

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
MINUTES OF THE FULL BOARD MEETING  
THURSDAY MAY 21, 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, May 21, 2015 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.

Chair Ernst called the meeting to order at 5:37 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  
Comm. Michael Stack  
Comm. Pearl Cantrelle  
Comm. Eugene Green  
Comm. Stan Brien  
Comm. Thomas Fierke  
Comm. Dieter Hugel  
Comm. William Settoon  
Comm. Leila Eames  
Comm. Anthony Richard

**ABSENT:**

Secretary Romona Baudy  
Comm. Darrel Saizan  
Comm. Patrick DeRouen  
Comm. Glenn Higgins

**STAFF:**

Cornelia Ullmann – Chief Operating Officer  
Sharon Martiny – Non-Flood  
Charles Dixon – Marina Director  
Ben Morris – Interim Airport Director

**ALSO PRESENT:**

Gerard Metzger - Legal Counsel  
Al Pappalardo - Real Estate Consultant  
Jim Martin - DEI  
Steve Nelson – Stuart Consulting  
Terri Dupre – Meyer Engineers  
Chris Groh – Kutchins & Groh  
Heather Silbernagel – CIS Architects  
James Garner – Sher Garner  
Leopold Sher – Sher Garner  
Burgess McCranie – McCranie, Sistrunk

**OPENING COMMENTS**

Chair Ernst advised the board that the quorum will likely be lost at 6:00 p.m. The order of the Agenda will be moved. Old Business will be taken first followed by committee reports and presentations.

**ADOPT AGENDA**

Comm. Hugel offered a motion to amend the Agenda, seconded by Comm. Stack and unanimously adopted.

**APPROVE MINUTES**

Comm. Fierke offered a motion to approve the minutes of the March 19, 2015 Board meeting, seconded by Comm. DeRouen and unanimously adopted.

**REPORT BY CHIEF OPERATING OFFICER**

The COO waived opening comments.

## **PRESENTATION**

### **1) Stuart Consulting – Action Plan to address silting at Orleans Marina, New Basin Canal and South Shore Harbor.**

Steve Nelson, Stuart Consulting, advised that the silting issue at Orleans Marina and New Basin Canal was previously investigated using the draft of boats pre-storm (Katrina) that were then unable to traverse the canal post-storm. At that time, FEMA denied silting claims. A gentleman with GOHSEP advised that a second appeal overturned that finding. Affidavits stating the depth and draft of a boat can be used to demonstrate pre- and post-storm effects of silting. Bathymetric surveys, soil borings showing deposition of sediment over time and affidavits will be used to pursue funding from FEMA on silting issues. Bathymetric data from 1999 (South Shore Harbor) has been sent to the state, and project worksheet is underway to request that FEMA augment an existing project worksheet for the peninsula at South Shore Harbor Marina.

Comm. Heaton advised that the Municipal Yacht Harbor experienced silting and applied for FEMA funding, but were turned down due to the bathymetry readings. Municipal Yacht Harbor did not have the build-up from Katrina. Comm. Settoon noted that both Municipal Yacht Harbor and Orleans Marina boats must go through the same harbor; both marinas are affected by silting. Comm. Settoon advised that the Jefferson and Bucktown Marinas were having similar issues and suggested the Authority reach out and combine to have a unified front between this Authority, the Municipal Yacht Harbor and the Bucktown Marina regarding the silting issue. Comm. Heaton stated that any information gathered should be as close to or after August 29, 2005. Plaquemines Parish did not have readings, but recently obtained a grant using affidavits from boaters.

### **2) Update by Stuart Consulting Group regarding the issuance of an RFP for interim flood protection at New Orleans Lakefront Airport**

Mr. Nelson advised that Stuart prepared a draft package that will be finalized and ready for advertising the first week of June. The logistics of the RFP will prove challenging; having people stage and deploy a large flood protection system immediately prior to a storm is the only feasible option. The contractor must know the flood protection system and be ready to mobilize quickly. The contractor must be someone who has a combination of both equipment and personnel to mobilize two miles of flood protection efficiently.

