

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF MONTHLY BOARD MEETING
THURSDAY, NOVEMBER 18, 2010 – 5:30 P.M.

The regular monthly meeting of the Board of the Non-Flood Protection Asset Management Authority was held on Thursday, November 18, 2010 at 5:30 P.M., in the Lake Vista Community Center, 2nd Floor, 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

The meeting was called to order by Chairman Lupo at 5:30 P.M.

The roll was called and a quorum was present.

PRESENT:

Chairman Robert E. Smith Lupo
Commissioner Carlton Dufrechou (5:34)
Commissioner Darrel Saizan
Commissioner Greg Ernst
Commissioner Michael Bridges
Commissioner Romona Theresa Baudy (5:32)
Commissioner Stanley Brien
Commissioner William Hoffman
Commissioner John B. Trask
Governor's Office Chip Kline (5:56)

ABSENT:

Commissioner Joe Hassinger
Commissioner Wilma Heaton

STAFF:

Tony Pisciotta , OLD
Donald Booth, OLD-PD
Dawn Wagener, OLD
Sharon Martiny, OLD
Chuck Dixon, OM and SSH
Richard Lewis, OLD-Police Chief
Nina Marchand, OLD

ALSO PRESENT:

Brayton Matthews
David Lavergne
Tony Collins
Gerard Metzger
Charles Collins
Craig Boudreaux
Alton O. Davis
Steve Nelson
Randy Maddox
Al Pappalardo
Wesley Mills
Jim Barbee
Kevin Gray
John Davis
Warner Tureaud
Capt. Brock Schmidt

APPROVAL OF AGENDA

Commissioner Saizan offered a motion to adopt the agenda, seconded by Commissioner Bridges and unanimously adopted.

APPROVAL OF PRIOR MINUTES

Commissioner Bridges offered a motion to approve the minutes from the October 7th 2010 board meeting, seconded by Commissioner Saizan and unanimously adopted.

REPORT BY EXECUTIVE DIRECTOR

Mr. Capo advised that the Lakefront Airport received a Recognition and Safety Award at the recent FAA conference in Fort Worth Texas. The award was received maintaining airport safety during two critical projects.

Mr. Capo advised that he has a 10:00 a.m. meeting tomorrow with Mr. James Barbee, Manager of Lakefront Airport Air Traffic Control, to inquire about extending the hours of operation for Lakefront tower. He noted currently, that the hours of operation are between 8:00 a.m. and 6:00 p.m.

Chairman Lupo referred to another comment made regarding 24-hour fire protection at the Airport stating if we are able to convince the FAA to fund the extended operation of the tower then we want to look at our finances and make sure we can fund 24 hours of fire protection as well. We need to get this Airport up and running to its fullest and best potential.

Next, Mr. Capo addressed the issue regarding the USACE contractor working in the Orleans Marina and closure of the marina parking lot. Mr. Capo advised that this would displace tenants and live-aboards and put a hardship on our tenants. We called an emergency meeting with the contractor, the Corps and the OMTA to see if they would provide some spaces for the tenants. The options were to have tenants park at West End and shuttle into the Marina or to park in a grassy lot across the street and walk across Lake Marina Avenue, both not in the best interest of the tenants. Marina Manager Chuck Dixon met with the contractor who agreed to allow 20 spaces which we hope will be enough. The contractor did say they will allot more spaces if that can be done safely.

Chairman Lupo commented on safety issues regarding temporary cones that are put up and moved creating a dangerous situation. It will be required that the contractor isolate this area for safety so people can't move the barricades.

Commissioner Dufrechou arrived at 5:34.

PRESENTATIONS

A. USACE update on Projects along Lakeshore Drive and projects affecting Non-Flood Properties

Capt. Brock Schmidt of the United States Army Corps of Engineers reiterated that safety is a huge priority for the contractor. Capt. Schmidt updated construction starting at 17th Street Canal through Hayne Boulevard. The project by the Marina, is about 60% complete. Temporary flood protection for hurricane season is removed and the wall to the east side of Lake Marina Drive will be demolished. The western and eastern most side of that project is complete at this time and we are working on grassing in those areas. The gate demo will be part of what is going to drive the parking lot openings. We are looking at project completion in mid-March. About 90% of Orleans metro is complete at this time. Rail Street they are putting in a flood gate and t-walls. The construction is due to be complete around mid-March. The new ramps over at UNO will open

tomorrow. The flood walls for UNO, Canal Blvd. and Franklin are all complete and will be opened. On Lakeshore Drive they have redone a lot of the earthen work by Leon C. Simon and Ted Hickey Bridge and will grass that area and turn it back over to Orleans Levee District. Seabrook Boat Launch is scheduled to be completed in April. They are putting a new flood protection wall in at Ted Hickey and the old flood protection will be removed for safety purposes. They are driving piles underneath the bridge and regulating vibrations to make sure there is no subsidence of the bridge and they are taking measurements in that area. 30% of the piles are in underneath the bridge and there will be a new flood gate to replace the old one which ties into the railroad tracks and Seabrook. The Seabrook project will not be completed until next September but in the interim they are putting in a coffer dam and shutting down the IHNC from the north side. They have rock in place and are clearing and driving sheet piles to construct T-walls which tie into Downman Road. Downman Road is scheduled to be open before Thanksgiving. The replacement of the I-walls and T-walls are scheduled to be complete by June 1. The flyway that was open from Hayne to Ted Hickey Bridge and Robert E. Lee will be closed while they demo the wall and drive piles to build new walls which will take about 2-3 months. Traffic lanes will change and you will have to use Downman Road as opposed to the flyovers to get to the Airport. A wall cap along the remainder of Hayne Blvd. will have a 100 year level of protection by the end of December and it will be a matter of putting the concrete in and capping it. At the far eastern end the T-walls are almost complete and should be done before December.

Capt. Schmidt offered a phone number for neighborhood associations wanting a more detailed look at what is going on with the projects - (504) 862-1934, Nick Silbert is our PAO rep and will set a time to meet with the associations to discuss the projects. Next, Capt. Schmidt addressed the two 60-inch pipes running from Orleans Marina through the street and to the 17th Street Canal. Pipes were put in place to keep water from getting stagnant in the Marina area and the last of the research is being put together for the meeting on November 30th. At that time, Capt. Schmidt will give a presentation on the path for those pipes because when the permanent pump station is put in, it is likely they are going to have to be moved. We will present to the committee what your options are and compensability.

