

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY JULY 16, 2015 – 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, July 16, 2015 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.

Chair Ernst called the meeting to order at 5:45 p.m. and led in the Pledge of Allegiance. The roll was called which constituted a quorum.

PRESENT:

Chairman Greg Ernst
Vice Chairman Wilma Heaton
Secretary Thomas Fierke
Comm. Stan Brien
Comm. William Settoon
Comm. Leila Eames
Comm. Glenn Higgins
Comm. Anthony Richard
Comm. Roy Arrigo

ABSENT:

Comm. Michael Stack
Comm. Eugene Green

STAFF:

Cornelia Ullmann – Chief Operating Officer
Sharon Martiny – Non-Flood

ALSO PRESENT:

Gerard Metzger - Legal Counsel
Al Pappalardo - Real Estate Consultant
Richard Speer – AECOM
Chris Fenner – Stuart Consulting
Mike Gillen – South Shore Harbor Tenants Association

OPENING COMMENTS

Chair Ernst requested to revise the Agenda to first take up matters related to the executive matters. The COO noted that Item Nos. 5 and 14 would be taken out of order.

ADOPT AGENDA

Comm. Heaton moved to revise the Agenda and take item nos. 5 and 14 out of order, seconded by Comm. Fierke and unanimously adopted. Comm. Hugel moved to adopt the Agenda as amended, seconded by Comm. Settoon, motion adopted.

APPROVE MINUTES

Approval of the May 21, 2015 minutes was deferred.

REPORT BY CHIEF OPERATING OFFICER

The COO advised that a formal report will be forwarded.

COMMITTEE REPORTS

Airport Committee – Comm. Heaton advised that the Authority hosted a reception at Lakefront Airport for the Louisiana Airport Managers and Associates Convention, which consisted of 70 public and 200 privately owned airports in Louisiana. Charles Lindbergh's grandson gave a presentation on flight at the reception, which was very good marketing for the Airport.

The Authority received a letter from Congressman Richmond supporting the Authority's request for a flood wall. Elise Grenier will begin the mural restoration at Lakefront Airport. The Authority will attempt to provide more community engagement at the Airport as it is a critical building. A fence has been erected around the Four Winds Fountain and may be FEMA reimbursable.

Comm. Heaton advised that U.S. Customs and Border Control is on course for October 1, 2015 occupancy at Lakefront Airport, which will be celebrated by a special event after project completion. The second floor lease with the Flood Authority has been approved, and a Memorandum of Understanding will be provided for the second floor Conference Center. The Flood Authority will pay to build out the Conference Center, which will be leased to generate revenue for the Non-Flood Authority. Ben Morris, Airport Director, has been busy with deferred maintenance issues, taking those issues on one at a time.

Marina Committee – Comm. Settoon advised that the bathymetric survey (first step in silt removal) was approved. Maintenance is underway at both Marinas, utility boxes and meters were replaced at South Shore Harbor and bids are being solicited for rub rails. Light poles, pedestals and spiders were recent issues at South Shore Harbor, and are currently being addressed. The long-term issue with New Basin Canal slips is under review.

Commercial Real Estate Committee – The Commercial Real Estate meeting was deferred, and those matters will be heard during this Board meeting.

Finance Committee – Comm. Heaton advised that the Finance Committee is pleased with the numbers and the progress made. There are strong working committees and every committee, especially Marina and Airport, have had a lot of deferred maintenance. They have held on and tried to address the issues. For the first time in 20 years the Airport is not in the red. That is huge for the amount of money in terms of income and expenses that passes through the Airport. As further revenue producing facilities come online, the Authority will continue to progress. This Board's fiscal discipline is amazing and the Authority is here with what it started with five years ago. The Authority is in good shape and did not have to draw down from the settlement money this year. The Authority is looking at a cash flow crush in July and August and will have to work through that. Comm. Heaton had requested that the insurance broker allow the Authority to split the premium as the insurance was over \$700,000, but that request was denied. The Authority has tight cash flow but the fiscal position is strong. The COO advised that there will be a draw on the Bally's settlement money to pay insurance.

The COO advised that there are three tiers in the Messina's lease as far as percentage rent. Messina's just hit the third tier, which is great for the Authority's rental revenue.

Legal Committee – Chair Ernst advised that the Legal Committee meeting was cancelled.

EXECUTIVE SESSION

1) **O.L.D. v. BP, USDC EDLA No. 2:13-cv-01562**

2) **Report by counsel pursuant to NFPAMA Resolution 01-061815 on various contractual and personnel matters La. R.S. 42:17 (2)**

Chair Ernst announced that no action was taken in Executive Session.

PRESENTATIONS

Chair Ernst noted that the Corps is making progress on the permanent pump station, and most heavy hauling is complete. Cones and barriers were adjusted at Lakeshore Drive and Marconi to provide one full lane for vehicle traffic and approximately half a lane for bike traffic. PCCP will sweep the street in front of restaurants on Lakeshore Dr. to assist with drainage issues by The Blue Crab. Large rocks were removed near the exit of the mobilization yard on Marconi at Robert E. Lee, which has been a constant issue.

