

Calendar No. (Rev)  
(Exp)

Name PATRICK JULVER Ext. 657-4858  
Person responsible for routing (Rev)

CHECK SHEET TO BE USED FOR  
CLEARING ORDINANCES, MOTIONS, AND RESOLUTIONS  
BEFORE SUBMISSION TO COUNCIL CLERK

The originating agency shall attach a copy of each proposed ordinance, motion, or resolution to the check sheet for processing in the sequence indicated after preparing a synopsis. The detailed memorandum of explanation shall also be attached to this check sheet.

SYNOPSIS OF DOCUMENT: Authorizes the Mayor of the City of New Orleans to enter into Amendment No. 1 to a previously executed Cooperative Endeavor Agreement (CEA) among the City of New Orleans (the "City"), the New Orleans Redevelopment Authority ("NORA"), and the Sewerage and Water Board of New Orleans ("SWBNO") relative to the implementation of the Stormwater Mitigation Project for Pontilly to extend the term of said Cooperative Endeavor Agreement for an additional year and to provide an additional \$16,500.00 to NORA for construction administration services, as more fully set forth in Amendment No. 1 to the Cooperative Endeavor Agreement form attached hereto and made a part hereof; and otherwise to provide with respect thereto.

1. [Signature] Department Head [Signature] PDU Director [Signature] Deputy CAO
2. Jonathan Harris 12/14/2020  
[Signature] Department of Law
3. [Signature] Chief Administrative Officer
4. [Signature] Director of Council Relations
5. \_\_\_\_\_  
Initials of Sponsoring Council Member

COUNCIL ACTION

Council Members Present: \_\_\_\_\_

Absent: \_\_\_\_\_

AMENDMENTS:

FINAL ADOPTION:

MOVED: \_\_\_\_\_  
2<sup>ND</sup>: \_\_\_\_\_  
YEAS: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
RECUSED: \_\_\_\_\_

7. \_\_\_\_\_  
Reviewed by the Chief Administrative Officer after adoption by the City Council and prior to the Mayor's signature. REF. POLICY MEMORANDUM NO. 3



## LEGISLATIVE SUMMARY

### TO ACCOMPANY ORDINANCES

#### BEFORE SUBMISSION TO CLERK OF COUNCIL

Requesting Department or Agency: Project Delivery Unit/Dept. Public Works

Name of Contact Person: Joseph W. Threat, Sr./Keith LaGrange

Telephone Number: 658-8771/658-

Email Address: jwthreatsr@nola.gov/keith.lagrange@nola.gov

Initials of Sponsoring Councilmember(s): \_\_\_\_\_

#### DETAILED SYNOPSIS OF THE ORDINANCE

Please generally describe the purpose, intent, and effect of the proposed ordinance.

This ordinance will authorize the Mayor of the City of New Orleans to enter into Amendment No. 1 to a previously executed Cooperative Endeavor Agreement (CEA) among the City of New Orleans (the "City") , the New Orleans Redevelopment Authority ("NORA"), and the Sewerage and Water Board of New Orleans ("SWBNO") relative to the implementation of the Stormwater Mitigation Project for Pontilly to extend the term of said Cooperative Endeavor Agreement for an additional year. Provides for an additional \$16,500.00 for NORA expenses.

\_\_\_\_\_

\_\_\_\_\_



### LEGISLATIVE SUMMARY

If the Ordinance is to effectuate a contract, CEA, or other similar agreement (hereafter contract), please provide the following additional information.



If this section is not applicable, please check this box.

The parties involved:

The City, NORA and SWBNO.

The obligations, expectations, and deliverables of the parties involved:

Requirements as set by this amendment and the previous  
CEA for Pontilly Stormwater Mitigation Project.

Any fiscal implications for the City with the contract:

There will be an additional \$16,500.00 of HMGP funding  
provided to NORA with this amendment. Project is funded  
through federal FEMA HMGP funds.

The public purpose and need for the contract:

To extend for one year the provisions of the existing CEA  
and to provide for additional \$16,500.00 to NORA.

The duration of the contract:

One year extension - until December 2021.



### LEGISLATIVE SUMMARY

If the Ordinance is to effectuate an amendment to the Codes of the City of New Orleans, please provide the following additional information.



If this section is not applicable, please check this box.