## **COMMITTEE REPORTS**

**Airport Committee** – Comm. Heaton noted for the record that letters were received from Sen. Vitter, Sen. Cassidy and Congressman Scalise supporting the application for the Hazard Mitigation 406 grant for augmented flood protection for Lakefront Airport. The letters will be made part of the record. The Authority is receiving good support for the flood protection effort. The new Airport Director, Ben Morris, hit the ground running and received many good reviews from the airport community. Both Airport and Non-Flood staff have been doing a job great job. Mr. Morris advised the Board that it had been an interesting week with many high tech issues; many of which have not been working well. The good news is that runway incursions dropped several thousand percent over the last four years. This year there have been only two runway incursions, which is a dangerous situation at any airport. There is an upcoming meeting with DOTD Aviation in an attempt to get PAPI lights and a meeting afterwards in Fort Worth with the FAA regional office. The flood wall is extremely important and not as negative as had been expected.

**Insurance Committee** – Comm. Fierke noted that insurance is much larger due to the interaction with FEMA. Many hours were spent trying to determine what drives the percentages and the obligation to obtain/maintain insurance. Insurance issues are extremely technical because insurance is such a specialized world. This is an interesting Authority with interesting insurance needs.

**Marina Committee** – Comm. Settoon advised that all issues were covered in the motions.

**Commercial Real Estate Committee** – Comm. Green advised that additional details of the Tipitina’s proposal will be available at the next Commercial Real Estate Committee meeting. The police station on Lakeshore Dr. and Elysian Fields is a vacant building owned by the Authority that is not being used effectively. That building will be addressed at the next Commercial Real Estate meeting.

**Recreation/Subdivision Committee** – Chair Ernst advised of discussions regarding the Mardi Gras and Lake Terrace Fountains. The COO informed the Board that Water Works will examine the Mardi Gras Fountain the first week in June. Magnolia Pools (maintains the Fountain) will clean the fountain after the Memorial Day holiday weekend and Water Works will get the fountain functional at that time and continue to operate the Fountain for a short period of time thereafter.

The Lake Terrace Fountain has been included in the fiscal budget beginning July 1, 2015 in the amount of \$100,000 to address Fountain issues. An electrician examined the Fountain and prepared an involved electrical plan as to how the Authority can move forward with the electrical. Funds for repair of the fountain are also a FEMA alternate project that is pending approval. A resolution was passed advising of a list of priority projects and how the money was to be used on each project.

At the request of Chair Ernst, Mr. Metzger advised the Board that Revival Development, LLC bought property in Lake Oaks that has restricted use and must be used for religious purposes. A letter was issued to Revival Development that contained information on building restrictions and usage for that property. The Board will be informed when a response is received.

The COO advised that shelter doors continue to get vandalized. New steel doors will be installed that cannot be kicked in, additional garbage barrels and port-o-lets were ordered and placed near shelters 1 and 4. Police detail will be used at OLDPD Capt. Boudreaux’s discretion and one state trooper was requested to provide assistance with the detail. New Basin Canal tenants lodged complaints regarding parking issues due to people congregating near Shelter 1. A parking study and/or a different parking configuration could result in additional spaces and better traffic flow. The area is slated for public parking; but tenants in that area pay rent and are entitled to parking. Comm. Cantrelle informed the Board about numerous swimmers in the area near the public boat launches during a rain/lightning storm which is a safety issue and the Authority may be liable for any injuries. Chair Ernst stated that Capt. Boudreaux would be informed of the situation and the OLDPD would warn swimmers of the dangers of swimming in that area. The COO advised that bilingual “No Trespassing” signs were ordered along with “Do Not Enter” signs that were placed by the breakwater. Chair Ernst suggested that the issue be placed on the Marina Committee Agenda and deferred to the COO and legal counsel to handle the signage matter appropriately.

