

## RS 38:330.1

### PART III-A. SOUTHEAST LOUISIANA FLOOD PROTECTION AUTHORITIES

§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile

A.(1) The Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank, referred to herein as "flood protection authority" or "authority", are established as levee districts pursuant to Article VI, Sections 38 and 38.1 of the Constitution of Louisiana.

(2) The authority shall be subject to Part II of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950.

(3) It shall be the position of the authority that the Mississippi River Gulf Outlet navigability is no longer necessary and the value associated with it remaining open is far outweighed by the danger it poses to the citizens of St. Bernard Parish, the Lower Ninth Ward of Orleans Parish, New Orleans East and surrounding areas.

B. Each flood protection authority, through its board of commissioners as provided for in this Section, shall exercise all authority over and have management, oversight, and control of the following territories as provided by law for the boards of commissioners of such levee districts to which the authority is a successor and to the extent provided for in this Part:

(1)(a) The following levee districts and parts of levee districts and parishes shall be included within the Southeast Louisiana Flood Protection Authority-East:

(i) East Jefferson Levee District.

(ii) Lake Borgne Basin Levee District.

(iii) The Orleans Levee District.

(iv) Repealed by Acts 2014, No. 303, §3, eff. May 28, 2014.

(v) Tangipahoa Levee District.

(b) These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

(2)(a) The following levee districts and parts of levee districts and parishes shall be included within the Southeast Louisiana Flood Protection Authority-West Bank:

(i) West Jefferson Levee District.

(ii) The Algiers Levee District.

(b) These lands and all property thereon situated, not exempt from taxation, shall be subject to the provisions of this Chapter.

C.(1) There is hereby created a board of commissioners for each flood protection authority as follows:

(a) The board of commissioners of the Southeast Louisiana Flood Protection Authority-East shall be composed of nine members, of whom there shall be at least, and not more than, one member from each parish within the territorial jurisdiction of the authority. The members shall be appointed by the governor from nominations submitted by the nominating committee as follows:

(i) Five members who shall either be an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science. Of the five members, one member shall be a civil engineer.

(ii) Two members who shall be a professional in a discipline other than that occurring in Item (i) of this Subparagraph with at least ten years of professional experience in that discipline.

(iii) Two members who shall be at large.

(b) The board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall be composed of seven members of whom two shall reside in Jefferson Parish on the west side of the Mississippi River within the jurisdiction of the authority, two shall reside in Orleans Parish on the west side of the Mississippi River, and three shall reside outside of Jefferson and Orleans parishes. The members shall be appointed by the governor from nominations submitted by the nominating committee as follows:

(i) Three members, each of whom shall be either an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science. At least one of the three members shall be a civil engineer.

(ii) Three members, each of whom shall be a professional in a discipline other than those identified in Item (i) of this Subparagraph who shall at a minimum hold a baccalaureate degree from an accredited institution of higher learning with at least ten years of professional experience in that discipline.

(iii) One member who shall possess the qualifications set forth in either Item (i) or (ii) of this Subparagraph.

(2)(a) The nominating committee for each board shall be composed as follows:

(i) A member or designee of the Public Affairs Research Council of Louisiana.

(ii) A member or designee of the Council for A Better Louisiana.

(iii) A member or designee of the Louisiana Geological Survey at Louisiana State University.

(iv) A member or designee of the Association of State Floodplain Managers. (v) A member or designee of the National Society of Black Engineers.

(vi) A faculty member or designee of the College of Engineering at the University of New Orleans.

(vii) A faculty member or his designee of the School of Science and Engineering at Tulane University.

(viii) A faculty member or designee of the College of Engineering at Southern University and Agricultural and Mechanical College.

(ix) A faculty member or designee of the College of Engineering at Louisiana State University.

(x) A member or designee of the American Society of Civil Engineers.

(xi) A member or designee of the Louisiana Engineering Society.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph for the purpose of nominating persons to serve on the Southeast Louisiana Flood Protection Authority-West Bank, the committee shall also include, a member or designee of the West Bank Business and Industry Association and a faculty member or designee of Our Lady of Holy Cross College.

(c) The chairman of the Coastal Protection and Restoration Authority Board shall be the custodian of the records of the nominating committee. The chairman of the authority nominating committee, or in his absence, the chairman of the Coastal Protection and Restoration Authority Board, shall call the meeting of the nominating committee. The chairman of the Coastal Protection and Restoration Authority Board, or his designee, shall serve as secretary for the nominating committee.

(d) After August 1, 2017, all nominating committee members shall be appointed for a term of eight years. A former nominating committee member may be reappointed to a nominating committee four years from the completion of a previous term. Service of four or more years of an unexpired term shall constitute a term.

(e) For purposes of this Paragraph, the nominating committee shall be considered a "public body" as defined in R.S. 42:13, and the Open Meetings Law, R.S. 42:11 et seq., and Public Records Law, R.S. 44:1 et seq., shall apply to such committee.

(3)(a) Within ten days after the occurrence of an unexpected vacancy on the flood protection authority board, the board shall notify the chairman of the Coastal Protection and Restoration Authority Board of such unexpected vacancy. For purposes of this Paragraph, a vacancy shall be unexpected whenever it occurs for a reason other than the expiration of a term. The chairman of the Coastal Protection and Restoration Authority shall cause notification of the unexpected vacancy to be published in the official journal of the state and of each parish within the territorial jurisdiction of the authority. Such notification shall be published no later than thirty days following receipt by the chairman of the Coastal Protection and Restoration Authority of notice of the unexpected vacancy.