Chairman Lupo questioned the floodgate at London and Lakeshore Dr.

Capt. Schmidt explained there is a gate going in at London and is part of the Rail Street work as well. They will be doing Rail St. first and then London.

Chairman Lupo inquired about the staging area for these projects and asked if the Bayou St John area would be used as a staging area for Rail Street or will that loop underneath the bridge be open. Capt. Schmidt advised the loop underneath the bridge should be open soon and the staging area will be the parking lot near Rail St.

Chairman Lupo questioned the final project at Downman Road underneath the railroad tracks. Capt. Schmidt explained flood protection was along the wall on the Airport on the north side of the railroad tracks. They realigned flood protection to the south side of the railroad tracks making Downman Road part of the flood protection. They are putting gates at Downman Road and constructing monoliths to put those gates in. We have moved the North wall system that was part of Lakefront Airport. It is about 40 ft. north of the intersection and will be a sliding gate as opposed to a swing gate.

Commissioner Ernst addressed concerns regarding whether the Bayou St. John sector gates were tested and stated neighborhood associations were very concerned about that.

Capt. Schmidt advised that the sector gate was de-watered and OLD was allowed to go in and do maintenance on it per the agreement between the Corps and OLD. Capt. Schmidt stated the gate actually does open and close as it is supposed to.

Commissioner Ernst then questioned any replacement or maintenance that was done. Capt. Schmidt informed that they stripped and painted it but was not sure of all the maintenance because that was OLD. It does not actually belong to the Corps. We put an 8 inch steel plate on top in order to raise it to a 100 year level but the gate itself and the maintenance did not belong to the Corps.

Capt. Schmidt further informed that vehicular traffic going across Downman will resume around the 22nd or 23rd of this month with a complete opening of Downman Road in about 1½ months. The permanent gates are not scheduled to be brought in for another couple of months. Downman Road will not be closed when the gates come in, once it is open it will remain open.

Commissioner Saizan inquired if everything will be built out by hurricane season 2011 and if we will be at category 3 protection. Capt. Schmidt explained it is a 100 year level of protection, if another Katrina came we would be just fine. The project will be complete and the protection will be in place. The system itself will be complete by June 1, 2011.

Capt. Schmidt went on to explain there will be operation and maintenance costs once the project is complete. Everything will be built and turned over to the Levee District responsible for that given area. Operations and maintenance will fall upon each Levee District to maintain. There is still litigation regarding gates but until that is settled Capt. Schmidt is not sure what will happen next. The Corps' mission is to complete by June 1, 2011 and we are going to meet that mission and turn over a product that satisfies and exceeds expectations.

Chairman Lupo questioned utilities or drainage that went through at the Airport through the levee section. Capt. Schmidt explained that it was an 8 inch sewerage pipe which they will fish a 3 inch pipe through with a lifting pump and jet grout it. The 8 inch pipe is fragile so we will be careful in the jet grouting to ensure it does not break. There is a possibility it may break which is why they are pushing the 3 inch pipe through it. If the 8 inch pipe does not break, the 3 inch pipe will not be needed.

Next, Capt. Schmidt addressed the utility crossings on Lakeshore Drive stating that 24 of the 26 utility crossing are compensable. We have done the paperwork and you have gone into design.

Mr. Capo addressed the issue of who will administer the Cost Reimbursement Agreement with the Corps; Non-Flood or Flood side. Mr. Capo stated there are items in that agreement that Mr. Pappalardo and Mr. Metzger had concerns with. We may not be able to front the money and we will present this issue at the next round of committee meetings on November 30th and December 2nd.

Capt. Schmidt informed that Lakeshore Drive will be opened to the Airport from West End in mid-April. The problem we are having is Rail Street construction and London Avenue construction. Capt. Schmidt is unsure when street lighting will be available.

COMMITTEE REPORTS

a. Airport Committee

Commissioner Saizan stated that the major items of discussion were the Richard Lambert Consultant contract to complete the terminal and estimate the shortfall to complete the inside because we want to access as much FEMA resources as possible to restore the terminal and bring it back to when it was Shushan Field in 1932 or 1933; that is my goal. Also, to restore as many offices as possible and bring the Walnut Room back which a lot of people seem to be interested in.

b. Marina Committee

Commissioner Brien stated the main items of discussion were installing a sanitation and discharge system. Our arrangement will be working with Wildlife and Fisheries jointly to reduce share in the cost, with the Wildlife and Fishers bearing the majority of the cost.

Also noted was the boathouse transfer wherein the tenant that owned the adjacent boathouse has a purchase agreement to buy, and will renovate boathouse which is in substantial disrepair.

c. Police Committee

Commissioner Dufrechou reported that the PD is doing a lot of good work with equipment that is getting old. I would like to applaud them for keeping many of the cruisers in operation which kept everybody going. There is a shortfall and we are trying to figure out how to cover the cost.

d. Real Estate

Commissioner Trask advised that the three major items were the Pontchartrain Express lease which is currently under negotiations; the Peninsula Condos lease extension which Mr. Capo is still under negotiations to get that lease extended; and a lease proposal for New Basin Canal vacant land located south of Landry's restaurant and north of where Mr. Benson has his boat. It is also my understanding that is still under negotiations. Mr. Capo stated the developers are obtaining their permits and working with their architect and we expect to have something shortly. Mr. Capo further stated this would be a day store supplying snacks, drinks and minor boating equipment and a café that serves hamburgers which will compete with a sit down type restaurant like Landry's.

Commissioner Saizan questioned the Pontchartrain Express time frame. Mr. Capo informed he received additional information and is trying to get this wrapped up because we want to move expeditiously. We gave them until the 21st of this month to come back with a signed lease. We sent them the information and they came back with a counter proposal. We are trying to finalize what they are looking to put there, a ferry dock in addition to a full-fledged restaurant or a terminal type restaurant.

Commissioner Saizan inquired as to what is on the St. Tammany side. Mr. Davis with RCL Consultants and Architects advised that RCL is involved on the North Shore with the property they are leasing and stated they are putting up temporary trailers. There is an existing dock with pilings and they are considering a floating dock which will be a temporary solution. The individual involved here is a restaurateur and more in tune to building something permanent on this side.

