

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE MANAGEMENT AUTHORITY MEETING
THURSDAY, MARCH 1, 2012 – 5:30 P.M.

The regular monthly meeting of the Non-Flood Protection Asset Management Authority was held on Thursday, March 1, 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 5:38 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 Wilma Heaton
Commissioner Michael Stack
Commissioner Stanley Brien
Commissioner Carlton Dufrechou
Commissioner Darrel Saizan
Commissioner William Hoffman
Commissioner John Trask
Commissioner Pearl Cantrelle
Commissioner Patrick DeRouen

ABSENT:

Commissioner Romona Baudy

STAFF:

Louis Capó, Executive Director
Sharon Martiny, Non-Flood
Dawn Wagener, Non-Flood
Fred Pruitt, Airport Director
Nina Marchand, Non-Flood
Vincent Caire, Non-Flood
Chuck Dixon, Marina Director

ALSO PRESENT:

Gerard Metzger
Charles Curtis
Steve Nelson
Alton Davis
Al Pappalardo
Joan Rogers
Barrett Daly
Patrick B. Eppling
Patricia D. Eppling
Irvington J. Eppling, Jr.
Tim Avegno
Ray Landeche

ADOPT AGENDA

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

APPROVAL OF PRIOR MINUTES

Commissioner Hassinger offered a motion to approve the minutes of the Board meeting held January 19, 2012, seconded by Commissioner Saizan and unanimously adopted.

Chairman Lupo informed the Board that insurance will be a huge part of the costs for ongoing operations at Lakefront Airport resulting from the new buildings under construction. The Airport is going to be a tremendous facility that will draw great attention and help the community with general aviation. Costs to this Airport will be substantial until the facilities start to generate the income that they eventually will. Chairman Lupo will assemble an Insurance Review Committee that will review ways to insure the new buildings coming on line.

REPORT BY EXECUTIVE DIRECTOR

Mr. Capo informed the Board of recent groundbreaking ceremonies along Lakeshore Drive. Lakeview Landings with Duke's on the Basin and the New Canal Lighthouse will be very good for the Lakefront. Mr. Capo thanked Commissioner Dufrechou and the Lake Pontchartrain Basin Foundation and stated that the New Canal Lighthouse will be a nice addition to the Lakefront. Commissioner Dufrechou thanked Chairman Lupo, the Commissioners, the staff and the attorneys who came to be the saviors of the New Basin Canal Lighthouse.

Mr. Capo informed the Board of ongoing discussions with the 1812 host committee regarding concessions along Lakeshore Drive during the Navy Week event. Ms. Norma Jane Sabiston will assist with ironing out the concession issues going forward.

Ms. Connie Uddo is assisting with service projects associated with the 1812 group Opsail and NOLA Navy Week. Ms. Uddo is working with Navy officials who are proposing to paint the 3 shelter houses along Lakeshore Drive. Navy officials believe they can paint one shelter house per day starting with Shelter #4 moving west to Shelter #1 within the next 30-45 days. Ms. Lauren Jardell is approaching Home Depot and Sherwin Williams to secure lumber, paint and supplies so there is no cost to the Authority. The project includes replacing wood on 74 picnic tables and 45 benches along with planting approximately 150 trees on the east side of Lakeshore Drive in preparation of Navy week.

Chairman Saizan informed that Landmark Aviation will be a corporate sponsor for the NOLA Navy Week event. A meeting is scheduled for March 8, 2012 in the Lake Oaks Subdivision with representatives from the War of 1812 Committee who will make a presentation to the residents regarding the upcoming event. Chairman Lupo added that Mark Romig received assurances from NOPD and Officer Valente that a traffic plan has been completed in preparation of the event.

Mr. Capo informed the Board that the committee meetings scheduled for March 6 and March 8 will be the final round of committee meetings to address the budget and the budget line items before adoption of the final budget at the March 22, 2012 Board meeting.

COMMITTEE REPORTS

Airport Committee

Chairman Saizan had no report for the Airport Committee.

