

JULY 6, 2006
RACELAND, LOUISIANA

STATE OF LOUISIANA
PARISH LAFOURCHE

A SPECIAL MEETING OF THE LAFOURCHE PARISH COUNCIL, PARISH OF LAFOURCHE, STATE OF LOUISIANA, WAS SCHEDULED FOR THURSDAY, JULY 6, 2006, AT 6:00 P.M., AT THE LAFOURCHE PARISH COUNCIL BARRIOS CENTER, 1612, HWY. 182, SUITE 100, RACELAND, LOUISIANA.

The Lafourche Parish Council was duly convened as the governing authority of said Parish by Mr. Brent Callais, Chairman, who then stated that the Lafourche Parish Council was ready for the transaction of business at 6:06 p.m.

Chairman Matherne announced that the invocation would be led by Mr. Mark Atzenhoffer. The Council then recited the Pledge of Allegiance led by Mr. Daniel Lorraine. Proceedings of the meeting were called to order with the following:

PRESENT:	Mr. Tyrone Williams	Mr. Phillip Gouaux
	Mr. Brent Callais- Chairman	Mr. Mark Atzenhoffer - Vice Chairman
	Dr. Tommy Lasseigne	Mr. Michael Matherne
	Mr. Lindel Toups	Mr. Daniel Lorraine
	Mr. Michael Delatte	
	Mrs. Charlotte Randolph, Parish President	

ABSENT: None

PRESENTATIONS

The first item (1) on the agenda was a presentation by FEMA and Louisiana Recovery Authority regarding the Advisory Base Flood Elevations mapping, compliance and insurance.

Mr. Mark Atzenhoffer made a **motion** to recess for five (5) minutes, seconded by Mr. Michael Delatte and **carried** by a vote of nine (9) yeas and zero (0) nays.

A **motion** was made by Mr. Mark Atzenhoffer to reconvene the meeting, seconded by Mr. Michael Delatte and **carried** by a vote of nine (9) yeas and zero (0) nays.

An oral presentation was then presented by FEMA and Louisiana Recovery Authority regarding the Advisory Base Flood Elevations mapping, compliance and insurance. Ms. Diana Herrera, current Acting Deputy for FEMA Mitigation and Insurance, addressed the Council and the audience and explained in great detail the cycle of mapping and what FEMA does with a community who participates in the National Flood Insurance Program. She stated that first thing that FEMA does when a community comes in is to evaluate the risk to the community. Ms. Herrera said that then mapping of the flood plains would be done with new technology such as LIDAR (Light Detection And Ranging) being used to determine ground elevations. She said that once the mapping was done, the maps would be presented to the community. Ms. Herrera went on to say that then the community would adopt those maps as their official document to regulate development within the flood plains. She stated that once that occurs the program actually belonged to the Community and that it was up to the Council to adopt and enforce the ordinances for which they have agreed to use for regulating development within their jurisdiction. Ms. Herrera said that in exchange for the local program with local adoption and local enforcement, FEMA provided insurance for property owners throughout the community whether they were located in the flood plain or not. She stated that part of the insurance through the National Flood Insurance Program was rating based on when a structure was built, how it

was built and how much coverage, which she went in to developing the premiums for which property owners would pay. She said that when there was a loss there were certain regulations that the community must adhere to in order to use the full benefits of the policy, one of which she said was increased cost of compliance. Ms. Herrera said that increased cost of compliance stated that its paid for elevating or mitigating structures that had been flood damaged more than 50% of the market value of the structure. She said that the benefit were available under all polices but that in order to be eligible to collect the premium mitigation was required, that being to elevate to a base flood elevation as adopted by the community and provided by FEMA. Ms. Herrera rhetorically asked why adopt the Advisory Base Flood Elevation maps? She then went on to explain that with regards to risk analysis, FEMA looked at a host of indicators on how to develop flood plains, such as what was the age of the existing Flood Insurance Rate Map. She said that the Flood Insurance Rate Map had in Lafourche was from 1985. Ms. Herrera said that when the 1985 map was looked at it had to be asked what had changed in Lafourche Parish, such as new development, new roads or new bridges. She said that they also looked at what type of developments had been made, such as housing subdivisions, strip malls, grocery stores, Wal-marts and/or the like, which she said all impacted the way the ground absorbed the water which changed the way water would be distributed through the community. Ms. Herrera said that it would be asked if there had been significant flooding events, naming various hurricanes in the southern part of the state. She continued to name various factors that were looked at such as drainage capability and culvert size, whether the community had a maintenance plan for the drainage systems, environmental changes, and wetland lost. She then spoke on wet land lost and the rate at which it was being lost, as well as it being the first line of protection for most of the southern part of Louisiana. She explained that with wet land lost that water storage was lost. Ms. Herrera then spoke on subsidence, erosion and the lost of vegetation stating that that was also looked at. She then spoke about levees, explaining that there were two (2) types of levees, naming those as being ones certified by the Corps of Engineers and non-certified levees, saying those were private levees or possibly some public levees. She said that FEMA, when developing flood maps, could only take into consideration levees which had been certified by the Corps. Ms. Herrera said that heights of the levees were looked at to use levees in the local areas, but added that the levees tended to give property owners a false sense of security. She then spoke of the New Orleans area. Ms. Herrera said that in the last twenty (20) years that FEMA had changed the way they developed the maps. She said that there was now improved engineering models and that an improved coastal model was currently being worked on. She then spoke on the advancement of computers and their sizes, saying that computer technology had changed to enhance the way FEMA updated their modeling. Ms. Herrera said that the program was a safety program and that the main part of the National Flood Insurance Program was to reduce life and property loss. She that once mapping was done compliance was looked at. Ms. Herrera said that FEMA was not requiring the adoption of the Advisory Base Flood Elevations, saying that the only thing that FEMA and the federal government required was that if any hazard mitigation grant monies or public assistance monies were being used that the project must be redeveloped using the advisory base flood elevation guidance. She reiterated that the advisories did not have to adopted. Ms. Herrera said that if the advisories were adopted by the Parish, there would be some very big advantages, naming one as properties that were less likely to flood. She reiterated that any new buildings that were substantially damaged or substantially improved must meet the advisory base flood elevations or the base flood on the current Flood Insurance Rate Map, which ever would be higher. She then spoke about the adding of a freeboard on top of what was already currently on the flood maps. Ms. Herrera pointed out that the advisories did not effect the whole area and that they were just supplements to what was currently being regulated within the community. She said that if the Parish adopted higher standards, flood insurance premiums would be reduced, explaining that the higher the elevation built to, the lower the premium for insurance. Ms. Herrera said that once properties were elevated there would be less chance that they would flood and the loss of life and property would be reduced. She then said that with elevating properties the market value of a home would be increased, as the property would be less likely to flood.