Chairman Lupo informed these are preliminary discussions, nothing close to a lease that would be presented to the committee and then to the full Board for approval. These are negotiations to get an idea of what these people are interested in and seeing if the committee is interested in pursuing that and

bringing that concept to the full Board. We are a long way away from presenting a lease agreement concept to the Board.

e. Recreation Committee

Commissioner Ernst reported on Recreation Committee as Chairman Hassinger was not in attendance and Commissioner Ernst handled the meeting in his absence. Commissioner Ernst stated the main items of business were the relocation of Shelter No. 3 located on the west side of Bayou St. John; the discussion and approval of a professional services contract for repairs to the Mardi Gras Fountain and the Four Winds Fountain which Resolution will be before the full board tonight; and discussion about the utility crossings on Lakeshore Drive.

f. Legal Committee

Commissioner Ernst reported this was fairly lengthy with numerous cases briefed for the first time by our attorneys. There are 20 cases currently in various stages of litigation with the Orleans Levee District. We were updated in executive session and I don't anticipate future meetings are going to be as lengthy. The main item for consideration was the approval of an extension of the contract for legal services. The legal services contract for 2010 was \$150,000. By the time we had met a couple of weeks ago it had already been exceeded. We have a resolution tonight to extend the professional services contract with Mr. Metzger's firm and his representation in these 20 cases.

f. Finance Committee

Commissioner Hoffman stated the initial meeting on October 21st was designed to allow the committee to familiarize itself with the operations of the Authority. The second meeting on November 4th included a presentation of the budget for the remainder of 2011 which is currently being reviewed by the committee for recommendations at the next meeting regarding actions towards that budget to be presented at the next Board meeting. There was also a presentation regarding the renewal of health care coverage for employees for 2011. On health care coverage we expect to receive additional information from our insurance broker at our next Finance Committee meeting set for December 2nd. We recommended check signing authority which is the subject of Motion No. 7 on today's Agenda. We also reviewed the renewal quotes for the authority's automobile coverage and the committee is recommending the renewal of that which is Motion No. 4 on today's Agenda.

Commissioner Ernst questioned if this Board would hear a presentation on the status of finances since it is of such importance. Chairman Lupo stated that we are alert of what is going on and there is no reason to present something until we not only have a good grasp of the situation but also some recommendations at the same time.

NEW BUSINESS

Chairman Lupo then addressed the Resolutions and the procedure regarding the Resolutions. The Executive Director will read a synopsis of the Resolution and we will ask for a motion and a second to hear the discussion on the Resolution at which time we will explain and discuss the Resolution. The first item for our Executive Director is Commissioner Saizan's motion.

Motion No. 1-111810

The OLD and Richard C. Lambert Consultants, L.L.C. entered into an Agreement on the 26th day of May, 2006 for Architectural Consultant Services for Hurricane Katrina Damage Repairs at the New Orleans Lakefront Airport, and the consultant Agreement for Professional Services, Article 9 – Period of Services, and Supplemental Agreement No. 11 will expire under its terms contract time on December 31, 2010; however there are design, construction management, inspection, and testing services which require completion, the Airport Committee of the Management Authority has reviewed this matter and has recommended an extension of the Consultant Agreement for Professional Services with Richard C. Lambert Consultants, L.L.C. through December 31, 2011; it is recommended that the Authority approve the extension of the Consultant Agreement for Professional Services with Richard C. Lambert Consultants, L.L.C. through December 31, 2011 under the same terms and conditions of the contract dated on May 26, 2006 with Richard C. Lambert Consultants, L.L.C.; and, the Authority hereby authorize the Authority Chairman or Executive Director to sign an amendment of the contract to extend from January 1, 2011 to December 31, 2011 under the same terms and conditions of the contract dated May 26, 2006 and sign any and all other documents to carry out the above.

Chairman Lupo asked for a brief and Commissioner Saizan stated that we are trying to get the Airport up and running and all of the properties that that are next door to the terminal. Commissioner Saizan commented that we get as much assistance from FEMA as possible to make sure that the Airport and all of the properties are brought back to where they need to be to make the Airport more operational then it is now.

Chairman Lupo then asked Mr. Capo to explain funding for this contract. Mr. Capo informed that the funding is part of the FEMA agreement and all of these contracts are reimbursable by FEMA. Mr. Capo stated that there are FEMA meetings weekly to go over these projects and funding to make sure we receive every dollar we are allowed from FEMA.

Resolution No. 1-111810, offered by Commissioner Saizan, seconded by Commissioner Baudy, was unanimously adopted, to wit:

MOTION: 1-111810
RESOLUTION: 1-111810
BY: COMMISSIONER SAIZAN
SECONDED BY: COMMISSIONER BAUDY

November 18, 2010

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of Orleans Levee District (“OLD”), and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

WHEREAS, the OLD and Richard C. Lambert Consultants, LLC entered into an Agreement on the 26th day of May, 2006 for Architectural Consultant Services for Hurricane Katrina Damage Repairs at the New Orleans Lakefront

Airport, including for the Williams Hangar, McDermott Hangar, Firestation, North FAA Office Building, James Wedell Hangar, Walter Wedell Hangar, Bastian Hangar, Mitchell Hangar, and the Administration Building Exterior and Interior, and

WHEREAS, the Consultant Agreement for Professional Services, Article 9 – Period of Service, and Supplemental Agreement No. 11 will expire under its terms contract time on December 31, 2010; however there are design, construction management, inspection, and testing services which require completion, including the following:

Administration Building Exterior – Construction Administration

Administration Building Interior – Design and Construction Administration

Bastian Mitchell Hangar – Construction Administration

James Wedell Hangar – Construction Administration

Walter Wedell Hangar – Construction Administration

WHEREAS, the Airport Committee of the Management Authority has reviewed this matter and has recommended an extension of the Consultant Agreement for Professional Services with Richard C. Lambert Consultants, L.L.C. through December 31, 2011;

WHEREAS, after consideration of the amendment of said Richard C. Lambert Consultants, LLC's Consultant Agreement for Professional Services, the Management Authority considers it to be in the best interest of the OLD to approve the amendment to said Richard C. Lambert Consultants, LLC's Agreement under the terms and conditions specified hereinabove.

