

**THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
MINUTES OF THE FULL BOARD MEETING  
THURSDAY MAY 16, 2013 – 5:30 P.M.**

The monthly meeting of the Board of the Non-Flood Protection Asset Management Authority of the Orleans Levee District was held on Thursday, May 16, 2013 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 5:38 p.m. and led in the Pledge of Allegiance. The roll was called and a quorum was present.

**PRESENT:**

Vice Chairman Joe Hassinger  
Secretary Greg Ernst  
Commissioner Romona Baudy  
Commissioner William Hoffman  
Commissioner Wilma Heaton  
Commissioner Michael Stack  
Commissioner Stanley Brien  
Commissioner Carlton Dufrechou  
Commissioner Darrel Saizan  
Commissioner Pearl Cantrelle  
Commissioner Nyka Scott

**ABSENT:**

Chairman Robert Lupo  
Commissioner John Trask  
Commissioner Patrick DeRouen

**STAFF:**

Louis Capo - Executive Director  
Sharon Martiny - Non-Flood  
Fred Pruitt – Airport Director  
Vincent Caire – Non-Flood  
Chuck Dixon – Marina Director

**ALSO PRESENT:**

Gerard Metzger - Legal Counsel  
Steve Nelson – Stuart Consulting  
Chris Fenner – Stuart Consulting  
Alton Davis – Richard C. Lambert Consulting  
Alton Delarge – Sewerage & Water Board  
Brayton Matthews – Flightline First  
Thomas White – Boathouse Tenant

**ADOPT AGENDA**

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

**APPROVE PRIOR MINUTES**

Commissioner Ernst offered a motion to approve the minutes of the Board meetings of March 21, 2013 and April 18, 2013, seconded by Commissioner Saizan and unanimously adopted.

**REPORT BY EXECUTIVE DIRECTOR:**

Mr. Capo advised that the RFQ/P for grass cutting will be advertised May 19, 2013 in the Times Picayune and the bids will be opened June 19, 2013. Commissioner Stack's suggestions were incorporated into the RFQ/P. The levee raising after Katrina expanded the toe which led to shrinkage on areas this Authority maintains. The reduction in acreage was primarily in the Lakefront area. DEI assisted the Authority

with remapping areas that the Management Authority maintained and came up with new acreage that will save the Authority money.

Mr. Capo advised of a potential start-up airline at Lakefront Airport which Brayton Matthews, General Manager of Flightline First will discuss

Mr. Matthews informed that Flightline was approached by a gentleman from Southern Airways Express, a company looking into a start-up airline coming out of Memphis that would hit smaller cities in the southeast U.S. The company will use 10 seat single engine Cessna Caravans limited to six passengers. The flights are short which prevents the company from the 139 requirement of a larger airline. Stan Little, the President of Southern Airways Express, advised that Flightline First was chosen for the start up airline. Radio and television stations announced the startup airline. The announcement went viral so the company is committed to start the service in approximately one month. A list of scheduled times for arriving aircraft will be provided to the Board when that information is received.

Southern Airways Express' business plan calls for the aircraft to be grounded for 30-40 minutes to take fuel, unload and reload passengers. The company will handle the baggage, screen the passengers, provide refreshments for the plane and any cab or ground arrangements for people arriving at the Airport. Flightline is merely putting fuel into the aircraft. Marketing for Southern Airways Express is done via Facebook and the page has 2,500 likes with a huge amount of activity. The company will provide the corporate charter experience at a lower price.

Mr. Matthews addressed the Oak trees at the Airport which were recently cut down. The arborist advised one of the trees was damaged and probably dead, but the second tree was a healthy tree. Cutting the trees will provide a better view of the Airport Terminal Building, but there should be an open discussion before more Oak trees are taken from the Airport. Mr. Capo advised that the Authority took two Water Oaks down at Chairman Lupo's request as the trees were blocking the view of the Terminal Building. The trees were removed and now the Terminal Building is seen in the background.

## **PRESENTATION**

### **Mr. Alton Delarge – Sewerage & Water Board Director - Economically Disadvantaged Business Program**

Mr. Delarge advised that the Economically Disadvantaged Business Program was developed as a result of a Federal Approved Consent Agreement in 1996 and the S&WB Board of Directors authorized the program in September of 1997. The Economically Disadvantaged Program has been beneficial to S&WB clients and has the capacity to grow with the continued support of the full Board of Directors and upper management of S&WB. The S&WB program has been honored by the Environmental Protection Agency and has become a model for other programs.

