SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITY – WEST (SLFPA – W)

Minutes of the Regular Meeting

March 18, 2013

The SLFPA – W Board of Commissioners met at approximately 5:35 PM on March 18, 2013 in the Board Room at the SLFPA – W Office, 7001 River Road, Marrero, Louisiana 70072.

Ms. Maclay called the meeting to order and directed Mr. Dauphin to call the roll.

In attendance were: Mr. Camnetar, Mr. Dauphin, Ms. Maclay, Mr. Merritt, Mr. Viera and Mr. Wilkinson. Dr. Westerink was absent. Also in attendance were: Mr. Miserendino, Mr. Roark, Ms. Ford, Ms. Rogers and Mr. Ehrhardt, public information.

Ms. Maclay led all in attendance in the Pledge of Allegiance.

It was moved by Mr. Wilkinson, seconded by Mr. Camnetar and unanimously approved by the Commissioners in attendance to accept and approve the minutes of the February 18, 2013 meeting as presented.

It was unanimously approved by the Commissioners in attendance to affirm the agenda as presented.

There were no public comments.

Ms. Maclay opened a public hearing at approximately 5:40 PM for the approval of the fiscal year 2013-2014 budget for the Southeast Louisiana Flood Protection Authority – West and its member districts. Mr. Miserendino reviewed the proposed budget with the Commissioners in attendance and led a discussion. A request was made to correct the words “Public Relations” to “Public Information” in the budget. There were no public comments and the hearing was closed at approximately 6:00 PM.

It was moved by Mr. Camnetar, seconded by Mr. Dauphin and unanimously approved by the Commissioners in attendance to approve the budget for the Southeast Louisiana Flood Protection Authority

Mr. Miserendino presented the Strategic Goals Plan, and reported on the activities, meetings, and issues of the SLFPA – W and its member districts in March.

During his report, the Commissioners discussed their concerns about repairs to the levees on WBV-14c.2. Mr. Wilkinson proposed a resolution to be sent to the USACE, expressing the Commissioners’ concerns; it was seconded by Mr. Merritt. Before a vote was taken, the motion was retracted.

It was moved by Mr. Wilkinson, seconded by Mr. Merritt and unanimously approved by the Commissioners in attendance to adopt a resolution of the Board of Commissioners for the Southeast Louisiana Flood Protection Authority – West (SLFPA-W) to direct its President to draft a letter to Col. Edward W. Fleming of the U.S. Army Corps of Engineers (USACE) expressing certain concerns over the USACE’s implementation of levee repairs in the West Bank and Vicinity Project, New Westwego to Orleans Village, WBV-14c.2, Jefferson Parish, Louisiana.

Mr. Dauphin reported on the activities, meetings, and issues of the Finance, Administration, Legal and Public Information (FALPI) Committee during the month of March.

Mr. Viera reported on the activities, meetings, and issues of the Technical, Operations and Maintenance (TOM) Committee during the month of March.

Ms. Maclay reported on the activities, meetings, and issues of the Association of Levee Boards of Louisiana (ALBL), as discussed during the February Executive Committee meeting of the ALBL.

It was moved by Mr. Dauphin, seconded by Mr. Camnetar and unanimously approved by the Commissioners in attendance to approve bills for payment and accept financial statements as submitted for the Southeast Louisiana Flood Protection Authority – West and its member districts.

It was moved by Mr. Dauphin, seconded by Mr. Merritt and unanimously approved by the Commissioners in attendance to amend and re-enact a Grievance Policy according to the rules of the Department of State Civil Service. After a question was raised by Mr. Merritt, the Commissioners unanimously agreed to defer any action on thisuntil after the Finance (FALPI) Committee reviews it at next month’s Committee meeting.

It was moved by Mr. Dauphin, seconded by Mr. Viera, and unanimously approved by the Commissioners in attendance, to authorize the President to negotiate a two year contract to provide services for slope mowing with C. Bud Taulli Construction, Inc. at an amount not to exceed $25,000.00 per year, and to further authorize the President to execute any contracts, agreements and documents to carry out the intent of this action.

It was moved by Mr. Dauphin and seconded by Mr. Wilkinson, to ratify and approve the FALPI Committee’s decision to execute a contract to engage the Colvin Firm, A.P.L.C. to advise and represent the Southeast Louisiana Flood Protection Authority – West and its member districts in a claim for recovery of civil damages against one or more of the following entities: BP Exploration & Production, Inc.; Transocean, Ltd.; Anadarko Petroleum Corporation; Moex Offshore 2007 LLC; Anadarko E&P Company LP; BP, PLC; BP Products North America, Inc.; BP America, Inc.; Halliburton Energy Service, Inc.; Cameron International Corporation f/k/a Cooper-Cameron Corporation; Swaco, A Division of M-I L.L.C.; and any other responsible parties, arising from the damages in any way related to the explosion and sinking of the MODU DEEPWATER HORIZON in April 2010 and the Moratorium on drilling that followed. Further to ratify and approve the attorney fee contained in said contract as follows:

 ‘The attorney fees in this matter shall be 20% of the gross amount of any awards, recovery, settlement, judgment or payment received plus all costs. If the court awards attorney fees or the defendant or defendants agree to pay attorney fees, then the contingency fee of 20% shall be reduced by that amount. All attorney fees and any awards of attorney fees shall be the property of the attorney.

In connection with Attorneys’ representation of Client, Attorneys anticipate that certain expenses may be incurred and advanced on behalf of Client. Client agrees that these expenses include, but are not limited to, the following: filing fees; recording costs; court costs; deposition costs; expert witness fees; professional legal staff; transcript costs; witness fees; copy costs; photographic, electronic, or digital evidence production; investigation fees; travel expenses; computer legal research charges; long distance telephone service expenses; postage charges; copying charges; mileage; outside courier service charges; travel expenses; and other case-specific expenses directly related to the representation of Client with respect to the claim. In addition to Attorneys’ fees for legal services, Client agrees to pay Attorneys for such out-of-pocket expenditures out of the recovery. These costs will be deducted from any recovery after Attorneys have deducted their fee as set forth in Paragraph II. Notwithstanding the above, if Client determines that it is in its best interest to join with other similarly situated parties in a cost sharing arrangement, the Client agrees to directly pay such costs when they are incurred.”

The engagement of the Colvin Law Firm, A.P.L.C. was necessary due to the specialized nature of litigation of claims relating to the explosion and sinking of the MODU DEEPWATER HORIZON, and the Southeast Louisiana Flood Protection Authority – West’s lack of prior experience in this area of law. Due to this required specialized experience, a real necessity existed for the retention of the Colvin Law Firm, A.P.L.C. as outside counsel for the claims outlined herein.

The first two paragraphs of the foregoing resolution were read aloud, and the Commissioners were instructed to review the entire resolution. The roll was called on the adoption thereof, and the resolution was adopted by the following votes:

 YEAS: Mr. Camnetar, Mr. Dauphin, Mr. Merritt, Mr. Viera, Mr. Wilkinson

 NAYS: None

 ABSENT: Dr. Westerink

 ABSTAIN: None

 RECUSED: Ms. Maclay

Ms. Maclay announced the next regular meeting of the Authority will be held in the Board Room at the offices of the Southeast Louisiana Flood Protection Authority - West, 7001 River Road, Marrero, Louisiana, on April 15, 2013 at 5:30 PM.

The agenda being completed, Ms. Maclay declared the meeting adjourned at approximately 7:12 PM.

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Susan H. Maclay, President

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Paul R. Dauphin, Secretary-Treasurer