BE IT RESOLVED, that the Authority approves the extension of the Consultant Agreement for Professional Services with Richard C. Lambert Consultants, L.L.C. through December 31, 2011 under the same terms and conditions of the contract dated on May 26, 2006 with Richard C. Lambert Consultants, L.L.C.; and,

BE IT FURTHER RESOLVED, that the Authority hereby authorize the Chairman or Executive Director to sign an amendment of the contract dated May 26, 2006 with Richard C. Lambert Consultants, LLC to extend said contract from January 1, 2011 to December 31, 2011 under the same terms and conditions of the contract dated May 26, 2006 and sign any and all other documents to carry out the above.

AYES: LUPO, ERNST, BAUDY, HOFFMAN, BRIDGES, BRIEN, DUFRECHOU, TRASK SAIZAN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HEATON

RESOLUTION ADOPTED: YES

Motion No. 2-111810

Effective January 1, 2010, the Orleans Levee District, Division of Non-Flood Assets (“OLD”) entered into a written Professional Legal Services Contract with Gerard G. Metzger, A Professional Law Corporation dated on or about December 29, 2009, and approved by the Office of the Attorney General of the State of Louisiana on July 30, 2010. The Contract was for a term of one (1) year commencing on January 1, 2010 and ending on December 31, 2010 and established a budget for attorney’s fees and expenses in the amount of \$150,000, and set forth other terms and conditions for said professional legal services; the budgetary amount set forth in the Professional Legal Services Contract has been expended on legal services and reimbursement of expenses as of August 1, 2010; the Management Authority desires to amend the Contract for the purpose of increasing the budget established for fees and reimbursement of expenses for Counsel not to exceed \$220,000 effective August 1, 2010; and, the Legal Committee of the Management Authority has reviewed this matter and has recommended approval of this Resolution to the Management Authority; it is recommended that the Management Authority approve an amendment of the Professional Legal Services Contract with Gerard G. Metzger (APLC) to increase the budget of said contract to the sum of \$220,000 effective August 1, 2010 under the terms and conditions specified hereinabove, and the Authority Chairman or Executive Director be authorized to sign an amendment of said Professional Legal Services Contract and sign any and all other documents to carry out the above.

Chairman Lupo clarified the original budget was exceeded due to a huge lawsuit relating to a tenant at the Airport and the negotiations and legal ramifications ran the rest of the budget. What we are doing is authorizing through December 31, 2010 an increase in this legal budget.

Commissioner Bridges questioned if we are required to go through the Attorney General’s office for contract approval. Mr. Capo stated this was a requirement of Division of Administration from 2007. Commissioner Hoffman questioned any legal requirement regarding approval of contracts from the Attorney General’s office. Mr. Metzger explained Revised Statute Title 44 required the Attorney General to approve contracts of political subdivisions and the prudent thing to do would be to continue to have the Attorney General sign off on the legal service contract for the management authority henceforth.

Resolution No. 2-111810, offered by Commissioner Ernst, seconded by Commissioner Saizan, was unanimously adopted, to wit:

MOTION: 2-111810
RESOLUTION: 2-111810
BY: COMMISSIONER ERNST
SECONDED BY: COMMISSIONER SAIZAN

November 18, 2010

RESOLUTION

WHEREAS, effective the 1st day of January, 2010, the **Orleans Levee District, Division of Non-Flood Assets (“OLD”)** entered into a written Professional Legal Services Contract with **Gerard G. Metzger, A Professional Law Corporation** dated on or about December 29, 2009, and approved by the

Office of the Attorney General of the State of Louisiana on July 30, 2010 (the “Contract”);

WHEREAS, said Contract was for a term of one (1) year commencing on January 1, 2010 and ending on December 31, 2010, and established a budget for attorney’s fees and expenses in the amount of \$150,000.00, and set forth other terms and conditions for said professional legal services;

WHEREAS, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the OLD, and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

WHEREAS, the budgetary amount set forth in the Professional Legal Services Contract has been expended on legal services and reimbursement of expenses as of August 1, 2010;

WHEREAS, the Management Authority desires to amend the Contract for the purpose of increasing the budget established for fees and reimbursement of expenses for Counsel not to exceed \$220,000.00 effective August 1, 2010; and,

WHEREAS, the Legal Committee of the Management Authority has reviewed this matter and has recommended approval of this Resolution to the Management Authority;

WHEREAS, after consideration of the amendment of said Professional Legal Services Contract, the Management Authority considers it to be in the best interest of the OLD to approve the amendment to said Professional Legal Services Contract under the terms and conditions specified hereinabove.

BE IT HEREBY RESOLVED, that the Management Authority approves an amendment of the Professional Legal Services Contract with Gerard G. Metzger (APLC) to increase the budget of said contract to the sum of \$220,000.00 effective August 1, 2010 under the terms and conditions specified hereinabove.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to sign an amendment of said Professional Legal Services Contract and sign any and all other documents to carry out the above.

AYES: LUPO, ERNST, BAUDY, HOFFMAN, BRIDGES, BRIEN, DUFRECHOU, TRASK SAIZAN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HEATON

RESOLUTION ADOPTED: YES

Mr. Capo announced there was a substitute Resolution on the auto liability, a reduction in cost. Motion No. 3-111810 by Commissioner Hoffman, Chairman of the Finance Committee.

Motion No. 3-111810

The Automobile Liability Policy for the vehicles owned by the OLD is due for renewal on November 1, 2010; Morrison Insurance Agency is the incumbent Agent for the OLD; and Praetorian Insurance Company is the incumbent Insurance Company and is an admitted carrier in the State of Louisiana with a 2010 Best Rate of A-1X; Morrison Insurance Agency through its President, Randy Maddox, has requested and the carrier has agreed to write the policy effective November 1st on a pro-rata basis to avoid a lapse in coverage; and the Finance Committee has reviewed this matter and has recommended approval of this Resolution to the Management Authority; and the Authority authorizes Morrison Insurance Agency to procure the above mentioned insurance coverage in the amount of \$54,209.00 with funds contained in the FY 2010 budget, in accordance with the provisions set forth above in this resolution; and the Authority Chairman or Executive Director be authorized to sign any and all documents necessary to carry out the above.

Commissioner Hoffman stated this was reviewed at the Finance Committee meeting and the reason it was amended was a reduction in the number of cars bringing it down to \$54,209.00.

Chairman Lupo commented that this number is included in the amount that the Orleans Levee District Flood side reimburses the Non-Flood Management side as it relates to all the different police operations. Mr. Capo agreed stating it is a 50/50 split between Flood and Non-Flood side.