The S&WB has many construction opportunities which contracts are bid either as a prime or a sub-contractor on contracts with DBE participation goals. Certification with the S&WB provides joint certification with New Orleans Aviation Board, the City of New Orleans and Harrah's Casino. To be eligible for the program a business must be 51% owned and controlled by disadvantaged persons. The program is race and gender neutral and based strictly on disadvantages such as denial of education, employment, credit card and contracting opportunities. The certification process includes a 15-page certification application with final approval authorized by a panel of experts in academics and sociology. The process takes 60 days with an appeal process if someone is denied.

The Construction and Review Committee consists of seven members who review all construction contracts, make recommendations on percentages for DBE participation and feasible areas of DBE participation. The Staff Contract Review Committee consists of six members who make recommendations on goods, services and professional

service contracts, suitable percentages of DBE participation and recommendations on feasible areas of DBE participation. The Monitoring Unit reviews bid specifications, DBE participation summary sheets for compliance, determine eligibility to bid, monitor vendor construction, vendor contract compliance with approved participation. The Monitoring Unit also monitors allegations of fronting and conducts on-site visits to determine that people who should be on the job are doing what they are getting paid for. Commissioner Baudy noted that this Authority does not have adequate monitoring in place which is why this Authority has 1% and 9% participation. The S&WB has committees working with them to make the percentages fit. This Authority does not have those committees and it is the Authority's duty to fix that.

Mr. Capo advised that some consultants were not contacting Mrs. Coats when contracts were bid. An e-mail was sent to the consultants advising to contact Mrs. Coats for wording for large contracts and to obtain a contact list to submit quotes. Mr. Delarge advised that S&WB's list contains approximately 400 vendors in construction, professional services and businesses. The list can be located on-line at SWBNO.org.

Mr. Alton Davis advised that many DBE programs are race and gender oriented, not neutral. There are DBEs and WBs listed that make more money than my firm. This Authority should look to disadvantaged and local businesses, not just follow the certification list. Commissioner Hoffman advised there are different programs for different certifications. Federal regulations have specific requirements regarding WBE and DBE and other programs are gender and race neutral based on disadvantages. The Authority should provide Mr. Davis with the correct list and names to bring into the bidding process to stay in compliance. Percentages should be realistic so there is a chance of reaching those goals.

Commissioner Ernst addressed Bayou St. John and questioned the purpose of dredging the bayou. Mr. Capo informed that the Flood Authority is dredging the bayou. The dredged sand will be placed at South Shore Harbor and the Airport. The area will be approximately 6½ feet deep and 30 feet wide. Commissioner Dufrechou informed that a damn has built up around the mouth of the bayou on the lake side making the area impassable for water except in a high water surface situation. The dredging will increase the water exchange from Lake Pontchartrain to Bayou St. John and increase aquatic life in the Bayou. Within the first year of the dredging there will be increased recreational activities in that area. The waterfall will remain so the water can flow through.

Commissioner Hassinger noted for the record the arrival of Commissioners Heaton and Scott therefore constituting a quorum.

### **COMMITTEE REPORTS**

**Airport Committee** - Commissioner Saizan advised that the Terminal Building and Bastian-Mitchell Hangar are progressing quickly. There has been discussion regarding the rededication sometime in late September or October. The completion date for the Terminal Building is mid-August. The access road from Flightline to the Bastian-Mitchell Hangar needs repair which will not be covered by La-DOTD. The road and landscaping in front of the Terminal Building will be completed when construction has stopped.

Mr. Davis advised that the contractor's scheduled date of completion is June 29, 2013. Commissioner Saizan noted that on recent visits to the Terminal Building Paul Magner was supervising his crew of approximately 25 people. Landscaping will take approximately four weeks after the Terminal is complete and will not begin until the contractor is off site. Commissioner Stack noted the contractor should clear the parking lot while working on the punch list items so the parking lot and landscaping can begin. The road surface was intended to be short term and could fall apart so this should be moved along.

Mr. Matthews advised that curbing should be placed on the half island as several vehicles had minor damage to bumpers due to that high area. Mr. Davis noted that this major island was cut in half during the exterior renovation of the Terminal Building. The

area was asphalted to the grass, but no curb was put in. This is not DOTD's responsibility, but something should be done because the island is unnecessary and a curb should be placed around the tree.