Ms. Herrera said that flood zones were not being changed on the maps, and that flood zones were still based on the effective Flood Insurance Rate Maps but that what was changing was the compliance that would be required. She said that it may look like on the maps that FEMA had added special flood hazard areas to an area that had not flooded before or what was in a Flood Zone B or C, but said that that just meant that compliance to that special flood hazard standard was needed, where that had not had to be done in the past. She said that it built a stronger and safer community, both inside and outside the high risk flood plain, also that doing so reduced the loss of life and property. Ms. Herrera stated that if the Advisory Base Flood Elevations were not adopted the increase costs of compliance would only be available for those structures that were located in a special flood hazard area on the current Flood Insurance Rate Map. She said that if the Advisory Base Flood Elevations were adopted then FEMA could use the advisory and elevate with the \$30,000 available under increase costs of compliance to help mitigate the properties. Ms. Herrera then spoke about what was in the future. She said that the Advisory Base Flood Elevations were not going to go away and that in some areas they would be looking where levees had not been certified or that had been de-certified, and mapping that into an AR Zone, which she said was an area in a special flood hazard that had been behind a levee that had been de-certified. Ms. Herrera said that it recognizes that the levels of levees present do afford some protection but that it did not give it the 1% of the 100 year protection on which the program was based. She then said that FEMA would take all of the information that they had gathered to develop the advisories and that they would look at additional information and issue new preliminary Flood Insurance Rate Maps that would then be presented to the community. She said that at this point, that the technical data that was used to make the maps would become appealable. Ms. Herrera said that the Advisory Base Flood Elevations were not appealable, but reiterated that under the Preliminary Flood Insurance Rate Maps process there would be opportunities to appeal if it was felt that the technical data was not correct. She said that there was a ninety (90) day appeal period for which technical information could be brought forth to FEMA. She said that when the appeal period was over that the newly collected technical data, along with the previously had technical data, would be reconciled, adding that sometimes FEMA would agree that there was an error and would use the data to provide an updated preliminary map. She said that once reconciliation was completed FEMA would issue a letter of Final Determination and at that point the community had six (6) months to adopt the new maps. Ms. Herrera said those maps then would become the new effective Flood Insurance Rate Maps. She said that if refusal to adopt those maps were had, there would be suspension or sanctions from the community. Ms. Herrera said that what she had just explained was the legal process under the Code of Federal Regulations that FEMA had to go through when doing a map revision. She said that the Flood Insurance Rate Maps that would be coming into Lafourche Parish within the next couple of years would change flood zones and may change base flood elevations depending on what the data showed and insurance rates may change. She then spoke in detail about the "grand father rule" which she explained was that if there was a structure that was built to the specifications and at a later date a map changed the specification, the National Flood Insurance Program would still honor the information it had used when the structure was built, which she said was only used for insurance rating. She then explained why adoption of the Advisory Base Flood Elevations were important, saying that a higher, stronger community was being built, citizens would return faster as well as businesses, there would be a safer more viable community, the area would be able to get money for mitigation and also that there would be quicker recovery after a disaster. Ms. Herrera said that in summary what needed to be looked at was whether the Parish wanted to have a community that was built to a minimum standard or was a safer and higher community wanted that would reduce the loss of life and property?

Mr. Paul Rainwater, Director of Intergovernmental Affairs and Hazard Mitigation for the Louisiana Recovery Authority next addressed the Council. He began by stating that with regards to his Intergovernmental Affairs side to his job, he was the inter relationship with the Council and with the Parish President to work through issues. Mr. Rainwater said that if there were any questions, that

he could be contacted. He then explained that with regards to his Hazard Mitigation title, he served as member of the State Hazard Mitigation Team and represented the Louisiana Recovery Authority. He said that one of the issues had was that the Louisiana Recovery Authority had adopted a resolution in December of 2005 that basically went higher than what was typically required by FEMA. Mr. Rainwater said that FEMA would typically require a community to use the advisory base flood elevations on projects that received hazard mitigation funds but that the Louisiana Recovery Authority had taken it a step further in saying that if hazard mitigation fund wanted to be received, that the advisories had to be adopted for the entire Parish. He said that Lafourche Parish had approximately \$3.5 million dollars in hazard mitigation funds that were available. Mr. Rainwater stated that he was aware that there had been a lot of discussion about the advisories in various parishes, some of which he named. He said that he had been asked why adoption of the advisories should be done to which he stated that the Louisiana Recovery Authority and the Governor, while lobbying Congress for the \$12 billion dollars that was received, did not doubt that Congress expected Louisiana to build higher and safer. Therefore, he said, the Louisiana Recovery Authority in December, 2005 was put into a position that basically said that even though FEMA did not require the adoption of the advisories across the entire Parish, it was not doubted that it was expected that the State of Louisiana would build higher and safer. He said that discussions were continuing in other parishes about the adoption of the advisories, as to what they meant and that they were looking at several different issues as they related to the regulatory process. Mr. Rainwater confirmed that advisory maps were not appealable, saying that it needed to be remembered that that advisories were only done to provide guidance as things were being rebuilt.