Commissioner Hoffman clarified that the \$54,209.00 that it relates to our total vehicles and the cost for the police car insurance is split 50/50..

Resolution No. 3-111810, offered by Commissioner Hoffman, seconded by Commissioner Brien, was unanimously adopted, to wit:

MOTION: 3-111810
RESOLUTION: 3-111810
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER BRIEN

November 18, 2010

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of Orleans Levee District ("OLD"), and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

WHEREAS, the Automobile Liability Policy for the vehicles owned by the OLD is due for renewal on November 1st, 2010;

WHEREAS, Morrison Insurance Agency is the incumbent Agent for the OLD;

WHEREAS, Praetorian Insurance Company is the incumbent Insurance Company and is an admitted carrier in the State of Louisiana with a 2010 Best Rate of A-1X;

WHEREAS, Morrison Insurance Agency through its President, Randy Maddox, has requested and the carrier has agreed to write the policy effective November 1st on a pro-rata basis to avoid a lapse in coverage;

WHEREAS, the Finance Committee of the Management Authority has reviewed this matter and has recommended approval of this Resolution to the Management Authority; and,

WHEREAS, it is in the best interest of the OLD to authorize Morrison Insurance Agency to procure the above mentioned insurance coverage in the amount of \$54,209.00 with funds contained in the FY 2010 budget, in accordance with the provisions set forth in this resolution.

BE IT HEREBY RESOLVED, that the Authority authorizes Morrison Insurance Agency to procure the above mentioned insurance coverage in the amount of \$54,209.00 with funds contained in the FY 2010 budget, in accordance with the provisions set forth above in this resolution;

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and he is authorized to sign any and all documents necessary to carry out the above.

AYES: LUPO, ERNST, BAUDY, HOFFMAN, BRIDGES, BRIEN, DUFRECHOU, TRASK SAIZAN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HEATON

RESOLUTION ADOPTED: YES

Motion No. 4-111810

Since May 6, 2009, the Marina staff has worked diligently with the Louisiana Department of Wildlife and Fisheries towards acquiring a marine sanitation system for the capture and disposal of vessel sewerage discharge and the only other pump-out facility on the South Shore of Lake Pontchartrain is located at the Orleans Marina; and the pump-out facility is to be located south of the Marina Center (Point Building), and to be used to prevent sewerage discharge and pollution from entering marina waters and Lake Pontchartrain; and a cooperative agreement effort with the Louisiana Department of Wildlife and Fisheries (LDWF) for grant sponsor funding (75% LDWF / 25% NFPAM), in accordance with the Clean Vessel Act Grant Program, a permanent pump-out facility has been purchased and installed for \$19,475.00, of which LDWF will be responsible for \$14,606.25 and the Authority will be responsible for \$4,868.75, and the grant amount requested is \$25,000 for contingencies; Louisiana Department of Wildlife and Fisheries (LDWF) has requested a Resolution from the Authority confirming that the Authority has the legal authority over the South Shore Harbor Marina; and the Marina Committee of the Management Authority has reviewed this matter and has recommended approval of this Resolution to the Management Authority; and, after consideration of the request for confirmation that the Authority has the legal authority over the South Shore Harbor Marina, the

Management Authority considers it to be in the best interest of the OLD to approve a Resolution confirming that the Authority has the legal authority over the South Shore Marina and that the Authority recognizes that the Louisiana Department of Wildlife and Fisheries, through the Clean Vessel Act Grant Agreement, will supply cooperative funding in the amount of 75% toward the purchase and installation of this facility; and, the Authority Chairman or Executive Director be authorized to enter into an agreement with the Louisiana Department of Wildlife and Fisheries, through the Clean Vessel Act Grant Agreement, to supply cooperative funding in the amount of 75% toward the purchase and installation of this facility and to sign any and all other documents to carry out the above.

Chairman Lupo commented that this Authority is going to pay roughly \$4,900 for the cost of the \$19,000 project to have a pump out station at the Marina. I don't know how we can have a functioning Marina without such facilities

Resolution No. 4-111810, offered by Commissioner Brien, seconded by Commissioner Baudy, was unanimously adopted, to wit:

MOTION: 4-111810
RESOLUTION: 4-111810
BY: COMMISSIONER BRIEN
SECONDED BY: COMMISSIONER BAUDY

November 18, 2010

RESOLUTION

WHEREAS, the Orleans Levee District ("OLD") has owned and operated South Shore Harbor Marina since 1987, and has continually attempted to enhance the operation of the Marina in terms of profitability, tenant amenities, environmental compliance, capital improvements, and other enhancements;

WHEREAS, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the OLD, and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

WHEREAS, since May 6, 2009, the Marina staff has worked diligently with the Louisiana Department of Wildlife and Fisheries towards acquiring a marine sanitation system for the capture and disposal of vessel sewerage discharge,

WHEREAS, the only other pump-out facility on the South Shore of Lake Pontchartrain is located at the Orleans Marina;

WHEREAS, the pump-out facility is to be located south of the Marina Center (Peninsula Building), and to be used to prevent sewerage discharge and pollution from entering marina waters and Lake Pontchartrain;

WHEREAS, in a cooperative agreement effort with the Louisiana Department of Wildlife and Fisheries (LDWF) for grant sponsor funding (75% LDWF/ 25% NFPAM), in accordance with the Clean Vessel Act Grant Program, a

permanent pump-out facility has been purchased and installed for \$19,475.00, of which LDWF will be responsible for \$14,606.25 and the Authority will be responsible for \$4,868.75, and the grant amount requested is \$25,000 for contingencies;

WHEREAS, Louisiana Department of Wildlife and Fisheries (LDWF) has requested a Resolution from the Authority confirming that the Authority has the legal authority over the South Shore Harbor Marina;

WHEREAS, the Marina Committee of the Management Authority has reviewed this matter and has recommended approval of this Resolution to the Management Authority; and,

WHEREAS, after consideration of the request for confirmation that the Authority has the legal authority over the South Shore Harbor Marina, the Management Authority considers it to be in the best interest of the OLD to approve a Resolution confirming that the Authority has the legal authority over the South Shore Harbor Marina.