(b) The nominating committee shall meet to determine the nominations to send to the governor to fill each unexpected vacancy no sooner than thirty days after the latest date of publication set forth in Subparagraph (a) of this Paragraph and no later than ninety days after the latest date of publication set forth in Subparagraph (a) of this Paragraph. The committee shall consider each name submitted to the committee from whatever source and the committee members may propose names of persons to be considered. After review, the committee shall select the nominees for each unexpected vacancy who meet the requirements of this Section. The committee shall submit one nominee for each unexpected vacancy in a position provided for in Item (1)(a)(i) or (b)(i) of this Subsection and shall submit two nominees for each unexpected vacancy in a

position provided for in Item (1)(a)(ii) or (iii) of this Subsection or Item (1)(b)(ii) or (iii) of this Subsection. A majority vote of the total membership of the nominating committee shall be required to nominate persons to positions on the board. The committee shall submit its nominations for each unexpected vacancy to the governor for consideration no later than one hundred twenty days after the notification of the chairman of the Coastal Protection and Restoration Authority of the occurrence of such unexpected vacancy. The governor shall appoint one of the nominees submitted by the committee within thirty days of submission of the nominations for any unexpected vacancy and submit such appointee to the Senate for confirmation within forty-eight hours following the appointment, regardless of whether the legislature is in regular session.

(c) If the nominating committee fails to submit a nominee within one hundred twenty days after notification of the chairman of the Coastal Protection and Restoration Authority of the occurrence of such unexpected vacancy, the governor shall appoint a person meeting the requirements of this Section within thirty days of the expiration of such time and submit such appointee to the Senate for confirmation within forty-eight hours following the appointment, regardless of whether the legislature is in regular session.

(d) In the event that the Senate fails to confirm an appointment made pursuant to this Paragraph by taking no action at all or voting not to confirm an appointee in open session by the end of a regular session, the position shall be considered as having an unexpected vacancy and the process required by this Paragraph shall occur until such position is filled. Any appointee the Senate fails to confirm shall not be appointed to the same position during any recess of the legislature.

(4)(a) Each July first, the board shall notify the chairman of the Coastal Protection and Restoration Authority of any vacancy which will occur on a board in the following year due to expiration of a term, hereinafter in this Paragraph referred to as "expected vacancy". The chairman of the Coastal Protection and Restoration Authority shall cause notification of each expected vacancy to be published in the official journal of the state and of each parish within the territorial jurisdiction of the authority. Such notification shall be published no later than thirty days following receipt by the chairman of the Coastal Protection and Restoration Authority of notice of an expected vacancy.

(b) The nominating committee shall begin to meet and continue to meet as necessary to determine the nominations to send to the governor to fill each expected vacancy no sooner than thirty days after the latest date of publication set forth in Subparagraph (a) of this Paragraph and no later than ninety days after the latest date of publication set forth in Subparagraph (a) of this Paragraph. The committee shall consider each name submitted to the committee from whatever source and the committee members may propose names of persons to be considered. After review, the committee shall select the nominees for each expected vacancy who meet the requirements of this Section. The committee shall submit one nominee for an expected vacancy in a position provided for in Item (1)(a)(i) or (b)(i) of this Subsection and shall submit two nominees for each expected vacancy in a position provided for in Item (1)(a)(ii) or (iii) of this Subsection or Item (1)(b)(ii) or (iii) of this Subsection. A majority vote of the total membership of the nominating committee shall be required to nominate persons to positions on the board. The committee shall submit its nominations for each expected vacancy to the governor for consideration no later than thirty days prior to the start of regular session. The governor shall appoint one of the nominees submitted by the committee not later than thirty days after receipt of the nominations and shall submit such appointee to the Senate for confirmation within forty-eight hours after the appointment is made, regardless of whether the legislature is in regular session. If confirmed, the appointee shall take office the day after the expiration of the term of the board member whose term is expiring.

(c) If the nominating committee fails to submit a nominee for an expected vacancy thirty days prior to the start of regular session, the governor shall appoint a person meeting the requirements of this Section. The governor shall submit such appointee to the Senate for confirmation within forty-eight hours after the appointment is made, regardless of whether the legislature is in session. If confirmed, the appointee shall take office the day after the expiration of the term of the board member whose term is expiring.

(d) In the event that the Senate fails to confirm an appointment made pursuant to this Paragraph by taking no action at all or voting not to confirm an appointee in open session by the end of a regular session, an unexpected vacancy shall occur the day after the expiration of the term of the board member whose term is expiring and such unexpected vacancy shall be filled in the manner set forth in Paragraph (3) of this Subsection. Any appointee whom the Senate failed to confirm shall not be appointed to the same position during any recess of the legislature.

(5) Each appointment made to the board shall be subject to confirmation by the Senate.

D.(1) The members of each board initially appointed shall at their first meeting determine by lot their terms of office, which terms shall commence immediately upon their appointment and shall expire, respectively, as follows:

(a) For the board of the Southeast Louisiana Flood Protection Authority-East: two members in one year, three members in two years, three members in three years, and three members in four years, from the first day of July immediately succeeding such appointment.

