

**RESOLUTION  
OF THE BOARD OF COMMISSIONERS  
OF THE  
PONTCHARTRAIN LEVEE DISTRICT**

The following resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_ to authorize the President, Steve Wilson, to execute an agreement between the Pontchartrain Levee District and St. Charles Parish as follows:

**WHEREAS**, the United States Army Corps of Engineers (USACE) has conducted a reconnaissance study for hurricane protection for the West Shore – Lake Pontchartrain, Louisiana Hurricane Protection Project (hereinafter West Shore Project) which includes the area of Montz, St. Charles Parish, Louisiana, and has determined that further study in the nature of a Feasibility Phase Study is required to assess the extent of Federal interest in participating in a solution to the problem of hurricane protection and flood control in the Montz area of St. Charles Parish and extending into St. John the Baptist and St. James Parishes; and,

**WHEREAS**, Section 105 of the Water Resource Development Act of 1996 specifies the cost sharing requirements applicable to the Study; and,

**WHEREAS**, the local Non-Federal portion of the cost of the Study is now estimated to be Seven Million One Hundred Twelve Thousand Eighty and 00/100 (\$7,112,080.00) DOLLARS; and,

**WHEREAS**, the current estimated cost of construction of the project is Four Hundred Forty-Eight Million Five Hundred Eighty-Five Thousand Six Hundred and 00/100 (\$448,585,600.00) Dollars, with a local Non – Federal estimated cost of One Hundred Fifty-Seven Million Five Thousand and 00/100 (\$157,005,000) Dollars; and

**WHEREAS**, based on the current estimated cost of construction, the Parish portion would be Seven Hundred Seventeen Thousand Five Hundred and 00/100 (\$717,500.00) Dollars; and

**WHEREAS**, neither the Pontchartrain Levee District nor St. Charles Parish is financially capable of bearing one hundred percent(100%) of the total local Non-Federal portion of the Study nor construction; and,

**WHEREAS**, it is desired that the cost share be divided with the Pontchartrain Levee District being responsible for eighty percent (80%) and St. Charles Parish being responsible for twenty percent (20%) of the local Non-Federal portion of the project cost.

**NOW THEREFORE, IT IS AGREED AS FOLLOWS:**

1. The Pontchartrain Levee District shall provide eighty (80%) percent and St. Charles Parish shall provide twenty (20%) percent of the local Non-Federal portion of the project cost for the West Shore – Lake Pontchartrain, Louisiana Hurricane Protection Project that is to be constructed within St. Charles Parish, Louisiana, including specifically, but not limited to the Montz area;
2. The commitment between the Pontchartrain Levee District and St. Charles Parish shall remain binding provided that St. Charles Parish remains a member of the Pontchartrain Levee District and continues to participate in its portion of the project cost;

3. Future credit given for any advance payments made by the Pontchartrain Levee District for right-of-way acquisition or otherwise shall be credited against the Pontchartrain Levee District's eighty (80%) percent commitment under this agreement;
4. In the event funding for the local Non-Federal portion of the project shall be received from outside sources, by either the Pontchartrain Levee District or St. Charles Parish, credit for those funds shall be given to the Pontchartrain Levee District and St. Charles Parish in the percentage as set out in this Agreement;
5. St. Charles Parish's twenty (20%) percent commitment, as set out herein, shall be paid in annual installments due and payable each year upon such terms as may be agreed by the parties hereto;
6. In the event St. Charles Parish should choose to provide funding for either the study or construction beyond its twenty (20%) percent obligation, the Pontchartrain Levee District shall repay St. Charles Parish such overpayment upon a schedule to be agreed upon by the Pontchartrain Levee District and St. Charles Parish; and
7. The Pontchartrain Levee District and St. Charles Parish shall work jointly in seeking additional financing from other sources for the local Non-Federal portion of the St. Charles Parish portion of the West Shore – Lake Pontchartrain LA Hurricane Protection Project.

The resolution carried unanimously and was declared adopted.

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**C E R T I F I C A T E**

I, Susan M. Sheets, Secretary to the Board of Commissioners for the Pontchartrain Levee District, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board of Commissioners at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, at which a quorum was present.

LUTCHER, LOUISIANA, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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SUSAN M. SHEETS, Secretary