The existing provision(s) of the Code being proposed for amendment:

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The general content/requirements of the existing Code provision:

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How the proposed ordinance will alter the existing Code provision(s):

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Why these changes are needed:

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REQUESTED ADOPTION DATE: December 17, 2020

Reference: Council Rule 41 & City Code Section 2-813

CITY OF NEW ORLEANS

FISCAL NOTE

CHIEF ADMINISTRATIVE OFFICE

| ORDINANCE ( ) | RESOLUTION ( ) | MOTION ( ) | NO |
|---------------|----------------|------------|----|
| (S).          | NO.            | NO.        |    |

DEPARTMENT: Capital Projects Administration - PDU

**PURPOSE OF LEGISLATION:** To authorize the Mayor of the City of New Orleans to enter into Amendment No. 1 to a previously executed Cooperative Endeavor Agreement (CEA) among the City of New Orleans (the "City"), the New Orleans Redevelopment Authority ("NORA"), and the Sewerage and Water Board of New Orleans ("SWBNO") relative to the implementation of the Stormwater Mitigation Project for Pontilly to extend the term of said Cooperative Endeavor Agreement for an additional year and to provide an additional \$16,500.00 to NORA for construction administration services, as more fully set forth in Amendment No. 1 to the Cooperative Endeavor Agreement form attached hereto and made a part hereof, and otherwise to provide with respect thereto.

**SOURCE/AMOUNT OF REVENUE TO BE GAINED (LOST):** Time Extension of CEA for one year and an additional \$16,500.00 of HMGP funding for NORA expenses.

**BASIS FOR REVENUE ESTIMATE:** N/A

**EXPENDITURE REQUIREMENTS (SAVINGS) BY SPECIFIC CATEGORIES AND AMOUNTS:** Expenditure of additional \$16,500.00 of HMGP funds.

**EXPLANATION:** Amendment extends for one year the existing CEA and provides for additional \$16,500.00 for NORA for the Pontilly Stormwater Mitigation Project.

PATRICK TUNGE 657-4858

CONTACT PERSON/PHONE:

Patrick R. Tunge PAINT SR.

SIGNATURE/TITLE:

DEPARTMENT/AGENCY

REVIEWED BY:

Date: \_\_\_\_\_

[Signature]  
CHIEF ADMINISTRATIVE OFFICE

**ORDINANCE**

**CITY OF NEW ORLEANS**

**CITY HALL: December 17, 2020**

**CALENDAR NO. 33,199**

**NO. \_\_\_\_\_ MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBER BROSSETT (BY REQUEST)**

**AN ORDINANCE** to authorize the Mayor of the City of New Orleans to enter into Amendment No. 1 to a previously executed Cooperative Endeavor Agreement (CEA) among the City of New Orleans (the “City”) , the New Orleans Redevelopment Authority (“NORA”), and the Sewerage and Water Board of New Orleans (“SWBNO”) relative to the implementation of the Stormwater Mitigation Project for Pontilly to extend the term of said Cooperative Endeavor Agreement for an additional year and to provide an additional \$16,500.00 to NORA for construction administration services, as more full set forth in Amendment No. 1 to the Cooperative Endeavor Agreement form attached hereto and made a part hereof; and otherwise to provide with respect thereto.

**WHEREAS**, pursuant to the authority contained in Article 7, Section 14(C) of the Louisiana Constitution of 1974, and statutory authority supplemental thereto, the State of Louisiana and its political subdivisions, including the City, may enter into cooperative endeavors with each other, or with any public or private corporation or individual; and further pursuant to section 9-314 of the Home Rule Charter of the City of New Orleans, the City may enter into cooperative endeavors with any public or private association, corporation or individual for activities in support of economic growth and other public purposes; and

**WHEREAS**, the Louisiana Governor’s Office of Homeland Security and Emergency Preparedness (“GOHSEP”) authorized, obligated, and awarded Hazard Mitigation Grant Program (“HMGP”) funding to the City for application prepared and submitted by NORA to implement a “Stormwater Mitigation Project for Pontilly”, including the widening and deepening of the Dwyer Canal; and

**WHEREAS**, the City, NORA and SWBNO desire to enter into an Amendment relative to the implementation of the Stormwater Mitigation Project for Pontilly to extend the term of the original Cooperative Endeavor Agreement for an additional year, and to provide an additional

\$16,500.00 to NORA for construction administration services and to set forth certain other matters in connection therewith; and **NOW, THEREFORE**

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,** That the Mayor of the City of New Orleans is hereby authorized to enter into Amendment No. 1 to a previously executed Cooperative Endeavor Agreement (CEA) among the City of New Orleans, the New Orleans Redevelopment Authority, and the Sewerage and Water Board of New Orleans relative to the implementation of the Stormwater Mitigation Project for Pontilly to extend the term of said Cooperative Endeavor Agreement for an additional year, to provide an additional \$16,500.00 to NORA for construction administration services and to set forth other matters in connection therewith.