Marina Committee

Commissioner Brien informed that the Marina Committee is moving forward with details regarding the Terminal Building and Point Buildings at South Shore Harbor after receiving the structural analysis. Steve Nelson of Stuart Consulting is working on items to secure the Terminal Building from further damage along with preparing an RFQ for demolition of the Point Building.

Commercial Real Estate

There is no report for the Commercial Real Estate Committee as the February meeting was cancelled due to lack of Agenda items.

Recreation/Subdivision Obligation

Commissioner Hassinger met with the presidents of the four neighborhoods along the Lakefront to discuss enforcement of building restrictions and approval of house plans. Lake Vista met with a representative of the City Zoning group who advised that 4-5 big items have been incorporated into the City's master zoning plan. The remaining neighborhoods will meet with the City to identify key provisions in their restrictions and have the City incorporate those provisions into the master zoning plan. There will be a list of architects available to review and approve house plans. Chairman Lupo noted that the City advised of an enforcement that states this should be reviewed and put in as part of the permitting process of the City of New Orleans. The communication between the Levee District and the City on what the particulars are is vague and it needs to be streamlined to a point where the City can act on this issue.

Legal Committee

There is no report from the Legal Committee as the meeting was cancelled due to lack of Agenda items.

Finance Committee

Commissioner Hoffman encouraged each committee to review their particular activities and tighten the budget as much as possible. Several projected expenses will possibly be eliminated in order to bring the budget down slightly. The budget will be approved at the March 22, 2012 Board meeting and submitted to the State for approval on April 1, 2012. Chairman Lupo added that the next round of committee meetings are very important for the budget review process and need to be scheduled by each committee member to prevent a quorum issue.

EXECUTIVE SESSION

Joan C. Rogers v. Board of Levee Commissioners
Of the Orleans Levee District
CDC No.: 2012-01237; Div.: N Sec.: 8

Commissioner Ernst offered a motion to go into Executive Session, seconded by Commissioner Heaton and unanimously adopted by a roll call vote.

Upon returning from Executive Session, Chairman Lupo advised that no action was taken regarding the above referenced matter.

NEW BUSINESS

Chairman Lupo called for a motion to move Motion No. 05-030112 as the first item on the Agenda under New Business. Commissioner Ernst offered the motion, seconded by Commissioner Trask and unanimously adopted.

Motion No. 05-030112

This motion is for approval of the Non-Flood Protection Asset Management Authority to withdraw from the certification process of the Louisiana Unified Certification Program. The Authority will continue to utilize DBE participants that are certified by other agencies. Chairman Lupo noted that the Authority was previously involved in certifying Disadvantaged Business Enterprises although the Authority has no obligation to do so. The Authority will continue to pursue DBEs, but will discontinue the certification process which costs the Authority between \$100,000 - \$120,000 per year. Commissioner Saizan supported the motion and suggested in the future having a mandatory DBE participation in all projects. The FAA and the U.S. Dept. of Transportation are not going to back off on this issue as this is a serious matter. The Authority will be dealing with increased amounts of federal transportation dollars so it is significant that the Authority work toward a mandatory DBE participation in the future.

Commissioner Heaton suggested an amendment to the resolution by adding language that states the Authority's commitment to participation of DBEs, which should be included as follows: WHEREAS, this does not diminish the Management Authority's commitment to participation of DBEs on Management Authority's projects. Commissioner Heaton offered a motion to amend the resolution, seconded by Commissioner Saizan and unanimously adopted.

Chairman Lupo informed the Board that monitoring of DBEs is done on two levels: in-house by Ms. Marchand and the contractors. The contractor has an obligation to ensure that the subs are adhering to the stated goals and Ms. Marchand follows-up with the contractors. Ms. Marchand added that there is a formula provided by the federal government that is used to put goals on each project. Commissioner Hoffman stated that the Administration has a responsibility to ensure the Authority's goals are met and in compliance with the policies of the Authority. The Authority has been in compliance with the policy the Board adopted and with every federal grant received. The Authority cannot function as a certifying agency due to lack of financial resources.