OLD BUSINESS

1) Update on The Landing Music Festival (Sept. 25-27, 2015)

The COO informed that the Location Agreement for the September music festival has been signed and staff is coordinating with the Airport and Marina to move forward. There was a slight delay on the long-term lease negotiations as a result of the music festival and other Producer obligations, but those negotiations will move forward.

NEW BUSINESS

5) Motion to accept SLFPA-E Executive Counsel's recommendation regarding settlement in the BP Litigation

Chair Ernst advised that SLFPA-E passed a resolution regarding settlement for the Orleans Levee District (settlement of claim with Flood Authority and Non-Flood Authority), and this resolution ratifies action taken. Comm. Heaton moved to adopt Resolution No. 05-071615, seconded by Comm. Eames, Resolution adopted to wit:

MOTION: 05-071615

RESOLUTION: 05-071615

BY: COMMISSIONER HEATON

SECOND: COMMISSIONER EAMES

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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. The Southeast Louisiana Flood Protection Authority-East is the ultimate governing body of the Orleans Levee District;

WHEREAS, the Southeast Louisiana Flood Protection Authority-East engaged the legal services of LEGER & SHAW to assert on its behalf, and its member districts (the Orleans Levee District, the East Jefferson Levee District and the Lake Borgne Basin Levee District), any and all claims or causes of action which may lie against BP and/or other parties, derived from or related to the BP Oil Spill; and

WHEREAS, the Orleans Levee District asserted a separate claim for an on behalf of the Non-Flood Protection Asset Management Authority; and

WHEREAS, Executive Counsel has advised the Southeast Louisiana Flood Protection Authority-East Board that the Defendants in the BP/DEEPWATER HORIZON Oil Spill Claims litigation (consolidated Civil Action No. 10-MD-2179), have made an offer to settle the claims of the Southeast Louisiana Flood Protection Authority-East, and its member districts, as well as the claim of the Orleans Levee District, for and on behalf of the Non-Flood Protection Asset Management Authority; and

WHEREAS, Special Counsel, LEGER & SHAW, has negotiated a fair settlement with "BP Entities" (BP p.l.c., BP Corporation North America Inc. ("BPCNA"), BP Exploration and Production, Inc. ("BPXP"), and any parents, subsidiaries, affiliates, successors, assigns, officers, directors, employees, agents and representatives of any of the foregoing) on behalf of the Southeast Louisiana Flood Protection Authority-East, and its member districts, as well as the Orleans Levee District, for and on behalf of the Non-Flood Protection Asset Management Authority; and

WHEREAS, Executive Counsel and Special Counsel, LEGER & SHAW, has recommended that the Southeast Louisiana Flood Protection Authority-East, and the Orleans Levee District, for and on behalf of the Non-Flood Protection Asset Management Authority accept the Settlement Offer; and

WHEREAS, it is necessary for Lambert J. Hassinger, President of the Southeast Louisiana Flood Protection Authority-East Board, execute any and all documentation to effectuate settlement of the claims of the Southeast Louisiana Flood Protection Authority-East, and the Orleans Levee District, for and on behalf of the Non-Flood Protection Asset Management Authority, including but not limited to the authority to execute a Full and Final Release, Settlement, and Covenant Not to Sue and/or appropriate documents relating to their BP/ DEEPWATER HORIZON Oil Spill Claims with "BP Entities" (BP p.l.c., BP Corporation North America Inc. ("BPCNA"), BP Exploration and Production, Inc. ("BPXP")) in the form, substance, and amount recommended by the Southeast Louisiana Flood Protection Authority-East's Executive Counsel and Special Counsel, LEGER & SHAW, on behalf of the Southeast Louisiana Flood Protection Authority-East, and the Orleans Levee District, for and on behalf of the Non-Flood Protection Asset Management Authority;

BE IT HEREBY RESOLVED by the Non-Flood Protection Asset Management Authority in the State of Louisiana, that the Non-Flood Protection Asset Management Authority hereby accepts BP's offer to pay the amount of \$1,000,000 for the Non-Flood Protection Asset Management Authority's economic losses and as full and final settlement of all claims against BP and others resulting from the Deepwater Horizon Oil Spill; and

BE IT FURTHER RESOLVED that the President of the Southeast Louisiana Flood Protection Authority-East, as the governing authority of the Orleans Levee District, is authorized and directed to execute and deliver to BP a general release, in the form attached hereto (the "Release"), of all damages resulting from or associated with the Deepwater Horizon Oil Spill, in favor of BP and all entities

associated with that incident as listed in the attached Release, which form and substance are hereby approved; and

BE IT FURTHER RESOLVED that the execution of the Release shall be deemed conclusive evidence of the approval and acceptance of the Release.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its execution.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS: HEATON

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Non-Flood Protection Asset Management Authority at its meeting on July 16, 2015, held in New Orleans, LA, at which a quorum was present.

14) Motion to accept the recommendations of outside counsel pursuant to NFPAMA resolution 01-061815.

