

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY, DECEMBER 15, 2011 – 5:30 P.M.

The regular monthly meeting of the Board of the Non-Flood Protection Asset Management Authority of the Orleans Levee District was held on Thursday, December 15, 2011 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.

Chairman Lupo called the meeting to order at 5:30 p.m. and led in the Pledge of Allegiance.

The roll was called and a quorum was present.

PRESENT:

Chairman Robert E. Smith Lupo
Secretary Greg Ernst
Commissioner William Hoffman
Commissioner Wilma Heaton
Commissioner Michael Bridges
Commissioner Stanley Brien
Commissioner Carlton Dufrechou
Commissioner John Trask
Commissioner Darrel Saizan
Commissioner Patrick DeRouen

ABSENT:

Vice-Chairman Joe Hassinger
Commissioner Romona Baudy
Commissioner Pearl Cantrelle

STAFF:

Louis Capo, Executive Director
Sharon Martiny, Non-Flood
Dawn Wagener, Non-Flood
Fred Pruitt, Airport Director
Charles Dixon, Marina Manager

ALSO PRESENT:

Gerard Metzger
Steve Nelson
Alton Davis
Jay Taffet
Mike Stack
Al Pappalardo
Wayne Francingues
Tony Collins

ADOPT AGENDA

Commissioner Hoffman offered a motion to adopt the Agenda, seconded by Commissioner Trask and unanimously adopted.

APPROVAL OF PRIOR MINUTES

Commissioner Trask offered a motion to approve the minutes of the Board meeting held October 20, 2011, seconded by Commissioner Hoffman and unanimously adopted.

REPORT BY EXECUTIVE DIRECTOR

Mr. Capo stated there were important events scheduled to take place at the Airport before the next committee meeting in January. January 3, 2012 is the Sugar Bowl; January 7, 2012 is the tentative date for the Saint's playoff game, January 9, 2012 is the BSC championship. Those items are of note as there will be increased traffic at the

Airport. The tower has extended the hours on arrival on January 3, 2012 for the Sugar Bowl game from 8:00 a.m. until 2:00 a.m. Although the tower is normally shut down at 6:00 p.m. it will remain open an additional 8 hours until 2:00 a.m. The date of departure, January 4, 2012, the tower will open at 6:00 a.m. as that is the biggest day for the traffic on the Airport. Director Fred Pruitt extended tower hours for the Sugar Bowl, January 3rd, and the BCS Championship, January 9th, along with the firemen's hours to 24 hours on the day of those events. In anticipation of the events Mr. Pruitt and Mr. Capo met with air traffic control tower representatives, the three FBOs and the firemen to review an overflow parking plan for the planes. Mr. Pruitt mapped out where each FBO can park the planes. We have also advised the FBOs to contact their fuel supplier to ensure there is enough fuel on hand to meet demands. Mr. Capo is working with the grass contractors to make sure there is increased grass cutting and trash pick-up so the Airport is well maintained for these events. Mr. Capo informed there are also 3 fuel tanks containing jet fuel and each tank is independent and there is 3 av gas. Those tanks are all independent of each other.

Mr. Capo stated that the War of 1812 event is moving forward with a meeting scheduled next week requested by Chairman Lupo. To complicate matters next year, the Iron Man Competition is being held on the same two days as the Blue Angels over Lake Pontchartrain. That will bring large crowds with people trying to leave one event and arrive at another event. The meeting next week will include NOPD and OLD police, the City and everyone involved in the air show along with the planners to discuss and address all concerns regarding the events.

Mr. Capo stated that that Naval Reserve site has been cleaned. The fence and overgrowth has been removed along with the swing sets on the east end of Lakeshore Drive. The sinkholes on Lakeshore Drive on the east side of Bayou St. John have been repaired along with the three additional sinkholes in the grassy area that were potential safety hazards.

PRESENTATIONS

1) Recognition of the firemen for their rescue efforts at the New Orleans Lakefront Airport

Chairman Lupo informed the Board of several recent accidents at the Lakefront Airport and thanked the individuals and the entire team that responded to the accidents. Mr. Pruitt advised in November the Airport had 2 alerts. The first alert was on Sunday, November 20, 2011, involving a single engine aircraft that departed Lakefront Airport at 10:26 a.m. The ARF Dept. received a call informing of engine failure and the plane's attempting return. Platoon A responded with Capt. Brown in charge, Capt. Collins and Fireman Breaux. Capt. Collins notified that the plane was down and boarded a nearby fishing boat successfully picking the pilot up from the tail of the aircraft approximately 3 miles into the Lake. The pilot was taken to South Shore Harbor Marina and transferred to a waiting ambulance and transported to a hospital for evaluation and later released.