**Marina Committee** – Commissioner Brien noted that the issues discussed during the Marina Committee meeting will be addressed on the Agenda.

**Commercial Real Estate Committee** – The May Commercial Real Estate meeting was cancelled.

**Recreation/Subdivision Obligation Committee** – Chairman Hassinger advised there was no report for the Recreation/Subdivision Committee

**Legal Committee** - Commissioner Ernst advised there was no Legal Committee meeting in May.

**Finance Committee** – Commissioner Hoffman noted that the Authority is under budget and should end up with a surplus of funds. We are doing very well compared to the budget.

### **OLD BUSINESS**

**Motion No. OB-01-051613** - Motion to authorize the Management Authority's Executive Director, Real Estate Consultant, Legal counsel and other Consultants to Negotiate a lease for the restaurant and special event catering at the New Orleans Lakefront Airport

This motion authorizes the Executive Director and various consultants of the Management Authority to negotiate a lease for the Airport Terminal restaurant and other facilities with Crescent City Consultants, New Orleans Convention Company, Inc. and Outstanding Catering Group. The lease agreement is subject to the approval of the Management Authority.

Commissioner Cantrelle noted several things were not addressed in the bid and noted concerns with letting this issue pass with one bid based on information submitted to the Authority. The bid should be thrown out and the process should be restarted. Commissioner Cantrelle offered a motion to throw out the bid for the Restaurant Operator and Special Events Caterer at New Orleans Lakefront Airport and rebid the item, seconded by Commissioner Heaton.

Commissioner Cantrelle advised that that the sole bidder did not answer all questions in the RFQ/P. This bid should not be let without other bidders having an opportunity to re-bid. If the Authority negotiates with the sole bidder, who also neglected to submit information on kitchen equipment, that would be unfair to those that did not bid because of the kitchen. That could be a legal issue and the Authority ought to be on the safe side. Mr. Metzger advised that language was put into the RFQ/P to prevent the Authority from getting into a legal problem regardless of which responder was selected to negotiate with. This bid is not governed by the Public Bid Law. The following language was put into the RFQ/P: "The Management Authority reserves the right to accept the proposal which in its sole opinion will best serve the public interest". This resolution merely authorizes the consultants to negotiate and bring back lease terms to the Authority.

Commissioner Heaton noted the following language in RFQ/P: "You are advised that the Management Authority reserves the right or reject in its sole discretion, any and all proposals submitted. It is to be understood by the principals and their agents that the Management Authority is not obligated to accept any proposal or to negotiate with any proposer. The Management Authority reserves the right to accept the proposal which in its sole opinion will best serve the public interest," and advised that the authority did not need a reason to put the RFQ/P back out.

Commissioner Scott noted that the bid does not respond to questions the Authority asked in the RFQ/P. The bidder did not address the kitchen or present a lease term. Because there is only one respondent the Authority is negotiating from a weak position which does not make sense. The RFQ/P should be re-bid as the Authority may also have a new airline which makes the site more attractive.

Chairman Hassinger noted that the RFQ/P stated the responder must submit lease terms, which terms were not submitted and the kitchen issue is not responsive. Mr. Metzger advised the respondent did not specify a duration, which is required under "Minimum Standards". Bidders were asked to provide proposed lease terms, annual fixed rent and per event usage for public areas for special events. The respondent did not provide an annual fixed rent, lease terms and advised that kitchen equipment would not be included.

Commissioner Hoffman noted for the record that the Board should implement a set procedure to advertise the RFQ/P. The Authority gave a tour and gave interested candidates the opportunity to ask questions and receive answers before responding. Responses were reviewed and evaluated by the established Committee who gave the recommendation that the Authority enter into lease negotiations. Any offer can be accepted or rejected. This is not the final lease. Commissioner Cantrelle noted the stickler is only one person responded.

Commissioner Heaton noted for the record that the legislation that created this Authority required the Authority detail a procedure and process for the operation, maintenance, sale, lease and transfer for the Authority and to maximize revenue on those assets. A list of seven entities was provided to take the walk through tour. The Louisiana Restaurant Association was on the list, but a statement indicated the Restaurant Association had not taken the walkthrough and knew nothing of the RFQ/P. The Vice President of Communications requested an updated proposal for distribution. The bidder did not include lease terms which make a difference in scoring. Gross revenue was not defined. The RFQ/P does not have to be rewritten, but there are places that need to be tightened up to address these issues. It is not unreasonable to request this be re-submitted as some things need clarification. The better product the Authority starts with in a proposal, the stronger product to enter negotiations with. The RFQ/P should go back out and I will support Commissioner Cantrelle.