(b) For the board of the Southeast Louisiana Flood Protection Authority-West Bank: one member in one year, two members in two years, two members in three years, and two members in four years, from the first day of July immediately succeeding such appointment.

(2) All commissioners thereafter appointed, except a commissioner appointed to fill an unexpired term, shall be appointed as provided in Subsection C of this Section for staggered terms of four years. No member shall serve more than two consecutive terms. If a person serves two years or more of an unexpired term, such service shall constitute a term. A former board member may be reappointed to the board after sitting out four years from the completion of his last consecutive term.

(3) Notwithstanding R.S. 24:14(K), no person shall serve on the board beyond the expiration of a term unless reappointed to a position on the board by the process required by either Paragraph (C)(3) or (4) of this Section.

E. Immediately after the members of the board of commissioners have been appointed, or as soon as thereafter is practicable, they shall meet and organize by electing from their number a president, vice president, and secretary who shall perform the duties normally required of such officers. In case of death or resignation of the president, the vice president shall call the board together to fill the position of the president. In case of absence, inability, or failure to act of the president, the vice president shall perform all the duties of the president.

F.(1) A majority of the sitting commissioners of the board shall constitute a quorum to do business. They shall designate the time and select the place for holding their regular sessions, which shall be convened each month. Special meetings may be convened at any time upon the call of the president. Regular monthly meetings of the board shall be convened on a rotating basis at a place to be determined by the board in a levee district under the jurisdiction of the authority.

(2)(a) In recognition that the primary purpose of the authority is regional coordination of flood protection and in order to promote such coordination over parochial concerns, approval of a proposed project shall require the favorable vote of at least two-thirds of the total voting membership of the board, regardless of whether the project is limited to one or more levee districts within the territorial jurisdiction of the authority.

(b) As used in this Paragraph, "project" means a program or engineering activity, either new or continuing that will be planned and implemented with the primary goal being the reduction of existing flood damages. "Program" means the flood control system which may include, but not be limited to, floodproofing, waterproofing, ring dikes, relocation assistance, information programs, formulation of codes, and engineering studies. "Engineering activities" means functions which may include, but not be limited to, dams, reservoirs, levees, dikes, floodwalls, diversions, channel alterations such as snagging and channel straightening, on site detention, spillways, and land treatment.

(3) Except as provided in Paragraph (2) of this Subsection, a favorable vote of a majority of the total voting membership of the board shall be required to take action.

(4) The members of the board of the Southeast Louisiana Flood Protection Authority-East appointed as residents of St. Charles or St. John the Baptist parishes from the east side of the Mississippi River shall be nonvoting except for any project which includes the parish or a portion of the parish. When these members are eligible to vote, they shall be included in the total voting membership for such purposes.

(5) Repealed by Acts 2007, No. 475, §2, eff. July 12, 2007.

G. Each board member shall have a fiduciary duty to act in the best interest of the board and shall serve the board's mission without any undue influence. In case of neglect of fiduciary duty or any other duty by any board member or of his failure, without good cause, to attend three successive regular meetings, on request of the board, the governor shall remove the commissioner.

H. A vacancy created by reason of death, resignation, removal, or any other cause, other than the expiration of a term, shall be an unexpected vacancy to be filled according to Paragraph (C)(3) of this Section.

I.(1) The official domicile of an authority shall be determined by the board. An authority shall maintain an office at its domicile for the transaction of its business.

(2) A flood protection authority may also maintain branch offices within the territorial jurisdiction of the authority.

J. No member of a board, or any of the immediate family of the member, shall own or have any interest or part in any business, company, or entity conducting business of any kind with the authority or levee district within the territorial jurisdiction of the authority or any of the facilities controlled by the authority or any such district. "Immediate family" as used in this Subsection means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, the parents of his spouse, his spouse's brothers and their spouses, his spouse's sisters and their spouses, and his spouse's children.

K.(1) No former board member may qualify as a candidate for any elected office within twelve months of the termination of his term on the board.

(2) No elected official or former elected official may serve as a member of the board within twenty-four months of the termination of his term.

(3) No public employee or former public employee shall serve as a member of the board within twelve months of the termination of his employment other than as a member of the board. Any person who is a member of faculty or staff of any state university or any individual serving on any state board or commission where the individual is not compensated for that service shall be excluded from the provisions of this Paragraph.

(4) No person shall be eligible for selection who has been registered as a lobbyist before the legislature within two calendar years of the date of appointment. Should any member serving on the board thereafter register as a lobbyist, he shall immediately resign his position on the board.

(5) No member of a board and no officer or employee of a board shall participate or engage in an effort to support or oppose the election of a candidate for political office or to support a particular party or issue in an election; be a member of any national, state, or local committee of any political party or faction; make or solicit contributions for any political party, faction, candidate, or issue; or take active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires.

(6) Notwithstanding any provision of law to the contrary, except for membership on the Coastal Protection and Restoration Authority Board, no member of a board shall serve at the same time on any other board or commission, the membership of which is appointed in whole or in part by an elected official or by a public body the majority of the membership of which consists of elected officials. "Elected official" as used in this provision means any person holding an office in a governmental entity which is filled by the vote of the appropriate electorate and includes any person appointed to fill a vacancy in such offices.

(7) No person shall be eligible for selection who is a party to any contract with an authority established by this Part or levee district within the territorial jurisdiction of an authority.