Mr. Capo noted that the Louisiana Unified Certification Program has an Executive Committee in which the Authority will petition to withdraw from the certification process. The Executive Committee then makes a recommendation to the U.S. Dept. of Transportation regarding the request to withdraw from the certification process. This is the first step in the process. A Board resolution is needed for submission to the State Unified Certification Program.

Motion No. 05-030112, offered and amended by Commissioner Heaton, seconded by Commissioner Saizan was unanimously adopted to wit:

MOTION: 05-030112
RESOLUTION: 05-030112
BY: COMMISSIONER HEATON
SECONDED BY: COMMISSIONER SAIZAN

March 1, 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, the governing authority of the non-flood protection assets of the Orleans Levee District ("OLD"), and the successor of the former Board of Commissioners of the Orleans Levee District;

WHEREAS, in accordance with Resolution Nos. 3-042485 and 9-081893, and U.S. Department of Transportation (DOT) regulations, the Board of Commissioners of the Orleans Levee District established a Disadvantaged Business Enterprise (DBE) program in order to maximize opportunities for DBE participation on contracts financed in whole or in part with federal financial assistance and contracts funded by Board appropriation;

WHEREAS, in accordance with Resolution No. 5-031711, the Management Authority increased DBE participation in goods and services provided to the Management Authority and updated and revised the Management Authority's contracts to reflect current laws and regulations regarding DBEs;

WHEREAS, federal regulations mandate a Unified Certification Program (UCP) to provide a single uniform process of DBE applications, certifications and development of a single point DBE directory, and as a DOT recipient, the Management Authority is a participant in the Louisiana Unified Certification Program;

WHEREAS, under the Louisiana UCP, the State has authorized certain agencies to provide DBE certification services in the State of Louisiana;

WHEREAS, the Louis Armstrong New Orleans International Airport, the Orleans Levee District and the Regional Transit Authority were designated as the New Orleans Metropolitan Certifying Agencies (NOMCA), to operate as a single certifying agency for DBE certification;

WHEREAS, NOMCA developed a Memorandum of Understanding for the operation of NOMCA which was approved by the Board of Commissioners of the Orleans Levee District pursuant to Resolution No. 3-011905;

WHEREAS, as the governing authority of the non-flood assets of the Orleans Levee District and successor of the former Board of Commissioners of the Orleans Levee District, the Management Authority is bound by the NOMCA Memorandum of Understanding;

WHEREAS, as a result of the legislation which established this Management Authority, the Management Authority does not have sufficient revenues and employees, as had the former Board of Commissioners of the Orleans Levee District, to allow the Management Authority to continue as a member of NOMCA;

WHEREAS, because of these financial constraints the Management Authority can no longer participate as a member of NOMCA;

WHEREAS, the Management Authority's withdrawal from the NOMCA was discussed by the Airport Committee at its meeting held on February 7, 2012, and the Committee recommended that the Management Authority withdraw as a certifying agency of NOMCA;

WHEREAS, the Management Authority after considering the recommendation of the Airport Committee resolved that withdrawal from NOMCA is in the best interest of the Management Authority and Orleans Levee District.

WHEREAS, this does not diminish the Management Authority's commitment to participation of DBEs on Management Authority's projects,

BE IT 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, ERNST, HOFFMAN, HEATON, STACK, BRIEN,
DUFRECHOU, TRASK, CANTRELLE, DEROUEN, SAIZAN

NAYS:

ABSENT:

ABSENT: BAUDY

RESOLUTION ADOPTED: YES

Commissioner Saizan departed the Board meeting at this time.

Motion No. 01-030112

Motion 01-030112 is for approval to extend property insurance coverage in the amount of \$84,516.10 from April 20, 2012 through June 30, 2012 to coincide with the end of the fiscal year. This insurance is primary and excess property, fire and wind insurance coverage for the properties under the jurisdiction of the Authority.

Chairman Hoffman noted that the side benefit is that the Authority is able to extend the existing rate coverage for this period. An insurance subcommittee will be selected to better approach the market for next year's coverage on all new properties.