Chair Ernst advised that this involves allegations of professional misconduct. The Authority hired attorney Michael Tusa to investigate those allegations. Recommendations and findings of Mr. Tusa were received and the Authority will consider actions to be taken.

Comm. Ernst moved to adopt Resolution 14-071615, seconded by Comm. Higgins, Resolution adopted to wit:

MOTION: 14-071615

RESOLUTION: 14-071615

BY: COMMISSIONER ERNST

SECOND: COMMISSIONER HIGGINS

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, issues recently arose of a confidential nature related to personnel and contractual matters for which the Authority desired guidance and retained Michael T. Tusa, Jr., Resolution 01-061815, whose engagement was approved by the Louisiana Attorney General;

WHEREAS, counsel completed his review and advised the Authority regarding his findings and recommendations;

WHEREAS, the Authority has considered counsel's findings and desires to adopt counsel's recommendation that the firm of Gerard G. Metzger, APLC report to the Louisiana Attorney Disciplinary Board regarding the findings of Mr. Tusa, simultaneously copying the Legal Chair with any and all correspondence related to the reporting. The Authority desires that the Legal Committee monitor the matter until concluded.

BE IT HEREBY RESOLVED, that the Authority adopts counsel's recommendation that the firm of Gerard G. Metzger, APLC report to the Louisiana Disciplinary Board regarding the findings of Mr. Tusa simultaneously copying the Legal Chair with any and all correspondence related to the reporting.

BE IT HEREBY FURTHER RESOLVED, that the Chairman, Legal Chair or Chief Operating Officer of the Management Authority be and is hereby authorized to take any action and to sign any and all documents necessary to accomplish the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS: HEATON

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Non-Flood Protection Asset Management Authority at its meeting on July 16, 2015, held in New Orleans, LA, at which a quorum was present.

1) Motion to approve transfer of Boathouse W-17 (Samuel Alcus) to children as permitted by lease.

The COO advised that no transfer fee is involved as it is a transfer within family. Comm. Richard moved to adopt Resolution No. 01-071615, seconded by Comm. Arrigo, Resolution adopted to wit:

MOTION: 01-071615
RESOLUTION: 01-071615
BY: COMMISSIONER RICHARD
SECOND: COMMISSIONER ARRIGO

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, the Orleans Levee District, as owner of the Orleans Marina, 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 La. R.S. 38:336(A) and (B)(4);

WHEREAS, 7317 W. Roadway St., Boathouse No. W-17 is currently leased to Samuel T. Alcus III pursuant to the terms of a written lease signed on June 3, 2008, beginning July 1, 2008, and which granted the lessee options to extend the term of the Lease to the year 2033;

WHEREAS, Samuel T. Alcus III has already requested the first additional five year option beginning July 1, 2013 which will extend the term of the lease through June 30, 2018, and there remain four additional five year options to extend the lease to June 30, 2033;

WHEREAS, Samuel T. Alcus III has requested approval to assign and transfer the lease of Boathouse W-17 and all improvements equally to his three children Gregory, H. Darren and Paul Alcus, with all notices to be sent to H. Darren Alcus, 9500 Newbridge Ave., Potomac, MD 20854;

WHEREAS, under the terms of the proposed Assignment of the Lease and of the improvements on the leased premises, Gregory, H. Darren and Paul Alcus will assume all obligations of the lessee under the Lease;

WHEREAS, the Lessor's consent is required for an assignment of the Lease under Article VII of the Lease;

WHEREAS, staff and the Authority's real estate consultant reviewed this request and recommend to the Authority approval of the Assignment, upon payment of the expenses and attorney's fees incurred by the Authority in connection with the assignment of the Lease and of all obligations under the Lease by Gregory, H. Darren and Paul Alcus; and,

WHEREAS, the Authority after considering this matter resolved that it was in the best interest of the District and Authority to approve the assignment of the Lease under the terms set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves the assignment and transfer of the Lease of 7317 W. Roadway St., Boathouse No. W-17 from Samuel T. Alcus, III to Gregory, H. Darren and Paul Alcus, conditioned upon payment of the expenses and attorney's fees incurred by the Authority in connection with the assignment of the Lease, and assumption of all obligations under the Lease by Gregory, H. Darren and Paul Alcus.

BE IT HEREBY FURTHER RESOLVED, that the Chairman or Chief Operating Officer be and is hereby authorized to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS:

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

.....
I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Non-Flood Protection Asset Management Authority at its meeting on July 16, 2015, held in New Orleans, LA, at which a quorum was present.