The second incident occurred on Tuesday, November 29, 2011 at 6:24 p.m. This incident also occurred with Platoon A. At the time of this incident, Capt. Brown was in charge, along with Capt. Collins and Fireman Smith who were notified by the New Orleans Approach that an aircraft was flying erratically approximately 3 miles north of the field. The aircraft was observed heading for Lakefront Airport. The pilot touched down on the closed, unlit 18L 36R, crossed the runway twice running over a sign and stopping in the grassy area between the Runway and Taxiway Bravo. The ARC responded from the area due to leaking fuel, removed the pilot who was unresponsive and sent the pilot by ambulance to the hospital. The ARC contacted a local mechanic and requested assistance to shut the aircraft system down to stop fuel leakage. They did an excellent job.

Capt. Tony Collins was one of the first firemen hired in 1998. Chairman Lupo thanked Capt. Collins and noted a rescue boat is a much needed asset. Capt. Collins stated that when planes land in the lake ARF are the first ones there. A local fisherman was in

the area during the November 20 accident who transported Capt. Collins and Capt. Brown the four miles to assist in retrieving the pilot. The rescue took approximately 20 minutes. Capt. and Mr. Pruitt had recently purchased new batteries for the radios to ensure radio contact from the time we were in the boat until the time we were on shore. Capt. Jake Brown and Firefighter George Smith were also introduced and thanked. Capt. Brown also recognized Corey Breaux who was also on duty and participated in the rescue efforts. Mr. Breaux was unable to attend the meeting because he was on duty. Commissioner Dufrechou added that he has been flying in and out of Lakefront Airport for many years. There was another incident in April where an aircraft ditched and Jake actually fished the two men out. The Airport Community recognizes the efforts of these men.

2) Report on Attorney General opinion regarding Management Authority members' terms of office

Mr. Metzger informed that the opinion informs of a 4 year term commencing when the Authority was created. If you are under Act 1014, that is August 15, 2010. If you are under Act 363, that is June 29, 2011. All members on this Board are going back to August 15, 2010. Chairman Lupo advised of an open position from the original date and two open positions from the last legislature date. Those terms would only fill out for the remainder of the term. Commissioner Trask added if all member's terms expire on the same day the Authority may want to stagger some of those terms so you do not have a brand new Board over night.

Commissioner Hoffman made a motion to amend the Agenda to hear the items under New Business before the Committee Reports as there are Board members that need to depart from the meeting shortly. Commissioner Trask seconded the motion which was unanimously adopted.

NEW BUSINESS

Motion No. 01-121511

This motion is for approval for the Finance Chairman, Executive Director, Marina Director and Airport Director to be signatories on the Capital One Bank Payable Checking Account. Presently there are 3 people that can sign but a fourth will be added for additional people in-house to sign. This is just to add the title as opposed to a name.

Motion No. 01-121511 by Commissioner Hoffman, seconded by Commissioner Trask was unanimously adopted to wit:

MOTION: 01-121511
RESOLUTION: 01-121511
BY: COMMISSIONER HOFFMAN
SECONDED: COMMISSIONER TRASK

December 15, 2011

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 as the governing authority of the non-flood assets of Orleans Levee District ("District") and is 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, after consideration of the recommendation of the Finance Committee, the Management Authority considers it to be in the best interest of the Authority that the signatories on the Capital One Bank Payables Checking Account include Finance Chairman, Executive Director, Marina Director and Airport Director;

BE IT HEREBY RESOLVED, after consideration of the recommendation of the Finance Committee, the Management Authority considers it to be in the best interest of the Authority that the signatories on the Capital One Bank Payables Checking Account include Finance Chairman, Executive Director, Marina Director and Airport Director;

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

AYES: LUPU, ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, BAUDY, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 02-121511

This motion is to authorize the renewal of the United Health Care plan M60-P, United Health Care Vision Plan and the Crescent Dental Care Plan through the Besselman & Little Agency for a period of one year commencing on January 1, 2012 and ending on December 31, 2012 for the Orleans Levee District employees and retirees. Mr. Capo advised of two different categories, active and retirees, but the rates are no different. Active individual employees pay 10%, employee and spouse pay 14.15%, retirees (post-65) pay 34%. The annual health care premium for our entity is \$383,170.32 of which the employees and retirees pay \$62,899.09 with the Management Authority paying \$320,271.23.