BE IT RESOLVED, that the Management Authority hereby confirms that Management Authority has legal authority over South Shore Harbor Marina;

BE IT FURTHER RESOLVED, that the Authority recognizes that the Louisiana Department of Wildlife and Fisheries, through the Clean Vessel Act Grant Agreement, will supply cooperative funding in the amount of 75% toward the purchase and installation of this facility; and,

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to enter into an agreement with the Louisiana Department of Wildlife and Fisheries, through the Clean Vessel Act Grant Agreement, to supply cooperative funding in the amount of 75% toward the purchase and installation of this facility and to sign any and all other documents to carry out the above.

AYES: LUPO, ERNST, BAUDY, HOFFMAN, BRIDGES, BRIEN, DUFRECHOU, TRASK SAIZAN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HEATON

RESOLUTION ADOPTED: YES

Motion No. 5-111810

The Orleans Levee District, Division of Non-Flood Assets ("OLD") issued a Request for Qualifications for professional engineering services for the repair of damages caused by Hurricane Katrina to the Mardi Gras Fountain and Four Winds Fountain; and after review of the submittals in response to the Request for Qualifications, Design Engineering, Inc. ("DEI, Inc.") was selected; the Management Authority and DEI, Inc. have negotiated with FEMA to establish a scope of services for the required repairs to the Mardi Gras Fountain and the Four Winds Fountain; and after consideration of the selection of DEI, Inc. to

provide professional services for the repairs to the Mardi Gras Fountain and Four Winds Fountain, the Management Authority considers it to be in the best interest of the OLD to enter into an agreement for these professional services with DEI, Inc., and the Authority approve two contracts with DEI, Inc. for the professional engineering services, including design and construction management services, required for the repairs to the Mardi Gras Fountain and the Four Winds Fountain; and the Authority Chairman or Executive Director be authorized to sign two professional engineering services contracts for the repairs to the Mardi Gras Fountain and the Four Winds Fountain with Design Engineering, Inc. and to sign any and all other documents necessary to carry out the above.

Chairman Lupo stated when he was on the Orleans Levee District Board this project was considered a high priority by all of the subdivision property owners as well as the entire city and had a memory of how beautiful this fountain was. DEI was the engineer and designer of the renovations and basically the complete rebuild of the fountain and the plaza in front. It makes good sense to have DEI involved in this project again.

Commissioner Ernst questioned if funding is FEMA reimbursed and Mr. Capo confirmed.

Chairman Lupo requested Mr. Steve Nelson recount their previous discussions to familiarize the Board with this contract.

Mr. Nelson advised that this contract is set up from a compensation standpoint for basic services based on the percentage of construction which the Levee District has done in previous contracts. FEMA and the state have taken no issue with reimbursing those contracts. Additional services above and beyond basic services would be done on an hourly basis. The rate schedule has been included in the contract and DEI gave assurances those hourly rates have been reviewed and approved by DNR and Louisiana Department of Transportation. Based on FEMA's reimbursement of existing contracts there should be no issue that this will be reimbursed.

Chairman Lupo commented it was important for the Board to understand that this is a FEMA reimbursable project. As a result, we have the confidence that we are not doing something now that FEMA would come back later and say that they would not approve. We can't get FEMA to approve anything in advance, but we can go by track record and find out what FEMA and DNR has approved in the past.

Mr. Nelson informed of the lone caveat being the study phase. FEMA requested additional back-up which he is in the process of obtaining from DEI to move forward.

Commissioner Bridges questioned who holds the contract and Mr. Capo informed this is Non-Flood Authority. The Request for Qualifications was done by the Orleans Levee District, we advertised in the newspaper and a selection committee scored the proposals. The study phase was done prior to this Authority being seated in August.

Resolution No. 5-111810, offered by Commissioner Ernst, seconded by Commissioner Saizan, was unanimously adopted, to wit:

MOTION: 5-111810
RESOLUTION: 5-111810
BY: COMMISSIONER ERNST
SECONDED BY: COMMISSIONER SAIZAN

November 9, 2010

RESOLUTION

WHEREAS, the Orleans Levee District, Division of Non-Flood Assets (“OLD”) issued a Request for Qualifications for professional engineering services for the repair of damages caused by Hurricane Katrina to the Mardi Gras Fountain and Four Winds Fountain;

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the OLD, and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

WHEREAS, after review of the submittals in response to the Request for Qualifications, Design Engineering, Inc. (“DEI, Inc.”) was selected;

WHEREAS, the Management Authority and DEI, Inc. have negotiated with FEMA to establish a scope of services for the required repairs to the Mardi Gras Fountain and the Four Winds Fountain;

WHEREAS, the Management Authority wishes to enter into two agreements with DEI, Inc. to respectively provide professional services for the repairs to the Mardi Gras Fountain and to the Four Winds Fountain, including design and construction management services for these repairs;

WHEREAS, the Recreational/Subdivision Obligations Committee of the Management Authority has reviewed this matter and has recommended approval of the selection of DEI, Inc. for the professional services contracts for the repairs to these fountains; and,

WHEREAS, after consideration of the selection of DEI, Inc. to provide professional services for the repairs to the Mardi Gras Fountain and Four Wind Fountain, the Management Authority considers it to be in the best interest of the OLD to enter into an agreement for these professional services with DEI, Inc.

BE IT HEREBY RESOLVED, that the Authority approves two contracts with DEI, Inc. for the professional engineering services, including design and construction management services, required for the repairs to the Mardi Gras Fountain and the Four Winds Fountain;

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to sign two professional engineering services contracts for the repairs to the Mardi Gras Fountain and the Four Winds Fountain with Design Engineering, Inc. and to sign any and all other documents necessary to carry out the above.

AYES: LUPO, ERNST, BAUDY, HOFFMAN, BRIDGES, BRIEN,
DUFRECHOU, TRASK SAIZAN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HEATON

RESOLUTION ADOPTED: YES

Motion No. 6-111810

The Authority has its operating bank accounts, including its Payables bank account at Capital One Bank; the following Authority personnel, Executive Director, Marina Director, and New Orleans Lakefront Airport Director, have signatory authority on the Capital One Bank Payables bank account; the Finance Committee of the Management Authority has recommended that the Chairman of the Finance Committee of the Management Authority, be added as a signatory to the Capital One Bank Payables bank account; and that the Authority Chairman or Executive Director be authorized to sign any and all documents necessary to carry out the above.