Commissioner Cantrelle offered a motion to reject all proposals for the Restaurant and Special Event Catering and start the bidding process over, seconded by Commissioner Heaton. A roll call vote was taken as follows:

AYES: Hassinger, Baudy, Ernst, Heaton, Stack, Dufrechou, Cantrelle, Scott  
NAYS: Hoffman, Brien, Saizan

A roll call vote resulted in eight (8) Ayes and three (3) Nays. The motion passed to reject all proposals for the Restaurant and Special Event Catering and start the bidding process over. Mr. Metzger advised that the substituted motion carried and Motion No. OB-01-051613 is defeated. Commissioner Heaton clarified that the RFQ/P should not be rewritten. The language will be tightened up to enable the RFQ/P to be put out quickly.

Mr. Capo suggested a Special Board meeting to address the release of the RFQ/P so all Board members can address the RFQ/P and give an opinion. Mr. Davis noted this process would take time to get somebody on board and suggested the Authority let people rent the kitchen and other facilities in the interim with their own private caterers while the Authority negotiates a deal. It would be a great loss of income if the facilities are not utilized from day one.

Mr. Capo advised that the RFQ/P would be finalized and submitted at the Special Board meeting. Mr. Metzger can red line any changes to the RFQ/OP for the Board members. The Special Board meeting Agenda will only contain the RFQ/P item.

## **NEW BUSINESS**

### **Motion No. 01-051613 – Approve amendment of ID/IQ contract with Stuart Consulting for Professional Engineering Services for the Airport concrete apron repair project, Isaac-FEMA claim coordination and the Orleans Marina Guard House Project in an amount not to exceed \$15,000.00**

Commissioner Hoffman noted that the Authority ran over the approved budgeted amount. The increase will pay for additional required professional engineering services as the Authority does not have in-house staff. This issue was discussed and recommended at the Finance Committee meeting.

Commissioner Hoffman offered a motion to amend Stuart Consulting Group's ID/IQ contract for Professional Engineering Services in an amount not to exceed \$15,000.00, seconded by Commissioner Ernst and unanimously adopted to wit:

**MOTION: NB-01-051613**  
**RESOLUTION: NB-01-051613**  
**BY: COMMISSIONER HOFFMAN**  
**SECONDED BY: COMMISSIONER ERNST**

May 16, 2013

### **RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (the "Management Authority") is a political subdivision of State of Louisiana and the governing authority of the non-flood assets of the Orleans Levee District ("District");

**WHEREAS**, the Management Authority and Stuart Consulting Group, Inc. entered into an Agreement on the 20<sup>th</sup> day of November, 2012 to provide ID/IQ services (Agreement),

**WHEREAS**, the Agreement provided a Not-To-Exceed fee of \$50,000;

**WHEREAS**, pursuant to the provisions of Resolution No. 06-111512, dated November 15, 2012, the Authority approved an increase of \$50,000 to the Not-To-Exceed fee bringing the total fee to \$100,000; and,

**WHEREAS**, additional professional services are required beyond the current fee of \$100,000.00 for the Airport concrete apron repairs project, Isaac-FEMA coordination and the Orleans Marina Guard House project;

**WHEREAS**, the cost of these additional professional services will not exceed the sum of \$15,000.00, increasing the total contract sum to \$115,000.00.

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

**YEAS: HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, CANTRELLE, SCOTT**

**NAYS: NONE**

**ABSTAIN: NONE**

**ABSENT: LUPO, TRASK, DEROUEN**

**RESOLUTION ADOPTED: YES**

### **Motion No. 02-051613 – Approve Fairview Realty's request to demolish the improvements located on Orleans Marina Boathouse Sites W-11, 12 and 13**

Mr. Capo noted demolition of improvements of Boathouses W11, 12 and 13 are subject to Fairview Realty constructing at its sole expense new improvements on the leased premises no later than December 1, 2014. Fairview Realty will abide by all terms and conditions of the lease including payment of rent during demolition of existing improvements and construction of new improvements. Fairview Realty will obtain the necessary governmental permits required for demolition work and new construction and provide insurance certificates from contractors performing work which certificates will name the Management Authority and Orleans Levee District

as additional insureds. Fairview Realty's failure to abide by these conditions shall constitute fault under the terms of the lease.