Chairman Lupo informed this will be renewed and an ad-hoc committee will be formed after the first of the year to review all of health insurance. A cursory review of this comparing it to information obtained regarding how it was structured when the Orleans Levee District handled this indicated that a further review was necessary for next year. Commissioner Bridges suggested looking at the Office of Group Benefits. Commissioner Hoffman addressed the issue of cost sharing ratios to see if we are in the main stream or if the Authority is too low or too high. Retiree benefits should also be reviewed.

Motion No. 02-121511 by Commissioner Hoffman, seconded by Commissioner Trask was unanimously adopted to wit:

MOTION: 02-121511
RESOLUTION: 02-121511
BY: COMMISSIONER HOFFMAN
SECONDED: COMMISSIONER TRASK

December 15, 2011

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 as the governing authority of the non-flood assets of Orleans Levee District (“District”) and is 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 renewal quotes were submitted by United Healthcare for the Health Care Plan and the Vision Care Plan and by Crescent Dental for the Dental Care Plan for a one year term commencing on January 1, 2012, through the Besselman & Little Agency, as follows:

United Healthcare Plan “M60-P” is offered at 12.48% increase in premium by United Healthcare at an estimated annual cost of \$383,170.32 to the Authority less an estimated portion of \$62,899.09 of the total annual premium to be paid by employees/retirees.

The United health Care Vision Plan is offered at the locked rate of an estimated annual cost of \$2,278.08 to the Authority.

The Crescent Dental Care Plan is offered at an estimated annual cost of \$14,562.36 less \$1,852.92 to be paid by the retirees to the Authority.

WHEREAS, the renewal of the Health, Vision and Dental Care Plans was presented for review to the Finance Committee at its meeting held on December 8, 2011 by Mr. Tom Besselman of Besselman & Little Agency.

WHEREAS, there is one policy in force for the employees/retirees of the Authority and the Orleans Levee District –Flood Division, with the costs separate and paid by each respective Division, and

WHEREAS, the Finance Committee of the Authority recommends approval of the Health, Vision, and Dental Care Plans with the condition that the Southeast Louisiana Flood Protection Authority – East (SLFPA-E) approves its portion of the renewal policy, and

WHEREAS, the Finance Committee of the SLFPA-E met on December 5, 2011 and recommended approval to its Board; and

WHEREAS, the SLFPA-E met on the morning of December 15, 2011 and approved its portion of the Health, Vision and Dental Care Plans; and

BE IT HEREBY RESOLVED, that the Non-Flood Protection Asset Management Authority authorizes the renewal of United Healthcare Plan “M60-P”, the United Healthcare Vision Plan and the Crescent Dental Care Plan, as stated above, through the Besselman Little Agency, for a period of one year commencing on January 1, 2012 and ending on December 31, 2012.

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

AYES: LUPO, ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, BAUDY, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 03-121511

This motion is to approve a contract with DaVinci Builders, LLC in the amount of \$30,739.45 to repair a water leak under the Harbor Master Building at Orleans Marina and to authorize the Executive Director to enter into an agreement with DaVinci Builders to follow the scope of work as specified in the conditions set forth in the bid specification and drawings issued to the contractor for the sum set forth above. Chairman Lupo informed that this is at Orleans Marina inside the Marina property outside the flood wall. The meter will also be moved from the street onto Levee District property. Mr. Dixon stated that this has been an issue for a year with the flood wall raising. The Corps personnel wanted to be present when the dirt was taken away to take a look at the pipe. I will be there with photograph pictures and video. This has been an ongoing situation. This is approximately 10 feet away from where the Corps was driving piles.