Commissioner Hoffman stated that this is being done as a practical matter as all checks over \$250 require two signatures and we want to make sure we have enough people available on a weekly basis to sign checks and pay our vendors.

Resolution No. 6-111810, offered by Commissioner Hoffman, seconded by Commissioner Saizan, was unanimously adopted, to wit:

MOTION: 6-111810
RESOLUTION: 6-111810
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER SAIZAN

November 18, 2010

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of Orleans Levee District (“OLD”), and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

WHEREAS, the Authority has its operating bank accounts, including its Payables bank account at Capital One Bank;

WHEREAS, the following Authority personnel, Executive Director, Louis Capo, Marina Director, Charles Dixon and New Orleans Lakefront Airport Director, Randolph Taylor, have signatory authority on the Capital One Bank Payables bank account;

WHEREAS, the Finance Committee of the Management Authority has recommended that the Chairman of the Finance Committee of the Management Authority, William Hoffman, be added as a signatory to the Capital One Bank Payables bank account; and,

WHEREAS, after consideration of the recommendation of the Finance Committee, the Management Authority considers it to be in the best interest of the OLD that the Chairman of the Finance Committee of the Management

Authority, William Hoffman, be added as a signatory to the Capital One Bank Payables bank account;

BE IT HEREBY RESOLVED, That William Hoffman, Chairman of the Finance Committee of the Authority, be added as a signee on the Capital One Bank Payables bank account;

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to sign any and all documents necessary to carry out the above.

AYES: LUPO, ERNST, BAUDY, HOFFMAN, BRIDGES, BRIEN, DUFRECHOU, TRASK SAIZAN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HEATON

RESOLUTION ADOPTED: YES

Motion No. 7-111810

Employment Development Services (“EDS”) is authorized by La.R.S. 39:1594, 39:1595 and R.S. 38:2261 as part of the Louisiana State Use Program; EDS, Louisiana’s Central Non-Profit Agency (CAN) designated by the State Use Council, represents all certified workshops in Louisiana; EDS by its workshop will perform a One Time Clean-Up Debris Services around the Point Building located at South Shore Harbor Marina for the sum of \$3,116.82; that the Management Authority approves an agreement with One Time Clean-Up Debris Services for the sum of \$3,116.82, and that the Management Authority authorize the Authority Chairman or Executive Director to sign an agreement with One Time Clean-Up Debris Services under the terms set forth above and to sign and all other documents necessary to carry out the above.

Chairman Lupo advised that this is a vegetation removal contract, this is not removing building or structures. Commissioner Hoffman asked when the clean up will be done and Mr. Kevin Gray of EDS stated that when the approval occurs ARC of New Orleans will be doing the work which will be done within a one week time frame and finished by the end of the first week in December.

Resolution No. 7-111810, offered by Commissioner Brien, seconded by Commissioner Baudy, was unanimously adopted, to wit:

MOTION: 7-111810

RESOLUTION: 7-111810

BY: COMMISSIONER BRIEN

SECONDED BY: COMMISSIONER BAUDY

November 18, 2010

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of Orleans Levee District (“OLD”), and an agency of the State of Louisiana placed within the

Louisiana Department of Transportation and Development as provided under Title 36, Section 801.1 (A) of the Louisiana Revised Statutes;

WHEREAS, Employment Development Services (“EDS”) is authorized by La.R.S. 39:1594, 39:1595 and R.S. 38:2261 as part of the Louisiana State Use Program;

WHEREAS, EDS, Louisiana’s Central non-profit Agency (CAN) designated by the State Use Council, represents all certified workshops in Louisiana;

WHEREAS, EDS by its workshop will perform a One Time Clean-Up Debris Services around the Point Building located at South Shore Harbor Marina for the sum of \$3,116.82; and,

WHEREAS, after consideration of this agreement, the Management Authority considers it to be in the best interest of the OLD to approve this agreement with One Time Clean-Up Debris Services;

BE IT RESOLVED, that the Management Authority approves an agreement with One Time Clean-Up Debris Services for the sum of \$3,116.82.

BE IT FURTHER RESOLVED, that the Management Authority authorizes the Chairman or Executive Director to sign an agreement with One Time Clean-Up Debris Services under the terms set forth above and to sign and all other documents necessary to carry out the above.

AYES: LUPO, ERNST, BAUDY, HOFFMAN, BRIDGES, BRIEN, DUFRECHOU, TRASK SAIZAN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HEATON

RESOLUTION ADOPTED: YES

Motion No. 8-111810

Pursuant to a Lease Agreement entered into on September 15, 2008, OLD leased to Darienne Richards the property situated in the City of New Orleans, on the side of the Orleans Marina, consisting of water bottoms and land, and described as Boathouses W-2A & W-2B on Orleans Levee Board Drawing No. LD-4529, dated August 16, 1971, as revised March 8, 1983, a copy of which is on file in the office of the Orleans Levee District, and bears Municipal Address 7375 W. Roadway, Boathouse No. W-2A and W-2B, New Orleans, LA 70124; The Lessee listed the improvements on the Leased Premises for sale over one year ago; and Brad Adams has made an offer to purchase the improvements located on the Leased Premises and has requested that the Lease be assigned and transferred to him; the Lease requires the approval of the OLD of an assignment or transfer, which approval may be granted or denied by OLD in its sole and absolute discretion; the OLD will receive a transfer fee in the amount of 8% of the total amount of the consideration received by Lessee for the assignment and transfer of the leasehold and/or improvements thereon, and the payment of such transfer fee to the OLD shall be a condition for approval of the assignment and transfer of the Lease to Brad Adams; the Marina Committee of the Management Authority has reviewed this matter and has recommended approval of the assignment and transfer of the Lease to Brad Adams in

consideration of the payment of the transfer fee; and, that the Management Authority approves the assignment and transfer of the Lease to Brad Adams in consideration of the payment of the transfer fee; The Authority Chairman or Executive Director be and is hereby authorized to sign the assignment and transfer of the Lease and to sign any and all other documents necessary to carry out the above.

Chairman Lupo requested Mr. Metzger brief the Board on boathouse lessees and litigation and explain these transfers and what the Non-Flood Asset Management Authority receives as a result of these kinds of transactions.