2) **Motion to select RCL Architects as architect for Airport tenant build-out**
Comm. Heaton advised that the RCL contract has expired. Staff recommends the Authority continue to engage RCL. Alton Davis, RCL Architecture, advised that Lakefront Airport is outside of the flood protection, and the City of New Orleans does not permit projects. Fire Marshall approvals are required. Comm. Heaton moved to adopt Resolution No. 02-071615, seconded by Comm. Settoon, Resolution adopted to wit:

MOTION: 02-071615
RESOLUTION: 02-071615
BY: COMMISSIONER HEATON
SECOND: COMMISSIONER SETTOON

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, the Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the Orleans Levee District;

WHEREAS, the New Orleans Lakefront Airport Terminal was severely damaged by Hurricane Katrina in August of 2005 and the Management Authority recently completed extensive repairs and renovations of the Terminal;

WHEREAS, staff and the Authority's real estate consultant have recommended that the Authority contract with a professional to provide architectural and engineering services for the leasing and tenant build out of the Terminal Building;

WHEREAS, RCL Architecture, L.L.C. provided the professional services and acted as the Architect and Engineer of Record for the repairs to and renovation of the Terminal Building, further that the last office space remaining will be leased and built out by the Southeast Louisiana Flood Protection Authority East, who has ultimate authority over the Orleans Levee District;

WHEREAS, RCL Architecture, L.L.C presented the Authority with a proposal, a copy of which is attached hereto, to provide architectural and engineering services for leasing and tenant build out of the Terminal Building; and,

WHEREAS, the Authority considers it to be in the best interest of the Airport and the District to approve a professional service contract with RCL Architecture, L.L.C. to provide architectural and engineering services for the leasing and tenant build out of the Terminal Building at the New Orleans Lakefront Airport on the terms and conditions set forth in the attached proposal, with fees for professional services not to exceed \$20,000.00, and for a fixed term of one year.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves a professional service contract with RCL Architecture, L.L.C. for architectural and engineering services on the terms and conditions as set forth in the attached proposal, with fees for professional services not to exceed \$20,000.00, and for a fixed term of one year, with the option to renew for one additional year.

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

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS:

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

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3) Motion to enter into a contract with Metro Security for security services at Orleans Marina and South Shore Harbor Marina

The COO advised that the approximately \$99,000 was paid for guard services last fiscal year with Weiser Security. The contract was put out to bid. Several bids were received, but only Metro Security responded with the proper insurance requirements. Comm. Settoon moved to adopt Resolution No. 03-071615, seconded by Comm. Higgins, Resolution adopted to wit:

MOTION: 03-071615
RESOLUTION: 03-071615
BY: COMMISSIONER SETTOON
SECOND: COMMISSIONER HIGGINS

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, the Orleans Levee District ("OLD") owns and operates both Orleans Marina and South Shore Harbor Marina, and has continually attempted to enhance the operation of the Marinas in terms of profitability, tenant amenities, environmental compliance, capital improvements, and other enhancements;

WHEREAS, a Request for Bids for Unarmed Security Guard Services for the Non-Flood Protection Asset Management Authority was made available on Monday, May 5, 2015;

WHEREAS, a mandatory pre-bid meeting was scheduled for Friday, May 15, 2015 and the deadline for submission of bids was Friday, May 22, 2015;

WHEREAS, bids were taken and Metro Security was the only qualified responsive bidder,

WHEREAS, it is in the best interest of the Management Authority to enter into a contract with Metro Security for Unarmed Security Guard Services for the Non-Flood Protection Asset Management Authority; and,

BE IT HEREBY RESOLVED, that the Authority Chairman or Chief Operating Officer is hereby authorized to sign any and all documents to carry out the above.

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS:

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16th day of July, 2015.

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4) Motion to engage counsel to represent NFPAMA in the event of appeal or arbitration with regard to FEMA application for enhanced flood protection at Lakefront Airport.

Comm. Heaton advised that the Authority may need an arbitration attorney regarding the \$67.7 million grant application for the Airport floodwall. FEMA did not deny the application, but did send a request for additional information which an arbitration attorney could have assisted the Authority in preparing and preserving the Authority's rights in the event of arbitration. In the event the Authority is denied, an arbitration attorney will be needed for this specialized area as the appellate process could take years. Legal Chair Fierke advised that out of the list of four attorneys specializing in arbitration, Ernest D. Abbot of Baker, Donelson is best qualified. Comm. Heaton moved to adopt Resolution No. 04-071615, seconded by Comm. Fierke, Resolution adopted to wit:

MOTION: 04-071615

RESOLUTION: 04-071615

BY: COMMISSIONER HEATON

SECOND: COMMISSIONER FIERKE

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, the occasion may arise that the Authority requires the professional services of counsel to represent NFPAMA in the event of appeal or arbitration with regard to FEMA application for enhanced flood protection at Lakefront Airport;

WHEREAS, Ernest B. Abbott, a member of the District of Columbia Bar Association, Bar Roll No. 925503, of the law firm of Baker Donelson, is an attorney who has specialized in arbitration and appeal matters currently under consideration for over 38 years;

WHEREAS, the Authority desires to enter into a professional services contract with said attorney, to advise on arbitration and appeal matters effective upon review and approval of the Louisiana Attorney General and expiring upon conclusion of these matters or one year, whichever is longer, at the hourly rates set forth by the Louisiana Attorney General pursuant to the September 15, 2014 schedule or as specifically approved by the Louisiana Attorney General as circumstances may warrant, plus expenses, under the terms and conditions to be specified in the Professional Legal Services Contract;

WHEREAS, after consideration of the Professional Legal Services Contract with the law firm of Baker Donelson, Ernest B. Abbott, in the practice of law for more than 10 years, the Authority considers it to be in the best interest of the Authority and the Orleans Levee District to approve said Contract, under the term and conditions specified in the attached Professional Legal Services Contract; and,

BE IT HEREBY RESOLVED, that the Authority approves a Professional Legal Services Contract with Baker Donelson, Ernest B. Abbott, Bar Roll No. 925503, under the terms and conditions specified in the attached Professional Legal Services Contract, subject to approval by the Office of the Attorney General of the State of Louisiana.

