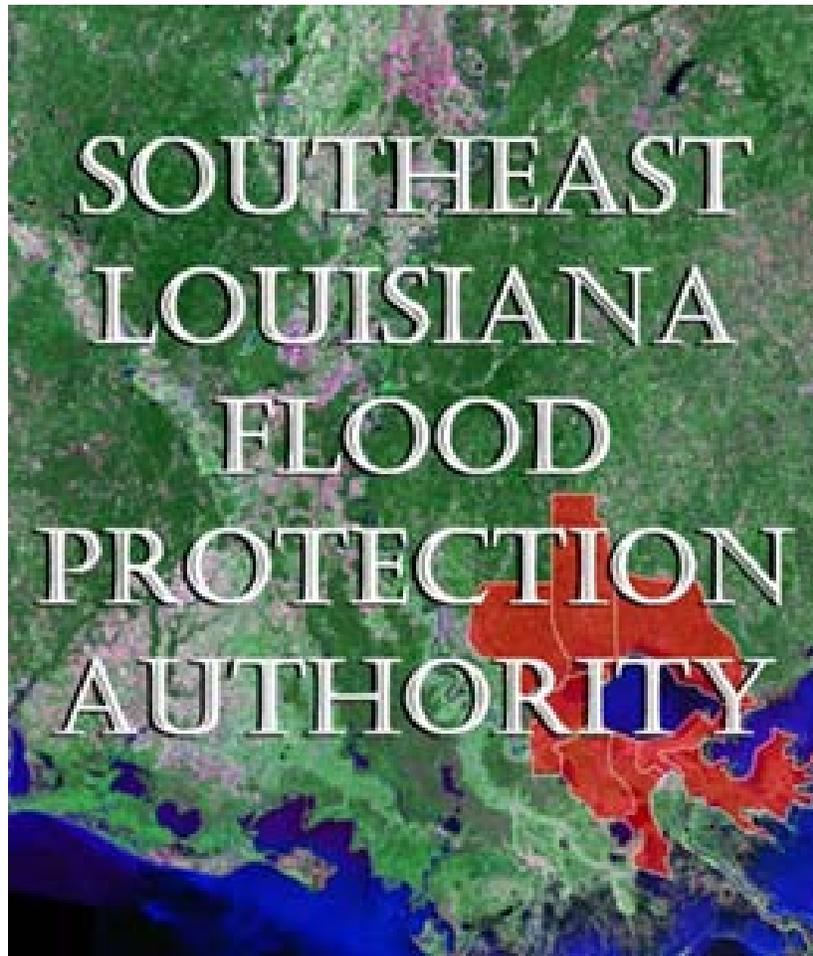


Senator Walter Boasso

Levee Reorganization
(Act 1)



LEVEE BOARD REORGANIZATION IN SOUTHEAST LOUISIANA

3/13/2006

SUMMARY

- Creates and provides for Southeast Louisiana Flood Protection Authority - East and West Bank.
- Retains territorial limits of East Jefferson Levee District, Lake Borgne Levee District, Orleans Levee District, and the West Jefferson Levee District.
- Establishes new levee districts governed by flood protection authority - east:
 - St. Tammany Levee District (consisting of all land in the parish in coastal zone)
 - Tangipahoa Levee District (consisting of all land in the parish in coastal zone)
- The Coastal Protection and Restoration Authority (CPRA) will serve as the single entity responsible to act as the local sponsor for the construction, operation, and maintenance of all hurricane, storm damage reduction, and flood control projects.
- Jurisdiction: Authorities, on and after 01/01/07, through its board, will exercise all power over and have management, oversight, and control of the following:

Southeast Louisiana Flood Protection Authority - East:

- ▶ Levee districts: East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, St. Tammany Levee District and Tangipahoa Levee District.
Regional Projects Only: St. John the Baptist Parish (east of the river) and St. Charles Parish (east of the river).

Southeast Louisiana Flood Protection Authority - West Bank:

- ▶ Levee districts: West Jefferson Levee District.
Regional Projects Only: Orleans Parish (west of the river).