Mr. Atzenhoffer clarified that the Louisiana Recovery Authority was the one that was requesting that the adoption of the advisories was done or no funds would be received, to which Mr. Rainwater stated that was correct. Mr. Atzenhoffer then asked what authority did the Louisiana Recovery Authority have to require more stringent requirements than FEMA? He said that the base flood elevations maps were wrong in some areas. Mr. Atzenhoffer said that he was trying to determine what was best for his constituents, which he said he would think would be to not adopt the advisories because they were wrong, but that then the funds available would be gotten and then commented on where the money may possibly go if the advisories were not adopted. Mr. Rainwater voiced his reasons for stating that Mr. Atzenhoffer's comment was a mis-statement, explaining that he was the Chief Administrative Officer in the City of Lake Charles before he took his current position with the Louisiana Recovery Authority and that their job was to work with all thirty (30) parishes that were affected by Hurricanes Rita and Katrina and to make sure that the money was divided up evenly based on impact, need and any other issues present. He said that as he stated earlier, Chairman Powell's office was fairly clear about the importance of the Advisory Base Flood Elevations as relate to recovery. He continued to speak on the matter. Mr. Rainwater then spoke about the Louisiana Recovery Authority's Action Plan in which he said it stated if scientific data could be provided, that the Louisiana Recovery Authority would look at it and work to advocate the position of the person or entity submitting it. Mr. Atzenhoffer pointed out that the Louisiana Recovery Authority had put the Parish in a position that said that if the advisories were adopted then there were development and developers who had million of dollars already invested that would be on hold for the next two (2) to twelve (12) years until the maps were sorted out. Mr. Rainwater stated that the preliminary Flood Insurance Rate Maps should come out in the present year and that the appeal process would take approximately two (2) years. He said that there were so many individual cases across the affected parishes that he would not deny that people would be effected. Mr. Atzenhoffer stated that it had been said that property value would be increased if the homes were built to the advisory elevations, but pointed out that it would decrease any homes that were not built to the advisories or that had been grand fathered in. He spoke about the appeal process found on FEMA's website in detail and then stated that he did not understand the more stringent request from the Louisiana Recovery Authority and the blackmailing for the money to be received. Mr. Rainwater stated that as he said earlier, as one looks

at the progression of the funding phase, he would think that most people believed, as well as the Louisiana Recovery Authority, the Governor's staff and others outside the State of Louisiana, who had all said that if a broad plan was not had that would address the issue in a broad sense, that the area would not get the funding. He said that it was believed that if the Louisiana Recovery Authority would not have taken the step to adopt the Advisory Base Flood Elevations then the \$4.6 billion dollars that was just received and money that was received before then would not have been received. Mr. Rainwater said that he thought that the federal government and the tax payers outside the State of Louisiana who were funding Louisiana's recovery expected communities to build higher and safer. Mr. Atzenhoffer stated that it was wrong of the Louisiana Recovery Authority to hold other recovery money such as for pumps or levee building because the advisories had not been adopted. Mr. Rainwater stated that even if the advisories were not adopted any hazard mitigation monies received for a project would need to comply with advisories. Mr. Atzenhoffer stated that that was what was already being done and further that the Council should be making the decision on whether a project was going to be done or not, and that that decision should not be handed down by the State. He said that at the present time the decision could not be made because it was being crammed down their throats. Mr. Rainwater reiterated that the reality was that if the Louisiana Recovery Authority had not required adoption of the advisories that recovery monies would not have been given. Dr. Tommy Lasseigne then inquired as to what would happen if the resolution that was adopted by the Louisiana Recovery Authority would be rescinded? Mr. Rainwater said that he did not know because that was a hypothetical question. He stated that he could bring someone from Chairman Powell's office to a meeting so that the Council could hear their perspective on the Advisory Base Flood Elevations, which he said was that they felt it important for parishes to adopt them. Dr. Lasseigne pointed out that Lafourche Parish was getting less than 1/10th of 1% of the \$4.6 billion dollars received. He pointed out that the sale value of homes would go down on homes not built to the advisories and that the cost of building a house to the advisories would be more expensive. Dr. Lasseigne said that they would be better off just dealing with FEMA. He continued to speak on the decrease in property value and decrease in tax revenue. Dr. Lasseigne said that he did not think that the Parish would be better off adopting the advisories. He continued to speak spiritedly on the matter. Dr. Lasseigne inquired as to whether an economic impact study had been done as it was possible that there would be a net loss to the Parish. He said that there were issues with the accuracy of the LIDAR used for the advisories, adding that there were a lot of concerns present. Dr. Lasseigne stated that he did not know where the Parish would be coming out a head for \$3.5 million, saying that he wanted the people who needed the money to receive it, but that it was \$3.5 million that FEMA had said they would give but that then the Louisiana Recovery Authority had said that they would not be giving the money until certain requirements were met, making additional people suffer. He then spoke on the increased costs of building higher. Dr. Lasseigne asked why FEMA could not just be conformed to, allow the receipt of the money and help the people who needed to be helped? He said that new projects could be conformed to the new requirements. Dr. Lasseigne said that a lot of people in subdivisions would be caught in limbo and further that they would have to make some serious decisions. Mr. Rainwater stated that it was not a mandate as the advisories did not have to be adopted, but added that hazard mitigation monies would not be received. He stated that he believed that there were approximately 160 eligible applicants for the Road Home Program and that the Louisiana Recovery Authority was not stopping those people from receiving their money. Mr. Rainwater explained that individuals would not be stopped from receiving funds if the advisories were not adopted by the Parish but that the individuals would have to build to the advisories. He said that with regards to hazard mitigation monies there were grants that had been approved by FEMA but were being held up because of the parish not adopting the advisories. Mr. Rainwater said that the advisories were an important part of any hazard mitigation plan. He said that Dr. Lasseigne was right in that the Louisiana Recovery Authority did not have to exceed FEMA's standard, but that that was not what Chairman Powell or other Congressional