Comm. Settoon advised that the Lake Pontchartrain Basin Foundation intends to reopen the old Pontchartrain Beach, but likely would not provide lifeguards. The implication is that if lifeguards are not provided, with appropriate signage, that LPBF would not be liable. Chair Ernst noted that the Flood Authority manages that area and will enter into an agreement with LPBF. Carlton Dufrechou, LPBF, advised that the Flood Authority approved a lease with LPBF. If a lifeguard is on duty there is an implied liability, and “swim at your own risk” is tentative at this point. The Pontchartrain Beach site will be a cleaned-up by volunteers and bathymetry work will be performed to identify two existing poles on either end of the jetties. The Flood Authority has FEMA funding to restore the old pier and there is talk regarding bringing utilities to that area. There will be two controlled openings this summer to invite the public people to see the area. In 2016 there will be organized openings on weekends. This is a tremendous asset for the City and the region.

**Finance Committee** – Comm. Stack advised that the Authority is in good shape with regard to the budget. Dawn Wagener, the Comptroller, is retiring in July and the job description is under review with Civil Service and will be posted upon approval.

**OLD BUSINESS**

**01-052115 – Motion to select Elise Grenier, art conservator, for the mural restoration project**

The COO advised that this is a housekeeping matter as Board did not formerly vote to accept the sole respondent to the RFQ for this project.

Comm. Heaton offered a motion to select Elise Grenier, art conservator, the sole respondent to the Request for Qualifications issued by the Management Authority for the mural restoration project, seconded by Comm. Settoon and unanimously adopted to wit:

MOTION: 01-052115  
RESOLUTION: 01-052115  
BY: COMMISSIONER HEATON  
SECONDED: COMMISSIONER SETTOON

May 21, 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, the buildings and other facilities at the Airport, including the Terminal Building, were severely damaged by Hurricane Katrina;

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, seven murals by the artist Xavier Gonzales depicting air travel, exotic destinations and milestones of aviation are located on the mezzanine of the Terminal lobby;

WHEREAS, six of the seven murals have been subject to extreme environmental conditions and, as a result, are in need of professional restoration and conservation. An eighth mural was damaged beyond repair during the 1964 renovation;

WHEREAS, the Management Authority advertised a Request for Qualifications and Proposals (“RFQ&P”) for the Mural Conservation Project, Lakefront Airport;

WHEREAS, the sole respondent to the Request for Qualifications and Proposals was Grenier Conservation, LLC.

WHEREAS, it is in the best interest of the Authority to accept the proposal submitted by Grenier Conservation, LLC to provide professional restoration and conservation to six of the seven Xavier Gonzales murals and to reproduce the eighth mural.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority accept the proposal submitted by Grenier Conservation, LLC to provide professional restoration and conservation to six of the seven Xavier Gonzales murals and to reproduce an eighth mural;

BE IT FURTHER HEREBY 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, STACK, BRIEN, FIERKE, HUGEL, SETTOON, EAMES, RICHARD

NAYS:

ABSENT: BAUDY, SAIZAN, DeROUEN, CANTRELLE, GREEN, HIGGINS

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.

**NEW BUSINESS**

**02-052115 - Motion to authorize Wholesalers Development Co., Inc. to transfer Boathouse N-29 to Matthews Vargas**

The COO advised that the Real Estate Committee recommended transferring the boathouse. This is a standard boathouse transfer with an 8% transfer fee (\$11,200.)

Comm. Green offered a motion to authorize Wholesalers Development Co., Inc. to transfer Boathouse N-29 to Matthews Vargas, seconded by Comm. Fierke and unanimously adopted to wit:

MOTION: 02-052115  
RESOLUTION: 02-052115  
BY: COMMISSIONER GREEN  
SECONDED: COMMISSIONER FIERKE

May 21, 2015

**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 at West End in the City of New Orleans is one of the non-flood protection assets of the District under the management of the Authority;

**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**, 319 South Roadway Boathouse No. N-29 is currently leased to Wholesalers Development Company, Inc. pursuant to the terms of a written lease signed on November 1, 2001, and which granted the lessee options to extend the term of the Lease to the year 2026;

**WHEREAS**, Wholesalers Development has already requested two additional options in 2006 and 2011 which will extend the term of the lease through October 31, 2016, and there remain two additional five year options to extend the lease to October 31, 2026;

**WHEREAS**, Wholesalers Development Co. also has requested approval to assign and transfer Lease of Boathouse N-29 and sell the improvements thereon to Matthews Vargas;

**WHEREAS**, under the terms of the proposed Assignment of the Lease and sale of the improvements on the leased premises, Matthews Vargas 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 of the Lease conditioned upon payment of an eight percent transfer fee of the total amount of any consideration paid, 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 Matthews Vargas; 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 South Roadway Boathouse N-29 by Wholesalers Development Company, Inc. to Matthews Vargas, conditioned upon payment of a transfer fee of eight % of the total consideration received by Wholesalers Development Company, Inc., 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 Matthews Vargas.