Motion No. 03-121511 by Commissioner Brien, seconded by Commissioner Dufrechou was unanimously adopted to wit:

MOTION: 03-121511

RESOLUTION: 03-121511

BY: COMMISSIONER BRIEN

SECONDED BY: COMMISSIONER DUFRECHOU

December 15, 2011

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 as the governing authority of the non-flood assets of Orleans Levee District (“District”) and is 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 Orleans Levee District (“OLD”) operates the Orleans Marina 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 Sewage and Water Board installed the water meter that feeds Orleans Marina on the curb of Lake Marina Avenue when the Avenue was a two-lane street;

WHEREAS, when Lake Marina Avenue was expanded to a four lane road the water meter was not moved, thus the water meter is now in the middle of the road and 4 feet below the surface, and is frequently under water,

WHEREAS, the Sewage and Water Board is allowing the meter to be moved inside Orleans Marina;

WHEREAS, with moving the meter inside the marina, the marina would not be held responsible for any water leaks outside of the marina property and marina personal would be able to read the meter to verify the readings;

WHEREAS, this matter was presented to the Marina Committee on December 6, 2011 however, the meeting was informational only due to lack of quorum;

WHEREAS, Management hired American Leak Detection to test the water lines under the Harbor Masters’ building and found a leak;

WHEREAS, Management requested Stuart Consulting Group to write the RFP to repair said leaks under the Harbor Masters’ building and to connect the water meter Sewage and Water Board will install;

WHEREAS, Stuart Consulting Group solicited quotes from contractors for this work and the lowest bid was from DaVinci Builders, LLC in the amount of Thirty Thousand Seven Hundred Thirty-Nine Dollars and Twenty Five Cents (\$30,739.25)

BE IT RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to enter into an agreement with DaVinci Builders, LLC to follow the scope of work as specified in the conditions set forth in the bid specifications and drawings issued to the Contractor for the sum of \$30,739.25.

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, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, BAUDY, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 04-121511

This motion is for approval to delete Section 8.3 in its entirety from Richard C. Lambert Consultants, LLC’s contract regarding architect and engineering 5% retainage fee. The Management Authority will approve a Supplemental Agreement with Richard C. Lambert, LLC striking Section 8.3 from the Agreement in its entirety. All other terms and conditions of the Agreement are to remain the same. Commissioner Hoffman stated that it is unusual to have a retainage on an architect’s contract. This was from the original contract several years ago. This was vetted extensively at the Airport Committee meeting and counsel was consulted as well.

Motion No. 04-121511 by Commissioner Saizan, seconded by Commissioner Hoffman was unanimously adopted to wit:

MOTION: 04-121511
RESOLUTION: 04-121511
BY: COMMISSIONER SAIZAN
SECONDED BY: COMMISSIONER HOFFMAN

December 15, 2011

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 assets of the Orleans Levee District (“District”), 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 Management Authority is the successor of the former Board of Commissioners of the Orleans Levee District and of the Division of Administration, State of Louisiana, which previously managed the non-flood assets of the Orleans Levee District;

WHEREAS, the New Orleans Lakefront Airport (“Airport”) is one of the non-flood assets of the District under the management and control of the Management Authority;

WHEREAS, the former Board of Commissioners of the Orleans Levee District and Richard C. Lambert Consultants, LLC, (“Consultant”) entered into an Agreement on the 26th day of May, 2006 for Consultant to provide professional services at the Airport;

WHEREAS, the Agreement was extended on the 12th day of December, 2010, by Resolution 1-111810 of the Management Authority, until December 31, 2011;

WHEREAS, Section 8.3 of the Agreement required that the Consultant’s monthly invoices for the construction phase shall reflect the amount and value of work accomplished to date of such submission, less five percent for retainage;

WHEREAS, the practice of requiring a retainage on professional services contracts is not an industry standard;

WHEREAS, in an email dated November 16, 2011, the Consultant formally requested that Section 8.3 be stricken from the Agreement;

WHEREAS, the Airport Committee of the Management Authority on December 6, 2011 considered this request and agreed to recommend to the Management Authority that Section 8.3 be stricken from the Agreement in its entirety.

BE IT HEREBY RESOLVED, that the Management Authority approves a Supplement Agreement with Richard C. Lambert Consultants, LLC striking Section 8.3 from the Agreement in its entirety, with all other terms and conditions of the Agreement to remain the same.

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

AYES: LUPO, ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, BAUDY, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 05-121511

This motion is for approval to extend the professional services contract with Richard C. Lambert Consultants, LLC thru December 30, 2012 under the same terms and conditions as the contract dated May 26, 2006. Commissioner Saizan informed this was vetted and passed at the Airport Committee meeting and will take us to the end of 2012 with Richard C. Lambert who is doing an excellent job at the Airport. Mr. Davis

informed the contract is structured on the FEMA curve which is based on the construction cost. There was one contract for all of the work: the Hangars, the Terminal, the work we have done on the other hangars and the fire station. This was one contract tied to the FEMA curve and directly reimbursable by FEMA. The James Wedell Hangar will be bid Monday.

