

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
MINUTES OF THE FULL BOARD MEETING  
THURSDAY, SEPTEMBER 22, 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, September 22, 2011 at 5:30 P.M., in the Lake Vista Community Center, 2<sup>nd</sup> 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 5:34 p.m. and led in the Pledge of Allegiance.

The roll was called and a quorum was present.

**PRESENT:**

Chairman Robert E. Smith Lupo  
Vice Chairman Joe Hassinger  
Commissioner Darrel Saizan  
Commissioner Wilma Heaton  
Commissioner Stanley Brien  
Commissioner Patrick DeRouen  
Commissioner Carlton Dufrechou  
Commissioner Michael Bridges  
Commissioner William Hoffman  
Commissioner Romona Baudy

**ABSENT:**

Secretary Greg Ernst  
Commissioner John B. Trask  
Commissioner Pearl Cantrelle

**STAFF:**

Louis Capó, Executive Director  
Sharon Martiny, Non-Flood  
Nina Marchand, Non-Flood  
Fred Pruitt, Airport Director  
Charles Dixon, Marina Manager

**ALSO PRESENT:**

Al Pappalardo  
Gerard Metzger  
Steve Nelson  
Wesley Mills  
Alton Davis  
Jonathan Brisbi  
Mark Romig  
Tommy Martin  
Jay Taffet  
John Lopez  
John Davis  
Tom Long  
Walter Baudier

**ADOPT AGENDA**

Commissioner Hassinger offered a motion to adopt the Agenda, seconded by Commissioner Saizan and unanimously adopted.

**APPROVAL OF PRIOR MINUTES**

Commissioner Saizan offered a motion to approve the minutes of the Board meeting held August 18, 2011 and the special Board meeting of August 25, 2011, seconded by Commissioner Hoffman and unanimously adopted.

### **REPORT BY EXECUTIVE DIRECTOR**

Mr. Capo informed that the audit of the Authority was a clean audit, completed on time with a two week extension from the Legislator's Auditors Office and filed on September 12, 2011. The damage assessment of the properties regarding Tropical Storm Lee estimated that the Authority has between \$60,000-\$75,000 worth of damage. This does not include the clean-up of debris or flushing of the drains along Lakeshore Drive. The decorative piece on the roof of the Lake Vista Community Center was damaged rendering the piece a safety issue resulting in its removal. Mr. Capo informed that at the next round of committee meetings on October 4<sup>th</sup> and October 6<sup>th</sup>, a listing of all the capital improvements and staffing needs will be presented to the committees. The list will not be segregated as to each committee, there will be a complete presentation of all needs of the Authority for all committee members to see.

### **COMMITTEE REPORTS**

#### **Airport Committee**

Commissioner Saizan stated that the Airport Committee has been focusing on the work in the Airport Terminal interior. There is an issue that has arising which Mr. Alton Davis of Richard C. Lambert will address. There was also discussion regarding using the Airport for the 1812 Bicentennial Commemoration.

#### **Marina Committee**

Mr. Brien advised that the South Shore Harbor area is being cleaned up in keeping with the Counselor's Of Real Estate report. Chairman Lupo advised of a bus tour of the properties which will be organized in the near future for the Board members to view the properties and various projects either completed or underway at each property. The difference at South Shore Harbor is night and day from when the Counselors of Real Estate met. Everybody is going to appreciate the work that is being done by the staff.

#### **Recreation/Subdivision Obligation Committee**

Commissioner Hassinger noted the tour of Lakeshore Drive in which a list of items was compiled to be addressed immediately to make the Lakefront look cleaner. Mr. Capo circulated that list and his staff is working on accomplishing some of the items on the list.

Chairman Lupo advised that he has had several meetings with Mr. Capo since that time and things are moving a little slower as a result of Tropical Storm Lee causing a delay in moving some of those items.

Chairman Lupo noted the arrival of Commissioners DeRouen and Durfrechou.

#### **Legal Committee**

Mr. Metzger informed that Motion No. 15 regarding an Attorney General's opinion on Act 1014 was discussed at the Legal Committee meeting. An opinion is needed because of the gap in the legislation dealing with the term of office of the members. Also discussed was an amendment to the By-Laws dealing with emergency contracts.

#### **Finance Committee**

Commissioner Hoffman noted a presentation of the audit at the Finance Committee meeting and informed that the audit of the Levee Board was a clean audit with no material findings. Commissioner Hoffman advised of a master list of needs to be brought before the various committees for recommendations on revisions to the budget which will be addressed in October committee and Board meetings. Some items on the Agenda were brought to the committee and acted upon because they are life safety issues or timing issues dealing with completion of the terminal.

## **OLD BUSINESS**

### **1) Update on status of Airport Terminal Interior Restoration**

Alton Davis of Richard C. Lambert Consultants informed that notification was given by the contractor that hazardous materials were uncovered in Airport Terminal Interior Restoration project. A testing company was contacted and testing was performed on the areas in which asbestos and lead paint was found in the building. When the original project was started there was testing and an abatement done through Shaw Coastal. Prior to Katrina there were 2 sets of ceilings in the building and the windows were bricked in. All abatement and testing done prior to the present work being done in the building was all done below all that. Subsequent to that there was more demolition and more asbestos tile was removed during that demolition period so we assumed we had a clean building although we knew we might find some small piping insulation. However in the central area where we were removing the concrete floor we discovered that the steel beams are covered in asbestos. There was no way to know that until you open it up. Also, the crawl space which was inaccessible until we cut a hole in the chase was full of asbestos. In the two large areas on the second floor underneath the vinyl tile there is asbestos tile and mastic. Paint on the third floor was previously tested by Shaw and the paint came below the 5,000 level which means it is standard. Subsequent to that, Mr. Belou requested it be re-tested because he had concerns and it tested higher. If the paint tested toxic anywhere it must be removed or we have a liability issue.

The contractors halted progress and there have been several tests to determine the potential hazards. Rough cost estimates are in the neighborhood of \$400,000 in change orders to correct this. The asbestos abatement contractor will take on part of the original scope of work such as removing concrete so there will be a credit to us from the contractor relative to this abatement. The asbestos tile will also be removed by the abatement contractor so there are costs that will come back to us on this.

We have met FEMA and FEMA is agreeable that some of this is coverable under the damage from Hurricane Katrina. FEMA will not cover the beams because in a repair situation we would not be removing those. FEMA is liable for removal of the asbestos tile that can't be seen as well as the piping and insulation in the chases and the crawl spaces. A good deal of the costs will be reimbursed so it is not a money issue, it is a schedule issue.

Mr. Steve Nelson from Stuart Consulting Group advised of two options to move forward with the abatement. The first and most expedient option is to execute a change order with Belou-Magner to do this work through a sub contractor eliminating the 30 day public bid and subsequent contract negotiations. Nelson Belou is hesitant to do that given that nature of asbestos and the liability associated. While the door is not slammed shut, it is not looking terribly hopeful.

The second option is Belou-Magner purchasing a single insurance policy naming them as the direct insured because additional insured provisions don't satisfy Belou-Magner's concerns. Chris Fenner talked to two environmental insurance companies, one stated it is possible the other does not seem so sure. It will be determined in a follow-up meeting if this is possible or not. If it is possible, we will proceed with the change order, if not we will proceed with generating a bid package, bidding publicly and having the subs to this under a separate contract. The cost of both options is going to be approximately \$400,000-\$500,000. Fortunately, FEMA is working with us and there is additional funding remaining in the insurance account. Worst case scenario is we still have the South Shore Harbor Master Building and the Chevron Offices as alternate projects.

Mr. Nelson advised that the timeline for a change order is an 8 week process and with the public bid process it will be at least 3½ - 5 months. From a timeline perspective it will have a serious effect.

Commissioner Saizan commented that this is bad news for the Authority. This comes out of left field but is not totally unexpected as the building is 78 years old. We have to get this solved quickly. Chairman Lupo commented that a 4-5 month delay in the current schedule is the reality of this situation. Everybody wants to see this done as quickly as possible but we are not going to avoid any regulations. Mr. Nelson suggested a motion authorizing Mr. Capó, through the already approved change order process, to authorize the lowest of the three quotes. Chairman Lupo stated this could be added to the agenda by a unanimous vote of the Board.