**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, STACK, BRIEN, FIERKE, SETTOON, EAMES, RICHARD

NAYS:

ABSTAIN: HUGEL

ABSENT: BAUDY, SAIZAN, DeROUEN, CANTRELLE, GREEN, HIGGINS

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.

**03-052115 - Motion to enter into a contract with Charles Silbernagel (CSI Architects) for architectural services to review house, fence and pool plans**  
Chair Ernst advised that this selection was unanimous from the Recreation Committee.

Comm. Ernst offered a motion to enter into a contract with Charles Silbernagel, CSI Architects for architectural services to review house, fence and pool plans as the lowest responsive proposer, seconded by Comm. Richard and unanimously adopted to wit:

**MOTION: 03-052115**  
**RESOLUTION: 03-052115**  
**BY: COMMISSIONER ERNST**  
**SECONDED BY: COMMISSIONER RICHARD**

May 21, 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 District has a continuous need for engineering/architectural services to assist the Authority in reviewing plans and specifications of proposed projects for compliance with local building restrictions for the Lake Terrace, Lake Vista, Lakeshore, and Lake Oaks Subdivisions;

**WHEREAS**, the Authority authorized the issuance of a Request for Qualifications/Proposals for professional services agreements every two years beginning in 2015 in Resolution No. 08-082114, which includes engineering/architectural services, which Request was issued on February 23, 2015, posted on the Authority website, notification forwarded to all commissioners, all engineering/architectural companies on NFPAMA DBE list, as well as engineering/architectural firms who had responded to previous RFQs and the local representatives for the Louisiana Architects Association;

**WHEREAS**, responses to the RFQ/P for a licensed architect and/or engineer were due no later than March 31, 2015;

**WHEREAS**, the NFPAMA website notified staff that eight Requests were downloaded and further that two responses were received.

**WHEREAS**, at the May 14, 2015 Recreation/Subdivision Committee Meeting responses were reviewed and a recommendation was made to enter into a contract with Charles L. Silbernagel & Associates, Inc., for a primary term of one year commencing on July 1, 2015, with one (1) one (1) year option to renew, at the prices proposed; and

**WHEREAS**, the Authority considers it to be in the best interest of the District to enter into a Professional Services Contract with Charles L. Silbernagel & Associates, Inc. for Licensed Architectural/Engineering Consulting Services to assist the Authority in reviewing plans and specifications of proposed projects for compliance with local building restrictions.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Authority approves a Professional Services Contract with Charles L. Silbernagel & Associates, Inc. for Licensed Architectural/Engineering Consulting Services, for a period of one year commencing July 1, 2015, with one (1) one (1) year option to renew, at the proposed prices; and

**BE IT FURTHER HEREBY 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, STACK, BRIEN, FIERKE, HUGEL, SETTOON, EAMES, RICHARD

NAYS:

ABSENT: BAUDY, SAIZAN, DeROUEN, CANTRELLE, GREEN, HIGGINS

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.

.....  
**04-052115 - Motion to authorize Stuart Consulting to develop scope and obtain prices for bathymetry services for Orleans Marina and New Basin Canal**

The COO advised that both Marina and Finance Committees recommended approval. This project is under the Stuart Consulting IDIQ contract and will be complete by June 30, 2015. The cost of this project is approximately \$2,300 (scope only). Comm. Settoon advised of silting issues at both marinas and the New Basin Canal.

Comm. Heaton added that current bathymetry is required to secure a grant application the Authority is entitled to. The COO noted that the resolution identified the water bottoms for Orleans Marina and New Basin Canal only. Comm. Settoon requested the resolution be amended to include all Authority water bottoms. Mr. Nelson advised of existing 1999 bathymetry data for Orleans Marina along with affidavits from boat owners to justify sedimentation in the water body. Comm. Heaton noted that South Shore Harbor should be top priority as that Marina has the biggest silt issue and the most money at stake.

