



# *St. Bernard Parish Council*

8201 West Judge Perez Drive Chalmette, Louisiana, 70043  
(504) 278-4228 Fax (504) 278-4209  
[www.sbpq.net](http://www.sbpq.net)

**#14**

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 6, 2019 AT SEVEN O'CLOCK P.M.

On motion of Mr. Gorbaty, seconded by Mr. Montelongo, it was moved to **adopt** the following resolution:

## **RESOLUTION SBPC #1966-08-19**

A RESOLUTION TO ADOPT AN AGREEMENT TO TERMS OF PERMANENT TRANSFER OF ALL INTERIOR DRAINAGE AND PUMPING FUNCTIONS FROM LAKE BORGNE BASIN LEVEE DISTRICT TO ST BERNARD PARISH GOVERNMENT.

**WHEREAS**, pursuant to La. R.S. 38:330.1, the Southeast Louisiana Flood Protection Authority-East ("the Flood Protection Authority") through its Board of Commissioners, exercises authority over and has management, oversight, and control of the Lake Borgne Basin Levee District; and,

**WHEREAS**, the Flood Protection Authority is authorized under La. R.S. 38:281 et seq., La. R.S. 38:301, La. R.S. 38:327, and La. Constitution Art. VI, Part III to provide for the construction and maintenance of levees, levee drainage, flood protection, and hurricane flood protection within the territorial jurisdiction of the Flood Protection Authority and each of its constituent levee districts; and,

**WHEREAS**, the property tax millage currently collected by the Flood Protection Authority in St. Bernard Parish result in annual collections not sufficient to properly fund both operation and maintenance of the perimeter flood defense system and the operations of the interior drainage and pumping function in the parish; and,

**WHEREAS**, the Flood Protection Authority and St. Bernard Parish Government have engaged in lengthy negotiations regarding the terms of the transfer of interior drainage and pumping responsibilities to the parish, most recently aided in these negotiations by the Coastal Protection and Restoration Authority ("CPRA"); and,

**Kerri Callais**  
*Councilmember  
at Large*

**Richard "Richie" Lewis**  
*Councilmember  
at Large*

**Gillis McCloskey**  
*Councilmember  
District A*

**Nathan Gorbaty**  
*Councilmember  
District B*

**Howard Luna**  
*Councilmember  
District C*

**Wanda Alcon**  
*Councilmember  
District D*

**Manuel "Monty"  
Montelongo III**  
*Councilmember  
District E*

**Roxanne Adams**  
*Clerk of Council*



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**WHEREAS**, CPRA presented the Flood Protection Authority and St. Bernard Parish Government with a proposal setting out terms for transfer of drainage and pumping responsibilities to St. Bernard Parish, resulting in St. Bernard Parish Government's agreement with the proposed terms; and,

**WHEREAS**, CPRA has agreed to provide \$4 million in funding to St. Bernard Parish Government upon the transfer of responsibility for interior drainage and pumps from Lake Borgne Basin Levee District to St. Bernard Parish Government; and,

**WHEREAS**, according to a letter dated July 8, 2019 and subsequent clarifying correspondence, St. Bernard Parish Government has agreed to the following general terms for transfer of all interior drainage and pumping responsibilities from Lake Borgne Basin Levee District to St. Bernard Parish Government:

- I. The Flood Protection Authority will provide \$3 million in funding to St. Bernard Parish Government upon the signing of an agreement to transfer responsibility for interior drainage and pumps from Lake Borgne Basin Levee District to St. Bernard Parish Government;
- II. The Flood Protection Authority will provide \$1.9 million in funding to St. Bernard Parish Government by or before January 1, 2020, an amount representing the average \$1.4 million collected in the expiring 2020 millage plus an additional \$500,000;
- III. The Flood Protection Authority will provide \$1.9 million in funding to St. Bernard Parish Government by or before January 1, 2021, an amount representing the average \$1.4 million collected in the expiring 2020 millage plus an additional \$500,000;
- IV. St. Bernard Parish Government will be responsible for pursuing passage of a tax millage to renew or replace the expiring 2020 millage, and 100 percent of the revenue from this renewed millage, currently amounting to approximately \$1.4 million each year, will go



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to St. Bernard Parish Government to support the interior drainage and pumping operations.

**WHEREAS**, before any final agreement is signed by the Parish President the outcome of all discussions shall be presented to the St. Bernard Parish Council.

**NOW THEREFORE BE IT RESOLVED**, that the St. Bernard Parish Government authorizes the transfer of drainage and pumping responsibilities in St. Bernard Parish to St. Bernard Parish Government on the terms that CPRA proposed and the Southeast Louisiana Flood Protection Authority-East has agreed to in principle, with transfer on these terms conditioned upon the St. Bernard Parish Council so approving at its next regularly scheduled meeting; and,

**BE IT FURTHER RESOLVED**, that the signing of an agreement to transfer all drainage and pumping operations to St. Bernard Parish Government will not occur until litigation now pending in the 34th Judicial District Court relating to the divestiture is dismissed. These cases include:

1. "St. Bernard Parish Government v. Lake Borgne Basin Levee District, et al", 34th Judicial District Court, Division E, Parish of St. Bernard, Civil Action No. 18-0865
2. "St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al", 34th Judicial District Court, Parish of St. Bernard, Division C, Civil Action No. 18-1065
3. "St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al", 34th Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 18-1066
4. "St. Bernard Parish Government versus Lake Borgne Basin Levee District, et al", 34th Judicial District Court, Parish of St. Bernard, Division A, Civil Action No. 19-0937

**BE IT FURTHER RESOLVED**, that the full and permanent transfer of all drainage and pumping operations in St. Bernard Parish, including the transfer of ownership and/or interest in all immovable property, property access rights, physical facilities, equipment, and any necessary arrangements for the disposition of personnel, will be completed on or before January 1, 2020.



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**BE IT FINALLY RESOLVED**, that the Parish President of St. Bernard Parish is authorized to execute any and all documentation necessary to effectuate the transfer of all drainage and pumping operations in St. Bernard Parish.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

**YEAS:** McCloskey, Gorbaty, Luna, Alcon, Montelongo, Callais

**NAYS:** None

**ABSENT:** None

The Council Chair, Mr. Lewis, cast his vote as **YEA**.

And the motion was declared **adopted** on the 6<sup>th</sup> day of August, 2019.

## CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of a motion adopted at a Regular Meeting of the Council of the Parish of St. Bernard, held at Chalmette, Louisiana, on Tuesday, August 6, 2019.

Witness my hand and the seal  
of the Parish of St. Bernard on  
this 6<sup>th</sup> day of August, 2019.

ROXANNE ADAMS  
CLERK OF COUNCIL