**SECTION 2.** That said Amendment No. 1 to said Cooperative Endeavor Agreement is attached hereto as "Exhibit 1" and made a part hereof.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS** \_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON** \_\_\_\_\_

**APPROVED:**

**DISAPPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**RETURNED BY THE MAYOR ON** \_\_\_\_\_ **AT** \_\_\_\_\_

\_\_\_\_\_  
**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:**

**NAYS:**

**ABSENT:**

**RECUSED:**

**AMENDMENT NO. 1 TO THE COOPERATIVE ENDEAVOR AGREEMENT**  
**BY AND AMONG**  
**THE CITY OF NEW ORLEANS**  
**AND**  
**THE SEWERAGE AND WATER BOARD OF NEW ORLEANS**  
**AND**  
**THE NEW ORLEANS REDEVELOPMENT AUTHORITY**  
**PONTILLY DRAINAGE HMGP PROJECT**

**THIS FIRST AMENDMENT** (the “**Amendment**”) is made and entered into by, between and among the City of New Orleans, represented by LaToya Cantrell, Mayor (the “**City**”), the Sewerage and Water Board of New Orleans, represented by Ghassan Korban, Executive Director, pursuant to the authority granted by Board resolution (the “**Board**”), and the New Orleans Redevelopment Authority, represented by Brenda M. Breaux, Executive Director (“**NORA**”). The City, the Board, and NORA may be collectively referred to herein as the “**Parties**.” This Amendment is effective as of October 18, 2020 (the “**Effective Date**”).

**RECITALS**

**WHEREAS**, the City, the Board, and NORA are parties to a cooperative endeavor agreement for the implementation of the Stormwater Mitigation Project for Pontilly under the Hazard Mitigation Grant Program (“**HMGP**”);

**WHEREAS**, the Parties, having the authority to do so, now desire to extend the duration of the Agreement;

**NOW THEREFORE**, the Parties, for the consideration and under the conditions set forth, do agree as follows:

**A.     ADDITIONAL FUNDS ADDED:** Article I – Phase II Activities Eligibility is modified to provide an additional \$16,500.00 to NORA for construction administration services. The City will reimburse NORA for eligible program administration costs and expenses related to the Project up to \$475,800.00.

**B.     EXTENSION:** The term of this Agreement is extended for one (1) additional year from October 18, 2020 through October 17, 2021.

**C.     CONVICTED FELON STATEMENT.** The Contractor swears that it complies with City Code § 2-8(c). No Contractor principal, member, or officer has, within the preceding five years, been convicted of, or pled guilty to, a felony under state or federal statutes for embezzlement, theft of public funds, bribery, or falsification or destruction of public records.



**D. NON – SOLICITATION STATEMENT.** NORA and SWBNO each swears that it has not employed or retained any company or person, other than a bona fide employee working solely for it, to solicit or secure this Amendment. Neither NORA nor SWBNO has not paid or agreed to pay any person, other than a bona fide employee working for it, any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from this Amendment.

**E. PRIOR TERMS BINDING:** Except as otherwise provided by this Amendment, the terms and conditions of the Agreement remain in full force and effect.

**F. COUNTERPARTS:** This Amendment may be executed in one or more counterparts, each of which shall be deemed to be an original copy of this Amendment, but all of which, when taken together, shall constitute one and the same agreement.

**G. ELECTRONIC SIGNATURE AND DELIVERY:** The Parties agree that a manually signed copy of this Amendment and any other document(s) attached to this Agreement delivered by email shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement. No legally binding obligation shall be created with respect to a party until such party has delivered or caused to be delivered a manually signed copy of this Amendment.

**IN WITNESS WHEREOF,** the City, the Board, and NORA execute this Amendment through their duly authorized representatives.

**CITY OF NEW ORLEANS**

**BY: \_\_\_\_\_**

**LATOYA CANTRELL, MAYOR**

**Executed on this \_\_\_\_ day of \_\_\_\_\_, of 202\_\_.**

**FORM AND LEGALITY APPROVED:**

**Law Department**

**By: \_\_\_\_\_**

**Printed Name: \_\_\_\_\_**

***(Board and NORA's signatures contained on the following pages)***

**SEWERAGE AND WATER BOARD OF NEW ORLEANS**

**BY:** \_\_\_\_\_  
**GHASSAN KORBAN,**  
**EXECUTIVE DIRECTOR**

**Signed on this \_\_\_\_\_ day of \_\_\_\_\_, of 202\_\_**

**APPROVED AS TO FORM:**  
**Legal Department**

**By:** \_\_\_\_\_

***(NORA's signature contained on the following page)***

***(The remainder of this page is intentionally left blank)***

**NEW ORLEANS REDEVELOPMENT AUTHORITY**

**BY: \_\_\_\_\_**  
**BRENDA M. BREAUX,**  
**EXECUTIVE DIRECTOR**

**Signed on this \_\_\_\_\_ day of \_\_\_\_\_, of 202\_\_**

*(The remainder of this page is intentionally left blank)*