members expected. Mr. Rainwater said that what was expected was to require the advisories to be adopted by the parishes. President Randolph stated that the concern was what would happen between the present time with the advisories maps and the appeal process for the preliminary maps, saying that that would cause a lot of confusion as maps would be enforced for only a short period of time and further that it was possible that if the Parish was successful with its appeal processes that the Preliminary maps could be closer to what was currently had in some areas. Ms. Herrera stated that what had to be looked at was that they did not know what would happen in the future and that they did not know what the preliminary maps would look like, saying that possibly they could be more wide spread than at present, saying that it could be greater or less flood plain. She continued to speak on the matter. Mr. Rainwater stated that Lafourche Parish was not the only parish having to deal with the same issues, that being that the advisories were adopted to provide people a recovery guidance. He said that FEMA and the Corps of Engineers had required something for the parishes to build up to saying that they had come up with a one (1') foot freeboard along all of the non-levee parishes, three (3') feet and federal level parishes. Mr. Rainwater stated that there was no doubt that there were questions, and then spoke about his interaction with individuals in the Road Home program. He went on to say that there were just decisions that were going to have to be made and further that this was not easy work. Mr. Rainwater said that they understood the problems being faced but that the Louisiana Recovery Authority had still had to adopt the resolution tying the hazard mitigation funds to the Advisory Base Flood Elevations. He said that he was aware that people had called their congressional delegation, U.S. Senators, FEMA, all of who had probably been told that FEMA did not require the adoption of the advisories. Mr. Rainwater said that it was true, that FEMA did not require the adoption of the advisories, but that \$12 billion dollars of federal money was being given to Louisiana to rebuild and recover, adding that the federal government and people outside of Louisiana expected Louisiana to build higher and safer. Mr. Rainwater explained that the higher and safer was the one (1) foot and three (3') feet, saying that it was not perfect nor the best answer but that it was the best that was had as the recovery guidance was being worked through and into the preliminary Flood Insurance Rate maps and eventually the final maps. Dr. Lasseigne said that most of the areas that were getting part of the \$12 billion dollars in aid that Mr. Rainwater had spoken about had been flooded because of federally built levees that had failed. He said that nothing was being given. Dr. Lasseigne said that if the levees had not failed, the current bind would not be had. He said that if the oil companies had not dredged all over and the wetlands were still had, the current bind would not be in either. Dr. Lasseigne continued to spiritedly speak on the matter. He said that he appreciated the Louisiana Recovery Authority's hard work and concern, but then commented on what was being faced in Lafourche Parish with what the Louisiana Recovery Authority wanted conformity to. Dr. Lasseigne said that the Parish could probably live with what FEMA wanted as opposed to what the Louisiana Recovery Authority was requiring. He said the Louisiana Recovery Authority was requiring the Parish to take a fairly significant step further to the detriment of some individuals and possibly the Parish as a whole. Mr. Daniel Lorraine then spoke about areas that were a flood zone and were now not consider a flood zone and vice versa. He said that South Lafourche had a levee system approved by the Corps and that it had been being worked on for 35 years. Mr. Lorraine explained in detail the funding of the levee system and the vision had for it by various individuals. He said that in the previous thirty-five (35) years it would never have been thought that there would be a need to build levees in Raceland. Mr. Lorraine stated that by South Lafourche having the levee system, that they had one of the highest elevations in the area, and then listed some in details. Mr. Lorraine the speculated on the possible damage that would have been incurred had Hurricane Katrina hit in other areas. He said that in the areas that were now being considered a flood zone that were not considered a flood zone before that there were levees. Mr. Lorraine said that he had looked at the levees and then commented on same. Mr. Lorraine inquired as to whether with the addressing of various problems of the elevations could be lessened? He then spoke about Hurricane Juan and the flooding that had occurred. Mr. Lorraine then explained that he had served on the Permit Committee in 1984 and 1985,

and then became the Chairman of the committee in 1988. He explained in detail the process of how the permitting level was arrived at and that when Hurricane Juan arrived the houses that had built up to that level had not flooded. Mr. Lorraine explained that FEMA had advised at a Council meeting that the Parish could not use that figure arrived at and then told them what the elevations had to be, which he said was gradually decreased as the levee system was improved and completed. He continued to speak in detail on the matter and the building of levees and elevated structures. Mr. Lorraine then shared a story about an individual who had built up to an elevation as advised who had not flooded but had incurred problems with rodents and insects. He continued to speak on the improvement of levee systems and then asked if he was correct in saying that once areas were improved that the elevations could possibly be decreased. Mr. Lorraine said that thirty-five (35) years ago it had not been known that better levees needed to be built in Raceland, but that now that was known. He said that the system in his area had taken thirty-four (34) years to build and that they were still improving it, adding that the area had taxed itself to do it and that they had also received a lot of federal money. He continued to speak on the issue. Mr. Gouaux stated that he did not understand that if it was federal money and that FEMA was a federal regulatory body, why was FEMA not making the requirements for the elevations up to where the Louisiana Recovery Authority felt they needed to be. He then spoke about Hurricane Juan and said that he had gotten water. Mr. Gouaux said that the Council had the responsibility to make sure that any development was secure and that they citizens who built knew where they were building and the potential for flooding. He said that he applauded the Louisiana Recovery Authority and FEMA for their work and effort, but that if it had been a recommendation of a lesser amount that would have been fine. He then asked what would happen if the current maps were used for building, in which it was known that there were errors, but the preliminary maps stated a greater flood risk and that the structure should have been built higher? Mr. Gouaux said that he knew that the home would be grand-fathered in but that the level of protection of the home would not be present. He said that he was confused as to what to do on the issue and that he wanted to do what was best for the citizens of the Parish and further that he wanted to make sure that the individual homeowners were protected as much as they could be. Mr. Rainwater said that the idea was to build the additional one (1') foot so that investments could be protected and that it would be safer.

PUBLIC WISHING TO ADDRESS THE COUNCIL

The next item on the agenda was the public wishing to address the Council.

Mr. David Breaux explained that he had a mobile home park that he had built in Larose, Louisiana, and further that prior to the present time he had tried to put a double wide mobile home and the commented on the elevations. He explained that these were rented lots and that it was mostly for low-income people. Mr. Breaux said that more money would have to be spent to raise the levels, even though he had put at least two (2') feet of dirt already. He said that a home could be put on pollens, but said that if the lot was rented for a year and the pollens were put, that when that person would move the pollens would need to be reset. Mr. Breaux said that he felt that the elevations were high. He said that the federal government should help the banks by saying that they would take a form of liability. Mr. Breaux said that he felt anyone who had already developed should be grand-fathered in. He then spoke of the amount of oil royalties taken by the federal government. Mr. Breaux then spoke spiritedly about the federal government needing to build some levees and the need to be serious about it, as well as the elevations and problems incurred. He continued to speak on the matter.