BE IT HEREBY FURTHER RESOLVED, that the Chairman or Chief Operating Officer of the Management Authority be and is hereby authorized to take any action and to sign any and all documents necessary to accomplish the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS:

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

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6) Motion to award contract to Pavement Maintenance Unlimited, LLC for Lakefront Airport pavement and marking rehabilitation for Taxiways C, D, E, F and H

The COO advised the executed original contract cannot be found. Board approval is needed to sign the contract as paperwork will be required in the event of an audit. Comm. Heaton moved to adopt Resolution No. 06-071615, seconded by Comm. Richard, Resolution adopted to wit:

MOTION: 06-071615
RESOLUTION: 06-071615
BY: COMMISSIONER HEATON
SECOND: COMMISSIONER RICHARD

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, the New Orleans Lakefront and portions of Lakeshore Drive are non-flood assets of the District under the management and control of the Management Authority;

WHEREAS, the Authority advertised for bids in accordance with the provisions of the Louisiana Public Bid Law for pavement and marking rehabilitation for Taxiways C, D, E, F and H ("Project"), and the following bids were submitted as required in the bid advertisement on May 1, 2014, May 9, 2014 and May 16, 2014:

- | | |
|---|--------------|
| 1) Pavement Maintenance Unlimited, L.L.C. | \$372,739.70 |
| 2) Young's General Contracting, Inc. | \$738,340.77 |

WHEREAS, the lowest responsible bidder for the Project was Pavement Maintenance Unlimited, L.L.C. which desires to enter into a contract for the Project with the Authority;

WHEREAS, the total amount of Grant No. 03-22-0038-27-2014 for the Project is \$442,239.70 including project construction and design;

WHEREAS, the FAA will provide funding for the pavement and marking rehabilitation for Taxiways C, D, E, F and H Project not to exceed \$398,015.73;

WHEREAS, the State of Louisiana will provide funding for the pavement and marking rehabilitation for Taxiways C, D, E, F and H Project not to exceed \$44,223.97;

WHEREAS, after considering the bids and recommendations of staff and the supervising architect for the Project, the Airport Committee at its scheduled meeting held on July 7, 2015 voted to recommend to the Authority that it award the contract for the Project to Pavement Maintenance Unlimited, L.L.C.; and,

WHEREAS, the Authority resolved that it is in the best interest of the Orleans Levee District to accept the bid and award the contract for this Project to Pavement Maintenance Unlimited, L.L.C., as the lowest responsible bidder for the Project.

BE IT HEREBY RESOLVED, that the Authority accepts the bid and awards the contract for pavement and marking rehabilitation for Taxiways C, D, E, F and H at the New Orleans Lakefront Airport to Pavement Maintenance Unlimited, L.L.C. for the price of \$372,739.70; and,

BE IT HEREBY FURTHER RESOLVED, that the Chairman or Chief Operating Officer be and is hereby authorized to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS:

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

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7) Motion to issue RFP for Kiosk space in Lakefront Airport Terminal building

Comm. Heaton advised that Messina's needed this 118 square foot space and will provide a proposal. Mr. Pappalardo advised that an RFP will be prepared and available for download for this space, which was originally a sundry stand. The space

could be used as a retail space, display space or in conjunction with the restaurant. Commissioner Heaton moved to adopt Resolution No. 07-071615, seconded by Comm. Arrigo, Resolution adopted to wit:

MOTION: 07-071615
RESOLUTION: 07-071615
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER ARRIGO

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

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

WHEREAS, several persons have expressed interest in leasing the Kiosk space located in the Atrium of the Terminal Building and the Airport Committee believes it is in the best interest of the Orleans Levee District to issue a Request for Proposals to lease the Kiosk;

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves the issuance of a Request for Proposals for the lease of the Kiosk space located in the Main Terminal Building at Lakefront Airport;

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

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS:

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

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I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Non-Flood Protection Asset Management Authority at its meeting on July 16, 2015, held in New Orleans, LA, at which a quorum was present.