Motion No. 01-030112, by Commissioner Hassinger, seconded by Commissioner Ernst was unanimously adopted to wit:

MOTION: 01-030112

RESOLUTION: 01-030112

BY: COMMISSIONER HASSINGER

SECONDED BY: COMMISSIONER ERNST

March 1, 2012

RESOLUTION

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

WHEREAS, the properties to be insured are under the jurisdiction of the Non-Flood Protection Asset Management Authority.

WHEREAS, the Management Authority approved Resolution 01-031711 at its March 17, 2011 board meeting for primary and excess property insurance and,

WHEREAS, the coverage approved by Resolution 01-031711 was for the period April 21, 2011 to April 21, 2012 and now the Authority is wanting to align the expiration dates of its insurances with its fiscal year, and

WHEREAS, the Authority has received a quote from Eagan Insurance Agency in the amount of \$84,516.10 to extend the coverage to the end of the fiscal year, June 30, 2012, and

WHEREAS, this matter was heard at the February 9, 2012 Finance Committee meeting and was recommended to the board for approval, and

BE IT RESOLVED; that the Non-Flood Protection Asset Management Authority authorizes the procurement of primary and excess property (wind/fire) insurance coverage for properties under the jurisdiction of the Non-Flood Protection Asset Management Authority in the amount of \$84,516.10 to extend the coverage to June 30, 2012 to coincide with the end of the Authority’s fiscal year, and

BE IT FURTHER RESOLVED; that the Authority authorizes the Chairman or Executive Director to sign any and all other documents to carry out the above.

AYES: LUPU, HASSINGER, ERNST, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, TRASK, CANTRELLE, DEROUEN

NAYS:

ABSTAIN:

ABSENT: BAUDY, SAIZAN

RESOLUTION ADOPTED: YES

Motion No. 02-030112

Motion 02-030112 is to approve Richard C. Lambert Consultants’ supplemental agreement #26 in the amount of \$4,600 for additional asbestos testing in the Terminal Building by Professional Safety Consultants, LLC.

Mr. Nelson informed the Board that hazardous materials were discovered at the Airport Terminal Building project along with additional hazardous material located subsequent to the demolition work. Testing was done in December, 2011 and the abatement should be complete within the next week. Reimbursement of this funding, which is set aside in the budget, will be requested from FEMA.

Motion 02-030112 by Commissioner Heaton, seconded by Commissioner Ernst was unanimously adopted to wit:

MOTION: 02-030112

RESOLUTION: 02-030112

BY: COMMISSIONER HEATON

SECONDED BY: COMMISSIONER ERNST

March 1, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (the “Management Authority”) was established by Act 1014 of 2010 by the Louisiana Legislature effective August 15, 2010 and is the governing authority of the non-flood assets of the Orleans Levee District (“District”), and a

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

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

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

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

WHEREAS, the Agreement was extended on the 20th day of December, 2011, pursuant to Resolution 05-121511 of the Management Authority, through December 31, 2012;

WHEREAS, under the terms of supplemental agreement number twenty-one (21) to the Agreement signed November 10, 2011 the Consultant was directed to select and contract a qualified environmental company to perform hazardous material testing, air quality monitoring, and follow-up testing for the lead paint and asbestos abatement for a Not to Exceed Fee of \$24,578.00;

WHEREAS, the Consultant contracted with Professional Safety Consultants, LLC to perform the testing services.

WHEREAS, during the course of the abatement, additional asbestos and lead paint materials were found in the building;

WHEREAS, additional testing was required outside of the original scope of work proposed by Professional Safety Consultants, LLC;

WHEREAS, to expedite the removal of said additional hazardous materials, the Consultant contracted with Professional Safety Consultants, LLC to provide the required additional testing services for a price not to exceed \$4,600.00;

WHEREAS, the Consultant has requested reimbursement of the sum of \$4,600.00 to cover the costs associated with the services to be provided by Professional Safety Consultants, LLC; and,

WHEREAS, the Airport Committee of the Management Authority held on February 7, 2012 considered this request and agreed to recommend to the Management Authority that the Consultant be reimbursed for the costs associated with the additional testing services and that the Agreement be amended to include a Not to Exceed Fee of \$4,600.00 for these charges.