Commissioner Brien noted that demolition is needed. Mr. Capo advised that pictures of the property along with Capt. White's letter requesting demolition and Mr. Pappalardo's letter with the recommendation to go forward with the demolition were on file with the Authority. This long term lease has 25 years left. Approval of the Board is required for demolition of improvements. Conditions were made to ensure new improvements will be reconstructed on the site.

Commissioner Brien offered a motion to approve Fairview Realty's request to demolish the improvements located on Orleans Marina Boathouse Sites W-11, 12 and 13, seconded by Commissioner Dufrechou and unanimously adopted to wit:

**MOTION: 02-051613**  
**RESOLUTION: 02-051613**  
**BY: COMMISSIONER BRIEN**  
**SECONDED: COMMISSIONER DUFRECHOU**

**May 16, 2013**

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority ("Management Authority") 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 Orleans Marina located in the City of New Orleans is one of the non-flood protection assets of the District under the management and control of the Management Authority (the "Marina");

**WHEREAS**, as owner of the Marina, the Orleans Levee District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under Louisiana Revised Statutes Title 38, Section 336(A) & (B)(4);

**WHEREAS**, West Roadway Boathouse Sites W-11, W-12 and W-13 (the "leased premises") are leased to Fairview Realty, L.L.C. ("Fairview Realty" or "lessee"), pursuant to the terms of a written lease signed on November 21, 2007, which lease is for a term of five (5) years with five 5-year renewal options (the "Lease");

**WHEREAS**, the improvements located on the leased premises are owned by the lessee, and are in a deteriorated condition and at the end of their useful life;

**WHEREAS**, Fairview Realty has requested the approval of the Management Authority to demolish the improvements and remove the pilings on the leased premises;

**WHEREAS**, under Article VIII of the Lease, the lessee may not demolish or remove any improvements or constructions or component parts thereof located on the leased premises without the written consent of the lessor;

**WHEREAS**, Fairview Realty has agreed to construct new boathouse improvements on the leased premises, at its sole expense, which improvements shall be subject to the review and prior approval of the Management Authority, as required under Article VI of the Lease;

**WHEREAS**, Fairview Realty has also agreed to abide by all of the terms and conditions of the Lease, including the payment of rent, during the demolition of the existing improvements and construction of the new improvements on the leased premises;

**WHEREAS**, the Marina Committee at its meeting on April 30, 2013 considered the request of Fairview Realty to demolish the improvements located on the leased premises and unanimously voted to recommend to the Board that Fairview Realty be permitted to demolish said improvements under the conditions set forth above;

**WHEREAS**, the Executive Director and Real Estate Consultant of the Management Authority have inspected the improvements on the leased premises and have also recommended that the

improvements be demolished, subject to the foregoing conditions, and that the construction of the new improvements on the leased premises be completed by no later than December 1, 2014; and,

**WHEREAS**, the Management Authority resolved that it is in the best interest of the District to approve the request of the lessee to demolish the improvements located on the leased premises under the terms and conditions set forth above.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority hereby consents to the demolition of the improvements located on Orleans Marina Boathouses Sites W-11, W-12 and W-13 by Fairview Realty, L.L.C., subject to the following conditions: that Fairview Realty construct, at its sole expense, new improvements on the leased premises subject to the review and prior approval of the Management Authority, as required under Article VI of the Lease, and that said improvements be completed by no later than December 1, 2014; that Fairview Realty abide by all of the terms and conditions of the Lease, including the payment of rent, during the demolition of the existing improvements and construction of the new improvements on the leased premises; that Fairview Realty obtain all necessary governmental permits required for the demolition work and new construction and provide certificates of insurance required from the contractors who perform the work, naming the Management Authority and Orleans Levee District as additional insureds; and, that Fairview Realty agree in writing to these conditions and that the failure to abide by these conditions shall constitute a default under the terms of the Lease.

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

**YEAS: HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, CANTRELLE, SCOTT**  
**NAYS: NONE**  
**ABSTAIN: NONE**  
**ABSENT: LUPO, TRASK, DEROUEN**  
**RESOLUTION ADOPTED: YES**

**Motion No. 03-051613 - Approve revisions to Marina slip leases to provide leases in the Marinas commence after July 1, 2013 include provision for increased Sewerage and Water Board charges, property and liability insurance paid by the Authority are assessed to lessees as additional rent on a pro-rata basis**

Commissioner Brien advised that this is to capture increased water charges coming down the pipe and for other expenses that may come up as well. As Orleans Marina tenant's are on a three year lease, the Authority cannot capture the costs for two years, but this would apply to the new leases at Orleans Marina.