Mr. Roy Landry next addressed the Council and explained that his flood zone had changed over night based off the maps he had printed off of the FEMA website. He said that he was very glad to hear the FEMA representative who had spoken earlier say that the wetlands protected the area. Mr. Landry said that money should be spent on the building of the wetlands, as all the houses that were wanted could be built up but that businesses could not be raised, explaining that if businesses were flooded the citizens would leave and not return. He said that levees should be built so that the people

could be taken care of. Mr. Landry commented that the insurance companies would drive citizens out before anyone else. He said that if Exxon could pay their Chairman a \$400 million dollar retirement package and give \$7 million to the City, he thought that they could pay something for levees and restore the wetlands as they were the ones who had done the damage, not the federal government. He then referred to his print outs with regards to the elevation for his home and explained in detail that his home in Bayou Blue had an estimated Rita storm surge of six (6) to seven (7) feet but that his fishing camp in Grand Pass had an estimated Rita storm surge of five (5) to six (6) feet. He asked how could he look out of the back of his fishing camp and see the Gulf of Mexico but have a foot less storm surge than at his home in Bayou Blue? Mr. Landry explained that since being in Bayou Blue since 1980 that he had only seen one spot on his street that had flooded and then elaborated on same, showing a detailed map of his area. Mr. Landry said that there was something fundamentally wrong with the mapping design and that a cartographer needed to look at them and figure them out. He then said that he resented the Louisiana Recovery Authority saying that the money would not be given unless something was changed. He said that the damage was done and that they should pay to help the people to fix the damages that had happened, saying that they could withhold money for future damages if changes did not want to be done. Mr. Landry stated that money for damages already incurred should not be withheld, and likened it to withholding candy from a child who had been good but that could possibly be bad the next day. He said that people paid their taxes and deserved to get back to some normalcy with the taxes that they had paid for what had happened. Mr. Landry said that if the Louisiana Recovery Authority wanted to penalize people for future events that would be fine. He left his maps used during his presentation with Dr. Lasseigne so that the Council could view them. He continued to speak on the matter.

Mr. Johnny Robichaux, who stated that he worked for an engineer in the southern part of the Parish, next addressed the Council and stated that the maps did not make sense. He then spoke about the appeal process that required technical data, but pointed out that it would be very costly as it would have to be done by professionals. Mr. Robichaux said that he wanted to make sure that the maps could be revised as not only were the elevations on the maps wrong but that some of the streets were not named correctly. He then explained some problems that could be incurred due to the improper naming of the streets. Mr. Robichaux concluded by saying that everyone needed to build higher.

Mr. Kirk Cheramie began by asking if the Corps certified levee system in the South Lafourche Levee District had any changes in the elevations within the system, to which a response of no was given. He reasoned that then it would not affect the area whether the Council approved the advisories or not, other than for the monies that were available. Mr. Cheramie then inquired as to whether individuals would still be eligible for assistance even if the Council did not approve the Advisory Base Flood Elevation maps? Mr. Rainwater stated that the Louisiana Recovery Authority did not want to withhold the Road Home Program monies. He said there were hazard mitigation dollars tied to the Road Home Program monies for people who were interested in elevating. Mr. Rainwater stated that an individual would be required to raise his home to the Advisory Base Flood Elevations if over 50% of the home was damaged, and that there was assistance in the Road Home program for doing so. Mr. Rainwater stated that the only linkage was to the hazard mitigation money and not the Road Home Program monies per say. Mr. Cheramie stated that he was asking for clarification because various officials and/or entities had answered the same questions differently. He clarified that he was not speaking about hazard mitigation funds and that he was speaking about individual assistance only. Mr. Rainwater explained in detail that there were different "pieces" of money and that an individual would be applying through the contractor who would be hired by the Division of the Administration. He said that individuals who had applied would be required to raise their home to the Advisory Base Flood Elevation. Mr. Rainwater clarified that was only so for homes that were damaged above 50% or more, saying that anything below 50% of damage would

follow the 1985 map. He said that if the Parish did not adopt the advisories that they Louisiana Recovery Authority would not hold the money back from individuals who were eligible for the Road Home program only as it related to hazard mitigation monies. Mr. Rainwater reported that there was approximately \$9.6 billion dollars in CDBG funds and \$1.6 billion dollars in hazard mitigation funds, which he said was to help people elevated their homes. Mr. Cheramie clarified that the Advisory Base Flood Elevation maps were not appealable but that the Flood Insurance Rate Maps would be appealable? He asked if the Parish could just wait until the Flood Insurance Rate Map came out, commenting on the unlikeliness of having money coming in before December of the current year. Mr. Rainwater stated that as they had just finished the phase one of the contract negotiations with the contractor and that the idea was to get some money out by the end of the current summer. He said that hazard mitigation grant applications were being reviewed by the State Office of Emergency Preparedness, and that some of those grant applications had moved forward to FEMA Region 6 and had been approved but were awaiting the adoption of the Advisory Baser Flood Elevations. Mr. Rainwater explained that if the funding was tied to the advisories on the hazard mitigation side then a check would not be cut until the advisories were adopted. He said that with the Road Home Program, that it was expected that people should start to receive money sometime in August or September. Mr. Mark Atzenhoffer offered three (3) minutes additional time to Mr. Kirk Cheramie. Ms. Herrera said that a guarantee could not be given with regards to when the preliminary maps would be available, adding that there had been fifteen (15) parishes affected by Hurricanes Katrina and Rita. She said that as soon as data was collected, models would be ran and maps would be prepared and that then the parishes would receive them as soon as possible. Mr. Cheramie then made a suggestion to one of the audience members regarding the large amount of property owned by the school board.

President Randolph saluted Mr. Jules Toups for assisting in the submission of suggested corrections to the maps to FEMA and various delegations.

Mr. Jules Toups clarified that Mr. Rainwater had stated that if the Parish could provide scientific data that the Louisiana Recovery Authority may look at the Advisory Base Flood Elevation map and come back with a different opinion. Mr. Rainwater reiterated that advisories maps were not appealable but that there were discrepancies as earlier stated. He said that Mr. Frank Begona with Region 6 Hazard Mitigation had gone through using Lafourche Parish as an example and had gone back before the maps were sent out based on discussions with a flood plain manager as there were some areas that should have been designated one way but had been designated the other, which he said had been fixed before the advisories had come out. Mr. Rainwater reiterated that the advisories were not appealable. Mr. Toups said that Mr. Rainwater had said that the Louisiana Recovery Authority may take another look at their statement if scientific data could be provided that showed they could be wrong. He asked if there was no chance of the Louisiana Recovery Authority re-looking at the matter if it could be proved that they were wrong? Mr. Rainwater said that there had been some discussions about amending the Louisiana Recovery Authority's action plan, that process of which he went into detail about, to create within it an appeal process for parishes that could provide through engineering, surveying, and data to FEMA and the Louisiana Recovery Authority that it could be looked at to see what could be done within the regulatory frame work. Mr. Rainwater reiterated that the advisories themselves were not appealable, saying that they were either adopted or not. Mr. Toups stated that according to FEMA's website, the Lafourche Parish's base flood elevations were adequate at the present time. He asked why was the Parish being forced into changing them? Mr. Toups said that he understood the one (1') foot freeboard, and then inquired as to the adoption of a one (1')foot freeboard by Council, which he said was what FEMA's flood recovery guidance stated. Mr. Toups said that would meet what FEMA was requesting. He said that he also had found information on the FEMA website that stated that the Council could put that into their ordinance