BE IT HEREBY RESOLVED, that the Management Authority approves a Supplement Agreement with Richard C. Lambert Consultants, LLC providing a Not to Exceed Fee of \$4,600.00 to cover the costs associated with the additional testing services, with all other terms and conditions of the Agreement to remain the same.

BE IT FURTHER RESOLVED, that the Management Authority authorizes the Chairman or Executive Director to execute the Supplemental Agreement with Richard C. Lambert Consultants, LLC providing a Not to Exceed Fee of \$4,600.00 to cover the costs associated with the additional testing services, with all other terms and conditions of the Agreement to remain the same.

AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, TRASK, CANTRELLE, DEROUEN

NAYS:

ABSTAIN:

ABSENT: BAUDY, SAIZAN

RESOLUTION ADOPTED: YES

Motion No. 03-030112

This motion is for approval of Richard C. Lambert Consultants’ supplemental agreement providing a not to exceed fee of \$8,992.63 for reimbursable costs for

additional plans and specifications for the Administration Building, exceeding the number specified in the agreement.

Mr. Nelson informed that Richard C. Lambert Consultants is required to submit a contractual number of copies with any project under their contract. RCL provides the documentation, including receipts and backup, that supports the number of copies that were provided above and beyond the number specified in the contract. A request for reimbursement will be submitted to FEMA. As with prior line items, there is money left in the budget to cover this cost.

Motion No. 03-030112 by Commissioner Hassinger, seconded by Commissioner Ernst was unanimously adopted to wit:

MOTION: 03-030112
RESOLUTION: 03-030112
BY: COMMISSIONER HASSINGER
SECONDED BY: COMMISSIONER ERNST

March 1, 2012

RESOLUTION

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

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

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

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

WHEREAS, the Agreement was extended on the 20th day of December, 2011, pursuant to Resolution 05-121511 of the Management Authority, through December 31, 2012;

WHEREAS, the Section 3.3.4 of the Agreement between the Management Authority and the Consultant required that the Consultant provide fifteen (15) copies of the approved plans and specifications for bidding purposes;

WHEREAS, the Consultant provided the plans and specifications necessary to complete the design and bidding processes, totaling \$14,112.41, as shown on the attached Exhibit “A”;

WHEREAS, the total number of plans and specifications provided exceeded the fifteen (15) copies required by the Agreement;

WHEREAS, the Consultant deducted the costs associated with providing the required fifteen (15) copies of plans and specifications, totaling \$5,119.78, as shown on the attached Exhibit "A";

WHEREAS, the Consultant has requested reimbursement of the sum of \$8,992.63 to cover the cost associated with postage and providing additional copies of the plans and specifications above the number specified in the Agreement, as shown on attached Exhibit "A"; and,

WHEREAS, in accordance with the provisions of the Agreement under Article 4, Section 4.2.9 SPECIAL SERVICES, the Consultant is entitled to be compensated for "Additional copies of reports, plans, specifications and documents above the number specified".

BE IT HEREBY RESOLVED, that the Management Authority approves a Supplement Agreement with Richard C. Lambert Consultants, LLC providing a Not to Exceed Fee of \$8,992.63 to cover the costs associated with postage and providing additional copies of the plans and specifications above the number specified in the Agreement, as shown on the attached Exhibit "A," with all other terms and conditions of the Agreement to remain the same.

BE IT FURTHER RESOLVED, that the Management Authority authorizes the Authority Chairman or Executive Director to execute any and all documents necessary to carry out the above.

AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, TRASK, CANTRELLE, DEROUEN

NAYS:

ABSTAIN:

ABSENT: BAUDY, SAIZAN

RESOLUTION ADOPTED: YES

Motion No. 04-030112

Motion No. 04-030112 is for approval of Richard C. Lambert Consultants supplemental agreement to provide services of a resident project representative for continuous on-site observation of the construction of the Bastian-Mitchell Hangar at an hourly rate of \$80.00 for a minimum of 10 hours per week and a maximum of 25 hours per week starting on the date of the execution of the supplemental agreement and ending on November 2, 2012.