Commissioner Stack offered a motion to authorize Stuart Consulting to develop the scope and obtain prices for bathymetry services for Orleans Marina and New Basin Canal, seconded by Comm. Settoon. Comm. Hugel abstained. Comm. Settoon offered a motion to amend the Resolution to add South Shore Harbor, seconded by Comm. Heaton and abstained by Comm. Hugel to wit:

**MOTION:** 04-052115  
**RESOLUTION:** 04-052115  
**BY:** COMMISSIONER SETTOON  
**SECONDED BY:** COMMISSIONER HEATON

**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**, South Shore Harbor Marina, Orleans Marina and properties adjacent to the New Basin Canal are assets of the District that are under NFPAMA management, providing necessary revenue for the Authority's statutory obligations and as such, silting in the marina and New Basin Canal are important to the operation of these properties;

**WHEREAS**, the Authority and Stuart Consulting Group, Inc. entered into an Agreement on July 1, 2014 to provide ID/IQ services and a Not-To-Exceed fee of \$50,000, which was increased to \$85,000 by board resolution;

**WHEREAS**, under the IDIQ contract, the Authority wishes to authorize Stuart to prepare a bid package for proposals for bathymetric surveys for specific areas of South Shore Harbor, Orleans Marina and New Basin Canal, which areas are to be identified by staff, which services are estimated at \$2,300 which are within the Not-To-Exceed fee of \$85,000, which bid package shall be prepared by June 30, 2015;

**THEREFORE, BE IT HEREBY RESOLVED** that the Authority authorizes the services described above with Stuart Consulting Group, Inc. as set forth above.

**BE IT FURTHER HEREBY 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, STACK, SETTOON, EAMES, RICHARD, BRIEN, FIERKE  
NAYS: NONE  
ABSENT: SAIZAN, BAUDY, HIGGINS, DEROUEN, CANTRELLE, GREEN  
ABSTAIN: HUGEL

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.

.....  
**05-052115 - Motion to renew Flood Insurance for Fuel Farm at Lakefront Airport.**  
The COO advised that the premium was reduced from \$6,729 to \$3,172. The Insurance Committee recommends approval.

Comm. Hugel offered a motion to renew Flood Insurance for the Fuel Farm at Lakefront Airport, seconded by Comm. Fierke and unanimously adopted to wit:

**MOTION: 05-052115**  
**RESOLUTION: 05-052115**  
**BY: COMMISSIONER HUGEL**  
**SECONDED BY: COMMISSIONER FIERKE**

May 21, 2015

**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**, flood insurance coverage for the Fuel Farm located at Lakefront Airport expires on June 13, 2015;

**WHEREAS**, the flood insurance premium for the Fuel Farm is \$3,172.00, and provides \$500,000 for building coverage for twelve months beginning June 13, 2015;

**WHEREAS**, it is in the best interest of the Authority to approve the renewal of the flood insurance policy through Occidental Fire and Casualty as provided above;

**BE IT RESOLVED**, that the Authority authorizes procurement of flood insurance for the Fuel Farm building in the amount of \$500,000 at a cost of \$3,172.00 for twelve months beginning June 13, 2015; and,

**BE IT FURTHER RESOLVED**, that the Authority Chairman or COO 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, STACK, BRIEN, FIERKE, SETTOON, EAMES, RICHARD  
NAYS:  
ABSTAIN: HUGEL  
ABSENT: BAUDY, SAIZAN, DeROUEN, CANTRELLE, GREEN, HIGGINS

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.

.....  
**06-052115 - Motion to select Option B for flood insurance for the Regulator Building at Lakefront Airport (\$500,000 – building, \$183,800 – contents, \$5,000 deductible, \$22,128 – premium and increased contents coverage of \$8,800 - \$589.**

The COO advised that the Insurance and Finance Committees recommended approval. The \$5,000 deductible is a one-time deductible. The regulator building houses generators and mechanical equipment at Lakefront Airport and is critical to Lakefront Airport.