and adopt it. Mr. Toups asked if the Council would meet what FEMA was asking for if that would be sufficient for the Louisiana Recovery Authority? He said that it was not an adoption of the maps, but that it was an adoption of the guidance, which he said stated that a one (1) foot freeboard needed to be added to base flood elevations. Mr. David Heigl from FEMA Region 6 Mitigation Division said that what Mr. Toups was confusing was guidance and freeboard compared to a new more up to date analysis of the base flood and then he elaborated on same. He said to answer Mr. Toups' question, the answer would be no. Mr. Toups then asked hypothetically about a storm surge coming in and hitting a levee that was not up to Corps standards, asking if that would lower the storm surge or raise it? Mr. Heigl said that it would depend on the integrity of the levee and whether it became a spillway or whether it broke. Mr. Toups told Mr. Heigl he asking whether it became a spillway. Mr. Heigl said that that would be a whole engineering concept to certify that levee would hold and not break but just overtop. Discussions on the matter continued. Mr. Toups then spoke about the flood elevations being a six (6) in the swamps but was a seven (7) once one crossed the levee system. Mr. Heigl stated as compared to that the elevation should drop instead as it goes across. Mr. Toups voiced his feelings with regards to the map and stated that they just wanted to get someone to take a look at the maps. He said that he was not saying that elevations were wrong but that if the advisory maps were used to build the new FEMA maps why was inaccurate data being used? Mr. Heigl stated that the concept of the storm surge came along and hits the levee and goes pass it and that the normal mapping process if the levee was not certified to withhold the one hundred year storm surge that they would just propagate the storm surge all the way in. Mr. Toups said but that would not raise it, and that the problem was that the maps showed it as being raised. He said that it showed a one (1') foot rise. Mr. Heigl said that was related to the freeboard aspect of raising the entire Advisory Base Flood Elevations. Mr. Toups said that elevations in the swamps did not before have an elevation and FEMA had assigned it a six (6), saying that FEMA had blindly took what the Corps had given the parish and added a one (1') foot freeboard to it. Mr. Heigl stated that his understanding of the intent of the Louisiana Recovery Authority was to have the communities use the more current up to date flood plain analysis. He said that in the FEMA mapping process there was an accepted process called letter of map revision, wherein he explained, that communities and/or private citizens were welcome to submit technical data to have a map change done. He said that if there was an individual scenario location where there was thought to be errors in the Advisory Base Flood Elevations that he would think that they would be able to submit the data to FEMA's engineering and go through the letter of map revision process. Mr. Heigl said FEMA would then return a letter which would state the proper base flood elevation. He said that he would be glad to explain to the Louisiana Recovery Authority that that would be more recent flood plain analysis blessed by FEMA. Mr. Toups said that the problem was that the advisory maps could not be amended. Mr. Heigl stated that what he was pointing out was a process that would give more recent data with FEMA's stamp on it and further that he would be glad to say to the Louisiana Recovery Authority that that would be more valid than the Advisory Base Flood Elevations. Mr. Toups clarified that information could be submitted and that FEMA was willing to look at it and update the Advisory Base Flood Elevation maps, saying that FEMA would give a letter of map revision which Mr. Heigl said would properly update and revise the 1985 Flood Insurance Rate Map. He went on to say that that revision would be more recent than the Advisory Base Flood Elevations. Mr. Toups clarified the Advisory Base Flood Elevations were not being revised but that the revisions would be to the older map. He then inquired as to whether the Louisiana Recovery Authority would be willing to accept that, saying that the problem was with the way the Louisiana Recovery Authority's resolution was stated. Mr. Rainwater said that the Louisiana Recovery Authority had never said that it would supercede the local flood plain managers. He said that what Mr. Heigl was speaking about was revising the 1985 maps on individual cases which he said that he had made an excellent point. He said that advisories were not appealable and there was no debate with the advisories as they where either adopted or not. Mr. Rainwater said that there were technical discrepancies within maps and that that was where an engineer, surveyor or scientific data could be submitted but said that the issue should not be confused

as with the advisories and the 1985 flood plain map. Mr. Heigl said that from his point of view, if a property owner had a letter of map revision that he would consider that to supercede the old map and that using that letter of map revision was a valid process in the permit. Mr. Toups inquired if that would supercede the advisories? Mr. Heigl said that he had encouraged the Louisiana Recovery Authority to word their formal announcement to the communities to say "require adoption" or "use of the most recent flood plain analysis from FEMA. He said that he would help argue that case. Mr. Toups said that he agreed with Mr. Heigl but that the Louisiana Recovery Authority needed to change their stance. Mr. Rainwater stated that the advisory did say that either one could be used, the Advisory Base Flood Elevations or the existing Base Flood Elevations, which ever would be higher. He said that so if there was technical discrepancy and the Base Flood Elevation was higher than the Advisory Base Flood Elevations that would have existed, then it could be worked through and further that there was already language in the Louisiana Recovery Authority resolution that allowed for scientific data to be submitted. Mr. Heigl reminded everyone that the Louisiana Recovery Authority was not FEMA and that the Louisiana Recovery Authority was working within a process of appeals where there were none in advisories, but that did exist in relationship to flood plain map. Mr. Toups inquired as to whether after submitting technical data FEMA agreed to change a base flood elevation but that the Louisiana Recovery Authority would say that the advisory maps would say otherwise, where would Louisiana Recovery Authority be standing at, asking if they would accept the new data or not? Mr. Rainwater said that if the advisories were adopted and the Parish worked with Region 6 Hazard Mitigation personnel as discrepancies were come across in relation to the 1985 maps, then FEMA Region 6 would be directly talked to. He said that all the Louisiana Recovery Authority was interested in was the adoption of the Advisory Base Flood Elevations so that they would met the requirements that the federal government expected with relation to the advisories themselves. Mr. Toups pointed out that the problem was that the Louisiana Recovery Authority was asking for the adoption of the Advisory Base Flood Elevations but that they would not change it, even if FEMA agreed that it was correct.