Mr. Metzger explained that these are ground leases in the Orleans Marina. In 1970 when the Marina was renovated the shells were sold to the tenants who leased the ground. The tenants own the improvements. Mr. Adams was one of the litigants in 2000 which ended in the Board prevailing that it could set the rental rates with the new lease terms that came into effect. We introduced the idea of an 8% transfer fee. The Board has total authority over permitting an assignment of the lease and it receives 8% as a commission which is really additional rental on the transfer of these leases. The 8% relates to the improvements that the tenant has put in there that he is selling. Whatever the sales price is, the District gets 8% of the total sales rights. It is not a sale under 1014, this money is additional rental income which the Management Authority will keep.

Resolution No. 8-111810, offered by Commissioner Brien, seconded by Commissioner Baudy, was unanimously adopted, to wit:

MOTION: 8-111810
RESOLUTION: 8-111810
BY: COMMISSIONER BRIEN
SECONDED BY: COMMISSIONER BAUDY

November 18, 2010

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the Non-Flood Division of the Orleans Levee District (“OLD”), and an agency of the State of Louisiana placed within the Louisiana Department of Transportation and Development as provided under Title 36:§801.1(A) of the Louisiana Revised Statutes;

WHEREAS, pursuant to a Lease Agreement (the “Lease”) entered into on September 15, 2008, OLD leased to Darienne Richards (“Lessee”) the property situated in the City of New Orleans, on the side of the Orleans Marina, consisting of water bottoms and land, and described as Boathouses W-2A & W-2B on Orleans Levee Board Drawing No. LD-4529, dated August 16, 1971, as revised March 8, 1983, a copy of which is on file in the office of the Orleans Levee District, and bears Municipal Address 73 75 W. Roadway, Boathouse No. W-2A and W-2B, New Orleans, LA 70124 (the “Leased Premises”);

WHEREAS, Lessee listed the improvements on the Leased Premises for sale over one year ago;

WHEREAS, Brad Adams has made an offer to purchase the improvements located on the Leased Premises, which offer has been accepted by Lessee, and has requested that the Lease be assigned and transferred to him upon the actual sale of the improvements to him;

WHEREAS, Brad Adams leases the boathouse adjacent to the Leased Premises from the OLD;

WHEREAS, the Lease requires the approval of the OLD of an assignment or transfer, which approval may be granted or denied by OLD in its sole and absolute discretion;

WHEREAS, the OLD will receive a transfer fee in the amount of 8% of the total amount of the consideration received by Lessee for the assignment and transfer of the leasehold and/or improvements thereon, and the payment of such transfer fee to the OLD shall be a condition for approval of the assignment and transfer of the Lease to Brad Adams;

WHEREAS, the Marina Committee of the Management Authority has reviewed this matter and has recommended approval of the assignment and transfer of the Lease to Brad Adams in consideration of the payment of the transfer fee and the actual sale of the improvements to Brad Adams; and,

BE IT HEREBY RESOLVED, that the Management Authority approves the assignment and transfer of the Lease to Brad Adams in consideration of the payment of the transfer fee and the actual sale of the improvements to Brad Adams;

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to sign the assignment and transfer of the Lease and to sign any and all other documents necessary to carry out the above.

AYES: LUPO, ERNST, BAUDY, HOFFMAN, BRIDGES, BRIEN, DUFRECHOU, TRASK SAIZAN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, HEATON

RESOLUTION ADOPTED: YES

Chairman Lupo stated it was important that the Board understands how the transactions work.

PUBLIC COMMENTS:

MR. WARNER TUREAUD – Tenant, Orleans Marina

Mr. Tureaud stated that he is also President of the Tenants Association and addressed the Board about a dilemma last week regarding possible closure of the entire parking sending shock waves through the community. Mr. Tureaud spoke with Louis until 9:00 that night regarding different strategies and Thursday they came out on a holiday to discuss various solutions. We were able to come up with some resolutions and we are here tonight to thank the Board and the Executive Staff for working with us because it was a very serious issue and one

that would have affected our quality of life. We would have liked 50 spots but we don't have a total closure either so we want to thank you guys for that and viewing this as the serious problem that it was.

Chairman Lupo stated he was impressed that the Corps came quickly and the executive staff put something together that quickly. Remember, you are our clients, we work for you so any time there is a problem come to the committee and let us know what is going on and we are going to solve it.

Mr. Tureaud added that the 350 tenants of the association want this flood project and realize the importance of it. Mr. Tureaud went on to compliment the Board meeting stating he has attended a lot of these and this one was very productive.

MILTON PRESLEY – Lake Vista Resident

Mr. Presley stated he was here at the behest of his wife who would like to know why the lane lights and the street lights in Lake Vista and the Lakefront have not been repaired this long after Katrina. Mr. Presley also inquired as to why Lakeshore is closed at night from Landry's to Marconi.

Chairman Lupo addressed the first item regarding the street lights. The street lights in Lake Vista are operated and maintained by the City of New Orleans who entered into a contract after the storm with a contractor who has since **given up the contract**. On Wisner, Harrison Avenue and Canal Blvd. you will see the same situation, it is not unique to Lake Vista. We are going to try to use our offices and Councilwoman Guidry is trying to use the power of her offices to make something happen. For some reason under the Nagin administration they decided to let Entergy out of that responsibility. Lakeshore Drive, you have heard discussions about utilities going over the levees and as a result of the levees being raised all utilities that went through to light Lakeshore Drive and bring water and drainage to Lakeshore Drive had to be disconnected. As a result, all of that is being redone. Our representative from the Corps is here talking about utilities and what is going to be done. There is a lot of going back and forth with contracts and who is responsible and the agency to sign off on it. The good news is that the Corps has agreed to do it because originally they said it was not their responsibility.

Mr. Capo stated the Corps is going to pick up the majority of this with the exception of the crossover at the Mardi Gras Fountain and Shelter 2. The numbers for both are in the neighborhood of \$26-\$28,000 and the Corps will pick up the rest. The estimate now is \$1.8 million.

Mr. Presley inquired why Lakeshore Drive is open during the day and closed at night. Chairman Lupo responded it is a security **concern with the lack of lighting after sunset**.

ANNOUNCEMENT OF NEXT BOARD MEETING

Mr. Capo announced the next Board meeting will be held on December 16, 2010 at 5:30 p.m.

ADJOURNMENT

Commissioner Saizan called for a motion to adjourn, seconded by Chairman Lupo and unanimously adopted. The meeting adjourned at 6:58 p.m.