Motion No. 05-121511 by Commissioner Saizan, seconded by Commissioner Heaton was unanimously adopted to wit:

MOTION: 05-121511
RESOLUTION: 05-121511
BY: COMMISSIONER SAIZAN
SECONDED: COMMISSIONER HEATON

December 15, 2011

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 as the governing authority of the non-flood assets of Orleans Levee District (“District”) and is 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 and Richard C. Lambert Consultants, L.L.C. entered into an Agreement on the 26th day of May, 2008 for Architectural Consultant Services for Hurricane Katrina Damage Repairs at the New Orleans Lakefront Airport, including 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 expired under its terms contract time on December 31, 2010

WHEREAS, the Supplemental Agreement No 16 approved by Resolution 1-111810 of the Management Authority, extended contract time until December 31, 2011;

WHEREAS, the Consultant Agreement for Professional Services will expire under its terms on December 31, 2011;

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

BE IT HEREBY 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, 2012 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 Chairman or Executive Director be and is hereby authorized to execute any and all documents necessary to carry out the above.

AYES: LUPO, ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, BAUDY, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 06-121511

This motion is to approve a supplemental agreement with Richard C. Lambert Consultants to redesign the sprinkler tank platform for the Bastian-Mitchell Hangar project and the Lakefront Airport Terminal project in accordance with FEMA

requirements. Mr. Davis informed this was being done on three projects but the James Wedell was omitted. This is something that we had to do to keep the schedule going. FEMA requested this because we have already designed the tanks to be on the ground but FEMA informed the tanks needed to be raised. FEMA is going to fund this and the work will be on an hourly basis. The James Wedell will be bid on Monday. This resolution needs to be amended to include the James Wedell Hangar. Steve Nelson of Stuart Consulting stated that the elevation of the tank is a requirement from FEMA. FEMA agreed as it is their requirement they will reimburse the cost of the design as long as the architect can provide the hours and the amount of effort which they have done since day one. I see no reason why FEMA would not reimburse the cost of this. Commissioner Heaton made a motion to amend the Motion, seconded by Commissioner Saizan and unanimously adopted.

The amendment to the motion adding the James Wedell Hangar to the project was passed by a unanimous roll call vote.

The schedule is compressed to 10 months. The James Wedell Hangar is going to bid Monday and bids will be opened January 19, 2012 to be under contract for the 1st. This should be complete by the end of the year. We are getting the funding from FEMA for the Walter Wedell Hangar so we are ready to bid that. The Walter Wedell is the simpler hangar as it has no sprinkler platform. If we get that before January the schedule could be compressed to 7-8 months in which case we could get all three built. Commissioner Saizan commented that would put this complete with everything including the Terminal and the Hangars prior to the Super Bowl in 2013 which we need to be really ready for. Commissioner Saizan requested this be put on the Committee meeting in January if it is approved. Mr. Nelson stated that Walter Wedell, as the simplest one, has always been the last in the string. There are three version requests that FEMA has written that need obligation. If we have obligation on those by mid January the schedule can be met.

Motion No. 06-121511 by Commissioner Saizan, seconded by Commissioner Hoffman was unanimously adopted as amended to wit:

MOTION: 06-121511
RESOLUTION: 06-121511
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER SAIZAN

December 15, 2011

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 assets of the Orleans Levee District ("District"), 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 Management Authority is the successor of the former Board of Commissioners of the Orleans Levee District and of the Division of Administration, State of Louisiana, which previously managed the non-flood assets of the Orleans Levee District;

WHEREAS, the New Orleans Lakefront Airport ("Airport") is one of the non-flood assets of the District under the management and control of the Management Authority;

WHEREAS, the former Board of Commissioners of the Orleans Levee District and Richard C. Lambert Consultants, LLC, ("Consultant") entered into an Agreement on the 26th day of May, 2006 for Consultant to provide professional services at the Airport, including in connection with the Administration Building or Terminal, the Bastian and Mitchell Hangars, and the James and Walter Wedell Hangars at the New Orleans Lakefront Airport ("Agreement");

WHEREAS, the Agreement was extended on the 12th day of December, 2010, by Resolution 1-111810 of the Management Authority, until December 31, 2011;

