attorney General has been brought into this, nor did he want to be brought into this.

Mr. McGinity explained the Attorney General represents the Secretary of the Department of Natural Resources, therefore, he is involved.

Commissioner Dickhaus reiterated his belief that the Attorney General may be able to resolve the issue.

President Medo stated he would be willing to try that approach.

Commissioner Dickhaus also suggested the possibility of asking for Legislative support in the upcoming Legislative session or under the emergency fund for funding to meet this contingency.

Commissioner Ross reiterated his concern about where the funds will come from to cover these costs.

Commissioner Boissiere stated his concern is the law suits that will follow if the Secretary of the Department of Natural Resources does not properly identify the rightful claimants.

President Medo stated he could almost assure the Board there will be law suits by the parties not certified against the persons who are certified, the Levee Board and the State of Louisiana. The reason the Levee Board for the past five years litigated this up to the Supreme Court is because this could be foreseen.

Mr. McGinity stated once the Secretary of DNR tells the Levee Board it does not own the property any more, all the Board can do is go into court and say it does not own it and the Board will not be in any risk in that regard. The notice to claimants

will clearly state that the Secretary of DNR has directed the transfer of this property to the person named, or that the Secretary of DNR has directed that the person is not the successful claimant. The notices will be carefully worded to show that the Levee Board is only following orders and is not making any decisions. The act has a disclaimer in it, whereby the Board disclaims that it has anything to do with saying who owns the property, and basically states that the Levee Board does not known who owns it, but the Levee Board does not own it.

Commissioner Boissiere asked whether the Attorney General will get involved.

Mr. McGinity replied, not other than legal representative of the State.

Commissioner Dickhaus stated he still felt it behooves the Board to talk to the Attorney General.

Mr. Feingerts pointed out there is class action litigation pending, and, therefore, if the Board cannot reach a consensus, then it may want to go into executive session for further discussion of the litigation aspects of the pending class action suit.

Mr. McGinity stated that if the Board wants to go further, because of the pending law suits Haspel & Davis Milling vs. the Levee Board and Plaquemines and Jones vs. the Levee Board in the United States District Court in New Orleans Eastern District, he would recommend that the Board go into executive session.

There was no motion to go into executive session.

President Medo strongly urged the Board to pass the resolution with Mr. Lansden's suggestion, which limits the affect of the resolution. Presently, there are only six tracts that are certified, and he stated he would like the authority to go ahead with them.

Commissioner Boissiere suggested adding a clause in the resolution along the line of Commissioner Dickhaus's recommendation in regards to obtaining an opinion from the Attorney General.

President Medo indicated he did not feel such a clause was needed in the resolution, and that it probably would not be possible to receive an opinion before action must be taken on the certifications received, however, they would proceed with communicating with the Attorney General to try to get a satisfactory resolution of the problem.

Mr. McGinity stated the Attorney General has sent the Levee Board a letter stating that due to budget restraints he will no longer give opinions to political subdivisions.

President Medo offered a substitute motion:

> To direct the General Counsel to follow the transfer procedure as currently prescribed for transfer of properties in the Bohemia Spillway certified over the next three months by the Secretary of the Department of Natural Resources and to utilize the documents which he has recommended, as may be modified from time to time by the General Counsel according to his best judgment, but which transfers shall always quit-claim, grant, convey, assign, set-over, abandon, and deliver, without any warranty whatsoever, all of this Board's rights, title and interest in the transferred property and all rights pertaining thereto, unto the parties certified by the Secretary of the Department of Natural Resources; to authorize the President, Secretary and General Counsel on behalf of the Board to approach the entities involved to seek a resolution as to financial responsibility for the aforesaid transfers; and to authorize the President, Vice President, Secretary or Assistant Secretary to execute any and all documents as approved by the General Counsel as necessary to accomplish the transfer of the certified property in accordance with the law.

The substitute motion was seconded by Commissioner Vincent.

The original motion was withdrawn and Commissioner Ross withdrew his second on the original motion.

Commissioner Ross stated he would be willing to vote for this resolution, however, if and when the situation gets to the point that it is going to jeopardize the functioning of this Board and its personnel, he has a lot of reservations about doing it, because he feels with the course being taken now and the amount of money involved in the long run, the Board is, in effect, agreeing to almost abolish the Levee Board in its functioning. However, he added, he is hoping by taking this action today, the Board is not only accommodating the Legislature, but that the Board also starts pursuing a process through the Legislature

by which they will do something to support this Board. During the coming session of the Legislature, the Board needs to do something to start the Legislature thinking about what needs to be done to protect the people of this community by making funds available through some means to replace the funds that the Board will have to expend on this process.

Commissioner Boissiere asked about the question of authentication or having the Secretary of DNR's signature notarized on the certifications.

Mr. McGinity stated the Board is concerned about this, but there is nothing the Board can do about it; the Board cannot force the Secretary of DNR to follow a specific procedure. The law states that the Secretary of DNR shall certify to the Levee Board the names of the owners or successors to owners, and the word "certify" is not defined. The Board has approached the Department of Natural Resources with a specific form, and, Mr. McGinity stated, he thought they have agreed in principle that the Board is entitled to some authentication.

