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New era for levee protection begins

Out with the old parish boards, in with professional standards

Monday, January 01, 2007

By Robert Travis Scott, Capital bureau

Today marks a new era in the history of flood protection in the New Orleans region as a law takes effect creating a levee board governing system that crosses parish lines and sets professional standards and a more objective method for selecting leaders.

But this is, after all, Louisiana. And no sooner had the winged creature of reform emerged from its cocoon than it became entangled in a spider web of parochial politics and legal challenges.

Gov. Kathleen Blanco announced the board appointments Sunday for only one of the two new regional authorities, based on nominations submitted to her last week by a committee of representatives from academic, professional and civic groups. Overseeing an area covering the north shore and the east bank of the Mississippi River from the River Parishes to St. Bernard, they can begin work immediately, though confirmation by the state Senate is needed eventually.

The governor postponed appointments for the new board that will oversee flood protection for the West Bank of Orleans and Jefferson parishes because of a fracas over some of the nominees' background and residency. Part of the problem is that none of the nominees to that board resides in West Jefferson, although two have a strong professional interest in the area. The governor is awaiting an opinion from the attorney general before proceeding.

"We have come so far in reforming our levee boards, I want to be absolutely certain this new board will meet the high standards our people have demanded," Blanco said in a written statement Sunday. "I hope to have this matter cleared up as quickly as possible so these professional boards can begin their work of protecting our communities."

Backed by a state constitutional amendment that was supported by 81 percent of voters statewide in a September referendum, the new oversight boards are widely considered one of the most significant post-Katrina reforms passed by the Legislature.

"It's significant that we will enter the new year with a reformed process for selecting levee board members," Blanco said. "The old levee boards will be out, and politics in flood protection will be gone."

Challenges ahead

But the challenges of flood protection remain, and the learning curve will be steep for the freshly minted board members, all volunteers. Many of them are insufficiently knowledgeable of the specific levee weaknesses and future programs in the area, yet they will inherit agency work forces from multiple parishes and oversee a vastly larger geography than their predecessors.

Soon they will have to deal with the gnarled affairs of the Orleans district that so embittered the public during the former board's regime. The airport, marinas and other dubious and distracting commercial ventures of the former Orleans Levee Board are to be separated from the jurisdiction of flood control under the new system. Although the state Division of Administration is capturing some of those commercial assets, the disposition of others is unsettled and will require the new board's input to resolve.

Money is an immediate issue. Reduced and unpredictable tax revenue in Orleans, combined with assorted debts and complicated legal settlements, promises to occupy much of the board members' energy in the months ahead. Areas on the north shore will be under levee-authority control for the first time, with no tax revenue base.

"Basically, we need people to get things done, in the shortest time possible," said Tim Doody, a St. Bernard Parish resident appointed to the east bank levee authority. "Everybody's going to be under a microscope."

Hydrology, not politics

One of the goals of the legislation was to consolidate a fragmented governing system and reduce opportunities for cronyism by removing local legislators, and to some extent the governor, from the board selection process. Another was to keep the new authority members focused on the core mission of protecting people and property.

After Katrina, the shortcomings of the old regime resonated on an international scale. A recent edition of the London-based Economist magazine noted that among the former levee boards, the "areas of responsibility and interest reflected politics, not hydrology."

That image is what designers of the new system sought to remedy.

In a special legislative session called in February mainly to deal with the levee board overhaul, state Sen. Walter Boasso, R-Arabi, joined forces with Blanco's Natural Resources Department Secretary Scott Angelle to craft a new program and lobby for its passage. Political momentum was sustained by a groundswell of support instigated by the Business Council of New Orleans and the River Region and a grass-roots movement personified by a league of women devoted to the cause, who dotted the halls of the state Capitol with their signature red blazers during the debates.

After West Bank lawmakers succeeded in breaking off their region into an authority separate from the east bank, the final package received strong support. A constitutional amendment made possible the new board selection process. Separately, the statute taking effect today, Act 1 of the 2006 first special session, creates the New Orleans area authorities.

Changing of the boards

The existing levee taxing districts for Orleans, St. Bernard, West Jefferson and East Jefferson will remain, along with their staffs. But their ruling boards are eliminated.

Eleven board members will run the new Southeast Louisiana Flood Protection Authority East, which oversees the east bank of Orleans and Jefferson parishes, all of St. Bernard Parish, the east bank of St. Charles and St. John the Baptist parishes and the areas of St. Tammany and Tangipahoa parishes below Interstate 12. The two north shore parishes previously had no special levee districts or boards.

Each of the parishes must have a single representative on the board who resides in the parish. Other board members can be from elsewhere in the state or even out of state.

Blanco named 10 of the 11 east authority members. A nomination for an 11th spot was for Ricardo Pineda, an engineer with the California Department of Water Resources. The governor questioned whether a public servant would be allowed to serve on the board and has asked for an attorney general's opinion of whether Pineda can serve.

In addition, the law requires that the east authority have at least five members who possess engineering or professional experience in levee work, hydrology, environmental science or other related fields. The nominating group submits one name for each of the five slots, and the governor can accept or reject each candidate. Upon a rejection, the nominating group would have to submit a new name.

Three other members of the authority must be professionals in other fields with at least 10 years of experience. And the remaining three have no background requirements. For these six posts, the nominating group must submit two names for each slot, from which the governor selects one or rejects both.

Western saga

A similar set of standards was set for the seven members who will rule the Southeast Louisiana Flood Protection Authority West, covering the West Bank of Orleans and Jefferson parishes. On this board, each parish gets two representatives, but the nominating group submitted Jefferson Parish candidates who live on the east bank and none from West Jefferson.

"That was clearly not the intent of the law," said state Rep. Jim Tucker, R-Algiers, whose district touches both parishes on the West Bank. Both Tucker and Blanco requested an attorney general's opinion on whether the law requires West Jefferson residents to be appointed.

A West Bank authority with no West Jefferson resident would be galling to many officials on the West Bank who fought to keep a separate board from the east bank for fear their needs would be overlooked. West Bank lawmakers already had failed to get the Legislature to install a stronger West Jefferson presence on the board under the new law.

Another problem is that the nominating group submitted nine names for the West Bank authority. Tucker says the law requires 11 nominations. The nominating group got around it by offering two of the same candidates twice for separate slots on the board.

Tucker, who as head of the House Republican delegation is one of Blanco's harshest critics, said the governor was doing the right thing by holding off on the West Bank authority appointments until the issues can be resolved.

Jay Lapeyre Jr., who heads the Business Council and served as chairman of the levee authority nominating group, said the group looked hard at both East Jefferson and West Jefferson residents and concluded that the east bank individuals were more qualified.

He said the group was working under a tough time constraint. If a re-evaluation is needed, the group will rise to the occasion, he said.

"Wherever this goes, we'll fully address this and get exceptional boards for both banks," Lapeyre said Sunday.

A minor firestorm has erupted over the nomination of Raymond Fuenzalida to the West Bank authority. Although he lives in east Jefferson, he is general manager of the Harvey Canal Limited Partnership in Harvey, which is directly impacted by a major ongoing levee project. Tucker said some parish officials have raised questions of whether his position on the board would create a conflict of interest.

Angelle said Sunday that the governor had received comments as to whether Fuenzalida was the best person for the job. He said the governor is taking a number of issues into consideration with the West Bank authority appointments, and that by the end of January the matter should be settled. Tucker agreed.

"I think it will all get worked out," Tucker said. "But it's got to be fixed right."

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