WHEREAS, the Federal Emergency Management Authority (“FEMA”) required that the tanks for the sprinkler systems for the Terminal, the Bastian-Mitchell Hangar, and the James and Walter Wedell Hangars be elevated above the base flood elevation;

WHEREAS, FEMA agreed to reimburse the Management Authority for any additional costs incurred by the re-design of the sprinkler tank platforms;

WHEREAS, the Consultant was directed by the Management Authority to proceed with re-designing the sprinkler tank platforms;

WHEREAS, the Consultant requested compensation for the time expended on re-designing the platforms based on hourly rates set forth in Exhibit “A” attached hereto and made a part hereof;

BE IT HEREBY RESOLVED, that the Management Authority approves a Supplemental Agreement with Richard C. Lambert Consultants, LLC providing compensation to cover the costs associated with re-designing the sprinkler tank platforms based on the hourly rates set forth in Exhibit “A,” attached hereto and made a part hereof, with all other terms and conditions of the Agreement to remain the same.

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

AYES: LUPO, ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, BAUDY, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 07-121511

This motion is to approve a contract not to exceed \$95,000 for the repair of the roadway in front of the Airport Director’s office at the New Orleans Lakefront Airport. The Executive Director will solicit the aforementioned quotes and execute a contract with the lowest responsive responsible quote provider. Should the low quote exceed the construction estimate, the Executive Director shall with proper authorization, have the option to execute said contract with quote provider. Commissioner Saizan informed that part of this comes from the \$70,000 that was approved in the budget from the Finance Committee for this project. Commissioner Saizan informed that we need to put our best foot forward for the NBAA conference in February. The regional NBAA conference is important in a larger scheme of things. The NBAA is like the Super Bowl of the aviation industry.

Chairman Lupo informed that this roadway leads basically from the main entrance to the Airport to Landmark Aviation. It is an area that had to be dug up because of a plumbing problem a few months ago. It was in terrible shape to begin with before that. This is the access that these agents of the NBAA will be using in order to get to the presentation that Landmark is putting on. It is very important that at least that piece of the roadway is refinished and looks as good as it could for this event. Mr. Capo added that if FEMA deems this road and the remaining roadway a FEMA project that is reimbursable and these monies will be reimbursed to the Authority. It is on a wish list to complete the entire piece of roadway in time for the opening next July and have that roadway opened and striped. Mr. Nelson noted that there was a meeting with FEMA this week and we have been told initially fairly pointedly that it would be a denial. We told them to send us a denial and we will appeal if we have to. We had a meeting with Chris Fenner from our office this week and we got some very positive body language. The words that were used were such that this is consistent with damage we have seen elsewhere in Southeast Louisiana and we sent them some correspondence. The only area they have a concern with is right in front of the Terminal. The justification is that the trucks that were hauling the debris off and on to the Airport and to the flood wall went through that whole area across the front but not directly in front of the Terminal. We are getting some very positive signs on that. I feel that we have a very good shot at getting some reimbursement for this at this point. It went from DOA to highly possible.

Motion No. 07-121511 by Commissioner Saizan, seconded by Commissioner Hoffman was unanimously adopted to wit:

MOTION: 07-121511
RESOLUTION: 07-121511
BY: COMMISSIONER SAIZAN
SECONDED: COMMISSIONER HOFFMAN

December 15, 2011

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 as the governing authority of the non-flood assets of Orleans Levee District (“District”) and is 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 New Orleans Lakefront Airport (“Airport”) is one of the non-flood assets of the District under the management and control of the Management Authority;

WHEREAS, the Management Authority wishes to replace asphalt paving in a section from the Terminal “Horseshoe”, past the Airport Director’s office, up to the Landmark Aviation Hangar and ;

WHEREAS, the construction estimate for removal of existing asphalt and underlayment, and installation of new underlayment, asphalt, and striping is \$95,000, and;

WHEREAS, the Management Authority shall solicit multiple written quotes from properly licensed and insured contractors to perform said scope,

BE IT HEREBY RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to solicit the aforementioned quotes and execute a contract and any and all other documents necessary to accomplish the above with the lowest responsive responsible quote provider. Should the aforementioned low quote exceed the construction estimate the Executive Director shall, after consultation with, and approval of, the Authority Chairman, Finance Committee Chair, and Airport Committee Chair have the option to execute said contract with quote provider.