8) Motion to issue RFQ for engineering, location and cost study for airport lighting vault

Comm. Heaton advised that this federal grant for engineering for a replacement lighting vault is approximately \$100,000. The URS Master Services Agreement has language about lighting, but it is not specific to a lighting vault. In an abundance of caution a substitute motion may be needed to allow URS/AECOM to perform work under the Professional Services Agreement as there is a question as to if the lighting vault is covered. If the grant is not jeopardized and the FAA approves, an amendment can be to clear up the name (AECOM in lieu of URS) with the caveat that FAA approves the use of the current contract as to not jeopardize any money. The electrical vault provides power for runway lighting at the Airport. Comm. Fierke moved to adopt Resolution No. 08-071615, seconded by Comm. Higgins, Resolution adopted to wit:

MOTION: 08-071615
RESOLUTION: 08-071615
BY: COMMISSIONER HEATON
SECOND: COMMISSIONER FIERKE

July 16, 2015

RESOLUTION

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

WHEREAS, New Orleans Lakefront Airport is one of the assets of the District that is under its management, providing necessary revenue for the Authority's statutory obligations;

WHEREAS, the buildings and other facilities at the Airport, including the Terminal Building, were severely damaged by Hurricane Katrina which struck southeastern Louisiana in August of 2005;

WHEREAS, the Authority has invested over \$20 million to return the interior and the exterior of the Terminal back into a fine example of the original Art Deco architecture and includes the complete restoration of the Walnut Room, the bar area, the café, and the atrium at the Terminal;

WHEREAS, FAA grants can be applied for structural engineering, location and cost study for the airport lighting vault and in order to obtain funding a Request for Qualifications must be issued, as prescribed by the FAA; and,

WHEREAS, the Authority resolved that it is in the best interest of the Orleans Levee District and Lakefront Airport to issue the RFQ, if it is determined by the FAA that the scope of services for this RFQ falls under the URS contract for Airport Master Services, then the Authority may utilize the URS contract rather than issue the RFQ, as appropriate.

BE IT HEREBY RESOLVED, that the Authority approves the Request for Qualifications for engineering, location and a cost study for the lighting vault at Lakefront Airport to obtain FAA grant funding, and authorizes the Chief Operating Officer to issue the Request for Qualifications for responses as required by FAA grant procedures.

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

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS:

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

.....

9) Motion to select firm(s) via RFP to provide bathymetry surveys for Orleans Marina, South Shore Harbor Marina and New Basin Canal.

Comm. Heaton requested that South Shore Harbor Marina be surveyed first because the funding being sought is critical. Comm. Settoon moved to adopt Resolution No. 09-071615, seconded by Comm. Heaton, Resolution adopted to wit:

MOTION: 09-071615
RESOLUTION: 09-071615
BY: COMMISSIONER SETTOON
SECOND: COMMISSIONER HEATON

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, the Orleans Levee District ("OLD") owns and operates both Orleans Marina and South Shore Harbor Marina, and has continually attempted to enhance the operation of the Marinas in terms of profitability, tenant amenities, environmental compliance, capital improvements, and other enhancements;

WHEREAS, the Authority authorized Stuart Consulting to issue a request for quotes for bathymetry surveying, which request was issued via email on June 16, 2015 to local surveying firms;

WHEREAS, responses were due no later than June 30, 2015 and responses were received from BFM Co., LLC and Dale Stockstill & Associates, P.A.;

WHEREAS, responses were reviewed by staff, the Marina Committee received the proposals in advance of their meeting on July 16, 2015; further that total pricing by both firms are within 10% (\$31,000 and \$33,540) and if contracted by facility, the cost is within the authority of the Chief Operating Officer without further Board action;

WHEREAS, considering expiring grant funding for silt removal, as well as current cash flow constraints, staff recommends that the Chief Operating Officer be authorized to enter into an agreement with either firm, depending on availability, and by facility, after consultation with the Marina Committee Chair; and

WHEREAS, the Authority considers it to be in the best interest of the District to enter into contracts with either or both firms for bathymetry services for the reasons set forth above.

BE IT RESOLVED, that the Authority approves a contract with either or both BFM Co., LLC and/or Dale Stockstill & Associates, P.A. as set forth above, to end June 30, 2016 or at the completion of the project, at the proposed prices; and

BE IT FURTHER RESOLVED, that the Authority Chairman or Chief Operating Officer is authorized to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS:

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

.....

I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Non-Flood Protection Asset Management Authority at its meeting on July 16th, 2015, held in New Orleans, LA, at which a quorum was present.

10) Motion to adopt policy regarding issuing RFQ/RFP

Comm. Heaton noted that Board approval is currently needed when staff is required to perform small tasks. Going forward, an RFQ/RFP could be advertised with Committee approval as no money will be spent prior to the Board approving the contract. Comm. Fierke added that the COO should be given delegation of authority across the board. Comm. Heaton offered the amendment that the RFQ/P be subject to review of the Legal Committee, seconded by Comm. Richard, motion passed. Comm. Ernst moved to adopt Resolution No. 10-071615, seconded by Comm. Fierke, Resolution adopted to wit:

MOTION: 10-071615
RESOLUTION: 10-071615
BY: COMMISSIONER ERNST
SECOND: COMMISSIONER FIERKE

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, from time to time, the Authority has the need to issue Requests for Proposals and Requests for Qualifications in order to take advantage of grant funding and requiring Board approval can delay grant applications between 30 to 60 days, or such requests are subject to ultimate Board approval by resolution or within the budget authority of the Chief Operating Officer;

