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Times-Picayune

Levee board plan affects 8 parishes Panel would supervise regional protection

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BATON ROUGE -- An 11-member board appointed by the governor would take control of existing and newly created levee districts in eight southeast Louisiana parishes to form a new regional authority over flood protection, according to a proposal released Monday by Gov. Kathleen Blanco and state Sen. Walter Boasso, R-Chalmette.

The plan, which will be advanced in a special legislative session starting next week, would wipe out most of the current levee boards in the Pontchartrain and Barataria basins and give the new state board jurisdiction over their functions, including powers to prioritize projects and consolidate staff and police forces.

"Our citizens are looking for the confidence that comes from a strong and safe levee system. I stand with them," Blanco said in a written statement. "Senator Boasso and I have joined together to put forth a strong piece of legislation that will give our citizens that type of confidence."

Blanco has made the legislation a front-burner issue for the special session and wants to send a signal to Congress that Louisiana is prepared to overhaul its much-criticized system of fragmented levee boards in the New Orleans area.

Boasso proposed a levee board consolidation bill in November but it was shot down as Blanco remained noncommittal on the measure. Since then, with business and citizen groups calling for a revamped system under a single board, Blanco has joined the senator to form a new proposal.

West Jeff against the plan

The bill might face a tough fight. Its greatest opposition stems from the West Jefferson Levee District, where several influential political figures and citizens favor a broader west bank board but resist a board that combines east and west bank districts.

About 30 people from West Jefferson met with Blanco on Monday morning at the Governor's Mansion. A Blanco spokeswoman said the governor thought the group had "compelling" arguments for remaining independent, but that the governor was sticking with the single-board concept. Blanco said the west bank group would have to appeal to the Legislature.

Not everyone came out of the meeting with the same view of the governor's message. Sen. Francis Heitmeier, D-Algiers, said the governor stated that she would push for one board but she would not oppose a measure that left the west bank out. Rep. Joseph Toomy, R-Gretna, said he thought the governor was unclear about what direction she wanted to go with the consolidation.

Several St. Bernard officials are resisting inclusion in the new authority, and some lawmakers representing Livingston and Tangipahoa parishes have expressed concern about being drawn into the new agency.

Some things stay the same

The proposal would not eliminate the existing levee districts, which collect property taxes from their areas. The bill would ensure that each district keeps its dollars under the current millages for projects in those districts.

Each district also would continue to be responsible for existing debts and legal obligations. That provision is especially important for the Orleans Levee District, which has millions of dollars in outstanding debt, dramatically declining property tax revenue after the hurricanes and a \$23 million legal judgment against it.

The new agency would be called the Southeast Louisiana Flood Protection Authority. It would oversee levee districts in Jefferson, Orleans, St. Bernard, St. Tammany, St. Charles,

St. John the Baptist, Livingston and Tangipahoa parishes.

The east banks of St. Charles and St. John would be broken off from the Pontchartrain Levee District and placed under a single new district called the West Lake Pontchartrain Levee District. That new district would fall under the new regional authority.

St. Tammany, Livingston and Tangipahoa do not have parishwide districts, which would have to be created under the legislation, then placed under the new authority. The new board would have the option to create a property tax of up to 5 mills in those new districts. Millage increases beyond that would have to go to a vote in those districts.

Plaquemines and Lafourche parishes were at one time considered for the new authority, but were not included in Monday's proposal. Local officials had opposed inclusion.

The game plan

Much of the new authority's powers will be spelled out in a bill that would establish a new state law. It requires majority votes of the House and Senate for passage. But the bill will be dependent on the adoption of a constitutional amendment, which requires a two-thirds majority of both chambers plus approval in a statewide election.

The amendment is needed to change language in the state Constitution related to the qualifications, restrictions, nomination and appointment of the new board. The statute would become effective Sept. 1 and the amendment would become effective at the time of the referendum. Boasso did not name that date.

The bill would set the rules for how the districts and the authority would be able to raise taxes. Currently, most district boards can levy a property tax up to 5 mills. Districts can raise millages beyond that amount if the tax increase is approved by a popular vote. Normally those types of tax increases are linked to specific projects within a district.

If the new authority wants to promote new levee projects, it could call for a vote of the people in the districts affected by the plans. The bill would spell out the voting procedures if more than one district was affected. A majority vote by the combined districts would approve the tax increase, meaning that one parish possibly could vote against a tax increase but be out-voted overall. Boasso said he is still examining the bill's language on that point.

The proposal calls for two subregions under the authority, a Mississippi River East Region and West Region. The regions would not have any distinct governing body or powers. Boasso said they would simply form a distinction between east bank and west bank flood control issues, in case citizens in one district needed to vote on a tax measure for regional projects.

The bill would transfer the control and management of the Orleans Levee District non-flood-control assets, such as the Lakefront Airport, marinas, parks and real estate developments, to the state's Office of Facility Planning. That office would figure out how to handle the assets, and whether some of them would be sold or turned over to the city or sold to private enterprise.

Boasso said if assets are auctioned or sold, any profits would be turned over to the district.

"The local taxpayers aren't going to get screwed," Boasso said.

State Sen. Edwin Murray, D-New Orleans, said Monday he is working on legislation to sort out the dispersal of those assets. He said a state takeover is not acceptable. Orleans taxpayers paid for them, and therefore they should not be run by someone else, he said.

Seeking new management

The new authority would take over the police departments now run by the various levee districts and operate them as a single force in the new jurisdiction. Boasso said levee police serve a special purpose and should be retained under the new authority, a significant provision because some have argued that city or parish police or sheriffs should take over those duties. The new authority would decide the size, deployments and tasks for the levee officers.

The authority would decide where it would be based. It would maintain a presence in each district, much the way the state transportation department keeps field offices throughout the state. It would hire an executive director and possibly local branch managers, Boasso said.

The new agency might bring some overall cost savings through consolidation, Boasso said, but that is not the purpose of forming it.

"The spirit of what I'm trying to accomplish is professional management throughout the whole region," Boasso said.

Among the 11 board members, at least one, but no more than two, would be from each parish within the authority. A variety of engineering and public interest groups would nominate people for the governor to appoint, with Senate approval.

Five members would have to be engineers, hydrologists or other professionals in a field related to water control or the environment. Three members would have to be professionals from other disciplines, and three others would be "at large." Members would serve staggered terms.

The bill contains extensive provisions to prevent board members from conflicts of interest. It would prohibit people who have recently been legislative lobbyists from joining the board, and it would prevent board members and employees from engaging in political campaigns.

The new authority would be overseen by Blanco's newly created Coastal Protection and Restoration Authority, which has general oversight of all levee boards across southern Louisiana.

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