- Board of Commissioners:

Southeast Louisiana Flood Protection Authority - East:

- 11 members, with at least, and no more than, 1 member from each parish within the authority.
- Subject to Senate confirmation.

- Appointed by governor from one nominee for each engineer or a professional in a related field and two nominees for each of the remaining six positions submitted by a nominating committee as follows:
 - ▶ 5 members to be an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science.
 - ▶ 3 members to be a professional in another discipline not listed above with at least 10 years of experience in that discipline.
 - ▶ 3 at-large members.

Southeast Louisiana Flood Protection Authority - West Bank:

- 7 members, with at least, and no more than, 2 members from each parish within the authority.
- Subject to Senate confirmation.
- Appointed by governor from one nominee for each engineer or a professional in a related field and two nominees for each of the remaining six positions submitted by a nominating committee as follows:
 - ▶ 3 members to be an engineer or a professional in a related field such as geotechnical, hydrological, or environmental science.
 - ▶ 2 members to be a professional in another discipline not listed above with at least 10 years of experience in that discipline.
 - ▶ 2 at-large members.

- Composition of Nominating Committee

Members consist of one representative from each of the following:

- ▶ National Academy of Engineering
- ▶ National Society of Black Engineers
- ▶ American Institute of Hydrology
- ▶ Association of State Floodplain Managers
- ▶ UNO - College of Engineering
- ▶ Tulane - School of Science and Engineering

- ▶ LSU - Louisiana Geological Survey
- ▶ LSU - College of Engineering
- ▶ Southern University - College of Engineering
- ▶ National Society of Professional Engineers
- ▶ American Society of Civil Engineers
- ▶ Public Affairs Research Council
- ▶ Council for a Better Louisiana

Additional Nominating Committee for Southeast Louisiana Flood Protection Authority - West Bank:

- ▶ Harvey Canal Industrial Association
- ▶ Our Lady of Holy Cross College

• Terms of board members:

Southeast Louisiana Flood Protection Authority - East:

- Initial appointments draws lots: 2 serve 1 year, 3 serve 2 years, 3 serve 3 years, and 3 serve 4 years to July 1st of next term.
- Thereafter, all serve staggered 4-year term.
- No member can serve more than 2 consecutive 4-year terms.

Southeast Louisiana Flood Protection Authority - West Bank:

- Initial appointments draws lots: 1 serves 1 year, 2 serve 2 years, 2 serve 3 years, and 2 serve 4 years to July 1st of next term.
- Thereafter, all serve staggered 4-year term.
- No member can serve more than 2 consecutive 4-year terms.

• Domicile. Determined by board.

• Maintain branch offices within territorial jurisdiction of authority.

• Ethics.

- ▶ No board member or any immediate family of member may own or have any interest or part in any business or entity conducting business of any kind with authority or any region or levee district within its jurisdiction.

- ▶ No former board member may qualify as a candidate for any elected office within 12 months of end of his term on board.
- ▶ No elected official or former elected official may serve as a member of board within 24 months of end of his term.
- ▶ No public employee or former public employee may serve as a board member within 12 months of end of his employment other than as a member of board.
- ▶ No person will be eligible for selection who has been registered as a lobbyist before legislature within 2 years of date of appointment, and if any member serving thereafter registers as a lobbyist, then he must immediately resign his board position.
- ▶ No board commissioner, officer, or employee can participate or engage in an effort to support or oppose 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 management of 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.
- ▶ No board member can serve at same time on any other board or commission, membership of which is appointed in whole or in part by an elected official or by a public body.
- ▶ No person can be eligible for selection who is a party to any contract with authority or any region or levee district within authority.
- Compensation. Instead of compensation paid to other levee board members under current law, board members can receive a per diem for attendance of meetings and a mileage allowance for going to and from meetings or authorized travel.
- Public entities authorized by law to operate flood control pump operations will retain such authority.
- Powers/duties of the board:
 - ▶ Contract on its own behalf and on behalf of the regions and levee districts within its jurisdiction.
 - ▶ Require its regions and levee districts to construct and maintain drainage works of all types as they 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.