Commissioner Boissiere suggested an amendment to the motion to the effect that the Board act upon authentication of the Secretary of DNR's signature.

President Medo stated that if the Department of Natural Resources does not comply with this, then it will come back on the Levee Board.

There was no further discussion on the substitute motion, offered by President Medo, seconded by Commissioner Vincent, therefore, Resolution No. 13-112190 was adopted, with Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent voting yea, and Commissioner Boissiere voting nay, to-wit:

MOTION: NO. 14-112190

RESOLUTION: 13-112190

BY: President Steven O. Medo, Jr.

SECONDED BY: Commissioner Janet Phillpott-Vincent

November 21, 1990

R E S O L U T I O N

WHEREAS, Act 233 of the 1984 Regular Session of the Louisiana Legislature as amended and re-enacted by Act 819 of the 1985 Regular Session of the Louisiana Legislature, directs this Board to return various tracts of land in the Bohemia Spillway acquired by expropriation or under threat of expropriation, to persons certified by the Secretary of the Department of Natural resources as owners or as successors to owners, and

WHEREAS, the above-noted legislation mandates the Board to take action to return Bohemia Spillway tracts within sixty (60) days of receipt of said certifications, and

WHEREAS, the General Counsel has advised the Board regarding the procedure to be used to transfer the Bohemia Spillway tracts to certified claimants, and has briefed the President regarding other matters regarding the transfer procedure.

WHEREAS, it is estimated that there will be considerable administrative expense required for the conclusion of these transactions for which there is no provision contained in the statutes, and

WHEREAS, it is prudent that the Board seek reimbursement for funding the transfer expense with the administration and/or the Legislature.

BE IT HEREBY RESOLVED, That the General Counsel is hereby directed to follow the transfer procedure as currently prescribed for transfer of properties certified over the next three months and to utilize the documents which he has recommended, as may be modified from time to time by the General Counsel according to his best judgment, but which transfers shall always quit-claim, grant, convey, assign, set-over, abandon, and deliver, without any warranty whatsoever, all of this Board's rights, title and interest in the transferred property and all rights pertaining thereto, unto the parties certified by the Secretary of the Department of Natural Resources.

BE IT FURTHER RESOLVED, That the President, Secretary and General Counsel on behalf of the Board be authorized to approach the entities involved to seek a resolution as to financial responsibility for the aforesaid transfers.

BE IT FURTHER RESOLVED, That the President, Vice-President, Secretary, or Assistant Secretary, be and the same are hereby authorized to execute any and all documents as approved by the General Counsel as necessary to accomplish the transfer of the certified property in accordance with the law.

AYES: Commissioners Ross, Dickhaus, Maloney, Ramelli and Vincent

NAYS: Commissioner Boissiere

ABSENT: Commissioner Smith

RESOLUTION ADOPTED: Yes

IV. COMMUNICATIONS:

1. Chief Field announced that Emery Spiers has been promoted to Major I in charge of the Safety Section. Major Spiers was previously Training Officer.

2. Mr. Lansden reported from all accounts the festivities at Pontchartrain Beach were very successful for the purpose intended. From the Board's standpoint, those involved, including the National Guard, Sheriff Foti, West Jefferson Levee District, the Orleans Levee Board, and many others who volunteered, cooperated and left the site in a better condition than when they found it.

3. Commissioner Ross thanked Mrs. Helga Whittaker for her efforts in the selection of the new Board Room furniture.

V. COMMITTEE REPORTS

A. STANDING COMMITTEES:

1. Airport Committee, Commissioner Ramelli:
   Report and minutes of Committee meeting were included in the agenda packet.
   Commissioner Dickhaus asked that the minutes be corrected to read "Amid Corridor".

2. Engineering Committee, Commissioner Dickhaus:
   Report and minutes of Committee meeting were included in the agenda packet.

3. Insurance Committee, Commissioner Smith:
   No Committee meeting held, therefore no report.

4. Marina Committee, Commissioner Maloney:
   No Committee meeting held, therefore no report.

5. Real Estate Committee, Commissioner Boissiere:
   Report and minutes of Committee meeting were included in the agenda packet.

6. Safety-Security Committee, Commissioner Vincent:
   No Committee meeting held, therefore no report.

B. SPECIAL COMMITTEES:

1. Special Development Committee, Commissioner Ross:
   No report.

VI. ADJOURNMENT:

There was no further discussion, nor was there anyone who wished to bring any more business before the Board. Therefore, the meeting was adjourned at 5:00 p.m

Respectfully submitted,

H. B. LANSDEN
SECRETARY

I, H. B. Lansden, Secretary of the Board of Commissioners of the Orleans Levee District do hereby certify that the foregoing is a true and correct copy of the minutes of the Board meeting of November 21, 1990.

H. B. LANSDEN, SECRETARY