Comm. Hugel offered a motion to select Option B for flood insurance for the Regulator Building at Lakefront Airport, seconded by Comm. Green and unanimously adopted to wit:

**MOTION:** 06-052115  
**RESOLUTION:** 06-052115  
**BY:** COMMISSIONER HUGEL  
**SECONDED BY:** COMMISSIONER GREEN

May 21, 2015

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (“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 flood insurance coverage for the New Orleans Lakefront Airport’s Regulator building expires on June 1, 2015;

**WHEREAS**, the premium for flood insurance for the Regulator building is \$22,128.00, and provides \$500,000 for building coverage and \$183,800 for contents coverage for twelve months beginning June 1, 2015;

**WHEREAS**, it is in the best interest of the Management Authority to approve the renewal of the flood insurance policy through Wright National Flood Insurance Company as provided above;

**BE IT RESOLVED**, that the Authority authorizes the procurement of flood insurance for the Regulator building located at Lakefront Airport, at a premium of \$22,128.00 for the period June 1, 2015 and expiring June 1, 2016; and,

**BE IT FURTHER RESOLVED**, that the Authority Chairman or COO 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, STACK, BRIEN, FIERKE, SETTOON, EAMES, RICHARD,

NAYS:

ABSTAIN: HUGEL

ABSENT: BAUDY, SAIZAN, DeROUEN, CANTRELLE, HIGGINS, GREEN

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.

.....  
Comm. Green’s arrival is noted for the record.

**07-052115 - Motion to amend Landmark’s lease (Bastian Mitchell) to relocate parking to fenced lot near Building 101**

The COO advised that Messina’s uses parking near the Bastian-Mitchell for events in the Terminal, which results in Landmark losing parking spaces that were previously paid for in the lease. Landmark requests the smaller fenced in lot near the new Building 101 lease, which would help everyone all around.

Comm. Heaton offered a motion to amend Landmark’s lease to relocate parking to the fenced lot closer to Building 101, seconded by Comm. Richard and unanimously adopted to wit:

**MOTION:** 07-052115  
**RESOLUTION:** 07-052115  
**BY:** COMMISSIONER HEATON  
**SECONDED BY:** COMMISSIONER RICHARD

May 21, 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**, at its May 12, 2015 meeting, the Airport Committee considered the request of FBO Landmark Aviation to exchange the parking area it leases near the Bastian-Mitchell hangar, for comparable fenced parking near the National Guard hangar which lease Landmark recently acquired,

**WHEREAS**, the referenced parking areas are more fully set out in the drawings from Meyer Engineers, LTD dated Sept. 18, 2014 and the Dading, Marques & Associates, LLC survey dated January 6, 2014 which are attached and made a part of this resolution;

**WHEREAS**, Landmark's current parking is closer to the Terminal and the requested parking is further from the Terminal, which also benefits Terminal tenants by providing additional available parking;

**WHEREAS**, Landmark proposes to pay the same rate of \$8,000 per year for 31 fenced spaces as it currently pays for 39 unfenced spaces and further that Landmark assumes all expenses of any kind, including infrastructure, marking pursuant to applicable laws and ordinances, and maintenance of the parking lot and adjacent grass;

**WHEREAS**, the Airport Committee recommended that Landmark's proposal be accepted;

**BE IT HEREBY RESOLVED** that the Authority accepts the proposal of Landmark to exchange the comparable parking areas as set forth in the attached drawings, for the same rent, as provided above and that the leases be amended accordingly.

**BE IT FURTHER HEREBY 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, STACK, BRIEN, FIERKE, SETTOON, EAMES, RICHARD, HUGEL, GREEN

NAYS:

ABSTAIN:

ABSENT: BAUDY, SAIZAN, DeROUEN, CANTRELLE, HIGGINS

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.

.....  
**08-052115 - Motion to select counsel to represent NFPAMA related to South Shore Harbor long term lease and September 2015 music festival**

The COO advised that as discussed with Legal Committee Chair DeRouen, each firm that responded to the RFQ was provided a scope of services to which each firm responded and were reviewed by the Legal Committee. The Authority and Mr. von Kurnatowski would like to move forward. The contract for selected counsel still must be approved by the Attorney General's Office along with the hourly rate. Four firms responded.