Mr. Gouaux clarified with Mr. Toups that new shots had been shot with regards to elevations, to which Mr. Toups stated that was correct. Mr. Gouaux then stated that it was his understanding that the south Lafourche area or central to south Lafourche area had averaged approximately nine (9") inches. Mr. Toups stated that the club benchmark located in Thibodaux had sunk .92 of a foot, approximately eleven (11") inches. Mr. Toups then corrected himself in saying that the old elevations were the 29 elevations which FEMA was still referencing, but that the State of Louisiana had told surveyors not to use the 29 date any longer but that the 88 date should be used. Mr. Toups inquired as to whether FEMA would be going up to the 88 elevations, to which an affirmative response was given. He said that there was about a .02 difference between 29 and 88 also. Mr. Gouaux said that the point that he was making was whether the settling of the land would be taken into account by FEMA, as well as by the new insurance maps? He inquired as if he was a plus seven (7) at the present time, if the new maps would show him at a plus 6.1 ? Mr. Gouaux said that he guessed that was part of what the Louisiana Recovery Authority had taken into account. Mr. Heigl said that with regards to the flood insurance programs' point of view that was still a case for grand fathering and rating the policy according to what it had been built at at the time of construction. Mr. Gouaux stated that his flood insurance and home insurance premiums had almost doubled in the current year. Mr. Gouaux said that he had had no damage and had not made any claims. Mr. Gouaux said that the lower the area sinks the more liability or exposure to the insurance companies and therefore the premiums would go up.

Mr. Atzenhoffer thanked Mr. Toups for everything that he had been doing with regards to viewing of maps. He then stated that he felt that the Parish was still at the same spot as before, saying that if the advisories were not adopted no monies would be given. Mr. Atzenhoffer said that the Louisiana Recovery Authority would not be changing that and further that their resolution was very clear. Mr. Atzenhoffer suggested deferring the matter , but no action was taken.

Mr. Reid Cancienne next addressed the Council and stated that the problem was that land that

should not have been built on, had been built on. He said that the normal tide in Lockport, Louisiana was a foot-and-a-half above sea level. Mr. Cancienne said that the people who built the homes had to be taken care of as the building of it had been approved as a Council and community. He said that he had noticed that all of the talk and everything that was being addressed was with regards to storm surge, but pointed out that communities flooded numerous time more frequently from rainfall then from storm surge. Mr. Cancienne said that he believed in the philosophy of Mr. Windell Curole, in saying that someone should be as high as they could. He said that he did not think that the Council could correct the mistakes of the past with greater mistakes in whatever the Council did at the present time. Mr. Cancienne said that he hoped that the Council used as much wisdom and obtained as much information as could be gotten in order to make an informed decision considering all of the factors in the community. He continued to speak on the matter in detail.

Mr. Gouaux inquired as to whether the changing of a few words in the ordinance to recommend or highly recommend what was being asked for would be sufficient to which no audible response was given.

President Randolph thanked the FEMA and Louisiana Recovery Authority representatives for being present and answering questions.

PRESENTATIONS

The next item (2) on the agenda was a visual presentation by Kevin Belanger with South Central Planning and Development regarding a regional approach to building inspections in which he explained in detail the following:

Regional Building Code Compliance Proposal By South Central Planning & Development Commission Presented By Kevin Belanger, CEO

Enabling Legislation

Chapter 1 of Title 33 - Subpart IV - 1950

"The legislative bodies of any municipality and a surrounding or contiguous parish; of any two or more contiguous municipalities; or of any one or more municipalities and one or more parishes all forming a single urbanized or sub-urbanized area are hereby authorized to create a regional planning area out of their combined territories. Such regional planning areas shall be created by identical ordinances which shall be adopted by each of the local legislative bodies desiring to cooperate in regional planning."

Executive Order No. 27 – Authorized by Governor Edwin Edwards – 1973

"Existing planning and administrative programs being conducted by the state departments, agencies and other instrumentalities of the state government shall be so designed as to conform with the official State Planning Districts, except where judgment of the Governor there is clear justification for failure to conform to these districts."

State Act No. 472 – Authored by Mr. Tauzin – 1977

"It is the purpose of this Act to facilitate intergovernmental cooperation and to insure the orderly and harmonious coordination of state, federal, and local comprehensive planning and development programs for the solutions and resolution of economic, social, physical, and governmental problems of the state and its citizens by providing for the creation and recognition of regional planning and development commission."

8 Regional Planning Districts

Mission of SCP&DC

To encourage maximum local participation in the development and coordination of federal, state, regional and local comprehensive planning and development efforts and programs for the solutions and resolution of economic, social, physical, and other government initiatives.
Vision Statement of this Proposal

To develop a regional building code review and compliance process that will be economically feasible for all of our member Parishes and Municipalities to participate in, and to comply with Act 12 of the Special Session of 2005.

Goal and Objective

To comply with Act 12 of the 2005 Special Legislative Session by Jan. 1, 2007
To develop a solution for the comprehensive implementation of the International Building Codes (IBC) throughout the SCP&DC Region

What caused the situation?

It is estimated that both Hurricanes Katrina and Rita caused more than 37 billion dollars.

- World Trade Center (2001) = 8.1 Billion
- Northridge Earthquake (1994) = 9.1 Billion
- Hurricane Andrew (1992) = 2.5 Billion
- Mount St. Helen Eruption (1980) = 1 Billion

Insurance companies will not cover homes in South Louisiana that are not in compliance with IBC.

Today's Situation

- Lack of available certified professionals
- Increasing costs for professionals given today's economy
- Time constraints for obtaining training for new personnel by 1-1-07
- Amount of existing residential permits being taken throughout the Region.
 - 2004 = 1,746 Permits
 - 2005 = 1,928 Permits
 - 2006 = 3,125 Est. Permits
 - 2007 = 3,400 Est. Permits
- Amount of existing commercial permits taken with the last eight months
 - Last eight months = 498 Permits

Available Options to Governing Authorities

- To develop individual local compliance initiatives
- To contract with a private third party (engineers, architects, Institute for Building Technology & Safety (ITBS), etc..) estimated to cost \$ 1,500 – 3,000/ permit
- To have the Fire Marshall contract with third party, and back bill government entity.
- Regional International Building Code initiative.