L.(1) In lieu of the compensation provided in R.S. 38:308, the members of the board of commissioners of the Southeast Louisiana Flood Protection Authority-East shall receive a per diem equal to the rate allowable for per diem deduction under 26 U.S.C. 162(h)(1)(B)(ii) for its official domicile during their attendance on that body. In addition to the per diem, each member shall be paid a mileage allowance for going to and from meetings and for other travel authorized by the board equal to the rate established as the standard mileage rate for business travel for purposes of 26 U.S.C. 162(a).

(2)(a) In lieu of the compensation provided in R.S. 38:308, the members of the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall receive a per diem equal to the rate allowable for per diem deduction under 26 U.S.C. 162(h)(1)(B)(ii) for its official domicile for each day such member is in actual attendance at a meeting of the board or one of its committees or performing duties authorized by the board. If the president of the board also acts as its administrator, he may receive a salary not to exceed the sum of one thousand dollars per month in lieu of the per diem.

(b) In addition to the per diem, each member shall be paid a mileage allowance for going to and from meetings and for other travel authorized by the board at the rate established as the standard mileage rate for business travel for purposes of 26 U.S.C. 162(a). Members shall also be reimbursed for properly documented actual expenses incurred for air travel, meals, and lodging when traveling in the performance of duties authorized by the board.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007; Acts 2007, No. 475, §§1, 2, eff. July 12, 2007; Acts 2009, No. 521, §1; Acts 2010, No. 97, §1; Acts 2012, No. 604, §2, eff. June 7, 2012; Acts 2013, No. 106, §1, eff. June 5, 2013; Acts 2014, No. 303, §3, eff. May 28, 2014; Acts 2016, No. 430, §4; Acts 2016, No. 572, §1, eff. July 1, 2016; Acts 2017, No. 269, §1, eff. June 16, 2017.

## RS 38:330.2

### §330.2. Board of commissioners; powers and duties

A.(1) A flood protection authority shall be governed by a board of commissioners.

(a) The board of commissioners of the Southeast Louisiana Flood Protection Authority-East shall be the successor to the boards of commissioners of the East Jefferson Levee District, Lake Borgne Basin Levee District, and Orleans Levee District. The board shall also be the governing authority of the Tangipahoa Levee District.

(b) The board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank shall be the successor to the board of commissioners of the West Jefferson Levee District.

(2)(a) Each board may, in addition to any other powers and duties provided by law for the boards of commissioners of levee districts, establish on its own behalf or for the areas or the levee districts under its authority adequate drainage, flood control, and water resources development, including but not limited to the planning, maintenance, operation, and construction of reservoirs, diversion canals, gravity and pump drainage systems, erosion control measures, marsh management, coastal restoration, and other flood control works as such activities, facilities, and improvements relate to tidewater flooding, hurricane protection, and saltwater intrusion. Neither the authority nor any levee district within the territorial jurisdiction of the authority shall own, operate, or control any facility or improvement not directly related to such purposes, except as provided in R.S. 38:330.12.

(b) Nothing in this Paragraph shall transfer authority to operate flood control pump operations from any public entity authorized by law to conduct such activities.

(c) After January 1, 2018, the authority or any levee district within the territorial jurisdiction of the authority may divest itself of any drainage or pumping responsibilities that would otherwise fall to the responsibility of a parish governing authority.

B. Each board may enter into contracts and agreements of any nature on behalf of the authority or on behalf of any levee districts within the territorial jurisdiction of the authority for the purposes of this Chapter with any person or persons, corporation, association, or other entity, including public corporations, port authorities, the state and agencies thereof, levee districts, parishes, other political subdivisions, the United States government and agencies thereof, or any combination thereof, or with instrumentalities of any kind to carry out the purposes of and the powers granted in this Chapter.

C. Each board may enter into contracts or other agreements on behalf of the authority or on behalf of any levee districts within the territorial jurisdiction of the authority with any person or entity concerning the providing of lands, servitudes, rights-of-way, and relocations, and may engage the levee districts under its authority jointly with any person or entity in the exercise of any power to include the construction, operation, and maintenance of any facilities and improvements for the purpose of the projects under this Chapter.

D. Each board on behalf of the authority or on behalf of any levee district within the territorial jurisdiction of the authority may construct and maintain drainage works of all types as such works relate to tidewater flooding, hurricane protection, and saltwater intrusion, either in cooperation with one or more parishes, municipalities, drainage districts, or other special districts within its territorial jurisdiction, or upon its own undertaking.

E. Each board may buy and sell property of the authority or of any levee district within its territorial jurisdiction, make and execute all contracts on behalf of the authority or on behalf of any such levee district, and perform any and all things necessary to carry out the objects of this Chapter, subject to the limitations and duties provided in this Section.

F. Subject to any local ordinance for the construction, erection, and maintenance of back and side levees to protect any area or portion of a levee district within the territorial jurisdiction of the authority from tidal overflow, a board shall work in conjunction with the appropriate parish governing authority to manage the construction and maintenance of the levees, pursuant to R.S. 38:143.

G. Each board shall adopt bylaws for the management and regulation of its affairs, for the governance of the board and its officers and employees, and for the operation and governance of the flood protection authority in accordance with the Administrative Procedure Act and subject to legislative rule oversight by the Senate and House committees on transportation, highways, and public works. It shall devise and adopt rules

and regulations for the carrying into effect and perfecting of a comprehensive levee system, having for its object the protection of the entire territory of the authority from overflow. Such bylaws may include the establishment of any standing committees of the board as may be necessary to carry out the functions of the board.