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

AYES: LUPO, ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, BAUDY, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 08-121511

This is a motion to increase the ID/IQ engineering services contract with Stuart Consulting Group in the amount of \$35,000.00 making the total contract not to exceed \$70,000.00. All other terms of the supplemental agreement shall follow the terms of the original contract.

Commissioner Hoffman informed that the Authority uses Stuart Consulting on an hourly basis for various engineering activities that formerly we had engineers on staff to do. We need to have this authority in place so when the problem does come up we can respond to it quickly because usually these are items that need to be addressed quickly. We are just laying the ground work in order to do that. Chairman Lupo added that the Authority had to go out for RFQs and RFPs and did not have staff who could write up the specs for these Requests for Proposals so this will allow us to have someone to do that for the Authority. We will no longer have to go to the Flood side for that.

Mr. Nelson informed that IDIQ (indefinite delivery/indefinite quantity) is to ensure if an emergency arises or a project comes up that needs a small amount of engineering

service such as the ruptured sewer line at Lakefront Airport, there is a need for someone on site immediately to make phone calls and get quotes. Stuart is on call and able to do that. Stuart put together the plans and specs for the water line replacement along with the generator hook up. Stuart will also provide consultation services on an as-needed basis. Commissioner Hoffman informed when the last amendment for the budget was passed for this year there was a line item contingency amount to absorb items such as this. There are funds in the budget to absorb these increases that are coming through.

Motion No. 08-121511 by Commissioner Hoffman, seconded by Commissioner Saizan was unanimously adopted to wit:

MOTION: 08-121511
RESOLUTION: 08-121511
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER SAIZAN

December 15, 2011

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, 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 Non-Flood Protection Asset Management Authority and Stuart Consulting Group, Inc. entered into an Agreement on the 15th day of June, 2010 to provide Project and Direct Administration services for Hurricane Katrina Damage Repairs for Non-Flood Protection Asset Management Authority owned projects, and

WHEREAS, initial authorization included project management services on six specific Non-Flood Protection Asset Management Authority owned, projects, and

WHEREAS, the aforementioned contract includes provision for expansion as authorized in writing by the Non-Flood Protection Asset Management Authority, and

WHEREAS, Supplemental Agreement 2 added ID/IQ engineering services of non-FEMA related projects, and

WHEREAS, Stuart Consulting Group, Inc., as a qualified engineering consulting firm, has the necessary expertise and licensure to perform said services, and

WHEREAS, Stuart Consulting Group, Inc. has presented billable rates in conformance to DOTD allowable billable rates for design services.

BE IT RESOLVED, that the Authority authorize the Authority Chairman or Executive Director to execute a supplemental agreement to increase the aforementioned ID/IQ contract by \$35,000 making the total ID/IQ contract not to exceed \$70,000; all other terms of said Supplemental Agreement shall follow the terms of the original contract.

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

AYES: LUPO, ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, BAUDY, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 09-121511

This motion is for approval to adjust the budget and for reimbursement of expenses to the Professional Real Estate Services Contract with Pappalardo Consultants, Inc.

through Albert Pappalardo, Sr. in the sum of \$80,000.00 effective December 1, 2011 with all terms and conditions remaining the same. The original contract amount for Mr. Pappalardo was \$60,000. The \$20,000.00 that was approved at the October Board meeting is being added. Mr. Pappalardo has been assisting the District with three potential lease holders on the New Basin Canal and with interests at the Airport. Mr. Pappalardo works diligently with Mr. Win Perkins, the Authority's Aviation Real Estate Expert, to set fair market rental rates for the Lakefront Airport. There is presently boathouse issues and litigation in process with one of our boathouses that Mr. Pappalardo is assisting with so there is a need to increase Mr. Pappalardo's budget. Chairman Lupo added that Mr. Pappalardo's institutional memory and knowledge of the area is an asset to the Authority.