WHEREAS, after discussion, the Airport Committee recommends that the Chief Operating Officer be authorized to issue Requests for Proposals and Requests for Qualifications without board approval, provided that the good faith estimate for the work proposed is either within the Chief Operating Officer's authority and in compliance with the By-Laws, policies and procedures of the Authority, or supported by FAA and/or FEMA grant funding and the Authority has the ability to accept or reject any or all respondents;

WHEREAS, the Authority believes it is in the best interest of the District to authorize the Chief Operating Officer to issue such Requests for Proposals and Requests for Qualifications under the specific guidelines set forth above;

BE IT RESOLVED that the Chief Operating Officer is authorized to issue Requests for Proposals and Requests for Qualifications, without board approval, provided that the good faith estimate for the work proposed is either within the Chief Operating Officer's authority and in compliance with the By-Laws, policies and procedures of the Authority, or supported by FAA and/or FEMA grant funding and the Authority has the ability to accept or reject any or all respondents;

BE IT FURTHER RESOLVED, that the Authority Chairman or Chief Operating Officer is authorized to sign any and all documents necessary to carry out the above.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS:

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

.....
I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Non-Flood Protection Asset Management Authority at its meeting on July 16, 2015, held in New Orleans, LA, at which a quorum was present.

11) Motion to amend budget FY 2014-15

The COO advised the budget was passed in the beginning of the year. This Resolution will reconcile the budget to what actually happened for FY 2014-15. Comm. Stack moved to adopt Resolution No. 11-071615, seconded by Comm. Fierke, Resolution adopted to wit:

MOTION: 11-071615
RESOLUTION: 11-071615
BY: COMMISSIONER STACK
SECOND: COMMISSIONER FIERKE

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, by Resolution 08-032014, the Authority approved the General Operating and Major Maintenance/Capital Improvement budget for Fiscal Year 2015 to provide for required expenditures for personnel services, contractual services, operating supplies, equipment and capital projects; and

WHEREAS, a review of the operations to date indicates that for accounting purposes, budget revisions and adjustments are necessary to be in budgetary compliance in several areas of the general operating budgets, all as indicated on the financial schedule attached hereto and made a part hereof;

General Operating Budget

Increase in Revenue – Airport	\$ 255,351
Increase in Revenue – Airport – Grants/FEMA	\$1,312,516
Increase in Revenue – Airport Custom Build Out Advance	\$ 400,000
Increase in Revenue – Orleans Marina	\$ 44,672
<u>Increase in Revenue – South Shore Harbor</u>	<u>\$ 81,316</u>
Total Increase in Revenue to FY 2015 Budget	<u>\$2,093,855</u>
Increase in Expenditures – Airport	\$ 205,975
Increase in Expenditure Grant Obligation – Airport	\$ 1,361,892
Increase in Expenditures – Airport Custom Build Out Advance	\$ 400,000
Increase in Expenditures – Orleans Marina	\$ 44,672
<u>Increase in Expenditures – South Shore Harbor</u>	<u>\$ 81,316</u>
Total Increase in Expenditures to FY 2012 Budget	<u>\$2,093,855</u>

WHEREAS, the foregoing adjustments are determined to reflect the projected operating requirements based on the latest revenue and expenditure estimates;

BE IT HEREBY RESOLVED, that the revisions to the Fiscal Year 2015 General Operating Budget are approved.

The foregoing was submitted to a vote, the vote thereon was as follows:

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS: NONE

ABSTAIN: NONE

ABSENT: STACK, GREEN

This resolution was declared adopted this 16TH day of July, 2015.

.....
I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Non-Flood Protection Asset Management Authority at its meeting on July 16th, 2015, held in New Orleans, LA, at which a quorum was present.

12) Motion to engage Gordon, Arata, McCollam, Duplantis & Eagan (Michael Botnick, Marion Weinstock, Scott O-Connor, Greg Grimsal and Phil Antis) as counsel to the Authority.

Comm. Ernst moved to adopt Resolution 12-071615, seconded by Comm. Fierke, no discussion was had, Resolution adopted to wit:

MOTION: 12-071615

RESOLUTION: 12-071615

BY: COMMISSIONER ERNST

SECOND: COMMISSIONER FIERKE

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, occasions arise when the Authority requires professional legal services;

WHEREAS, after careful consideration the Authority desires, to retain the services of the following firm for a period of one year, beginning the date of this Resolution until June 30, 2016, with the option to renew the contract for one additional year, with rates not to exceed the Attorney General's rate sheet dated September 15, 2014 or as amended, for legal services, plus expenses, under the terms and conditions to be specified in the Professional Legal Services Contract;

WHEREAS, the following firm will be retained as counsel for the Non-Flood Protection Asset Management Authority on an "as needed" basis, at rates not to exceed the maximum rates below:

WHEREAS, that it is in the best interest of the Authority to enter into the legal contract under the terms and conditions as set forth above; and,

WHEREAS, contracts for professional legal services contract are subject to approval by the Office of the Attorney General of the State of Louisiana;

BE IT RESOLVED, that the Authority approves a Professional Legal Services Contract on an "as needed" basis, at rates not to exceed the maximum rates listed below with:

Gordon, Arata, McCollam, Duplantis & Eagan:

Michael Botnick	10+ years	\$225.00/hr.
Marion Weinstock	10+ years	\$225.00/hr.
Scott O'Connor	5-10 years	\$225.00/hr.
Greg Grimsal	10+ years	\$225.00/hr.
Phil Antis	10+ years	\$225.00/hr.

under the terms and conditions to be specified in the Professional Legal Services Contract, subject to approval by the Office of the Attorney General of the State of Louisiana.