Comm. Fierke offered a motion to select the four responding firms as qualified respondents. The Legal Committee will then select one firm at the next scheduled Legal Committee meeting.

Chair Ernst clarified that the Board will approve all four responding firms for this event only, and the Legal Committee will select one respondent for the project at the next Legal Committee meeting. Mr. Metzger noted that authority for this particular decision will be delegated to the Legal Committee.

Comm. Fierke (in Comm. DeRouen's absence) offered a motion to select all four firms as qualified respondents for this project only. The Legal Committee will select one firm at the next Legal Committee meeting, seconded by Comm. Richard and unanimously adopted to wit:

**MOTION: 08-052115**  
**RESOLUTION: 08-052115**  
**BY: COMMISSIONER FIERKE**  
**SECONDED BY: COMMISSIONER RICHARD**

May 21, 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 assets of the Orleans Levee District, including South Shore Harbor Marina Complex;

**WHEREAS**, the Authority issued a request for proposals for a portion of South Shore Harbor Complex, a response was received and reviewed by the Commercial Real Estate Committee, and thereafter the Authority passed Resolution 08-112014, authorizing the Chief Operating Officer and the Authority's real estate consultant to enter into negotiations with Studio Network-Lakefront LLC;

**WHEREAS**, Resolution 09-011515 was passed wherein the Authority also authorized the Chief Operating Officer and the Authority's real estate consultant to finalize a location agreement for a music festival in September 2015 with the same principle and for the same property;

**WHEREAS**, the Authority issued a Request for Qualifications for Legal Services on February 4, 2015 with responses due by March 31, 2015. Responses were received

from the firms of Sher, Garner, Cahill, Richter, Klein and Hilbert, LLC; Gordon, Arata, McCollam, Duplantis and Eagan, LLC; Mouledoux, Bland, LeGrand and Brackett, LLC and McCranie, Sistrunk, Anzelmo, Hardy, McDaniel and Welch, LLC to provide legal services for real estate and lease matters.

**WHEREAS**, negotiations have proceeded to the juncture where legal counsel will be needed to review, edit and/or negotiate the provisions of one or both agreements;

**WHEREAS**, the engagement of an attorney will be required to be submitted to the Louisiana Attorney General for approval, at the hourly rates set by the Attorney General;

**WHEREAS**, the Legal Committee circulated a letter outlining the anticipated scope of services and requested proposals from those firms above who requested they be considered for real estate and lease matters;

**WHEREAS**, the Legal Committee considered the responses to the scope of services;

**WHEREAS**, the Authority desires that at its next meeting, the Legal Committee make the final selection of the firm and attorney to be engaged from those four responding firms, effective upon review and approval of the Louisiana Attorney General and expiring upon conclusion of these matters or one year, which is longer, at the hourly rates set forth by the Louisiana Attorney General, plus expenses, under the terms and conditions to be specified in the Professional Legal Services Contract;

**BE IT HEREBY RESOLVED**, that the Authority approves the selection of legal counsel by the Legal Committee from the following firms and attorneys, to enter into a Professional Legal Services Contract with Sher, Garner, Cahill, Richter, Klein and Hilbert, LLC, specifically Leopold Z. Sher, Richard P. Richter, Marie A. Moore, Debbie Moench, Travis Beaton; Gordon, Arata, McCollam, Duplantis, specifically Michael Botnick, Marion Welborn Weinstock, Margaret "Peggy" Welsh; and Eagan, LLC; Mouledoux, Bland, LeGrand and Brackett, LLC, specifically Patrick Costello or Mark E. Hanna; and McCranie, Sistrunk, Anzelmo, Hardy, McDaniel and Welch, LLC specifically Burgess E. McCrainie, Jr, Sidney J. Hardy, Rachel Guttmann, 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, with regard to the location agreement for the September 2015 music event and the long term lease for South Shore Harbor complex.

**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: Chair Ernst, Comm'rs Heaton, Stack, Hugel, Settoon, Eames, Richard, Brien, Fierke, Green, Cantrelle

NAYS: NONE

ABSENT: Comm'rs Saizan, Baudy, Higgins, DeRouen

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.  
.....