**MOTION: 03-051613**  
**RESOLUTION: 03-051613**  
**BY: COMMISSIONER BRIEN**  
**SECONDED: COMMISSIONER HOFFMAN**

**May 16, 2013**

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority ("Management Authority") 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 Orleans Marina and the South Shore Harbor Marina located in the City of New Orleans are non-flood protection assets of the District under the management and control of the Management Authority (the "Marinas");

**WHEREAS**, as owner of the Orleans Marina and South Shore Harbor Marina, the Orleans Levee District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under Louisiana Revised Statutes Title 38, Section 336(A) & (B)(4);

**WHEREAS**, the Marina Committee at its April 30, 2013 meeting recommended that all boat slip leases in the Marinas that commence on or after July 1, 2013 include a provision that any increased costs for New Orleans Sewerage & Water Board charges and property and liability insurance at the Marinas paid by the Management Authority be assessed to the lessees as additional rent;

**WHEREAS**, the Marina Committee recommended at the April 30, 2013 meeting that the amount of the additional rent charge per tenant for the increased cost of property and liability insurance be prorated by the total number of boat slips in Orleans Marina and South Shore Harbor Marina;

**WHEREAS**, the Marina Committee further recommended at the April 30, 2013 meeting that the amount of the additional rent charges per tenant for New Orleans Sewerage & Water Board charges be prorated by the number of boat slips leased and the size of boat slips leased in accordance with a proration developed by the Director of Marinas and the Executive Director;

**WHEREAS**, the base year that will be used for the assessment of any increase for New Orleans Sewerage & Water Board charges will be the average monthly charges for the year ending December 31, 2012, and the base that will be used for the assessment of any increase in property and liability insurance will be the fiscal year ending on June 30, 2012; and,

**WHEREAS**, the Management Authority resolved that it is in the best interest of the Orleans Levee District that all slip leases in the Marinas that commence on or after July 1, 2013 include a provision that any increased costs for New Orleans Sewerage & Water Board charges and property and liability insurance for the Marinas be assessed to the lessees as additional rent on a pro-rata basis as approved by the Marina Committee.

**THEREFORE BE IT HEREBY RESOLVED**, that all slip leases in the Orleans Marina and South Shore Harbor Marina that commence on or after July 1, 2013 include a provision that any increased costs for New Orleans Sewerage & Water Board charges and property and liability insurance for the Marinas be assessed to the lessees as additional rent and on a pro-rata basis as approved by the Marina Committee;

**BE IT FURTHER RESOLVED**, that the base year that will be used for the assessment of any increase for New Orleans Sewerage & Water Board charges will be the average monthly charges for the year ending December 31, 2012, and that the base year will be used for the assessment of any increase in property and liability insurance will be the fiscal year ending on June 30, 2012.

**BE IT FURTHER RESOLVED**, that the additional rent assessment for New Orleans Sewerage & Water Board charges and property and liability insurance authorized under this Resolution shall not apply to the slip leases in the Orleans Marina entered into prior to July 1, 2013 that are for a fixed term of three years until after the three year term has expired.

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

**YEAS:** HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, CANTRELLE, SCOTT  
**NAYS:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** LUPO, TRASK, DEROUEN  
**RESOLUTION ADOPTED:** YES

**Motion No. 04-051613 - Accept and approve the U.S. Department of Transportation, Federal Aviation Administration Grant Offer for the project identified as “Phase II, Airfield Marking Improvements Project” at New Orleans Lakefront Airport in the amount of \$80,525.00**

Mr. Capo advised that this AIP grant #3-22-0038-0024-2013 funding is in the amount of \$80,525.00 for Phase II of the Airfield Rehabilitation. Commissioner Saizan noted that this is to keep the Airport up to date and get the Airport where it needs to be in the FAA’s eyes. Mr. Capo advised that this grant covers work already done. There were markings taking place prior to the Super Bowl. A Resolution was passed for the Authority to move forward with the FAA providing a

grant to cover the costs. This grant is a reimbursement for costs the Authority had previously expended.