BE IT FURTHER RESOLVED that assignment of counsel shall be decided jointly with the Chair of the Legal Committee and the Chief Operating Officer.

BE IT FURTHER RESOLVED copies of all legal invoices shall be forwarded to the Chair of the Legal Committee upon receipt.

BE IT FURTHER RESOLVED, that the Authority Chairman or Chief Operating Officer be and is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS:

ABSTAIN:

ABSENT: STACK, GREEN

This resolution was declared adopted this 16th day of July, 2015.

.....
I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Non-Flood Protection Asset Management Authority at its meeting on July 16, 2015, held in New Orleans, LA, at which a quorum was present.

13) Discussion regarding requesting an opinion from the Louisiana Attorney General regarding the proper constitution of a quorum and the status of various appointments to the Board.

Comm. Ernst noted that this Resolution addresses the status of Comm. Wheaton who was appointed one year ago, but was not confirmed. Comm. Hugel served for one year, Comm. Wheaton was re-nominated, but the question is whether Comm. Wheaton can serve under the statute. Comm. Ernst moved to adopt Resolution 13-071615., seconded by Comm. Fierke, Resolution adopted to wit:

MOTION: 13-071615

RESOLUTION: 13-071615

BY: COMMISSIONER ERNST

SECOND: COMMISSIONER FIERKE

July 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, Mr. Rodger Wheaton was appointed to the NFPAMA by the neighborhood associations pursuant to La. R.S. 38:330.12.1 (C) (5), on or about December 2013 to replace Mr. Lambert Hassinger;

WHEREAS, Mr. Wheaton served on the Authority but was not confirmed at the next session of the Louisiana Legislature, which ended June 2, 2014. As a result, the neighborhood associations appointed Mr. Dieter Hugel, who served on the Authority and was confirmed by the Senate during the legislative session that ended on June 11, 2015;

WHEREAS, Mr. Hugel resigned shortly after he was confirmed, and the neighborhood associations again have appointed Mr. Wheaton to serve on the NFPAMA;

WHEREAS, the Authority desires to request a formal opinion from the Louisiana Attorney General on the following issue of law: Given the above facts and pursuant to R.S. 24:14.G, may Mr. Wheaton serve on the NFPAMA pending confirmation by the Senate during the 2016 legislative session?

BE IT HEREBY RESOLVED, that the Authority hereby authorizes the Chief Operating Officer to request an expedited Attorney General opinion.

BE IT FURTHER RESOLVED, that the Authority Chairman or Chief Operating Officer be and is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: ERNST, HEATON, FIERKE, BRIEN, SETTOON, EAMES, HIGGINS, RICHARD, ARRIGO

NAYS: N/A

ABSTAIN: N/A
ABSENT: STACK, GREEN

This resolution was declared adopted this 16th day of July, 2015.

.....
I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Non-Flood Protection Asset Management Authority at its meeting on July 16, 2015, held in New Orleans, LA, at which a quorum was present.

PUBLIC COMMENTS

Mike Gillen- South Shore Harbor Marina Association

Mr. Gillen questioned the outcome of the bathymetric survey. Comm. Settoon advised that primary use of the survey is justification to apply for a silt removal grant; to show the need for silt removal. Comm. Heaton advised that there have been complaints of silt. There is a small window where some grant funding may be available, but GOHSEP requires bathymetric readings. Readings from 1988 and 1999 will suffice for the purpose of measurements pre-storm and post-storm. Present bathymetry will be used to compare to the bathymetry found on file. The dredging dollars provided by GOHSEP are 100% funded.

Mr. Gillen advised that boats continue to run aground at the entrance to South Shore Harbor Marina and requested that recently installed navigation buoys be repositioned so boaters are not guided into mud flats. Additional navigation buoys will provide continual markings and guide boaters who are not familiar with the entrance channel. Comm. Settoon noted that boaters also run aground in other parts of the lake and waters close to the Authority's properties.

Mr. Gillen also addressed distribution of meeting Agendas and the 10% increase allocated to maintenance at South Shore Harbor Marina. Mr. Gillen requested an accounting of expenditures for South Shore Harbor Marina during the past two years. The COO noted that the requested information would be provided via a public records request and directed Mr. Gillen to the NFPAMA website. Comm. Settoon advised that a detailed list of Orleans Marina expenditures was disclosed at previous meetings.

NEXT BOARD MEETING

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, August 20, 2015 at 5:30 p.m.

ADJOURNMENT

Comm. Fierke offered a motion to adjourn, seconded by Comm. Richard and unanimously adopted. The meeting adjourned at 7:15 p.m.