H. The authority and each levee district within the territorial jurisdiction of the authority shall comply with all applicable federal and state law and regulations, particularly regarding federal rehabilitation assistance for flood control works damaged by flood or coastal storm.

I.(1) For each levee district within the territorial jurisdiction of the authority, care and inspection of levees shall devolve on commissioners and assisted by such inspectors and watchmen as may be appointed pursuant to regulations, which the board is hereby authorized to adopt. Each commissioner and any inspector or watchman who may be appointed shall attend once during his term of office an educational training program conducted by the Department of Transportation and Development.

(2) Each commissioner and appointed inspector or watchman, upon presenting appropriate credentials, may enter any private premises within the territorial jurisdiction of the authority to care for and inspect levees. If the owner of the premises or his agent refuses to admit the commissioner, inspector, or watchman, the authority may obtain from any state court of competent jurisdiction and venue an appropriate order to submit the premises to entry for such purpose.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007; Acts 2007, No. 475, §1, eff. July 12, 2007; Acts 2014, No. 303, §1, eff. May 28, 2014; Acts 2016, No. 572, §1, eff. July 1, 2016.



## **RS 38:330.3**

§330.3. Levee district and board reorganization; transfer of authority; obligations; taxes; lands

A.(1)(a) Any legal proceeding to which the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee District is a party and which is filed, initiated, or pending before any court on January 1, 2007, and all documents involved in or affected by said legal proceeding, shall retain its effectiveness and shall be continued in the name of the district. Other than the district or districts originally named as party to the proceedings, neither an authority or district within the territorial jurisdiction of the authority shall have any liability for actions pending or claims arising prior to the effective date of this Section.

(b) Neither an authority nor any district within the territorial jurisdiction of the authority shall have any liability for actions or claims other than the district against which the actions or claims arise.

(c) Except as provided in this Subparagraph, Paragraph (B)(4) of this Section, and R.S. 38:330.8(B), no provision of law providing the Southeast Louisiana Flood Protection Authority-East or Southeast Louisiana Flood Protection Authority-West Bank with any authority over and management, oversight, and control of the areas and levee districts provided for in R.S. 38:330.2(A) shall be construed or interpreted to make the taxes levied by, or other revenue of, a levee district within the territorial jurisdiction of the authority payable for the liability of another levee district, or for any liability of the authority when acting on behalf of another levee district. Notwithstanding any other provision of law to the contrary, taxes and other revenues generated in one or more levee districts within the jurisdiction of a levee authority may be used within any portion of the territorial jurisdiction of the authority if use of the funds will benefit all or a portion of the authority and the levee districts from which the taxes or revenues are generated.

(2) All obligations and unfinished business of the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District shall be managed on behalf of the districts by the appropriate authority.

(3) All outstanding indebtedness of the East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District shall remain with the district and shall not be a liability of any authority.

B.(1) The proceeds of all taxes collected on all property taxed in the parishes of Jefferson, Orleans, and St. Bernard for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, by or on behalf of the Algiers Levee District, East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee District and, except as provided in R.S. 38:330.12, any other revenue from operations of such districts shall be administered by the board of commissioners of the applicable flood protection authority; however, the taxes and other revenues of each such levee district shall only be used and expended for the purposes of such district.

(2) The proceeds from a tax levied, or revenue received, by an authority or a levee district may only be used or expended for a purpose of the authority or levee district where the tax is levied and revenue is collected.

(3) The proceeds of such taxes collected shall be deposited into a separate account established in the name of the authority or district in which the taxes are levied and collected. There shall be no commingling of funds in such accounts.

(4) Notwithstanding any other provision of law to the contrary, taxes and other revenues generated in one or more levee districts within the jurisdiction of a levee authority may be used within any portion of the territorial jurisdiction of the authority if use of the funds will benefit all or a portion of the authority and the levee districts from which the taxes and revenues are generated.

C.(1) Any books, records, documents, funds, movable property, lands or immovable property owned by the Algiers Levee District, East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District shall be retained as property of the respective levee district in which such property is situated, but shall be managed by the applicable flood protection authority, except as provided in R.S. 38:330.12.

(2) Except as provided in R.S. 38:330.12, any property acquired or improvements constructed with funds of a levee district within the territorial jurisdiction of the authority and all income derived from property or improvements owned by the levee district shall belong to the levee district, but shall be managed by the authority.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007; Acts 2007, No. 475, §1, eff. July 12, 2007; Acts 2021, No. 90, §1.

## **RS 38:330.4**

### §330.4. Regional directors

A. Each board may employ a regional director who shall serve at the pleasure of the board. The board shall fix the qualifications, duties, and salary of the regional director.

B. In addition to the qualifications fixed by the board pursuant to Subsection A of this Section, the regional director shall:

(1) Reside in southeast Louisiana.

(2) Have a bachelor's degree, at a minimum, in the area of business, engineering, geology, hydrology, natural sciences, environmental sciences, renewable resources, or any similar academic field.

(3) Have a minimum of ten years senior executive experience in business, engineering or hydrology, or in the performance of public works functions, related to flood and drainage control, flood plain management, water resources, soil conservation, land surveying and mapping, disaster relief, or any related function.