Motion 09-121511 by Commissioner Hoffman, seconded by Commissioner Saizan was unanimously adopted to wit:

MOTION: 09-121511
RESOLUTION: 09-121511
BY: COMMISSIONER HOFFMAN
SECONDED: COMMISSIONER SAIZAN

December 15, 2011

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 as the governing authority of the non-flood assets of Orleans Levee District ("District") and is 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, effective the 1st day of September 2008, the Non-Flood Protection Asset Management Authority ("Management Authority"), the governing authority of the non-flood assets of the Orleans Levee District, entered into a written Professional Services Contract with Pappalardo Consultants, through Albert Pappalardo, Sr., for Real Estate Consulting Services;

WHEREAS, the Contract was for a term of one (1) year primary term and 2 option periods commencing on September 1, 2011 and ending on June 30, 2012, established a budget for fees and expenses in the amount of \$60,000.00, and set forth other terms and conditions for said professional services;

WHEREAS, the budgetary amount set forth in the Professional Services Contract on the recommendation of the Finance Committee of the Management Authority was increased by the Management Authority to the sum of \$80,000.00;

WHEREAS, the Management Authority desires to amend the Contract for the purpose of increasing the budget established for fees and reimbursement of expenses not to exceed \$80,000.00, effective December 1, 2011; and

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

BE IT HEREBY RESOLVED, that the Management Authority approves an amendment of the Professional Services Contract with Pappalardo Consultants, through Albert Pappalardo, Sr., to increase the budget of the Contract for professional services and reimbursement of expenses to the sum of \$80,000.00, effective December 1, 2011, with all other terms and conditions to remain the same.

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

AYES: LUPO, ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK, SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, BAUDY, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 10-121511

This motion is to adjust Gerard G. Metzger, APLC's budget in the amount of \$240,000 and for reimbursement of expenses for professional legal services. All other terms of the contact are to stay the same.

Chairman Lupo briefed the Board on a meeting with the FAA regarding the ownership and sponsorship of Lakefront Airport. The Attorney General of the State of Louisiana rendered an opinion that this Authority was the appropriate owner/manager and sponsor for the Airport yet this did not sit right with the FAA. A meeting was assembled with the FAA director of this area along with two representatives of the Attorney General's office and representatives from Congressman Richmond's and Scalisse's office. Mr. Metzger led the meeting and answered all questions from the FAA. Again, institutional memory is incredibly important. It is unfortunate that the Authority receives requests which require legal action. It never seems to stop and these dollars are something that is the Authority's responsibility and obligation. Commissioner Hoffman added that the motions came forward from the Finance and Airport Committees in detail so everybody understands what issues the Board is facing. Mr. Ernst added that it was known in June when the budget was approved that the amount was completely inadequate. Fortunately, we are in a position that we are able to restore an amount that is appropriate for legal fees. I fully endorse this resolution.

Motion 10-121511 by Commissioner Hoffman, seconded by Commissioner Saizan was unanimously adopted to wit:

MOTION: 10-121511
RESOLUTION: 10-121511
BY: COMMISSIONER HOFFMAN
SECONDED: COMMISSIONER SAIZAN

December 15, 2011

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 as the governing authority of the non-flood assets of Orleans Levee District ("District") and is 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, effective the 1st day of July, 2011, the Non-Flood Protection Asset Management Authority ("Management Authority"), the governing authority of the non-flood assets of the Orleans Levee District, entered into a written Professional Legal Services Contract with Gerard G. Metzger, A Professional Law Corporation (the "Contract"), and the contract was approved by the Office of the Attorney General of the State of Louisiana as required under Louisiana law;

WHEREAS, the Contract was for a term of one (1) year commencing on July 1, 2011 and ending on June 30, 2012, established a budget for the attorney's fees and expenses in the amount of \$140,000.00, and set forth other terms and conditions for said professional legal services;

WHEREAS, the budgetary amount set forth in the Professional Legal Services Contract on the recommendation of the Finance Committee of the Management Authority was increased by the Management Authority to the sum of \$240,000.00;

WHEREAS, the Management Authority desires to amend the Contact for the purpose of increasing the budget established for fees and reimbursement of expenses for Counsel not to exceed \$240,000.00, effective December 1, 2011; and

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 Management Authority and Orleans Levee District to approve the amendment to the 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 the Contract for professional legal services and reimbursement of expenses to the sum of \$240,000.00, effective December 1, 2011, with all other terms and conditions to remain the same.

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

AYES: LUPO, ERNST, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, TRASK,
SAIZAN, DEROUEN

NAYS:

ABSTAIN:

ABSENT: HASSINGER, BAUDY, CANTRELLE

RESOLUTION ADOPTED: YES

NEXT BOARD MEETING

Mr. Capo announced the next full Board meeting was scheduled for Thursday, January 19, 2012 at 5:30 p.m.

ADJOURNMENT

Commissioner DeRouen offered a motion to adjourn, seconded by Commissioner Saizan and unanimously adopted.

The meeting adjourned at 7:00 p.m.