**MOTION: 04-051613**  
**RESOLUTION: 04-051613**  
**BY: COMMISSIONER SAIZAN**  
**SECONDED: COMMISSIONER HOFFMAN**

**May 16, 2013**

**RESOLUTION**

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

**WHEREAS**, the Management Authority publicly advertised for bids under the Louisiana Public Bid Law for a contract for new markings on the runways and taxiways and for installation of new signage and seal coating of the runways at the Airport, (the “Project”);

**WHEREAS**, Hi-Lite Markings, Inc. was the lowest responsible bidder and was awarded the contract for the Project;

**WHEREAS**, URS Corporation and Design Engineering, Inc. were engaged to provide professional engineering services for the Project;

**WHEREAS**, a federal grant was issued in 2012 to fund this project in the amount of \$696,830.00 (with a \$77,425.60 State Match grant); thereafter, an amendment was requested for unforeseen conditions for the midfield electrical modifications in the amount of \$91,210.53 (with a \$10,134.50 State Match amendment).

**WHEREAS**, this Project was approved for FAA grant funding pursuant to New Orleans Lakefront Airport, AIP Grant #3-22-0038-024-2013, Rehabilitate Airfield Pavement Phase II;

**WHEREAS**, the FAA and the Louisiana Department of Transportation and Development, Division of Aviation have approved the grant request for Phase 2 of the Project;

**THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority approves and accepts AIP Grant # 3-22-0038-0024-2013 funding in the amount of \$80,525.00 for the Rehabilitate Airfield Pavement Phase 2 Project.

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

**YEAS: HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, CANTRELLE, SCOTT**  
**NAYS: NONE**  
**ABSTAIN: NONE**  
**ABSENT: LUPO, TRASK, DEROUEN**  
**RESOLUTION ADOPTED: YES**

**Motion No. 05-051613 – Request La-DOTD, Division of Aviation to approve and authorize CIP funds for the project identified as “Phase II, Airfield Marking Improvements Project” at New Orleans Lakefront Airport, in the amount of \$8,947.00**

Commissioner Saizan noted that this ties in with the Super Bowl as well. This is the State's portion of the funding.

**NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY**

RESOLUTION NO: 05-051613

May 16, 2013

The **NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY** of the Parish of ORLEANS met in regular session on this date. The following Resolution was offered by Commissioner Saizan and seconded by Commissioner Ernst.

**RESOLUTION**

A resolution authorizing the **CHAIRMAN** or **EXECUTIVE DIRECTOR** to execute an Agreement with the Louisiana Department of Transportation and Development (**LA DOTD**) for improvements at the **NEW ORLEANS LAKEFRONT AIRPORT**.

**WHEREAS**, Act 451 of the 1989 Regular Session of the Louisiana Legislature authorized the financing of certain airport improvements from funds appropriated from the Transportation Trust Fund; and

**WHEREAS**, the **NON FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY** has requested funding assistance from the **LA DOTD** to/for **Rehabilitate Airfield Pavement Phase II**; and

**WHEREAS**, the stated project has been approved by the Louisiana Legislature and the **LA DOTD** is agreeable to the implementation of this project and desires to cooperate with the **NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY** according to the terms and conditions identified in the attached Agreement; and

**WHEREAS**, the **LA DOTD** will provide the necessary funding for the **Rehabilitate Airfield Pavement Phase II** and reimburse the sponsor up to \$8,947.00 of project cost.

**NOW THEREFORE, BE IT RESOLVED** by the **NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY** that it does hereby authorize the **CHAIRMAN** or **EXECUTIVE DIRECTOR** to execute an Agreement for the project identified as AIP No. 3-22-0038-024-2013 and SPN H.010231, more fully identified in the Agreement attached hereto.

This resolution shall be in full force and effect from and after its adoption.

The aforesaid resolution, having been submitted to a vote, the vote thereon was as follows:

**YEAS: HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, CANTRELLE, SCOTT**

**NAYS: NONE**

**ABSTAIN: NONE**

**ABSENT: LUPO, TRASK, DEROUEN**

**RESOLUTION ADOPTED: YES**

WHEREUPON, the resolution was declared adopted on the 16<sup>th</sup> day of May, 2013.

**NEXT BOARD MEETING**

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, June 20, 2013 at 5:30 p.m.

**ADJOURNMENT**

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

The meeting adjourned at 7:12 p.m.