Commissioner Hoffman questioned if areas could be sealed off that are contaminated with renovation going on in other areas. Mr. Davis informed that cannot be done because there is lead paint on the third floor that has to be completely removed along with asbestos tile on the second floor and throughout the crawl space and the central area. We have looked at phasing this but it is unlikely that Belou-Magner will accept.

Mr. Nelson advised that Stuart Consulting will meet with the contractor to figure out a way for the contractor to obtain their materials so they don't lose the contracts. Mr. Pruitt noted that there was room in building 104 and space at the fuel farm to store the contractor's materials. Mr. Davis informed that the Authority would likely incur delay costs because the contractor is entitled to general conditions based on the extension of the project. If he is not able to order his materials he is going to say that material costs have risen, however, there is a contract in place and materials can be ordered today.

Mr. Davis stated that the asbestos tile is part of the original construction along with the lead paint. The asbestos insulation is part of the renovation. Chairman Lupo requested that Mr. Metzger work on some language that we can come back to later on that would give the Executive Director and the President the authority to move forward on a change order.

#### **NEW BUSINESS:**

##### **Motion No. 01-092211**

This is a motion for the election of the Chairman, Vice-Chairman and Secretary of the Non-Flood Protection Asset Management Authority for one year terms. The following management authority members are elected to serve as officers for the Management Authority for the current year:

Robert E. Smith Lupo	Chairman
Lambert J. Hassinger, Jr.	Vice-Chairman
Gregory Ernst	Secretary.

A special Nominating Committee was empanelled in the August meeting with the Chairman of that Committee being Commissioner John Trask. Members included Joe Hassinger, Greg Ernst, Darryl Saizan and Carlton Dufrechou. At the September 8, 2011 Nominating Committee meeting, members heard the recommendations/nominations and a motion was offered to select Chairman Lupo, Vice-Chairman Hassinger and Secretary Ernst. The motion was offered and seconded with a recommendation to the full Board. The recommendation is for the same panel empowered last year.

The slate of officers recommended by the Nominating Committee was reinstated by a unanimous vote. Chairman Lupo commented that are qualified people on the Board who could take over these positions but it made good sense to keep this group because we are going back to our legislators next session and that group is familiar with the questions, answers and problems that arise.

Motion No. 01-092211 by Commissioner Trask, seconded by Commissioner DeRouen was unanimously adopted to wit:

**MOTION:** 01-092211  
**RESOLUTION:** 01-092211  
**BY:** COMMISSIONER TRASK  
**SECONDED BY:** COMMISSIONER DEROUEN

September 22, 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 (“OLD”),

**WHEREAS**, officers of the Management Authority shall be elected among its members each year at the regularly scheduled August Management Authority Meeting, as provided under Article IV, Section 1 of the By-Laws of the Management Authority;

**WHEREAS**, after considering the alternatives for nominations of officers at the August meeting, the Management Authority resolved that the best approach would be to elect a Nominating Committee of Five Members to make recommendations for the annual election of officers of the Management Authority;

**WHEREAS**, after discussion and motion duly seconded, the following members were elected by the Members of the Management Authority to serve as members of the Nominating Committee for the annual election of officers of the Management Authority, effective September 1, 2011, John Trask, Joe Hassinger, Carlton Dufrechou, Darrel Saizan and Greg Ernst,

**WHEREAS**, members of the Management Authority were to submit nominations for the offices of Chairman, Vice-Chairman and Secretary to the Nominating Committee on or before Thursday, September 8, 2011;

**WHEREAS**, the Nominating Committee was to report its recommendations for the election of officers to the Management Authority at the regularly scheduled Management Authority meeting in September 2011;

**WHEREAS**, at the September 8<sup>th</sup> Nominating Committee meeting, the Members of the Nominating Committee considered the nominations submitted by members of the Management Authority, and the Committee members unanimously recommended the following board members to serve as officers for the Management Authority for the current year:

Robert E. Smith Lupo,	Chairman
Lambert J. Hassinger, Jr.,	Vice-Chairman
Gregory Ernst,	Secretary

**WHEREAS**, after motion made and duly seconded, the members of the Management Authority elected Robert E. Smith Lupo as Chairman, Lambert “Joe” Hassinger as Vice-Chairman, and Gregory Ernest as Secretary; accordingly,

**BE IT RESOLVED**, that the following Management Authority Members be and are hereby elected to serve as officers for the Management Authority for the current year:

Robert E. Smith Lupo,	Chairman
Lambert J. Hassinger, Jr.,	Vice-Chairman
Gregory Ernst,	Secretary

**AYES:** LUPU, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN, DEROUEN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE

**RESOLUTION ADOPTED:** YES

**Motion No. 02-092211**

Mr. Capo informed that this was a motion for approval of the use of the New Orleans Lakefront Airport, South Shore Harbor Marina and Lakeshore Drive in connection with the War of 1812 Bicentennial Commemoration presented by the U.S. Navy and OPSAIL. The Executive Director will continue to work with the New Orleans Host Committee and to update the appropriate committee as new developments become available.

Commissioner Saizan commented that this commemoration is a very exciting project that involves the War of 1812 which begins in New Orleans, proceeds along the east coast and ends in New Orleans in 2015. There will be a Naval Air show and other activities staged across the Lakefront which is an exciting opportunity to showcase the facilities that we have on the Lakefront along with the Airport and the South Shore Harbor Marina.

Mr. Romig informed that Mr. Michael McCabe is the President of Air Support who are the technical consultants and will be operating the air show as part of the commemoration. This is a commemoration of the War of 1812 and the Star Spangled Banner held in New Orleans and six ports along the east coast. New Orleans is the opening port city and will also close the celebration in 2015 with the bicentennial of the Battle of New Orleans.

Mr. Romig is CEO for New Orleans Tourism and Marketing Corporation and will coordinate day-to-day management and fundraising for the event which is approximately one million dollars for the full week of events. There will be a number of ship visits that week to the Port of New Orleans including gray hulls from the United States Navy, war ships and the WASP along with ships from Canada and Great Britain. There will also be 4-6 tall ships from other nations around the world. A major component of the celebration will be the air show highlighting the U.S. Navy's war power consisting of the Blue Angels and other war birds from the U.S. Navy.

Mr. Michael McCabe addressed the air show that is slated to take place over Lake Pontchartrain centered on the park to the west of the Airport. There have been modifications to the initial area which we think are positive to the event. We took the original design centered on the beach and slide the area closer to the Airport on the east. That waterfront area will serve as a natural amphitheatre with the backdrop of the levee, the large grass areas and boulevards and the breakwalls which form a stadium seating. That area is capable of holding any projected crowd. Moving the area over reduces the footprint of the event which will reduce the impact of cost associated with public safety, sanitation and food and beverage costs. From the technical side moving it closer to the Airport enhances safety and brings us closer to the landing area. There is a 500 foot line of the box aligned with the east/west runway 927 which serves as a visual aid to the pilots who are going to be flying. These things combined give a great incentive for the adjustment and being proactive in mitigating complex cost components with some of the events.

Mr. Romig added that one aspect of the week as part of the Navy will bring their services as a community relations event so we are finding a number of projects for them to participate in. They will have access to the See Bees who will assist in projects associated with the Authority's assets which are targeted on the pavilion and the Bally's Terminal Building that has been in disrepair since Katrina along with the pavilion at the point as projects for landscaping. We are trying to get them to come earlier than the week of the event so they can start the project and use that as a public relations vehicle to announce the program and the legacy the See Bees will be leaving here and to generate more support for the show.

Although the Airport interior may not be ready, there are other parts of the facility that we can make available for receptions such as using the backdrop of the Terminal. Commissioner Saizan informed that there were other venues such as one of the hangers that may work for a backdrop.

Mr. Romig advised that he would meet with Joe Valiente to understand what the challenges are with the Iron Man competition regarding the traffic flow. Mr. Valiente would like to meet with the Levee Board Police, UNO and SUNO police to start mapping out traffic patterns, ingress and egress. Mr. Romig will keep Mr. Capo apprised of the meetings as well.

Mr. Romig informed that there could be 1½ million people visiting the ships and taking the tour as part of the events during the week of the air show. There are a two possible firework shows for the event; one on opening night when the ships come up the river and then again one of the weekend nights. The commemoration falls between the French Quarter Festival and the Jazz Festival.

Commissioner Hassinger questioned if Mr. Romig needed anything from the Authority to prepare the site for this event. Mr. Romig advised that besides receiving information from the Authority regarding projects for the See Bees, we need to bring some support in to help get ready for the party on that Saturday night and we will do whatever is necessary to prepare that site for that event. We will drive the area of Lakeshore and the proposed viewing area to make sure there are proper services for visitors. Sanitation services and Port-O-Lets will be provided and we will work with the Authority on opportunities with food trucks providing food and beverages. Chairman Lupo suggested appointing an Ad-Hoc Committee of Commissioner Hassinger, Commissioner Brien and Commissioner Saizan to meet with Mr. Romig and his staff.

Mr. Romig stated that the crowds will be localized to a certain viewing area and not spread all over Lakeshore Drive. City Council members that are on the Tourism and Marketing Corporation will be updated on this event. The Mayor sent out an initial announcement in July regarding this event to council members. There will be community meetings so the neighborhoods will be apprised of the events and how traffic will be handled. We want to make sure that they have their questions answered before the fact. Mr. Romig informed that the other parish presidents have been included on the Honorary Committee so we have reached out. It will have an impact because next year is also the bicentennial of the State of Louisiana.

Mr. Romig stated that the next steps were for Mr. McCabe to work with the FAA to start securing the necessary permits with the Airport which will keep us on track.

Motion No. 02-092211 by Commissioner Trask, seconded by Commissioner Hoffman was unanimously adopted to wit:

**MOTION**                    **02-092211**  
**RESOLUTION:**        **02-092211**  
**BY:**                        **COMMISSIONER SAIZAN**  
**SECONDED BY:**       **COMMISSIONER HOFFMAN**

September 22, 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 assets of the 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 Orleans Levee District (“District”) has owned and operated, New Orleans Lakefront Airport, South Shore Harbor Marina, and Lakeshore Drive, and has continually attempted to

enhance the operations in terms of profitability, tenant amenities, environmental compliance, capital improvements, and other enhancements;

**WHEREAS**, the U.S Navy and OPSAIL have joined forces to Commemorate the Bicentennial of The War of 1812, and

**WHEREAS**, New Orleans has been selected to kick off this Nationwide Commemoration event during the week of April 17–23, 2012, and

**WHEREAS** the highlights of the weeklong event include a Spectacle of ships along the Mississippi Riverfront, ships open for public viewing, official visits by dignitaries and Navy Leadership, seafood cook-off, fireworks and parades, school visits by navy personnel, and the Navy Blue Angels air show along Lakeshore Drive, and

**WHEREAS**, the economic impact to New Orleans is estimated in the millions along with electronic and print media impression from around the world, and

**WHEREAS**, in 2015 the U.S. Navy and OPSAIL will return to New Orleans to celebrate the Bicentennial of the Battle of New Orleans,

**WHEREAS**, several of the major events associated with the Bicentennial will be planned for the New Orleans Lakefront Airport, South Shore Harbor Marina and Lakeshore Drive, and

**WHEREAS**, after several meetings between Authority members, staff, consultants and the New Orleans host committee members, it is deemed to be in the best interest of the Authority to move forward with hosting events at the New Orleans Lakefront Airport, South Shore Harbor Marina and Lakeshore drive, and

**THEREFORE BE IT RESOLVED**, that the Authority Chairman or Executive Director is hereby authorized to approve the use of New Orleans Lakefront Airport, South Shore Harbor Marina and Lakeshore Drive, in connection with the U.S Navy and OPSAIL Commemoration of the Bicentennial of The War of 1812, and to authorize the Authority Chairman or Executive Director to continue to work with the New Orleans Host Committee and to update the appropriate committees as new developments become known, and

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

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN, DEROUEN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE

**RESOLUTION ADOPTED:** YES

**Motion No. 03-092211**

This motion is for approval to contract with Winthrop D. Perkins, CRE, Airport & Aviation Appraisals, Inc., a real estate expert to assist Lakefront Airport.

Mr. Pappalardo advised Mr. Winthrop (Win) Perkins has performed valuation and studies for Lakefront Airport going back about 15 years. With the renovation and buildings coming on stream, it was important to contact Mr. Perkins regarding his availability for an engagement to give the Authority guidance with respect to rates on the terminal building, the new restaurant facilities and the new hangars and sod prices. The sod prices have not been re-priced since Mr. Perkins' last visit and it has been adjusted by CPI ever since then. Mr. Perkins submitted a proposal which includes the possibility of a regional airline and how it should be set up. Mr. Perkins has indicated that he is available and has provided the cost related to a contract with him. Upon Mr. Perkins' arrival, there will be an initial site visit with Mr. Davis and Mr. Nelson to review what the new terminal will look like and the new construction on the Airport and hangars. Mr. Perkins will also meet with Mr. Pruitt and Mr. Pappalardo regarding what is available in terms of sod so this can be priced in accordance with current FAA standards and values.

Mr. Perkins has performed professional services for the Authority previously and is personally known to Mr. Pappalardo. As the Authority is coming on stream with this new Airport, it makes sense to have Mr. Perkins on board. Chairman Lupo stated the Airport is a specialized field when it comes to FAA regulations, airport terminology and airport values and needs an expert as there is much new construction and many new facilities coming on line. Mr. Perkins is the perfect person to get at the right time.

Mr. Capo informed that funding for Mr. Perkins would come from the operating revenues of the Airport or from the Bally's settlement. Mr. Pappalardo advised that Mr. Perkins' initial site visit will cost approximately \$3,000 along with an amount not to exceed \$1,200 for expenses. The remainder of the work will be done via e-mail and telephone conversations between Mr. Pappalardo and Mr. Perkins. Costs for additional site visits can be worked out along with a schedule. After that there will be an hourly rate of \$200.00. The cost will be approximately \$20,000 inclusive of the regional airline as there are several issues relative to customs and the fuel flowage if the regional airline comes in.

Commissioner Heaton thanked Mr. Pappalardo for his due diligence regarding the Airport. As a member of the Airport Committee, Commissioner Heaton expressed appreciation for the interest of the Chairman of the Airport Committee in kicking this up a notch because the Airport is an important and complex issue.

Motion No. 03-092211 by Commissioner Saizan, seconded by Commissioner Hoffman was unanimously adopted to wit:

**MOTION:** 03-092211  
**RESOLUTION:** 03-092211  
**BY:** COMMISSIONER SAIZAN  
**SECONDED BY:** COMMISSIONER HOFFMAN

September 22, 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 Assets 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 New Orleans Lakefront Airport is owned by the Orleans Levee District and is managed and controlled by the Management Authority,

**WHEREAS**, post Katrina many hangars and offices, including the main terminal were heavily damaged or destroyed,

**WHEREAS**, the FAA, FEMA and insurance funding has all contributed to the rebuilding and restoring New Orleans Lakefront Airport,

**WHEREAS**, the Management Authority returns these airport assets to commerce, it will need recommendation on updated rental rates for the main terminal, the new hangars and offices and other leasable airport assets,

**WHEREAS**, Mr. Winthrop D. Perkins, CRE, President, Airport & Aviation Appraisals, Inc. an airport and aviation real estate expert has submitted a proposal to the Management Authority to assist with the needed real estate services at New Orleans Lakefront Airport, and

**WHEREAS**, Mr. Winthrop D. Perkins, CRE, has provided expert real estate advice and recommendations to New Orleans Lakefront Airport in the past and assisted with appraisals, ground rental rates and thus is well experienced and familiar with properties and operations at New Orleans Lakefront Airport, and

**WHEREAS**, this matter was heard at the September 8<sup>th</sup> 2011, Airport Committee, and a motion was offered and seconded and passed unanimously to recommend to the full board of the Management Authority to engage Mr. Winthrop D. Perkins for airport real estate consulting services,

**WHEREAS**, the Management Authority considered it to be in the best interest of the District to approve the Professional Services Contract with Airport & Aviation Appraisals, Inc through its president Mr. Winthrop D. Perkins, CRE and,

**BE IT RESOLVED**, that the Management Authority approves the Professional Services Contract with Airport & Aviation Appraisals, Inc through its President, Mr. Winthrop D. Perkins, CRE and,

**BE IT FURTHER RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign the Professional Services Contract with Airport & Aviation Appraisals, Inc through its President, Mr. Winthrop D. Perkins, CRE, and sign any and all documents to carry out the above.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN, DEROUEN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE

**RESOLUTION ADOPTED:** YES

### **Motion No. 04-092211**

This motion is to approve an amendment to Richard C. Lambert Consultants' contract for services to provide standardized signage and a sign site plan for Lakefront Airport not to exceed \$25,000. Chairman Lupo advised that this issue was previously discussed in committees and in the full Board. It was decided that standardized signage was needed on all of the properties for a uniform look. The architects who worked on the exterior of the terminal building and the new hangars will bring that same art deco style into the signage so it is important to bring them into this contract.

Mr. Davis stated that with the Bicentennial event in the near future, the signage should be in place. Mr. Davis suggested moving ahead with this because it is not just the design of the signs, the signs have to be built. Chairman Lupo stated that the signage at the Airport looks like temporary signage in place after the storm which is not the image the Authority wants to create with the dollars being spent at that facility.

Motion No. 04-092211 by Commissioner Saizan, seconded by Commissioner Hoffman was unanimously adopted to wit:

**MOTION:** 04-092211  
**RESOLUTION:** 04-092211  
**BY:** COMMISSIONER SAIZAN  
**SECONDED BY:** COMMISSIONER HOFFMAN

September 22, 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 Richard C. Lambert Consultants, LLC entered into an Agreement on the 26<sup>th</sup> day of May, 2006 to provide professional services in connection with the “Administration Building”, and

**WHEREAS**, by Board Resolution 1-111810, the Authority approved an extension to the Agreement with Richard Lambert Consultants, LLC through December 31, 2011, under the same terms and conditions of contract dated May 26, 2006, and

**WHEREAS**, the Authority is amending the above contract to include services to devise standardized signage and a sign site plan for the Lakefront Airport area and adjacent area, and

**WHEREAS**, the Authority is desirous of developing unified signage for directional, traffic and business related signage on the exterior grounds of Lakefront Airport and along Stars & Stripes Blvd., and

**WHEREAS**, Richard C. Lambert Consultants, LLC has submitted a proposal not-to exceed \$25,000 to generate standards and specify locations for monumental signage, directional signage and traffic signage, and said proposal is attached to this resolution, and

**WHEREAS**, it is in the best of the Authority to develop a uniform signage plan and site plan for Lakefront Airport and Stars and Stripes Blvd., and

**BE IT HEREBY RESOLVED**, that the Authority enter into a supplement agreement with Richard C. Lambert Consultants, LLC to develop a uniform signage plan and site plan for Lakefront Airport and Stars and Stripes Blvd., and not to exceed \$25,000, and

**BE IT FURTHER RESOLVED**, that the Authority authorize the Authority Chairman or Executive Director to sign any and all documents necessary to carry out the above.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN, DEROUEN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE

**RESOLUTION ADOPTED:** YES

### **Motion No. 05-092211**

This motion is to approve a lease for 6504 Spanish Fort Blvd. with Creative Finishes, LLC for Store No. 2 in accordance with the standard terms and conditions of the leases at the Lake Vista Community Center.

Mr. Pappalardo informed that 6504 Spanish Fort Blvd. is one of the smaller spaces in the Lake Vista Community Center being 895 square feet. Ms. Jane Drew also runs a studio on the North Shore and has the exclusive on Annie Sloan furniture chalk paint. This space will be a combination retail store and studio to hold workshops teaching people how to apply the paint. Rent is the standard rent in the Center which is \$14.00 per square foot. Ms. Drew would like to remove the lavatory and put in a larger janitor-type sink. The Authority will remove the carpet and Ms. Drew will refinish the terrazzo floors. This is the standard lease for the Community Center.

Commissioner Trask recommended this for approval at the Real Estate Committee. Mr. DeRouen informed the Board that he has known Ms. Drew for several years and contacted Mr. Lupo and Mr. Capo on behalf of Ms. Drew regarding the lease. Commissioner DeRouen advised that given his personal friendship with Ms. Drew he would abstain from this vote if necessary. Commissioner DeRouen also commented that Ms. Drew would be an excellent tenant and addition to the Lake Vista Community Center. Chairman Lupo stated that a personal friendship is not a reason to abstain from a vote.

Motion No. 05-092211 by Commissioner Trask, seconded by Commissioner DeRouen was unanimously adopted to wit:

**MOTION:** 05-092211  
**RESOLUTION:** 05-092211  
**BY:** COMMISSIONER TRASK  
**SECONDED BY:** COMMISSIONER DEROUEN

September 22, 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 the 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 Lake Vista Community Center is located in the City of New Orleans and is one of the non-flood assets of the Orleans Levee District managed and controlled by the Management Authority;

**WHEREAS**, Creative Finishes, L.L.C. has offered to lease Store No. 2, containing 895 square feet of space on the first floor of the Lake Vista Community Center, bearing Municipal Number 6504 Spanish Fort Boulevard, New Orleans, LA 70124 (“leased premises”), for a term of one (1) year at a rental rate of \$14.00 per square foot, with two (2) one (1) year options to renew with a rental rate set as the fair market value for locations in the Lake Vista Community Center, and under the standard terms and conditions for leases in the Lake Vista Community Center;

**WHEREAS**, as additional consideration for the Lease, Creative Finishes, L.L.C. has agreed at its expense to refinish the flooring in Store No. 2 after the existing carpet is removed by the Management Authority at its expense, and Creative Finishes, L.L.C. has also agreed at its expense to remove the lavatory and replace it with an industrial type or janitor sink.

**WHEREAS**, the proposed lease with Creative Finishes, L.L.C. for the lease of Store No. 2 in the Lake Vista Community Center was considered by the Commercial Real Estate Committee of the Management Authority at its meeting held on September 8, 2011, and the Committee unanimously voted to recommend approval of a lease with Creative Finishes, L.L.C. under the terms and conditions set forth above and in accordance with the standard terms and conditions for leases at the Lake Vista Community Center to the Management Authority; and,

**WHEREAS**, the Management Authority after considering the proposed lease proposal resolved that it is in the best interest of the Orleans Levee District to approve the proposed lease with Creative Finishes, L.L.C.

**BE IT RESOLVED**, that the Management Authority approves a lease with Creative Finishes, L.L.C. for the lease of Store No. 2 in the Lake Vista Community Center under the terms and conditions set forth above and in accordance with the standard terms and conditions for leases at the Lake Vista Community Center.

**BE IT FURTHER RESOLVED**, that the Management Authority Chairman or Executive Director is hereby authorized to sign a written lease with Creative Finishes, L.L.C. for the lease of Store No. 2 in the Lake Vista Community Center under the terms set forth above and in accordance with the standard terms and conditions for leases at the Lake Vista Community Center, and any other documents necessary to carry out the above.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN, DEROUEN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE

**RESOLUTION ADOPTED:** YES

**Motion No. 06-092211**

This is a motion for approval to contract with Walton Construction, a CORE Company, LLC as the lowest responsive bidder to construct the Bastian/Mitchell Hangar at the Lakefront Airport in the amount of \$13,150,000.

Mr. Nelson stated this is a 12 month schedule in which FEMA will cover the cost with the exception of insurance funding and minor site improvements which include an overhang and covered porch. Mr. Davis informed that the contractors are ready to start staging on Monday and have already submitted drawings. There are 3-D perspectives of what the terminal will look like upon completion available. This will be a fully operational FBO with an avionics lab and large enough to house the latest largest corporate aircraft. Completion is projected for October of next year.

Commissioner Hoffman questioned if the project would be hindered by the air show in April. Mr. Davis informed that they will set up construction limits along with a perimeter fence. There will be a pre-construction meeting in which these issues will be worked out because it is important Walton understands what is happening. By the time of the Bicentennial Commemoration most of the pre-cast in the structure should be done. There should not be any cranes on site. This site is two sites, the former Bastian and Mitchell Hangars where Chevron was located. Mr. Metzger informed that everything has been prepared and the contract will be signed at his office tomorrow at 10:00 a.m.

Motion No. 06-092211 by Commissioner Saizan, seconded by Commissioner Brien was unanimously adopted to wit:

**MOTION:** 06-092211  
**RESOLUTION:** 06-092211  
**BY:** COMMISSIONER SAIZAN  
**SECONDED:** COMMISSIONER BRIEN

**September 22, 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 is one of the non-flood assets of the District under the management and control of the Management Authority;

**WHEREAS**, the Management Authority advertised for bids in accordance with the provisions of the Louisiana Public Bid Law for the Bastian-Mitchell Hangar Replacement Project at the Airport (the “Project”), and the following bids were submitted as required in the bid advertisement on August 30, 2011:

Walton Construction – a Core Company, L.L.C.	\$13,150,000
FHP Tectonics Corp.	\$13,388,000
GM & R Construction	\$13,750,000
Ellis Construction	\$14,300,000
Ryan Gootee General Contractors	\$14,384,000
TKTMJ, Inc.	\$14,400,000
Construction Masters	\$14,594,000
Broadmoor, L.L.C.	\$14,667,000

**WHEREAS**, the lowest responsible bidder for the Project was Walton Construction - a Core Company, L.L.C., which desires to enter into a contract for the Project with the Management Authority;

**WHEREAS**, funding for the Project has been identified from FEMA funding;

**WHEREAS**, after considering the bids and recommendations of staff and the supervising architect for the Project, the Airport Committee of the Management Authority at its regularly scheduled monthly meeting held on September 8, 2011 voted to recommend to the Management Authority that it award the contract for the Project to Walton Construction - a Core Company, L.L.C.; and,

**WHEREAS**, the Management Authority resolved that it is in the best interest of the Orleans Levee District to accept the bid and award the contract for this Project to Walton Construction - a Core Company, L.L.C., as the lowest responsible bidder for the Project.

**BE IT HEREBY RESOLVED**, that the Management Authority accepts the bid and awards the contract for the Bastian-Mitchell Hangar Replacement Project at the New Orleans Lakefront Airport to Walton Construction - a Core Company, L.L.C. for the price of \$13,150,000.00; and,

**BE IT FURTHER RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to execute a contract for the Project with Walton Construction - a Core Company, L.L.C., for the price and sum set forth above, and under the standard terms and conditions for construction contracts let by the Management Authority, and any and all other documents necessary to accomplish the above.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN, DEROUEN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE

**RESOLUTION ADOPTED:** YES

### **Motion No. 07-092211**

This motion is for approval of a lease with Tides, LLC at the former Hong Kong site for the lease of parcels 7E, 8E and 9E on the New Basin Canal in accordance with the standard terms and conditions of the Authority's ground leases on the New Basin Canal.

Mr. Pappalardo informed that Tides, LLC has proposed to parcels the identified as 7E, 8E and 9E containing 19,035 square feet. Their lease proposal is \$2.80 per square foot which will generate approximately \$53,300 per year. It will be a standard lease with CPI increases every 5 years and reappraisal of the land only every 10 years.

Tides, LLC will demolish and remove the improvements to the hold Hong Kong Restaurant. The new building will be built in conformance with FEMA requirements. Parking will be on the section north of the Hong Kong in accordance with all city zoning requirements. Parking on site will satisfy their square footage as a restaurant.

Chairman Lupo questioned if a tenant building on the Authority's property defaults during construction, what is the Authority's obligations with the construction company that is in the midst of the construction. Mr. Metzger informed that the Authority will not have any obligations to the construction company as the tenant would be in default. When default occurs the Authority can terminate or accelerate the rent because the Authority will have that option in the lease. This is a private works project with a lessee dealing with a contractor. The improvements that are located there after

default will revert upon the expiration of the term of the lease or the earlier termination because of the default.

With the Lakeview Landing, LLC lease, we used the same language here that it will be a standard restaurant as defined in the comprehensive zoning ordinance of the City of New Orleans which is exactly what we have in the Lakeview Landings lease. Commissioner Hoffman questioned if the Authority will have oversight in reviewing the plans to make sure they conform with that area. Mr. Metzger stated that the Authority had prior approval rights in the lease.

Commissioner Heaton commented that there was an extensive presentation by Tides, LLC regarding issues the community would be concerned about including parking as required by the City of New Orleans. Parking requirements will be incorporated into the final design and addressed up front which is respectful of the community.

Mr. Jonathan Brisbi of Tides, LLC informed that a tentative menu consisting of Italian, Seafood and American food with a West End twist has been tentatively established along with a chef specialty. Tentative staffing to execute the menus has been put together and Mr. Brisbi is working with the Louisiana Small Business Association who will assist in developing a forecast module. One of LSBA's services is to provide staffing from local residents. Financing is currently verbally approved from Gulf Coast Bank with an SBA loan as the leading authority. There are also private investor's that will be the down payment which exceeds what SBA requires. Seating will be determined on the fire codes. Once financials are in line an architect will be deployed to apply all applicable fire and codes to estimate how many seats we can accommodate.

Motion No. 07-092211 by Commissioner Hassinger, seconded by Commissioner Hoffman was unanimously adopted to wit:

**MOTION:** 07-092211  
**RESOLUTION:** 07-092211  
**BY:** COMMISSIONER HASSINGER  
**SECONDED BY:** COMMISSIONER HOFFMAN

September 22, 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 the 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**, Parcels 7E, 8E and 9E consisting of 19,035 square feet located on the east side of the New Basin Canal in the City of New Orleans are non-flood assets of the Orleans Levee District managed and controlled by the Management Authority (the "leased premises");

**WHEREAS**, Tides, L.L.C. has offered to lease Parcels 7E, 8E and 9E and to build and operate a restaurant thereon, as defined as a standard restaurant in the Comprehensive Zoning Ordinance of the City of New Orleans, for a term of ten (10) years with four (4) ten (10) year options to renew, with a rental rate of \$2.80 per square foot, totaling \$53,298.00 per annum, and in accordance with the Management

Authority's standard terms and conditions for a ground lease on the New Basin Canal, including CPI and appraisal rental adjustments;

**WHEREAS**, Tides, L.L.C., as additional consideration for the Lease, has agreed at its expense to remove all existing buildings and structures located on the proposed leased premises, and to build a standard restaurant and waterside structures, such as docks and bulkheads subject to the approval of the Management Authority, and all in compliance with any rules, regulations or requirements of the Federal Emergency Management Agency, United States Army Corps of Engineers, United States Coast Guard and the City of New Orleans;

**WHEREAS**, the Commercial Real Estate Committee of the Management Authority considered the proposed lease at its meeting held on September 8, 2011; and,

**WHEREAS**, the Management Authority after considering the lease proposal by Tides, L.L.C. resolved that it is in the best interest of the Orleans Levee District to approve the proposed lease with Tides, L.L.C.

**BE IT HEREBY RESOLVED**, that the Management Authority approves a lease with Tides, L.L.C. for the lease of Parcels 7E, 8E and 9E on the New Basin Canal, under the terms and conditions set forth above, and in accordance with the standard terms and conditions of the Management Authority for ground leases on the New Basin Canal.

**BE IT FURTHER RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign a written lease with Tides, L.L.C. for the lease of Parcels 7E, 8E and 9E on the New Basin Canal, under the terms set forth above, and in accordance with the standard terms and conditions of the Management Authority for ground leases on the New Basin Canal, and any other documents necessary to carry out the above.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN, DEROUEN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE

**RESOLUTION ADOPTED:** YES

### **Motion No. 08-092211**

This is a motion for approval of a commercial land lease policy for West End and New Basin Canal regarding government mandatory evacuation. If at any time during the term of the lease or any option term there is a government mandatory evacuation order for the geographic lease in which leased property is located which lasts for more than seven (7) days and the lessee sustains damage due to weather or other civil emergency, the lessee shall be entitled to request a deferral of a monthly or quarterly rental payment due under the terms of the lease. Said request for the rent deferral under these circumstances shall not be unreasonably denied. In no event shall the payment of the deferred rent exceed a period of 180 days from the governmental ordered evacuation. The Management Authority approves the policy for governmental ordered evacuation and rent deferral request for lessees operating a licensed commercial business on the District's property located outside of the flood protection system from the City of New Orleans and West End and on the New Basin Canal.

Mr. Pappalardo informed that as the final lease was prepared for Lakeview Landings, LLC, their bank had questions relative to cash flow with respect to events similar to Katrina. Lakeview Landings suggested some protection to present to the bank stating if there was an event such as Katrina there could be time granted for rental a payment. Mr. Metzger and Mr. Pappalardo put together a policy to cover those issues. Similar policies were adopted through the predecessor Board after Katrina on a case by case basis. We are trying to get

this property back into commerce and feel that this policy and a clause in the lease will insure banks that the Authority is willing to work with them.

The policy enables the tenant the right to request one rental payment be deferred (monthly or quarterly rent) if damages are sustained under a government ordered evacuation lasting longer than 7 days. This policy is a good protection for the Authority and the lessee. This policy would apply to anyone that operates and has a license to run a commercial business. The Authority is not abating rent as that is not allowed under the state constitution although one deferral of one rent payment is allowed. Mr. Pappalardo strongly recommend this be adopted as a policy and incorporated in all leases along the New Basin Canal and West End. Motion No. 08-092211 by Commissioner Ernst, seconded by Commissioner Hassinger was unanimously adopted to wit:

**MOTION:** 08-092211  
**RESOLUTION:** 08-092211  
**BY:** COMMISSIONER ERNST  
**SECONDED:** COMMISSIONER HASSINGER

September 22, 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 owns commercial real estate outside of the flood protection system of the City of New Orleans that is managed by the Management Authority;

**WHEREAS**, occasions have arisen, including during Hurricane Katrina in August, 2005, when mandatory evacuation orders have been issued due to weather or other civil emergencies;

**WHEREAS**, businesses operated by the lessees of the Orleans Levee District’s property have been closed and lessees have sustained damages as a result of said mandatory evacuation orders;

**WHEREAS**, after Hurricane Katrina the former Board of Commissioners of the Orleans Levee District granted rental payment deferrals to commercial tenants who suffered damages as a result of the Hurricane and the mandatory evacuation order issued by the City of New Orleans;

**WHEREAS**, the District’s staff, Real Estate Consultant and Legal Counsel have recommended adoption of the following policy by the Management Authority to address rental deferral requests by tenants of lessees of the Orleans Levee District:

If at any time during the term of a lease or any option term, there is a government mandatory evacuation order for the geographic region in which leased property is located, which lasts for more than seven (7) days and the lessee sustains damages due to weather or other civil emergency, the lessee shall be entitled to request a deferral of a monthly or quarterly rental payment due under the terms of a lease. Said request for a rent deferral under these circumstances shall not be unreasonably denied. In no event shall the payment of the deferred rent exceed a period of one hundred eighty (180) days from the Governmental-Ordered evacuation.

**WHEREAS**, this recommendation was considered by the Legal Committee of the Management Authority at its meeting held on September 8, 2011, and the Committee unanimously voted to recommend to the Management Authority adoption of this policy for leases of the District’s property.

**BE IT HEREBY RESOLVED**, that the Management Authority approves and adopts the policy set forth above for Governmental Ordered Evacuation and rent deferral request for lessees operating a

licensed, commercial business on the District's property located outside of the flood protection system of the City of New Orleans at West End and on the New Basin Canal.

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

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN, DEROUEN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE

**RESOLUTION ADOPTED:** YES

### **Motion No. 09-092211**

This motion is to exercise the reversionary rights for the U.S. Coast Guard Lighthouse site and approves the attached letter be sent to the representatives of the United States Coast Guard and to be signed by the Executive Director.

Mr. Metzger stated that this is the first step in having the Lighthouse property returned to the Orleans Levee District. If the Coast Guard does send the Authority the Quit Claim deed the next step would be to try to force the reversionary rights in which the party is forced to give the property back. Chairman Lupo noted that the Coast Guard has a small building along the water's edge, the main lighthouse is now gone.

Commissioner Dufrechou stated that he had a vested interest in the Pontchartrain Basin Foundation and opted to abstain from this vote.

The Authority does not get any liability as the remains of the lighthouse were dismantled in the spring of 2006 and are in storage. There are funds in escrow to rebuild the light and hopefully this will be the catalyst to get that done. The structure is the Coast Guard's ancillary building which is an 800 square foot concrete block building renovated by the Pontchartrain Basin Foundation in 2006. It was the Coast Guard's operations building consisting of a radio shop, machine shop and one small office.

Mr. Metzger informed that the Coast Guard would have to sign an act releasing their rights to the property, transferring rights back to the Authority and acknowledging that reversion has occurred before ownership will devolve to the Orleans Levee District at which time it has to be covered by insurance.

Commissioner Dufrechou informed that the fuel facilities were removed by the Coast Guard. Mr. Metzger added that the Coast Guard vacated in 2001. If the Coast Guard does not respond by late October a lawsuit must be filed by November 1 as there is a 10 year prescriptive period. This would be a Petition for a Declaratory Judgment recognizing ownership by the District.

Chairman Lupo addressed Commissioner Bridges concerns regarding the fuel facility, and requested a Phase 1 environmental be performed. Commissioner Hoffman informed this was addressed when it was decommissioned as it is standard procedure during a decommission.

Mr. Pappalardo advised if Mr. Metzger files suit by November 1, authority be put in the resolution for Mr. Metzger to file suit as there will not be another meeting. Commissioner Heaton moved to amend the resolution giving the Executive Director authority to have legal counsel take appropriate action if the Coast Guard does not act by a certain date. A voice vote was taken and all were in favor of the amendment to the resolution.

Motion No. 09-092211 by Commissioner Trask, seconded by Commissioner Heaton to exercise the Authority's reversionary rights of the former U.S. Coast Guard lighthouse site, was adopted with one abstention to wit:

**MOTION:** 09-092211  
**RESOLUTION:** 09-092211  
**BY:** COMMISSIONER TRASK  
**SECONDED BY:** COMMISSIONER HEATON

September 22, 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 ("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 Management Authority has reversionary rights to a certain parcel of land on the New Basin Canal which formerly held a lighthouse (the "lighthouse parcel") pursuant to an Act of Transfer and Relinquishment of Property dated May 21, 1838 from the New Orleans Canal and Banking Company ("NOCBC") to the federal government;

**WHEREAS**, pursuant to the Louisiana Constitution of 1981, all property in and around Lake Pontchartrain, including the property of the NOCBC, was placed under the control of the OLD. These constitutional provisions were moved to the Louisiana Revised Statutes, R.S. 38:336 in 1974;

**WHEREAS**, the Management Authority has reversionary rights to a second parcel of land on the New Basin Canal which formerly held a United States Coast Guard Station contiguous to the lighthouse parcel pursuant to an Act of Donation dated on April 17, 1952 from the Board of Commissioners of the Orleans Levee District to the United States Coast Guard;

**WHEREAS**, as these two parcels are no longer used by the United States Coast Guard as either a lighthouse or a United States Coast Guard Station, the property reverts to the Management Authority as successor to the OLD pursuant to the acts by which the United States Coast Guard acquired the two parcels;

**WHEREAS**, after considering the attached letter to representatives of the United States Coast Guard and the recommendations of staff, the Commercial Real Estate Committee of the Management Authority at its regularly scheduled monthly meeting held of September 8, 2011 voted to recommend to the Management Authority that it approve the attached the letter to the representatives of the United States Coast Guard; and,

**WHEREAS**, the Management Authority resolved that it is in the best interest of the Management Authority to exercise its reversionary rights in these two parcels of land and request the United States Coast Guard return the property to the OLD.

**BE IT RESOLVED**, that the Management Authority approves the attached letter to the representatives of the United States Coast Guard.

**BE IT FURTHER RESOLVED**, that the Management Authority authorizes its legal counsel to file any legal proceedings, if necessary, to exercise its reversionary rights in these two parcels of property and secure the return of the ownership of the property to the Orleans Levee District.

**BE IT FURTHER RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign the attached letter to the representatives of the United States Coast Guard.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, SAIZAN

**NAYS:**

**ABSTAIN:** DUFRECHOU

**ABSENT:** ERNST, TRASK, CANTRELLE, DEROUEN

**RESOLUTION ADOPTED:** YES

### **Motion No. 10-092211**

This motion is to approve the contract with Graci Hart Electric as the lowest responsive bidder to install electrical conduit, wiring and light fixtures on the east promenade of South Shore Harbor Marina in the amount of \$4,500.00.

Commissioner Brien added that this is following up with the improvements at South Shore Harbor to get power in the area that the passenger walkway was removed. Mr. Capo stated this needs to be done as a previous contract was approved to put in crushed concrete in the area where the overhead passenger walkway was removed. The contractor providing the crushed concrete needs the trenching done before he can put the concrete in.

Motion 10-092211 to approve the contract with Graci Hart Electric to install conduit, wire, light fixtures and poles at South Shore Harbor by Commissioner Brien, seconded by Commissioner Heaton was unanimously adopted to wit:

**MOTION:** 10-092211

**RESOLUTION:** 10-092211

**BY:** COMMISSIONER BRIEN

**SECONDED BY:** COMMISSIONER HEATON

September 22, 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 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 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**, Bally's casino built a passenger walkway and dauphin piles to facilitate the boarding of customers and to secure their floating casino;

**WHEREAS**, Bally's casino abandoned the site as is, after hurricane Katrina;

**WHEREAS**, the passenger walkway was a hazard to the boating public and the dauphin piles are a hazard to navigation in the harbor;

**WHEREAS**, a permanent pump-out facility has been purchased and installed, near the location in question;

**WHEREAS**, bids were taken for the removal of twenty nine steel dolphin piles at or below the mud-line, removal of underwater debris along the bulkhead and around the removed steel dolphin piles to a depth of ten feet, removal of the entire passenger walkway from the top concrete footing on the northeast side of the Marina Terminal Building, J.P. & Sons was the lowest bidder;

**WHEREAS**, lighting of the area was accomplished utilizing temporary fixtures to the passenger walkway, with the walkway removed permanent fixtures are needed,

**WHEREAS**, bids were taken and Graci Hart Electric was the lowest responsive bidder at \$4,500.00,

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

**BE IT HEREBY RESOLVED**, that the Authority Chairman or Executive Director is hereby authorized to enter into an agreement with Graci Hart Electric to install conduit, wire, light fixtures and poles as per the bid specifications for the sum of \$4,500.00, and sign any and all documents necessary to carry out the above.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE, DEROUEN

**RESOLUTION ADOPTED:** YES

### **Motion No. 11-092211**

This is a motion to approve the contract with Ideal Lighting as the lowest responsive bidder to purchase four (4) light poles and fixtures for the east promenade at South Shore Harbor Marina in the amount of \$12,498.00.

Chairman Lupo informed that these are the light fixtures that go along with Motion No. 10-092211 to install the electrical wire and conduit in place.

Motion 11-092211 is to approve the contract with Ideal Lighting to purchase 4 light poles and fixtures for South Shore Harbor Marina by Commissioner Brien, seconded by Commissioner Heaton was unanimously adopted to wit:

**MOTION:** 11-092211

**RESOLUTION:** 11-092211

**BY:** COMMISSIONER BRIEN

**SECONDED BY:** COMMISSIONER HETON

September 22, 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 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 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**, Bally’s casino built a passenger walkway and dauphin piles to facilitate the boarding of customers and to secure their floating casino;

**WHEREAS**, Bally’s casino abandoned the site as is, after hurricane Katrina;

**WHEREAS**, the passenger walkway was a hazard to the boating public and the dauphin piles are a hazard to navigation in the harbor;

**WHEREAS**, a permanent pump-out facility has been purchased and installed, near the location in question;

**WHEREAS**, bids were taken for the removal of twenty nine steel dolphin piles at or below the mud-line, removal of underwater debris along the bulkhead and around the removed steel dolphin piles to a depth of ten feet, removal of the entire passenger walkway from the top concrete footing on the northeast side of the Marina Terminal Building, J.P. & Sons was the lowest bidder;

**WHEREAS**, lighting of the area was accomplished utilizing temporary fixtures to the passenger walkway, with the walkway removed permanent fixtures are needed,

**WHEREAS**, bids were taken for four light fixtures and four light poles, to match existing lighting in the marina, the low bid obtained was from Ideal Lighting in the amount of \$12,498.72,

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

**BE IT HEREBY RESOLVED**, that the Authority Chairman or Executive Director be and is hereby authorized to enter into an agreement with Ideal Lighting to purchase light poles and fixtures as per the bid specifications for the sum of \$12,498.72, and sign all documents necessary to carry out the above.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE, DEROUEN

**RESOLUTION ADOPTED:** YES

### **Motion No. 12-092211**

This motion is to approve a contract with Brister-Stephens, Inc. as the lowest responsive bidder for the HVAC system replacement at the Lake Vista Community Center in the amount of \$40,900.00.

Chairman Lupo commented that this motion is two replace the two units in the Lake Vista Community Center with units that are separated from the actual penetration through the roof. It will be quieter and more efficient. We are going to keep the unit that now does operate as an emergency back-up unit.

Motion 12-092211 to approve the contract with Brister-Stephens, Inc. for the replacement of the HVAC system in the Lake Vista Community Center by Commissioner Hoffman, seconded by Commissioner Saizan was unanimously adopted to wit:

**MOTION:** 12-092211  
**RESOLUTION:** 12-092211  
**BY:** COMMISSIONER HOFFMAN  
**SECONDED BY:** COMMISSIONER SAIZAN

**September 22, 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 Assets 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 HVAC system at the Lake Vista Community Center is in need of replacement as the system was installed in the mid 1990's and,

**WHEREAS**, the Management Authority issued an RFP for the replacement of the HVAC system and received and reviewed the responsive bids, and

**WHEREAS**, Brister Stephens, Inc, was the lowest responsive bidder, and

**WHEREAS**, this matter was heard at the September 8<sup>th</sup> 2011, Finance Committee, and a motion was offered and seconded and passed unanimously to recommend to the full board of the Management Authority to accept the proposal from Brister Stephen, Inc. as the lowest responsive bidder in the amount of \$40,900.00, and

**BE IT RESOLVED;** that the Management Authority authorizes the Authority Chairman or Executive Director to accept the proposal from Brister Stephen, Inc., as the lowest responsive bidder for the replacement of the HVAC system in the Lake Vista Community Center in the amount of \$40,900.00 and authorizes the Authority Chairman or Executive Director to sign any and all other documents to carry out the above.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE, DEROUEN

**RESOLUTION ADOPTED:** YES

### **Motion No. 13-092211**

This motion is to approve an extension of Stuart Consulting Group's contract until June 15, 2012 and to include project management services for South Shore Harbor, Harbor Master Building, Chevron Offices, Delgado Hangar, Airport Terminal Exterior and the Ted Hickey Bridge as authorized in writing by the Non-Flood Protection Asset Management Authority.

Chairman Lupo noted that Stuart Consulting has been our go-between on all of the FEMA related projects. We have several projects that are still outstanding. We want to make sure that we keep Stuart Consulting doing the work that we have no one on staff to do.

Motion 13-092211 to approve an extension of Stuart Consulting Group's contract until June 15, 2012 by Commissioner Hoffman, seconded by Commissioner Saizan was unanimously adopted to wit:

**MOTION:** 13-092211

**RESOLUTION:** 13-092211

**BY:** CHAIRMAN LUPO

**SECONDED BY:** COMMISSIONER HOFFMAN

September 22, 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 15<sup>th</sup> day of June, 2010 to provide Project Management and Direct Administration services for all Hurricane Katrina Damage Repairs for Non-Flood Protection Asset Management Authority managed projects, and

**WHEREAS**, the original Agreement requires an extension from June 15<sup>th</sup>, 2011 to June 15<sup>th</sup>, 2012, 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**, the need for additional project management on the following FEMA related projects has arisen:

1. South Shore Harbor – Harbor Master Building
2. Chevron Offices

3. Delgado Hangar
4. Airport Terminal Exterior
5. Ted Hickey Bridge

**THEREFORE, BE IT RESOLVED**, that the Authority authorize the Authority Chairman or Executive Director to execute a supplemental agreement extending the contract from June 15<sup>th</sup>, 2011 to June 15<sup>th</sup>, 2012, and include the aforementioned project management services as authorized in writing by the Non-Flood Protection Asset Management Authority; the terms of said Supplemental Agreement shall follow the terms of the original contract.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN

**NAYS:**

**ABSTAIN:**

**ABSENT:** ERNST, TRASK, CANTRELLE, DEROUEN

**RESOLUTION ADOPTED:** YES

### **Motion No. 14-092211**

This motion is to select and contract with a structural engineer to perform a structural analysis of the former Bally's Terminal Building located at South Shore Harbor as a result of the damage from Hurricane Katrina. The Authority staff and engineering consultants have graded each of the Request for Qualifications utilizing a standard grade scale and the top scored firm is URS Corporation in association with Design Engineering, Inc. and Hitech Engineers.

Chairman Lupo stated that the abandoned Bally's Terminal Building out at South Shore Harbor has the potential of being a plus for the development of South Shore Harbor to its greatest and highest possible use. Not only is the Harbor Master's office on the second floor, on the ground floor is retail, restaurants or other services for the Marina. The Authority needs an expert to look at the building and determine if it is structurally sound, which is what this contract is authorizing.

Commissioner Hoffman questioned if there was an estimate on how much the contract will be worth. Mr. Capo informed that the bid was advertised and the bids just came in this past Monday and they were graded this week. What this is doing is granting the Executive Director the authorization to negotiate with the firm to come up with a price for the structural analysis. We asked for an RFQ for qualifications. Commissioner Hassinger abstained from this vote since Design Engineering is a client of Commissioner Hassinger's law firm. Commissioner Saizan also abstained from the vote.

Motion 14-092211 to select and contract with a structural engineer to perform a structural analysis of the former Bally's Terminal Building by Commissioner Brien, seconded by Commissioner Hoffman was adopted with two abstentions to wit:

**MOTION:** 14-092211

**RESOLUTION:** 14-092211

**BY:** COMMISSIONER BRIEN

**SECONDED BY:** COMMISSIONER HOFFMAN

September 22, 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 assets of the 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 Orleans Levee District (“District”) 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**, Star casino in 1993 built a terminal building to facilitate the holding of casino customers prior to boarding the floating casino and to house the offices of the casino on the second floor, in addition to the buffet and lounge;

**WHEREAS**, Bally’s casino successor to the Star Casino, abandoned the site as is, after hurricane Katrina;

**WHEREAS**, a request for qualifications (RFQ) was advertised for engineering services to assess the structural integrity of the terminal building;

**WHEREAS**, the Authority’s staff and Engineering Consultant has graded each of the request for qualifications (RFQ) utilizing a standard grade scale, and the top scored firm is URS Corporation, In association with Design Engineering, Inc., and Hitech Engineers, and

**BE IT RESOLVED**, that the Authority Chairman or Executive Director be and is hereby authorized to negotiate and enter into an agreement with URS Corporation, In association with Design Engineering, Inc., and Hitech Engineers to perform work as per the bid specifications, and

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

**AYES:** LUPO, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU,

**NAYS:**

**ABSTAIN:** HASSINGER, SAIZAN

**ABSENT:** ERNST, TRASK, CANTRELLE, DEROUEN

**RESOLUTION ADOPTED:** YES

### **Motion No. 15-092211**

This motion is to authorize the request for an Attorney General’s opinion regarding terms of the members of the Non-Flood Protection Asset Management Authority. Legal counsel for the Authority will request an expedited opinion from the Attorney General on the legal issue of whether members appointed under Section 2 of Act 1014 of 2010 have four year terms or if their terms expire on January 1, 2012, the effective date of Section 4 of Act 1014 of 2010.

Mr. Metzger stated that the issue is: do the members have a four year term or not as you cannot tell from the Statute.

Commissioner Heaton stated the confirmation procedure is for those that represent other than elected officials. Those persons appointed to this Board that have been nominated by other than an elected official (members of the Senate and the House) are subject to Senate confirmation. We went through that and we were confirmed if you fell in that category. That is fine to get the opinion but there was a confirmation process where they lifted your term to be able to vote on you in the Senate. Mr. Metzger stated that if we can confirm that a letter will not have to be written requesting an Attorney General’s opinion. Chairman Lupo suggested that this Motion be tabled and made a request of the Authority attorney to see if he can find the information needed. Mr. Metzger will review this before requesting an Attorney General opinion and report back to the Legal Committee with his findings.

Motion No. 15-092211 was tabled at this time.

Commissioner Hoffman offered a motion to add an item to the Agenda, seconded by Commissioner Heaton and unanimously adopted. Mr. Metzger advised that this was a motion to add an item to the Agenda authorizing the issuance of a change order to the contract for the renovation of the interior of the terminal building of the New Orleans Lakefront Airport with Belou-Magner for testing and abatement work for a price based on the lowest bid submitted to Belou-Magner for the work and to authorize the Chairman or Executive Director to sign the change order.

A unanimous roll call vote was taken.

Motion No. 16-092211 offered by Commissioner Hoffman, seconded by Commissioner Saizan was unanimously adopted to wit:

**MOTION:** 16-092211  
**RESOLUTION:** 15-092211  
**BY:** COMMISSIONER SAIZAN  
**SECONDED:** COMMISSIONER HOFFMAN

September 22, 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 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 New Orleans Lakefront Airport is one of the non-flood assets of the District under the management and control of the Management Authority;

**WHEREAS**, the Management Authority advertised for bids and awarded a contract in accordance with the provisions of the Louisiana Public Works Act for the reconstruction of the Interior of the Main Terminal at the Airport (the “project”), which had been damaged by Hurricane Katrina in August of 2005, to BelouMagner Construction Company, for the price of \$7,095,000.00;

**WHEREAS**, BelouMagner commenced work on the project and discovered hazardous materials not addressed in the contract documents which must be removed and rendered harmless before work can continue on the project;

**WHEREAS**, the Management Authority resolved that it is in the best interest of the Orleans Levee District to authorize the issuance of a change order to BelouMagner for testing and abatement work for the removal of the hazardous materials uncovered in the Terminal Building at the New Orleans Lakefront Airport for a price based on the lowest quote submitted for the work to BelouMagner.

**BE IT HEREBY RESOLVED**, that the Management Authority authorizes the issuance of a change order to BelouMagner for testing and abatement work for the removal of the hazardous materials uncovered in the Terminal Building at the New Orleans Lakefront Airport for a price based on the lowest quote submitted for the work to BelouMagner; and,

**BE IT FURTHER RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign a change order for the project with BelouMagner Construction Company under the terms and conditions set forth above and any and all other documents necessary to accomplish the above.

**AYES:** LUPO, HASSINGER, BAUDY, HOFFMAN, HEATON, BRIDGES, BRIEN, DUFRECHOU, SAIZAN  
**NAYS:**  
**ABSTAIN:**  
**ABSENT:** ERNST, TRASK, CANTRELLE, DEROUEN  
**RESOLUTION ADOPTED:** YES

**NEXT BOARD MEETING**

Mr. Capo announced the next full Board meeting was scheduled for Thursday, October 20, 2011 at 5:30 p.m.

**ADJOURNMENT**

Commissioner Hassinger offered a motion to adjourn, seconded by Commissioner Heaton and unanimously adopted.

The meeting adjourned at 7:26 p.m.