Mr. Nelson informed the Board that the Bastian-Mitchell project has a clear span of over 200 feet with beams weighing in excess of 500 pounds of linear foot per beam. There are safety risks with this particular project. RCL will provide a construction supervisor to ensure what the contractor is installing is exactly what is in the plans and specifications. FEMA has agreed in writing to cover these costs. Chairman Lupo commented that this is the best insurance policy the Authority can have to ensure this project will come out right.

Commissioner Stack addressed the 10 hour per week minimum and questioned if construction is stopped is the Authority liable to pay the 10 hour minimum as stated in the resolution. Mr. Davis explained that in order for RCL to bill, the hours must be documented. If construction is stopped, there is no construction observer on site so there is no reason to bill for construction observation.

Mr. Metzger suggested the language “with any compensation paid conditioned upon consultant providing time sheets to verify services rendered during construction”.

Motion No. 04-030112 as amended by Commissioner Stack, seconded by Commissioner Heaton was unanimously adopted to wit:

MOTION: 04-030112
RESOLUTION: 04-030112
BY: COMMISSIONER STACK
SECONDED BY: COMMISSIONER HEATON

March 1, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (the “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 (“District”);

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

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

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

WHEREAS, the Agreement was extended on the 20th day of December, 2011, pursuant to Resolution 05-121511 of the Management Authority, through December 31, 2012;

WHEREAS, in accordance with the provisions of the Article 4 of the Agreement the Consultant is entitled to be compensated for special services including under Sub-Section 4.2.1 “Services of a resident project representative, and other field personnel as required, for continuous on-site observation of the construction”;

WHEREAS, in accordance with “Exhibit D” of Supplemental Agreement Number Eleven (11), signed January 20, 2010, the hourly rate for a “Construction Observer” is eighty dollars (\$80.00) per hour; and,

WHEREAS, the Consultant has agreed to provide a construction observer on-site to monitor construction of the Bastian-Mitchell Hangar for a minimum of ten (10) hours per week and a maximum of twenty five (25) hours per week.

BE IT HEREBY RESOLVED, that the Management Authority approves a Supplement Agreement with Richard C. Lambert Consultants, LLC providing compensation to cover the costs associated with providing 10-25 hours of construction observation services each week at an hourly rate of \$80 per hour, starting on the date of execution of the Supplemental Agreement and ending on November 2, 2012, with any compensation paid conditioned upon consultant providing time sheets to verify services rendered and during on-site construction, with all other terms and conditions of the Agreement to remain the same.

BE IT FURTHER RESOLVED, that the Management Authority authorizes the Authority Chairman or Executive Director to execute any and all documents necessary to carry out the above.

AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, TRASK, CANTRELLE, DEROUEN
NAYS:
ABSTAIN:
ABSENT: BAUDY, SAIZAN

RESOLUTION ADOPTED: YES

Motion No. 06-030112

Motion No. 06-030112 is for approval to relinquish ownership of any rights the Authority may own in and to the Senator Ted Hickey Bridge and the connecting roads as a binding agreement between the State of Louisiana and the Authority, provided the State of Louisiana, Dept. of Transportation and Development accepts the transfer of these properties within 90 days of the adoption of this resolution by the Management Authority.

Commissioner Stack explained that this starts the transfer process. The approved resolution will be forwarded to the Secretary of DOTD's office recommending the bridge be taken into our system after which the transfer will be official and legal documents will be transferred. Within 90 days the Authority will have no responsibilities for the bridge.