C. In addition to the duties prescribed by the board, the regional director shall keep records of all proceedings, preserve all books, maps, documents, papers, records, and reports entrusted to its care, and keep them open for public inspection.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007; Acts 2009, No. 521, §1.

## **RS 38:330.5**

### §330.5. Employees

A. An authority may employ such employees as it deems necessary for its proper functioning. All employees of the authority and each levee district within the territorial jurisdiction of the authority shall be considered civil service employees for the purpose of Article X of the Constitution of Louisiana. Each employee of a levee district within the territorial jurisdiction of the authority who is in the unclassified civil service on December 31, 2006 shall remain in the unclassified civil service as long as the employee remains in the same position.

B. Any person employed by the East Jefferson Levee District, the Lake Borgne Basin Levee District, the Orleans Levee District, or the West Jefferson Levee District on January 1, 2007, may, insofar as practicable, continue as an employee of the levee district at the pleasure of the flood protection authority created in this Part and may, insofar as practicable, retain all rights, privileges, and benefits.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007.

## **RS 38:330.6**

### §330.6. Counsel to authority

The state attorney general and his assistants shall be and are hereby designated as counsel for each flood protection authority in the execution of the purposes of this Chapter and are hereby charged with the responsibility of representing each authority in any and all matters when called upon to do so.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007.

## **RS 38:330.7**

### §330.7. Police officers

A. Each authority shall not directly employ police security personnel. However, the authority may enter into cooperative endeavor agreements with appropriate local law enforcement agencies or local governmental subdivisions to provide necessary police security services for levees, or the authority may assume the rights and responsibilities of any existing cooperative endeavor agreements for police security services.

B. Notwithstanding the provisions of Subsection A of this Section, the Southeast Louisiana Flood Protection Authority - East may employ a superintendent of police security to supervise the police security personnel of all levee districts within its territorial jurisdiction. The superintendent shall have authority and the right to exercise the power of a police officer, including the power of arrest throughout the territorial jurisdiction of the authority. The salary of the SLFPA-East superintendent of police security shall not exceed the salary of the superintendent of the Louisiana State Police. The authority may assess each levee district within its territorial jurisdiction an amount necessary for the salary, benefits, and expenses of the superintendent.

C. Notwithstanding the provisions of Subsection A of this Section and R.S. 38:326, the Southeast Louisiana Flood Protection Authority - East, in the interest of public safety, may deploy police security personnel employed by one levee district within its territorial jurisdiction in another levee district within its territorial jurisdiction, provided that the levee district supplying the personnel is fully compensated for such deployment and the deployment does not create a public safety concern in any of the other districts. In the event full compensation for such deployments is not received, the delinquent district shall not be eligible for future deployments until making all necessary payments. Each police officer shall retain his powers when he is deployed outside his district of employment.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007; Acts 2012, No. 757, §1.

## RS 38:330.8

### §330.8. Funding; appropriations

A. An authority or levee district within the territorial jurisdiction of an authority, for the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, or for any other purpose incidental thereto, or for any other purpose related to its authorized powers and functions as specified by law, may levy or increase a tax. Any such levy or increase shall be subject to voter approval if and as required by Section 38.1 or 39 of Article VI of the Constitution of Louisiana except as provided by Section 23 of Article VII of the Constitution of Louisiana.

B.(1) Proceeds from taxes levied and collected pursuant to this Subsection shall be used only as provided in the tax proposition if a proposition is required and only within the authority or district in which the tax is levied.

(2)(a) The proceeds from the annual ad valorem taxes levied by the Orleans Levee District and the Algiers Levee District shall be delivered by the tax collector for Orleans Parish to each respective district.

(b) From the first proceeds of such taxes received by the Orleans Levee District and the Algiers Levee District, provision shall be made and all funds necessary shall be set aside by each respective district for the payment of all debt service or other requirements due on all outstanding bonds, notes, or other evidences of indebtedness of each respective district during such calendar year, in accordance with the terms of such instruments and the resolutions and agreements providing for their issuance and security.

NOTE: Subparagraph (c) expired on December 31, 2012.

*(c) After the payments made by the Orleans Levee District under Subparagraph (b) of this Paragraph:*

*(i) Seven hundred thousand dollars shall be paid to the Non-Flood Protection Asset Management Authority on or before the thirtieth day of July beginning in the year 2011 and on or before the fifteenth day of April thereafter to be used for the operation and maintenance of Lakeshore Drive.*

*(ii) Sufficient funds shall be allocated for purposes of maintaining an Orleans Levee District police force to be made up of not less than twenty-four police officers who shall provide security for Lakeshore Drive and other flood assets located within the jurisdiction of the Orleans Levee District.*

*(iii) The provisions of Subparagraph (c) of this Paragraph shall expire on December 31, 2012.*

(3) The tax proceeds received by the Southeast Louisiana Flood Protection Authority-West Bank pursuant to Paragraph (2) of this Subsection shall be used for the operation and maintenance of levees and for other flood control activities in the West Bank of Orleans Parish.

(4) In addition to the taxing authority authorized by Article VI, Section 39(A) and (B) of the Constitution of Louisiana and other applicable provisions of law, the district shall have the same taxing authority as the Orleans Levee District on July 12, 2007, to include but not limited to the taxing authority authorized by Article VI, Section 39(A) and (B) and Article VII, Section 23 of the Constitution of Louisiana, and the Special Levee Improvement Tax reauthorized by the Special Election held in Orleans Parish on November 19, 1983.