Advantages of Regional Building Code Initiative

- Lower cost to home owner for permit fees
- Comprehensive and consistent implementation
- Less intrusive to local government
- Sends a positive message to national insurance industry
- Increased regional capacity of building knowledge by mutual sharing of knowledge between Parishes
- Better collaboration of regional building issues affecting the Louisiana Statewide Uniform Construction Code Council (LUSCCC)
- Support from the State Fire Marshall from existing model
- Strengthening of building codes and processes of continual collaboration through the established Regional Building Code Council. (Sponsored training for licensed contractors, developers, and anyone else for better public awareness)

Disadvantages of Regional Building Code Initiative

NONE

**Flow Chart of Informational Exchange
Types of Inspections through Process**

Foundation

- Plumbing
- Gas
- Electrical
- Elevation Certificate
- Structural
- Zoning setback distances

Open Wall

- Plumbing
- Electrical
- Wind Load
- Construction methods and materials

Final Inspection

- Plumbing
- Electrical

Elevation
 Wind Load
 Drainage / lot grading
Certificate of Compliance/Occupancy
 Permit closed

Estimated Start Up Costs

Hardware & Software = 350K
 Programming & Accounting = 125K
 Recruiting = 35K
 Training, travel, communications= 125K
 Staffing = 653K
 Contingency = 100K
 TOTAL = 1,388K

Yearly Operating Costs

Staff Salaries
 Administrator 65K
 3 Plan Techs 135K
 20 Inspectors 1,100K
 Accountant 45K
 = \$ 1,345K
 Fringe Benefits @ 30% = \$ 404K
 Overhead @ 12% = \$ 210K
 Training, travel, communication= \$ 160K
 Hardware & Software managmt= \$ 15K
 Total \$ 2,134,000

Estimates and Assumptions

Formula for yearly operating revenues
\$1.5/Capita + \$ 370/ residential permit + \$ 1,000/commercial permit =
\$ 2,134,000

Assumptions

Residential

Estimated 5 Inspections per permit
 15,625 different residential inspections yearly
 Residential permit fee is established by \$ 2.00/\$ 1,000 of building cost.
 Estimated cost per square foot \$ 110
 Typical home = 1,800 square feet

Commercial

Commercial estimated permit fee Approximately \$1,000
 Approximately 3,750 inspections.
 Commercial fee is established by \$ 3.50/\$ 1,000 of building cost
 Estimated cost per square foot \$ 150

Annual Evaluation from RBCC to establish fees

Estimated Yearly Cost by Parish

<u>Parish</u>	<u>Population</u>	<u>Estimated Yearly Base Fee Cost</u>
Assumption*	23,095	\$34,642
Lafourche *	92,169	\$138,253
St. James *	20,842	\$31,263
St. Charles	48,359	\$72,538
St. John	44,590	\$66,885
Terrebonne	107,146	\$160,719

Note: These Parishes have reduced cost of other municipalities.

Possible Funding Sources

Louisiana Recovery Authority
 L.S.U.C.C.C.
 Louisiana Governor's Office
 FEMA
 Local Government
 Other Grants/Endowments

Time Line

June	Presentation to SCP&DC Board
July	Presentations to Councils, other potential funding sources, and development of CEAs (legal work)
August	Recruiting and hiring of employees
October	Purchasing of equipment/ development of software
November	Training/certifications/in house exercises
December	Field exercises

Recommendation

We need an endorsing resolution from the Council to allow the Parish President to engage SCP&DC through a CEA to pursue the implementation of the Regional Building Code Compliance Program, and to recognize the Regional Building Code Council as an advisory group for annual endorsements of proposed changes to funding and management of the Regional Building Code Compliance Program.

Conclusion

Questions and comments!

Dr. Lasseigne clarified that there would be a plan inspection phase at a cost of approximately \$370.00 and then there would be a \$2.00/\$1,000 site inspection. Mr. Belanger stated that this was only as a means to start the discussions and that there were a million different ways in which formulas could be created to derive at a permit fee. Dr. Lasseigne stated that there was a negative to the program which he said that the Council was not going to be in control and that that would be a problem. He continued to voice his concerns with regards to the matter. Dr. Lasseigne clarified that the Parish would serve as a flow through mechanism, to which Mr. Belanger stated that was correct. He then asked if an individual could still have an independent third party, to which Mr. Belanger responded absolutely. Discussions then turned to inspections in Terrebonne and the reality shock incurred by one of Mr. Belanger’s friend when trying to obtain a permit in Terrebonne Parish. Mr. Atzenhoffer thanked Mr. Belanger for coming to the meeting and then thanked Chairman Callais for allowing Mr. Belanger to make his presentation. He then said that he had previously seen the presentation and that he felt that it addressed some issues from conversations that have been had by the Council regarding the matter. Mr. Atzenhoffer stated that this item would be discussed again as he had asked the Council Clerk to put a resolution for endorsement on the agenda for the second meeting in July. He said that he would suggest that the Council take a very hard look at the program being offered and then gave the amount of permits issued in the previous year by the Parish. Mr. Atzenhoffer then voiced his reasons for stating that doing this program on a regional approach was a good thing for Lafourche Parish. He then said that in speaking with the State Fire Marshall, the Fire Marshall wanted this to happen state-wide. Mr. Atzenhoffer asked that the Council please take the time to research the matter and really look at it. He offered to try an answer any questions that the Council may have after reviewing the matter.

PUBLIC WISHING TO ADDRESS THE COUNCIL

The next item on the agenda was the public wishing to address the Council. There was no one from the public wishing to address the Council.

Chairman Callais recognized Mayor Champagne of the Town of Lockport as being present.

ORDINANCE FOR DISCUSSION AND RATIFICATION

The next item (3) on the agenda was an ordinance accepting the Hurricane Rita Surge Inundation and Advisory Base Flood Elevation Maps as issued by FEMA as the Parish’s official flood elevation reference as they pertain to the unincorporated areas of Lafourche Parish. A **motion** was offered by Mr. Mark Atzenhoffer to *defer* this item to the August 8, 2006 Lafourche Parish Council meeting, seconded Mr. Michael Delatte and *carried* by a vote of nine (9) yeas and zero (0) nays.

ORDINANCE DEFERRED UNTIL AUGUST 8, 2006

ADJOURNMENT

On **motion** by Mr. Michael Delatte, seconded by, Mr. Michael Matherne, and with no further business, the Lafourche Parish Council Special Meeting of July 6, 2006 **adjourned** at 8:25 p.m.

**BRENT CALLAIS, CHAIRMAN
LAFOURCHE PARISH COUNCIL**

**SHEILA B. BOUDREAUX, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL**