

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY, JANUARY 19, 2012 – 5:30 P.M.

The regular monthly meeting of the Non-Flood Protection Asset Management Authority was held on Thursday, January 19, 2012 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
Vice-Chairman Joe Hassinger
Secretary Greg Ernst
Commissioner Romona Baudy
Commissioner Wilma Heaton
Commissioner Michael Stack
Commissioner Stanley Brien
Commissioner Carlton Dufrechou
Commissioner Darrel Saizan

ABSENT:

Commissioner William Hoffman
Commissioner John Trask
Commissioner Pearl Cantrelle
Commissioner Patrick DeRouen

STAFF:

Louis Capo, Executive Director
Sharon Martiny, Non-Flood
Dawn Wagener, Non-Flood
Fred Pruitt, Airport Director

ALSO PRESENT:

Gerard Metzger
Steve Nelson
Alton Davis
Al Pappalardo
Jordan Brimer
Mickey Weiser
Amanda Herman
Jack Woynowski
Kathleen Vogy
David Campbell
John Lopez
Pawan Gupta
Mark Bergeron
John Davis
Frank Royerre
Ann Duffy
Walter Baudier
Jose Conseco
Bob Dupuy

ADOPT AGENDA

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

APPROVAL OF PRIOR MINUTES

Commissioner Hassinger offered a motion to approve the minutes of the Board meeting held December 15, 2011, seconded by Commissioner Ernst and unanimously adopted.

REPORT BY EXECUTIVE DIRECTOR

Mr. Capo informed that financial packets will be distributed for the budget hearing on January 24, 2012 at 9:30 a.m.

PRESENTATIONS

1) The Rock and Roll Mardi Grass Marathon

Doug Thurston – Operations Director for The Competitor Group

The third annual Rock and Roll Marathon and Half Marathon will take place on Sunday, March 4, 2012. Use of Lakeshore Drive has been expanded to reduce impact on community areas such as the Garden District and Audubon Park. Residents on Lakeshore Drive will be provided an access lane to enable an entrance and exit out of the neighborhood during the event. More than 20,000 participants are expected for this event from all 50 states along with several foreign countries. Insurance certificates and a location agreement will be provided for the event.

2) Presentation of introduction video for Terminal restoration documentary

Alton Davis

Filmmaker Bess Carrick is undertaking a documentary on the restoration of the Terminal Building which will include much about the history and politics of the Terminal Building. Mr. Pruitt will provide contact information for the pilots' associates to create a link to the video which will also be on the internet. Mr. Davis informed that he has been contacted by many people who will help distribute the seed video and raise money for the documentary as the Terminal Building is a significant part of the City's history. Commissioner Heaton advised that contributions enabling this seed video to be produced into a documentary are tax deductible as this is a non-profit endeavor.

COMMITTEE REPORTS

Airport Committee

Updates were given on the Terminal Building regarding completion of the environmental abatement and resuming with reconstruction of the interior. The Bastian-Mitchell Hangar should be completed in mid-December of 2012. Phase 3 construction of the National Guard Hangar (AeroPremier Hangar) is moving forward and will be complete by month's end. The ownership issue regarding the Airport has been resolved. The FAA sponsorship agreement has been approved by the FAA. Approval of the terms of the loans from the Authority to the Airport was discussed and Mr. Metzger is working with Andy Velayos on that matter. The Authority is trying to recover all money put into the Terminal Building and loaned to the Airport since Hurricane Katrina which totals approximately \$6.3 million in infrastructure and approximately \$750,000 per year in Airport losses that are covered by the Authority. The Authority has given approximately \$9-10 million to the Airport over the last 5 years.

Marina Committee

The engineers have delivered their report regarding the former Bally's Terminal Building at South Shore Harbor which will be reviewed and vetted at the next Marina Committee meeting.

Commercial Real Estate

The Lake Pontchartrain Basin Foundation proposal was addressed as a New Business Agenda item. An RFP will be issued for a structural analysis of the Lake Vista Community Center since cracks in the bricks on two ends of the building have been

discovered. The flagship building for the Authority is in need of a structural analysis to determine the structural soundness of the building.

Recreation/Subdivision Obligation

The Authority has the responsibility to monitor compliance with neighborhood restrictions that apply to Lakeshore, Lake Vista, Lake Terrace and Lake Oaks, but currently has no engineer to do that. Commissioner Hassinger will meet with each neighborhood association to confirm if the restrictions were incorporated into the City's new zoning ordinance and to ensure that restrictions that apply to Lakeview neighborhoods will be protected and enforced by the City. Chairman Lupo advised that maps describing the subdivisions will be submitted electronically to the City and will appear on the City's data base when someone applies for a permit. An RFP will be issued for architects' fees to review the plans. In the interim, a mechanism to ensure plans are being reviewed will be put into place for people wanting to build houses until the City can take that task over. Commissioner Heaton informed that it was the goal of the Flood Authority to switch this task over in the beginning of February, but an additional few weeks will be requested because this is a very complex issue.

Legal Committee

Commissioner Ernst reported on one matter addressed in Executive Session at the Legal Committee meeting.

Finance Committee

Budget to actual and the check register for the month were reviewed. Two Agenda items were discussed regarding the publisher for the official publication and the Sewerage & Water Board issue. Discussion on the loan agreement with the Airport met a favorable approval and the structural analysis for the Lake Vista Community Center was discussed.

NEW BUSINESS

Motion No. 01-011912

This motion is to approve a long term lease with the Lake Pontchartrain Basin Foundation for construction and operation of a museum and education center on the New Basin Canal Lighthouse property under the terms and conditions set forth in the written lease, subject to the waiver of the right of first refusal in favor of Landry's. The new lighthouse structure will resemble the old structure and will be elevated to conform to base flood elevation requirements. The 400 square foot first floor will be the only floor available to the public. The lease is a 60 year lease with a rental rate of \$500 every 5 years and improvements reverting to the District at the expiration of the lease.

Motion No. 01-011912 by Commissioner Hassinger, seconded by Commissioner Heaton was unanimously adopted to wit:

MOTION: 01-011912
RESOLUTION: 01-011912
BY: COMMISSIONER HASSINGER
SECONDED BY: COMMISSIONER HEATON

January 19, 2012

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 a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("OLD");

WHEREAS, certain property referred to as the "New Basin Canal Lighthouse" situated in the City of New Orleans located on the north end of the New Basin Canal is one of the non-flood assets of the Orleans Levee District managed and controlled by the Management Authority, having been formally

relinquished to the Orleans Levee District by the United States Coast Guard as set forth in a letter to the Management Authority dated December 15, 2012;

WHEREAS, Lake Pontchartrain Basin Foundation (“LPBF”) has offered to lease the New Basin Canal Lighthouse property for the construction and operation of a lighthouse museum and education center under the terms and conditions set forth in the attached copy of the proposed lease;

WHEREAS, pursuant to that certain lease dated June 28, 1995 by and between the former Board of Commissioners of the Orleans Levee District and Landry’s Seafood House-New Orleans, Inc. (“Landry’s”), Landry’s has a right of first refusal to any proposal for development of the New Basin Canal Lighthouse property as may be received and approved by Lessor;

WHEREAS, the proposed lease with LPBF for the lease of the New Basin Canal Lighthouse property on the north end of the New Basin Canal has been reviewed by the Real Estate Consultant for the Management Authority, as well as the Commercial Real Estate Committee, who have recommended approval of said lease; 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 LPBF, subject to the waiver of the right of first refusal in favor of Landry’s Seafood House -New Orleans, Inc.

BE IT RESOLVED, that the Management Authority approves a lease with LPBF for the New Basin Canal Lighthouse property on the north end of the New Basin Canal for the construction and operation of a lighthouse museum and education center under the terms and conditions set forth in the written lease attached to this Resolution, subject to the waiver of the right of first refusal in favor of Landry’s.

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, HASSINGER, ERNST, BAUDY, HEATON, STACK, BRIEN, DUFERECHOU, SAIZAN

NAYS:

ABSTAIN:

ABSENT: HOFFMAN, TRASK, CANTRELLE, DEROUEN

RESOLUTION ADOPTED: YES

Motion No. 02-011912

Motion 02-011912 from Crescent City Marine Group, Inc. is to amend the lease to authorize use of a portion of the leased premises as a restaurant as defined as a standard restaurant in a Comprehensive Zoning Ordinance for the City of New Orleans. Crescent City Marine Group will convert a portion of one building on the leasehold to a restaurant with a capacity of 150 people. Rent over and above the present annual rent shall be \$30,400, or \$7,600 per quarter, which shall take effect in the quarter in which the approval is granted and the construction permits are issued. If said approvals are not granted and no restaurant is in place within 1 year of the date of the adoption of this resolution, this resolution shall become null and void and there shall be no change to the current use as stated in the lease.

Jordan Brimer of Schubert’s Marine is proposing to open a family oriented nautical themed seafood restaurant to help stimulate the boating economy by giving boaters another restaurant option and continue the dining tradition at West End. Reasons for the venture include the marine industry’s steady decline since Katrina and the effects of the recession resulting in low fuel sales and a decline in the need for boat repairs. Parking consisting of 20 spaces is required and a zoning variance will be needed in which the Authority, as the owner of the property, is required to apply for. Improvements to the property will include landscaping, a new fence, gates and trees. The pier between the Rogers’ boathouse and Schubert’s will be decked and include 13 tables for outdoor dining. There will be no amplified music or rock bands with hours of operation being Sunday-Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturday from 11:00 a.m. until midnight. Letters were provided by Mr. Brimer from various councilwomen and representatives who approve this endeavor. All noise

ordinances will be followed. Construction would take 4-5 months. Architectural plans and the zoning variance will be delivered upon Board approval.

PUBLIC COMMENTS

Ms. Joan Rogers – Boathouse Tenant

Ms. Rogers advised she is opposed to the opening of a restaurant as she owns the property next to the building in question and stated that a restaurant will decrease the property value. The ambiance of the area has always been a quiet, residential area with little traffic or strangers coming and going at all hours. Ms. Rogers advised of a covenant stating that the open slip next to her boathouse was to remain open. Several years ago the covenant was changed to allow a residential structure with certain restrictions. A restaurant will change the area making it unsafe for her grandchildren due to traffic and people coming and going,

Chairman Lupo advised that the area is not and historically has not been a quiet, residential area. The area is light industrial that has previously included welding, woodwork, painting, mechanics and diesel engines running and is located across the street from a beautiful park. Tenants with leaseholds have boathouses as second residences. The boatyard has always had people coming and going all of the time. Presently, the area is quiet as a result of Katrina. Mr. Metzger informed that in the original Schubert's lease there was a prohibition against construction of anything in slot N1. The lease was amended with the following provision:

Construction of any structure upon or over open slip N1 shall be allowed subject at all times to the sole and absolute approval of the Lessor (the Authority). It is anticipated that any construction in site N1 will be of a boathouse design and incorporate living quarters and office space. The construction will incorporate as a minimum the parameters outlined in the letter of September 10, 2001 from C. Jean Rogers to Steve Helwig which was attached as an exhibit to this amendment.

This amendment required that if a structure was built, it would meet those requirements. The proposed deck includes a wall the same height as permissible under the letter written by Mr. Rogers. Mr. Metzger did not view this as a legal impediment to the proposal as there would be no building built on N1, a deck will be constructed on N1.

Amanda Herman – Marseilles Condominiums

Ms. Herman is a resident of Marseilles Condominiums and opposed to the opening of a restaurant in the beautiful, serene setting near the marina. People cannot live in a place with noise and people running in and out of the neighborhood with music blaring, throwing beer bottles. Commissioner Hassinger informed of restaurants all over West End as it was designed that way. Ms. Kathleen Vogt also opposes the opening of a restaurant in that area.

Supporters of the restaurant included David Campbell, Mark Bergeron, Frank Royerre, Bob Dupuy and Jay Kimburger.

Jose Canseco does not oppose or support the proposition and expressed concerns regarding parking, noise and security and questioned the possibility of boathouse owners having input into the lease regarding an obligation to provide security, keeping the hours of operation and no amplified music.

Chairman Lupo proposed an amendment that any waivers or variances requested by the Tenant must have Board approval. Hours of operation as mentioned closing at midnight on the weekend and 10:00 p.m. on the weekdays be added to and stipulated in the lease along with no amplified music. Commissioner Hassinger seconded the amendment and all Board members were in favor of the amendment.

Chairman Lupo advised that curb cut parking is allowed although not cheap. It is the responsibility of the boathouse owner to get curb cut parking through a permit. Commissioner Heaton stated that the Board has tremendous responsibility to the residential and business community. The Board also has a fiduciary responsibility.

Commissioner Heaton supports the restaurant with the amendments made regarding amplified music and hours of operation. The City is 7 years out of Katrina and the Authority has to have a vision for this community which includes making some very hard decisions.

Chairman Lupo advised that the comments made and questions asked were answered in the big picture of what the development should be. The mix of tenants, marina service, restaurants, food, water activities and bringing people to the area is why someone builds condominiums next to a marina. Police will be present to stop people from throwing beer bottles. Commissioner Heaton advised of various comments which include those of elected officials who have done their due diligence. Everything has to be balanced.

Mickey Weiser of Schubert's Marine advised that the restaurant would not affect Schubert's ability to service the boating community. A family restaurant is something that West End Park has enjoyed in the past and can only enhance the lifestyle at West End. It is Schubert's goal to be a responsible neighbor and this design allows just that.

Motion No. 02-011912 by Commissioner Hassinger, seconded by Commissioner Ernst was unanimously adopted to wit:

MOTION: 02-011912
RESOLUTION: 02-011912
BY: COMMISSIONER HASSINGER
SECONDED BY: COMMISSIONER ERNST

January 19, 2012

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 a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("OLD");

WHEREAS, the Management Authority is the successor of the former Board of Commissioners of the Orleans Levee District (the "Board"), which managed the assets of the Orleans Levee District until January 1, 2007;

WHEREAS, the Board on October 4, 1996 entered into a written lease with Schubert's Marine Sales and Services, Inc. (the "Lease"), and under the terms of the Lease the use of the leased premises was restricted to industrial marine services, sales of marine products, a day store and for mooring and wharfage as provided under Article I of the Lease;

WHEREAS, the Board approved a request by Schubert's Marine Sales and Services, Inc. to assign the Lease to Crescent City Marine Group, Inc. ("Lessee"), effective December 30, 2002, conditioned upon an amendment of said Lease, and other terms and conditions set forth in said Resolution;

WHEREAS, Crescent City Marine Group, Inc. has proposed an amendment to the Lease to authorize use of a portion of the leased premises as a restaurant, as defined as a standard restaurant in the Comprehensive Zoning Ordinance of the City of New Orleans;

WHEREAS, the proposal submitted by Crescent City Marina Group, Inc. is to convert a portion of one of the buildings on the leasehold to a restaurant with 30 indoor tables, 13 outdoor tables, a 150 person capacity, and all in accordance with zoning and applicable governmental regulations;

WHEREAS, the proposal submitted by Crescent City Marina Group, Inc. to amend the Lease to authorize a portion of the premises to be used as a standard restaurant, as defined in the Comprehensive Zoning Ordinance of the City of New Orleans, was reviewed by the Commercial Real Estate Committee of the Management Authority at its meeting held on November 3, 2011 which recommended approval of the

proposed amendment of the Lease to include an upward rental adjustment in consideration of the restaurant use as described above being allowed in a portion of the premises;

WHEREAS, the Lessee met with Lessor and the Lessor's Real Estate Consultant and the parties have agreed that for purposes of adjusting rent only, the method shall be to allocate 20,000 square feet of the Lessee's total 51,233.27 square foot leasehold area to determine the additional commercial rent; the 20,000 square feet of leasehold shall be subject to an initial rent of \$3.00 per square foot and the current rent for the remainder leasehold area as of the date of this resolution is \$1.48 per square foot; this method is for calculation of rent only and nothing herein should be construed to mean that Lessee can use 20,000 square feet of leasehold for restaurant improvements;

WHEREAS, the Lessee's current annual lease rate payment is \$75,824.84 or \$18,956.21 quarterly, and the imposition of this rental adjustment shall be to increase the annual rent by \$30,400.00 or \$7,600.00 quarterly for a new quarterly rent of \$26,556.21 with the next CPI adjustment effective 9/1/2016;

WHEREAS, Lessee shall be obligated to immediately pursue, request and secure the regulatory approvals necessary to accomplish said restaurant use at Lessee's sole cost and expense, and the rent adjustment shall take effect in the quarter in which the approvals are granted and construction permits are issued; and, in the event said approvals are not granted and no restaurant use is in place within one (1) year of the date of adoption of this resolution, then, in that case, this resolution shall become null and void and there shall be no change to the current use as stated in the lease;

WHEREAS, after considering the proposal of the Lessee, the Management Authority resolved that the Lessee shall be obligated to obtain approval of the Management Authority before seeking any waivers or variances of zoning or any other regulatory matters from the City of New Orleans or other governmental entity; that the operating hours on Fridays and Saturdays shall be no earlier than 11:00 a.m. and no later than 12:00 midnight, and that the Lessee shall not be entitled to have amplified music at the restaurant; and,

WHEREAS, the Management Authority after considering the proposed lease amendment resolved that it is in the best interest of the Orleans Levee District to approve the proposed lease amendment under the terms set for above with Crescent City Marine Group, Inc.;

BE IT RESOLVED, that the Management Authority approves an amendment to the Lease with Crescent City Marine Group, Inc. to authorize use of a portion of the leased premises as a restaurant, as defined as a standard restaurant in the Comprehensive Zoning Ordinance of the City of New Orleans, and in accordance with the proposal submitted by Crescent City Marine Group, Inc. and the terms set forth above;

BE IT FURTHER RESOLVED, that the Lessee shall be obligated to obtain approval of the Management Authority before seeking any waivers or variances of zoning or any other regulatory matters from the City of New Orleans or other governmental entity; that the amendment to the Lease shall expressly provide that the operating hours on Fridays and Saturdays shall be no earlier than 11:00 a.m. and no later than 12:00 midnight, and that the Lessee shall not be entitled to have amplified music at the restaurant

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 foregoing.

AYES: LUPO, HASSINGER, ERNST, BAUDY, HEATON, STACK, BRIEN, DUFERECHOU, SAIZAN

NAYS:

ABSTAIN:

ABSENT: HOFFMAN, TRASK, CANTRELLE, DEROUEN

RESOLUTION ADOPTED: YES

Motion No. 03-011912

This motion is to approve an Assumption of Federal Obligation Agreement with the Federal Aviation Administration for the management of the New Orleans Lakefront Airport. The Attorney General granted an opinion as to the owner and responsible sponsor for the Lakefront Airport, but the FAA still had questions. A meeting was held with all concerned parties, including the FAA, representatives of congressional and senate staffs and representatives on the state level. The Authority's attorney and attorneys for the FAA now have a final agreement. Mr. Metzger advised that the document has been approved by the FAA and is a fundamental agreement for the Airport. The Authority will be recognized as the public sponsor assuming all obligations under former and future grants and grant funding will resume.

Motion No. 03-011912 by Commissioner Saizan, seconded by Commissioner Hassinger was unanimously adopted to wit:

MOTION: 03-011912
RESOLUTION: 03-011912
BY: COMMISSIONER SAIZAN
SECONDED BY: COMMISSIONER HASSINGER

January 19, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority was established by Act 1014 of 2010 of 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 (the "Management Authority");

WHEREAS, as provided under Section 4 of Act 1014 amending and enacting Louisiana Revised Statutes Title 38, Section 330.12.1, and Section 5(b) of Act 1014, the Management Authority shall be, effective January 1, 2012, a political subdivision of the State of Louisiana possessing full corporate power to manage, control, regulate, operate, and maintain any non-flood protection facility or improvement, asset or function of the Orleans Levee District;

WHEREAS, as provided under Section 2 of Act 1014, 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 formerly managed the non-flood assets of the Orleans Levee District;

WHEREAS, as provided under Section 1 of Act No. 133 enacted during the 2007 Louisiana Legislative Session, amending Louisiana Revised Statutes Title 38, Section 281(9), the Orleans Levee District is statutorily defined as a levee district and political subdivision of the state and has the same meaning under Title 38 of the Louisiana Revised Statutes as the former terms "Board of Commissioners of the Orleans Levee District" and the "Orleans Levee Board";

WHEREAS, as provided under Act 1014 of 2010, the Management Authority is vested with the authority to enter into contracts on its behalf and on behalf of the Orleans Levee District related to the operation and maintenance of any facility or improvement which it manages and controls on behalf of the Orleans Levee District;

WHEREAS, as provided under said Section 1 of Act No. 133, which amended Louisiana Revised Statutes Title 38, Section 336 (A), the State of Louisiana granted and released to the Orleans Levee District the title of the state in and to all public property and all lands reclaimed from or filled in on Lake Pontchartrain in the Parish of Orleans, State of Louisiana, and within any levee embankments, slopes, retaining walls, seawalls, and breakwaters on Lake Pontchartrain, and in and to all lands lying within the territorial limits of the reclamation project;

WHEREAS, during the early 1930's the New Orleans Lakefront Airport ("Lakefront Airport") was constructed by the former Board of Commissioners of the Orleans Levee District on said reclaimed land

on the south shore of Lake Pontchartrain, and is one of the non-flood assets owned by the Orleans Levee District under the management and control of the Management Authority;

WHEREAS, the former Board of Commissioners of the Orleans Levee District entered into various Grant Agreements with State and Federal agencies to acquire funds for the development and maintenance of the Lakefront Airport;

WHEREAS, after the former Board of Commissioners of the Orleans Levee District was abolished effective January 1, 2007, the Orleans Levee District assigned to and the Division of Administration of the State of Louisiana assumed all of the rights and duties under Grant Agreements with State and Federal agencies that had provided funds for the development and maintenance of the Lakefront Airport, and thereby agreed to be bound and to perform and be subject to all of the terms, covenants and conditions of said Grant Agreements, including the obligation to comply with the responsibilities imposed under the Federal Aviation Administration Airport Sponsor Assurances that are part of the Federal Grant Agreements on and after the date of the Assignment and Assumption Agreement;

WHEREAS, Lakefront Airport has received over \$25 Million Dollars in the past 20 years for various improvements provided under Federal grant programs, including the Federal Airport Improvement Program;

WHEREAS, the former Board of Commissioners of the Orleans Levee District and the Division of Administration of the State of Louisiana as the Airport Sponsors of the Lakefront Airport and recipient of Federal grant programs, including the Airport Improvement Program, agreed to and assumed certain obligations pertaining to the operation, use and maintenance of Lakefront Airport, as mandated under 49 U.S.C. §47107;

WHEREAS, the Management Authority as the governing authority of the non-flood assets of the Orleans Levee District, including Lakefront Airport, desires on its behalf and on behalf of the Orleans Levee District to be recognized as the Airport Sponsors for grants provided by State and Federal agencies and assume on its behalf and on behalf of the Orleans Levee District responsibility for the operation of Lakefront Airport and of all of the rights and duties under past and future Grant Agreements with State and Federal agencies, including Federal Airport Improvement Program Grants;

WHEREAS, the Federal Aviation Administration requires the execution of a written Assumption of Federal Obligations Agreement for the Management Authority and Orleans Levee District to be recognized jointly as the Airport Sponsors for Lakefront Airport and assume responsibility for the operation of Lakefront Airport and of all of the rights and duties under past and future Grant Agreements with State and Federal agencies, including Federal Airport Improvement Program Grants;

WHEREAS, the Federal Aviation Administration has requested that the Management Authority and Orleans Levee District provide in the Assumption of Federal Obligations Agreement a guarantee that Lakefront Airport is exempt under Louisiana law from seizure by any person holding a judgment against the former Board of Commissioners of the Orleans Levee District, the Orleans Levee District or the Management Authority;

WHEREAS, the Airport Committee of the Management Authority has reviewed this matter and has recommended approval of the Assumption of Federal Obligations Agreement, a copy of which is attached hereto, for the Management Authority and Orleans Levee District to be recognized jointly as the Airport Sponsor for Lakefront Airport and assume on its behalf and on behalf of the Orleans Levee District responsibility for the operation of Lakefront Airport and of all of the rights and duties under past and future Grant Agreements with State and Federal agencies, including Federal Airport Improvement Program Grants; and,

WHEREAS, the Management Authority has resolved that it is in the best interest of the Management Authority, the Orleans Levee District and Lakefront Airport to enter into any required agreements with the Federal Aviation Administration for the Management Authority and Orleans Levee

District to be recognized jointly as the Airport Sponsor for the Lakefront Airport for any and all purposes, including State and Federal agency grant funding.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves the execution of a written Assumption of Federal Obligations Agreement with the Federal Aviation Administration, a copy of which is attached hereto, for the Management Authority and Orleans Levee District to be recognized jointly as the Airport Sponsors for Lakefront Airport and assume on its behalf and on behalf of the Orleans Levee District responsibility for the operation of Lakefront Airport and of all of the rights and duties under past and future Grant Agreements with State and Federal agencies, including Federal Airport Improvement Program Grants provided by the Federal Aviation Administration;

BE IT HEREBY 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, HASSINGER, ERNST, BAUDY, HEATON, STACK, BRIEN, DUFERECHOU, SAIZAN

NAYS:

ABSTAIN:

ABSENT: HOFFMAN, TRASK, CANTRELLE, DEROUEN

RESOLUTION ADOPTED: YES

Motion No. 04-011912

This motion is to approve a minimum payment to the Sewerage & Water Board of New Orleans on metered lines that supply the Orleans Marina, South Shore Harbor Marina and the New Orleans Lakefront Airport. Mr. Capo reported that the Sewerage & Water Board will accept a payment of \$20,000 for each of the three meters to assure no interruption in service. Leaks have been found at the Airport and there is a large water bill of approximately \$325,000. This payment allows water to stay on while attorneys and staff negotiate the amount of the water bill. Steve Nelson of Stuart Consulting has been very helpful with the Authority on this matter and the Authority has a good argument for paying a lower bill than indicated.

Motion No. 04-011912 by Commissioner Brien, seconded by Commissioner Hassinger was unanimously adopted to wit:

MOTION: 04-011912
RESOLUTION: 04-011912
BY: COMMISSIONER BRIEN
SECONDED BY: COMMISSIONER HASSINGER

January 19, 2012

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 a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“OLD”);

WHEREAS, the Management Authority was 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, until January 1, 2012, and effective that date the Management Authority became a political subdivision of the State of Louisiana, as provided under Section 4 of Act 1014 of 2010;

WHEREAS, the Orleans Levee District (“OLD”) has owned and operated 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 Sewerage and Water Board of New Orleans has continued to bill Orleans Marina, South Shore Harbor Marina and Lakefront Airport for water use and sewage fees when South

Shore Harbor Marina and the east and west side of Lakefront Airport has had reduced water use activity due to a drastic reduction in occupancy;

WHEREAS, management has supplied documentation showing when a leak was detected at Orleans Marina, South Shore Harbor Marina and Lakefront Airport and the corrective action taken to repair the leak,

WHEREAS, management has requested relief as to the amount of water use and sewerage charges during the time after the hurricane Katrina and Rita and when construction was completed on South Shore Harbor and started on Lakefront Airport;

WHEREAS, the Sewerage and Water Board is allowing credit for sewerage use back three years on the three meters that supply the properties, however will not credit water use at that time;

WHEREAS, the Sewerage and Water Board will accept the payment of \$20,000.00 for each of the three meters supplying water to Orleans Marina, South Shore Harbor Marina and Lakefront Airport to assure no service interruption;

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

BE IT RESOLVED, that the Authority Chairman or Executive Director be authorized to issue a payment to the Sewerage & Water Board of New Orleans in the of \$60,000.00 to avoid service interruption.

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

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

Motion No. 05-011912

The Management Authority, as a political subdivision of the State of Louisiana effective January 1, 2012, is required to comply with the provisions of La.R.S. Title 43 Section 171 regarding publication of proceedings and financial statements and is required to select an official journal for said publications. The Times Picayune is selected as the official journal for publications for the Non-Flood Protection Asset Management Authority commencing on January 31, 2012 as required under La.R.S. Title 43 Section 171, which statute requires the newspaper's office be physically located in the Parish where the political subdivision is located and the newspaper has to maintain a general paid circulation.

Motion No. 05-011912 by Commissioner Brien, seconded by Commissioner Hassinger was unanimously adopted to wit:

MOTION: 05-011912
RESOLUTION: 05-011912
BY: COMMISSIONER BRIEN
SECONDED: COMMISSIONER HASSINGER

January 19, 2012

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 a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("OLD");

WHEREAS, the Management Authority was 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, until January 1, 2012, and effective that date the Management

Authority became a political subdivision of the State of Louisiana, as provided under Section 4 of Act 1014 of 2010;

WHEREAS, Louisiana Revised Statutes Title 43 Section 171 provides that levee districts and other political subdivisions shall have the proceedings of their board and such financial statements required by and furnished to the Louisiana Legislative Auditor published in a newspaper, which shall be selected at the meeting in June of each year for a term of one year;

WHEREAS, the Management Authority as a political subdivision of the State of Louisiana, effective January 1, 2012, is required to comply with the provisions of Louisiana Revised Statutes Title 43 Section 171 regarding publication of its proceedings and financial statements and is required to select an official journal for said publications;

WHEREAS, Louisiana Revised Statutes Title 43 Section 171 further provides that the newspaper shall meet certain criteria relative to location and publication;

WHEREAS, The Times Picayune is the only newspaper in the Parish of Orleans that meets the aforementioned criteria for publishing the proceedings of the Management Authority;

WHEREAS, this matter was considered by the Finance Committee of the Management Authority at its meeting held on January 12, 2012 and the Committee recommended the selection of The Times Picayune as the Official Journal for the Management Authority; and,

WHEREAS, the Management Authority after considering this matter and the recommendation of the Finance Committee resolved that it would be in the best interest of the Management Authority to select The Times Picayune as the Official Journal for the Management Authority.

BE IT HEREBY RESOLVED, that The Times Picayune is hereby selected as the Official Journal for publications for the Non-Flood Protection Asset Management Authority commencing on January 1, 2012, as required under Louisiana Revised Statutes Title 43 Section 171; **BE IT FURTHER RESOLVED**, that the Authority Chairman or Executive Director is authorized to sign any and all documents necessary to accomplish the above.

AYES: LUPO, HASSINGER, ERNST, BAUDY, HEATON, STACK, BRIEN, DUFERECHOU, SAIZAN

NAYS:

ABSTAIN:

ABSENT: HOFFMAN, TRASK, CANTRELLE, DEROUEN

RESOLUTION ADOPTED: YES

Motion No. 06-011912

The Authority issued three RFQs for professional engineering services for the repair of damages caused by Hurricane Katrina to the Delgado Hangar, Chevron Office Building and South Shore Harbor Master Building. After review of the submittals RCL Architecture, LLC was selected for the Delgado Hangar and the Chevron Office Building projects and ECM Consultants was selected for the South Shore Harbor Harbor Master Building. The three projects are obligated funds by FEMA project worksheets.

Motion No. 06-011912 by Commissioner Saizan, seconded by Commissioner Hassinger was unanimously adopted as amended to wit:

MOTION: 06-011912

RESOLUTION: 06-011912

BY: COMMISSIONER SAIZAN

SECONDED: COMMISSIONER HASSINGER

January 19, 2012

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

WHEREAS, the Management Authority issued three Requests for Qualifications for professional engineering services for the repair of damages caused by Hurricane Katrina to the Delgado Hangar, Chevron Office Building, and South Shore Harbor - Harbor Master Building;

WHEREAS, the Requests for Qualifications were advertised and Statements of Qualifications (SOQ's) were received August 19, 2011 for architects and engineers; and

WHEREAS, requests for supplemental information documenting prior FEMA experience were issued for all three projects;

WHEREAS, after review of the submittals in response to the Request for Qualifications, RCL Architecture, LLC. (RCLA) was selected for the Delgado Hangar and Chevron Office Building projects;

WHEREAS, after review of the submittals in response to the Request for Qualifications, ECM Consultants, Inc. (ECM) was selected for the South Shore Harbor – Harbor Master Building project;

BE IT HEREBY RESOLVED, that the Authority approves and authorizes Professional Engineering Service Contracts with the following consultants to complete the associated projects:

RCL Architecture, LLC. – Delgado Hangar

RCL Architecture, LLC. – Chevron Office Building

ECM Consultants, Inc. – South Shore Harbor- Harbor Master Building

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

AYES: LUPO, HASSINGER, ERNST, BAUDY, HEATON, STACK, BRIEN, DUFERECHOU, SAIZAN

NAYS:

ABSTAIN:

ABSENT: HOFFMAN, TRASK, CANTRELLE, DEROUEN

RESOLUTION ADOPTED: YES

Mr. Capo provided Mark Romig with a list of items for the Navy SEABEES to consider repairing during Navy week including repair of the roof and remainder of demolition to remove sheetrock and debris in the former Bally's Terminal Building, painting Shelter #4 and landscaping at South Shore Harbor.

NEXT BOARD MEETING

Mr. Capo announced the next full Board meeting was scheduled for Thursday, February 16, 2012 at 5:30 p.m.

ADJOURNMENT

Commissioner Heaton offered a motion to adjourn, seconded by Commissioner Baudy and unanimously adopted. The meeting adjourned at 7:00 p.m.