C. An authority may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental funding available for any of the purposes set forth in Subsection A of this Section.

D. Notwithstanding any other provision of law to the contrary, taxes and other revenues generated in one or more levee districts within the jurisdiction of a levee authority may be used within any portion of the territorial jurisdiction of the authority if use of the funds will benefit all or a portion of the authority and the levee districts from which the taxes and revenues are generated.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007; Acts 2007, No. 475, §1, eff. July 12, 2007; Acts 2008, No. 220, §11, eff. June 14, 2008; Acts 2011, No. 363, §1, eff. June 29, 2011; Acts 2012, No. 472, §1, eff. June 1, 2012; Acts 2021, No. 90, §1.

## **RS 38:330.9**

### §330.9. Defense and indemnification of commissioners, officers, or employees

A. An authority may defend, indemnify against loss or liability and save harmless any of its commissioners, officers or employees whenever a claim or demand is made or threatened, or whenever proceeded against in any investigation or before any court, board, commission or other public body to defend or maintain his official position or a position taken in the course of the execution of his duties or because of any act or omission arising out of the performance of his official duties if it is determined that the commissioner, officer or employee acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the authority. Such determination shall be made by the board of commissioners by a majority vote of the board who were not parties to such action, suit, proceeding, investigation or claim. The provisions of this Subsection shall not apply in each event a commissioner, officer or employee is adjudged liable for malfeasance in office or an intentional tort.

B. To the extent that a commissioner, officer or employee of the authority has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in or in defense of any claim, issue or matter therein, he shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred by him in connection therewith.

C. Expenses, including attorneys' fees, incurred in defending a civil action, suit or proceeding may be paid by an authority in advance of the final disposition of such action, suit, or proceeding as authorized in the manner provided in this Section upon receipt of an undertaking by or on behalf of the commissioner, officer or employee, to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the authority as authorized in this Section.

D. The indemnification provided by this Section shall not be deemed exclusive of any other rights to which those indemnified may be entitled, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a commissioner, officer or employee, and shall inure to the benefit of the heirs, executors and administrators of such a person.

E. An authority may purchase and maintain insurance on behalf of any person who is or was a commissioner, officer or employee of the authority against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the authority would have the power to indemnify him against such liability under the provisions of this Section.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007.



## **RS 38:330.10**

### §330.10. Statutory reference

A. Subject to the limitations of liability as set forth in R.S. 38:330.3, whenever a reference to the "board of commissioners", "levee board" or "board of levee commissioners" of the Algiers Levee District, East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, or West Jefferson Levee District appears in any statute, or in a contract, or a legal pleading, or in any other document, that reference shall be deemed to be a reference to the board of commissioners of the Southeast Louisiana Flood Protection Authority-East or the board of commissioners of the Southeast Louisiana Flood Protection Authority-West Bank, as applicable.

B. Subject to the limitations of liability as set forth in R.S. 38:330.3, whenever a reference to the "board of commissioners", "levee board" or "board of levee commissioners" or "levee district" appears in any statute, that reference shall be deemed to include the board of commissioners of the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007; Acts 2007, No. 475, §1, eff. July 12, 2007.

## **RS 38:330.11**

### §330.11. Exception to jurisdiction of authorities

Notwithstanding any provision of law to the contrary, this Part shall not apply to any levee district or board that has been reorganized, merged into, or consolidated with a parish pursuant to Article VI, Sections 16 and 38 of the Constitution of Louisiana. Such levee district shall continue to have any rights, revenues, resources, jurisdiction, powers, authority, functions, and duties, including the levy and collection of any local assessment or forced contribution, authorized by law at the time of the reorganization, merger, and consolidation with a parish.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007.

## **RS 38:330.12**

### §330.12. Ownership and management of non-flood protection functions and activities

A. Any facility or improvement within a levee district within the territorial jurisdiction of an authority, which facility or improvement is not directly related to providing adequate drainage, flood control, or water resources development pertaining to tidewater flooding, hurricane protection, or saltwater intrusion, that is owned or operated by a board of commissioners of the levee district, including all land, rights-of-way, servitudes, and improvements situated thereon, or connected therewith, for such purpose, shall be managed and controlled by the Non-Flood Protection Asset Management Authority, hereinafter referred to as the "authority", without the necessity of any other act or instrument, except that for purposes of the Orleans Levee District, any such facilities or improvement shall continue to be owned by the Orleans Levee District. For the purpose of this Section only, the authority shall be the successor to the state and the board of commissioners of such levee district. The state through the division of administration shall continue the routine maintenance of all such non-flood properties or facilities until the authority receives responsibility for such maintenance.

B.(1) The authority may enter into contracts, agreements, or cooperative endeavors of any nature with a state agency, political subdivision, or other legal entity or person, or any combination thereof, for the operation and maintenance of any facility or improvement, which it manages or controls pursuant to Subsection A of this Section.