Motion No. 06-030112 Commissioner Heaton, seconded by Commissioner Hassinger was unanimously adopted to wit:

MOTION: 06-030112
RESOLUTION: 06-030112
BY: COMMISSIONER HEATON
SECONDED BY: COMMISSIONER HASSINGER

March 1, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (the "Management Authority") possesses "full corporate power to manage, control, regulate, operate, and maintain any non-flood protection facility or improvement asset or function within a levee district within the jurisdiction of a flood protection authority" (R.S. 38:330.12.1), including the power "to sell, lease, or otherwise transfer any such property" (R.S. 38:330.12);

WHEREAS, the Orleans Levee District owns the Ted Hickey Bridge across the Inner Harbor Navigation Canal at Lake Pontchartrain, which Bridge is property identified as being subject to the management powers of the Management Authority, and which is described as follows:

The Ted Hickey Bridge and approaches over the Inner Harbor Navigation Canal on Leon C. Simon Boulevard in the City of New Orleans, State of Louisiana from its east abutment proceeding west approximately 0.40 mile to its west abutment.

WHEREAS, the Orleans Levee District own portions of the roads which connect to the Ted Hickey Bridge ("Connecting Roads"), over which the Management Authority is the governing authority, which are described as follows:

Leon C. Simon Boulevard from its intersection with Downman Road proceeding west approximately 0.26 mile to the east abutment of the Ted Hickey Bridge

Leon C. Simon Boulevard from the west abutment of the Ted Hickey Bridge proceeding west approximately 0.20 mile to the Leroy Johnson Drive off ramp proceeding west on to Leon Simon Boulevard.

The Leroy Johnson Drive off ramp proceeding approximately 0.31 mile to the west on Leon C. Simon Boulevard.

The Leroy Johnson Drive off ramp proceeding approximately 0.41 mile to the east on Leon C. Simon Boulevard including a bridge segment approximately 0.24 mile in length.

The Lake Shore Drive on ramp proceeding approximately 0.07 mile from the west on Leon C. Simon Boulevard to Lake Shore Drive.

WHEREAS, the Management Authority, in exercise of its management powers over the Ted Hickey Bridge and portions of the Connecting Roads, agrees to relinquish to the State of Louisiana, Department of Transportation and Development (“DOTD”) ownership of whatever rights each entity may own in and to the described properties, and to relinquish all duties, obligations, and responsibilities for the operation and maintenance, and liabilities associated therewith, and the DOTD agrees to accept these properties into its State Highway System.

NOW THEREFORE, BE IT RESOLVED that for operation and maintenance by DOTD on the State Highway System, the Management Authority shall relinquish ownership of whatever rights it may own in and to the Ted Hickey Bridge and the Connecting Roads described herein, as a binding agreement between the State of Louisiana and the Authority, provided that the State of Louisiana, Department of Transportation and Development accepts the transfer of these properties within 90 days of the adoption of this Resolution by the Management Authority.

BE IT FURTHER RESOLVED, that the Management Authority authorizes the presiding Chairman of the Authority to execute the documents necessary to transfer the properties described herein.

AYES: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, TRASK, CANTRELLE, DEROUEN

NAYS:

ABSTAIN:

ABSENT: BAUDY, SAIZAN

RESOLUTION ADOPTED: YES

PUBLIC COMMENTS

Mr. Capo informed the Board that e-mails were distributed on this issue dating back to December 1 to present and include Mr. Metzger’s responses. This issue is the Eppling-Pelias lease. Copies of the e-mails are attached to the minutes.

Patrick Eppling read a letter to the Board regarding this matter. A copy of the letter is attached to the minutes.

Patricia Eppling informed that Board that 30 years ago her husband and Gus Pelias came before the Orleans Levee District for approval to build condominiums with boat slips in front of the condominiums. With the cooperation of the Levee Board this went forward and increased the value of property along the New Basin Canal and all surrounding condominiums. Ms. Eppling stated she is hopeful that the Board will consider the request to extend the lease and go forward.

Barret Daly informed the Board that he received a letter dated February 2, 2012 from Mr. Metzger denying the request to extend the lease. There were other written communications with Mr. Metzger which included a letter dated February 9, 2012 informing that the staff presented a Financial Analysis to the Finance Committee. Mr. Daly requested a copy of the Financial Analysis be provided to him.

NEXT BOARD MEETING

Mr. Capo announced the next full Board meeting was scheduled for Thursday, March 22, 2012 at 5:30 p.m.

ADJOURNMENT

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

The meeting adjourned at 7:00 p.m.