- ▶ Buy and sell property of authority or region or levee district within authority.
- ▶ Adopt bylaws for the management and regulation of its affairs, for governance of board and its officers and employees, and for operation and governance of regions and districts according to the Administrative Procedure Act and subject to oversight by Senate and House committees on transportation, highways, and public works.
- Authority and each region and levee district within authority must 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.
- For each levee district within authority, care and inspection of levees is a responsibility of commissioners assisted by inspectors and watchmen. Each commissioner, inspector and watchman:
 - ▶ Must attend an educational training program conducted by DOTD.
 - ▶ With appropriate credentials, may enter any private premises within the jurisdiction to carry out duties.
- Legal proceedings/obligations/revenue of former boards.
 - ▶ Any legal proceeding to which 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 9/1/06, and all documents involved, will retain effectiveness and be continued in name of the district.
 - ▶ Neither the authority nor any region or district with the territorial jurisdiction of the authority will have any liability for actions or claims other than the region or district against which the actions or claims arise.
 - ▶ No taxes levied by, or other revenue of, a region or levee district within authority will pay for liability of another region or levee district or for any liability of authority when acting on behalf of another region or levee district.
 - ▶ Obligations and unfinished business of East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District will be managed on behalf of districts by authority.
 - ▶ Outstanding indebtedness of East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District will remain with district and will not be a liability of authority.

- ▶ Proceeds of all taxes collected on property taxed by levee districts in parishes Jefferson, Orleans, and St. Bernard and any other revenue from operations of such districts will be administered by the authority.
- ▶ Taxes and other revenues of each district can only be used and expended for district and must be deposited into a separate account established in name of each district. Prohibits commingling of such funds.
- ▶ Books, records, documents, funds, movable property, lands or immovable property owned by East Jefferson Levee District, Lake Borgne Basin Levee District, Orleans Levee District, and West Jefferson Levee District are retained as property of respective levee district in which such property is situated, but will be managed by authority, except for non-flood protection related property.
- ▶ Employees. The authority may employ such employees as it deems necessary. In a levee district existing on 12/31/06 with civil service employees, the district's employees will continue to be civil service. Any person employed as of January 1, 2007, shall continue as an employee of the levee district at the pleasure of the authority.
- ▶ Regional directors. Boards may employ a regional director and fix his qualifications, duties, and salary. Regional directors must have at least a bachelor's degree in the area of business, engineering, geology, hydrology, natural sciences, environmental sciences, renewable resources, or any similar academic field and have a minimum of 10 years executive experience. Also within 90 days of his appointment, regional directors must become and remain a resident within authority.
- ▶ Counsel. Attorney general is counsel for the authority.
- ▶ Police officers. Each authority shall not directly employ police security. However, the authority may enter into cooperative endeavor agreements with local enforcement agencies or local government subdivisions. Any person employed as of January 1, 2007, shall continue as an employee of the levee district at the pleasure of the authority.
- ▶ Funding.
 - ▶ For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, or for any other purpose incidental thereto, the board for the authority, or any region or any levee district within authority, may levy or increase a tax. However, proposal must be submitted to electors of authority, region, or district within which levy or increase will apply, and will take effect only if approved as required by the constitution. (Companion constitutional amendment would require, for a region tax, a majority vote of the electors in the region and a majority vote in a 100% of the parishes in that region. Otherwise, a majority vote of the voting electors of the authority or district in which the tax is to be levied is required.) Proceeds from such taxes will only be used as provided in proposition and

only within authority, region, or district in which tax is levied.

- ▶ Authority may seek, accept, and expend funds from any source, including legislative appropriation, private business, industry, foundations, and other groups as well as any federal or other governmental funding available.
- Management of non-flood protection functions and activities.
 - Transfers management and control of current non-flood protection activities of levee districts within authority to state, through Division of Administration.
- Bill is dependent upon adoption of a constitutional amendment.
 - Provisions relating to qualifications, restrictions, nomination, and appointment of board of authority will become operative on the effective date of the constitutional amendment.