(2) The authority may sell, lease, or otherwise transfer any such property and perform any and all things necessary to carry out the objects of this Section, provided that any such sale or transfer be for full and adequate consideration, and any proceeds therefrom be paid within thirty days following the sale or transfer in a ratio of eighty percent of the proceeds to the Authority and twenty percent of the proceeds to the members of the class established in the matter of "Haspel and Davis, Milling and Planting, Co., Ltd., et al. vs. Board of Levee Commissioners" Docket No. 31-357 of the Twenty-fifth Judicial District Court for the Parish of Plaquemines, to satisfy the outstanding debt of the Orleans Levee District pursuant to the judgment dated December 11, 2000, and the settlement agreement homologated therein. If the authority determines that the sale, lease, or transfer of such property is appropriate, it shall first offer the property to political subdivisions in the parish in which the property is located and state agencies conducting operations in that parish, other than levee districts, political subdivisions, or agencies responsible for flood control. If any such public entity is interested in acquiring the property, the authority shall evaluate proposals submitted by those entities. If no such proposal is received, or if such proposals are not determined to be in the best interest of the authority, the property may be offered for sale or lease as otherwise provided by law.

C. Except as required by federal law or regulation or state constitution, the expense of operating any facility or improvement referred to in Subsection A of this Section, which produces revenue shall be collected by the authority and, after deducting an amount for the expense of managing and controlling such facility or improvement, the remaining revenues therefrom shall be disbursed to the flood protection authority to the credit of the levee district in which the facility or improvement is located.

D. The authority may otherwise provide for the implementation of this Section by the adoption of rules and regulations pursuant to the Administrative Procedure Act. The authority shall not be subject to the rules and regulations of the Department of Transportation and Development.

E. No action taken pursuant to this Section or to any provision of this Part shall do any of the following:

(1) Impair the obligation of outstanding bonded indebtedness or of any other contract of any levee district.

(2) Impair the ability of any levee district to satisfy any outstanding judgment, any legal action, or claim pending against the district on the effective date of this Section.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007; Acts 2007, No. 133, §1, eff. June 25, 2007; Acts 2010, No. 1014, §2; Acts 2011, No. 363, §1, eff. June 29, 2011.

## **RS 38:330.12.1**

§330.12.1. Lakefront Management Authority; creation; composition; powers, duties, functions

A. The Lakefront Management Authority, hereafter referred to as the "authority", is hereby created as a political subdivision possessing full corporate power to manage, control, regulate, operate, and maintain any non-flood protection facility or improvement asset or function within a levee district within the jurisdiction of a flood protection authority.

B. The authority shall not be eligible to receive or expend any money from the Transportation Trust Fund.

C. The authority shall be composed of the following members who shall be subject to Senate confirmation, provided that no elected official shall be appointed to serve as a member of the authority:

(1) One member appointed by the Southeast Louisiana Flood Protection Authority East.

(2) One member appointed by the state senator representing Senate District No. 3 and Senate District No. 4, and by the state representative representing House District No. 97, House District No. 94, House District No. 99, and two members appointed by the Congressional Representative representing Congressional District No. 2. At least one member appointed shall be a lawyer, at least one member shall be a certified public accountant, and at least one member shall be a realtor.

(3) One member appointed by the mayor of the city of New Orleans.

(4) One member appointed by each New Orleans city council member in whose district a non-flood asset is located.

(5) Two members appointed jointly by the presidents of the Lakeshore, Lake Vista, Lake Terrace, and Lake Oaks property owners associations.

(6) One member appointed by the secretary of the Department of Transportation and Development.

(7) One member appointed by the Lake Pontchartrain Basin Foundation.

(8) One member appointed by the board for the New Orleans City Park.

D.(1) Members of the authority shall serve a term of four years. Any vacancy occurring on the authority shall be filled in the same manner as the original appointment for the unexpired portion of the position vacated.

(2) A majority of the members of the authority shall constitute a quorum for the transaction of official business and all official actions of the authority shall require an affirmative vote by a majority of the members present and voting at a meeting.

(3) Members of the authority shall not receive any compensation for serving on the board but each member may receive not more than fifty dollars per day for attendance at meetings of the authority or its subcommittees. In addition, members may be reimbursed for mileage expenses incurred while in the performance of their official duties at the rate established by the division of administration for travel by state officials.

(4) Members of the authority shall file annual financial disclosure statements pursuant to R.S. 42:1124.2.1.

E. The authority shall be domiciled in the parish of Orleans.

F. The authority shall elect from its members a chairman and a secretary and shall select a vice-chairman to serve in the absence of the chairman. The authority may employ an executive director and such personnel as may be necessary to implement the provisions of this Section.

G. The authority shall be responsible for the development and implementation of a management plan to best utilize the assets under its jurisdiction and maximize the benefits, attributes, and revenue potentials of such assets. Such plan shall include parameters for the interactions between the authority and other political subdivisions in the geographical areas of the assets under the jurisdiction of the authority and shall detail a procedure and process for the operation, maintenance, sale, lease, or transfer of any facility or improvement managed or controlled by the authority.

Acts 2010, No. 1014, §2, §4, eff. Jan. 1, 2012; Acts 2011, No. 363, §2, eff. June 29, 2011, and §3, eff. Jan. 1, 2012; Acts 2017, No. 269, §1, eff. June 16, 2017; Acts 2019, No. 151, §1.

## **RS 38:330.13**

§330.13. Public contracts; Louisiana Initiative for Small Entrepreneurship

The board of commissioners of the Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank shall comply with the provisions of R.S. 39:2001 et seq., when advertising and letting public works contracts and procurement contracts.

Acts 2006, 1<sup>st</sup> Ex. Sess., No. 1, §1, eff. Jan. 1, 2007.