

On joint motion of all Councilmembers present the following resolution was offered as amended:

RESOLUTION NO. 111976

A resolution requesting the Assistant Secretary of the Army for Civil Works suspend all procurement actions leading to the award of a contract for the design and construction of the permanent pump stations to be constructed at or near the lakefront on the 17th Street Canal. (Parishwide)

WHEREAS, The Emergency Supplemental Appropriations Act for Defense, The Global War or Terror, and Hurricane Recovery, 2006 (P.L. 109-234, June 15, 2006) authorized and directed the Secretary of the Army, acting through the Chief of Engineers to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront.; and

WHEREAS, In response to the concerns of the local residences and businesses in Jefferson Parish, and others, with the solution selected by the Administration for implementation of construction of the permanent pump stations for the 17th Street Canal, the U.S. Troop Readiness, Veterans Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Section 4303, PL 110-28, dated May 25, 2007) directed the Chief of Engineers to investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue Canals, directed for construction in PL 109-234, concurrently or in series with the existing pump station or in combination with directly to the Mississippi River in Jefferson Parish; and the technical advantages, disadvantages and operational effectiveness of replacing or improving the flood wall adjacent to the canals.; and

WHEREAS, report of the Corps of Engineers, August 2007, in response to Section 4303 of PL 110-28, found that: Option 1, new pump stations operating concurrently or in series with the existing pump stations, was the least complex and presented the fewest engineering challenges.; Option 2, removing the existing pump stations and configuring the new pump stations and associated canals to handle all needed discharges to the lakefront, was found to be more effective operationally, have greater reliability and further reduce the risk of flooding, and Option 2a, in conjunction with Option 2 the construction of a new pumping station to convey storm water in Hoey's Basin directly to the Mississippi River, was found to reduce the size of the new pump station at the lake front on the 17th Street Canal and reduce the size of canal modifications under Option 2.; and

WHEREAS, The Act Making Appropriations for military Construction, The Department of Veterans Affairs, and Related Agencies for the Fiscal Year ending September, 30 2008, and for Other Purposes(PL 110-252), directed the Chief of Engineers to proceed with the NEPA documentation with Options 1, 2 and 2a and to provide cost estimates for Options 1, 2 and 2a as described in the August 2007 report to Congress.; and

WHEREAS, The Jefferson Parish Council by resolution 111178, dated 29 October 2008, requested that the Corps of Engineers coordinate and consult with Jefferson Parish on the Permanent Pump Station Report to Congress and that the Corps of Engineers provide a copy of said report prior to its submission to the Congress, to Jefferson Parish and other local and State governmental entities who will be expected to cost share in certain portions of the design, construction and will be required to operate and maintain the permanent pump stations and supporting storm water protection infrastructure.

WHEREAS, The Corps of Engineers completed the report on the cost estimates for the three options as directed by PL 110-252 and the Assistant Secretary of the Army for Civil Works provided the report to the Chairmen of the Senate and House Appropriations Subcommittees on Energy and Water Development on February 26, 2009 and to Jefferson Parish; and

WHEREAS, The Cost estimates contained in the report for Options 1, 2 and 2a are \$797,026,000, \$3,404,061,000 and \$3,515,546,000, respectively, and

WHEREAS, Jefferson Parish and other stake holders were allowed only limited technical input into the design criteria used to develop the cost estimates and construction

schedules, and

WHEREAS, This report did not contain an Independent Risk and Reliability Analysis, and

WHEREAS, The cost estimate for Option 1 does not address the removal of the Katrina damaged and weakened floodwalls and the existing pump stations are left to pump to the new permanent pump stations at high discharge levels that can exceed the safe water elevations in the canals, and

WHEREAS, The citizens of Jefferson Parish remain at risk to catastrophic flooding should these weakened and damaged flood walls fail. and

WHEREAS, The Corps is proceeding with the procurement of a design and construction contract for Option 1 without seeking further input from Jefferson Parish or other stakeholders; and

WHEREAS, On March 10, 2009 the Honorable C. Ray Nagin, Mayor of the City of New Orleans, met with Major General Merdith Temple, Deputy Commanding General for Civil and Emergency Operation, and stated that Sewerage and Water Board and the City of New Orleans considers Option 1 to be technically flawed and fraught with long term risk to the safety of the citizens and businesses of Orleans Parish and other stakeholders and therefore was an unacceptable solution for the construction of the three permanent pump stations; and

WHEREAS, General Temple committed to Mayor Nagin that the Corps would conduct an Independent Peer Review of the Options 1, 2 & 2a; and

WHEREAS, On March 12, 2009, Mayor Nagin met with Secretary John Paul Woodley, Jr., Assistant Secretary of the Army for Civil Works and restated the Board and City's position with regard to proceeding with Option 1; and

WHEREAS, Secretary Woodley stated that the Corps had constructed the temporary interim pump stations at the lakefront on the 17th Street, Orleans Avenue and London Avenue canals to have a sufficient life span so as not to bring undue pressure on the stakeholders while a solution for the permanent pump stations was being sought and that an Independent Peer Review involving the stakeholders, as pledged by General Temple.

NOW, THEREFORE, BE IT RESOLVED, by the Jefferson Parish Council of Jefferson Parish, Louisiana, the governing authority of said Parish:

SECTION 1. That the Council does hereby request that the Assistant Secretary of the Army for Civil Works, acting through the Chief of Engineers, immediately suspend all procurement actions which would otherwise lead to the design and construction of the three permanent pump stations under Option 1 until: (a) the Jefferson Parish Council has the opportunity to provide additional technical input and to understand the engineering basis underlying each of the options considered; (b) the Corps has undertaken and completed an Independent Peer review of all relevant reports and engineering data and analyses related to the three project options conducted generally in accordance with Section 2034 of Public Law 110-114; and (c) the risk and reliability analyses for all three options has been completed in cooperation with local stakeholders

SECTION 2. That the Council does hereby request the Governor of the State of Louisiana, the Honorable Bobby Jindal, to officially withhold the State's support for implementation of Option 1 under the terms of the Project Partnering Agreement existing between the State and the Department of the Army for the Lake Pontchartrain and Vicinity Hurricane Protection Project until the action specified in SECTION 1 have been satisfactorily completed, and that the Governor immediately notify the Assistant Secretary of the Army for Civil Works of this decision.

SECTION 3. That the Council does hereby request the Southeast Louisiana Flood Control Authority – East to withhold its support for the implementation of Option 1 pending satisfactory completion of actions specified in SECTION 1.

SECTION 4. That this resolution be sent to: President Barrak Obama; the Honorable John Paul Woodley, Jr., Governor Bobby Jindal, Senators Landrieu and Vitter,

Representatives Scalise, Melancon, and Cao, Colonel Alvin B. Lee (District Engineer, New Orleans District); Brigadier General Michael J. Walsh (Commander, Mississippi Valley Division erm Vicksburg, MS); Lt. General Robert L. Van Antwerp, (Commander and Chief of Engineers, HQ USACE, Washington, DC), Mr. Garret Graves (Governor's Executive Assistant for Coastal Activities and Chairman, Louisiana Coastal Protection and Restoration Authority) and the Southeast Louisiana Flood Control Authority - East.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 6 NAYS: None ABSENT: (1) Lee

The resolution was declared to be adopted on this the 18th day of March, 2009.

THE FOREGOING IS CERTIFIED
TO BE A TRUE & CORRECT COPY



EULA A. LOPEZ
PARISH CLERK
JEFFERSON PARISH COUNCIL