**09-052115 - Motion to approve the build out and lease of space in New Orleans Lakefront Terminal for SLFPA-E staff effective October 1, 2015. Also for COO to negotiate Memorandum of Understanding and Lease Agreement between SLFPA-E and NFPAMA, which will be presented to both the Non-Flood Authority and SLFPA-E for final approval**

The COO advised that terms will be negotiated with Al Pappalardo, Real Estate Consultant, and reviewed by both SLFPA-E and NFPAMA for final approval.

Comm. Heaton advised that the Flood Authority will pay for build-out of all available second floor space in the Terminal, and pay fair market rate and insurance. The Flood Authority would also pay to build out the conference room for Non-Flood Authority future use. All tenants will be allowed to use the conference room. The Flood Authority will pay half of the rent in cash with the remaining half being put toward monies the Authority owes to the Non-Flood Authority. The Flood Authority voted 8-0 to approve this issue. Final agreements will come to this Board for final approval.

Comm. Heaton offered a motion to approve the build out and lease of space in New Orleans Lakefront Terminal for SLFPA-E staff effective October 1, 2015, and to authorize the COO to negotiate a Memorandum of Understanding and Lease

Agreement between SLFPA-E and the Non-Flood Authority, which agreements will be presented to both boards for final approval, seconded by Comm. Hugel and unanimously adopted to wit:

**MOTION: 09-052115**  
**RESOLUTION: 09-052115**  
**BY: COMMISSIONER HEATON**  
**SECONDED BY: COMMISSIONER HUGEL**

May 21, 2015

**RESOLUTION**

**WHEREAS**, the Non-Flood Protection Asset Management Authority (“NFPAMA”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District and New Orleans Lakefront Airport is one of the assets under its management;

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (SLFPA-E) is a political subdivision of the State of Louisiana and the governing authority of the Orleans Levee District;

**WHEREAS**, SLFPA-E currently leases office space for its staff from UNO Research and Technology Foundation, Inc. at its property located at 2045 Lakeshore Drive; and the current lease renewal option for the office space leased from the Foundation will expire on September 30, 2015;

**WHEREAS**, post-Katrina renovations to the Airport Terminal have been completed and sufficient space is available for the build out of offices for SLFPA-E staff; and further that NFPAMA has actively advertised and shown the property for approximately one year and the areas referenced herein are available for lease;

**WHEREAS**, the available space in the Terminal can be built out to accommodate SLFPA-E staff under a Memorandum of Understanding with NFPAMA and the space leased to the SLFPA-E;

**WHEREAS**, the cost to lease the space at the Airport will be approximately half of the cost of the current space at the UNO Research and Technology Park;

**WHEREAS**, NFPAMA believes it is in the best interest of the Orleans Levee District to enter into a Memorandum of Understanding with SLFPA-E to lease the available space in the Terminal for SLFPA-E staff as set forth above.

**BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority approves the build out of space in the New Orleans Lakefront Airport Terminal for SLFPA-E staff and the leasing of said space effective October 1, 2015.

**BE IT FURTHER RESOLVED**, that the Chief Operating Officer is hereby authorized to negotiate a Memorandum of Understanding for the build out and a Lease between the SLFPA-E and the NFPAMA, which shall be presented to the Board for final approval.

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

YEAS: ERNST, CANTRELLE, STACK, BRIEN, FIERKE, SETTOON, EAMES, RICHARD, GREEN, HUGEL

NAYS:

ABSTAIN: HEATON

ABSENT: BAUDY, SAIZAN, DeROUEN, HIGGINS

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.

**10-052115 - Motion to select Orleans Sheet Metal Works to repair the roof of the covered boat slips at South Shore Harbor**

**The COO advised that** Comm. Higgins was satisfied with materials being used for the roof repair.

Comm. Settoon offered a motion to select Orleans Sheet Metal Works to repair the roof of the covered boat slips at South Shore Harbor, seconded by Comm. Richard and unanimously adopted to wit:

**MOTION: 10-052115**  
**RESOLUTION: 10-052115**  
**BY: COMMISSIONER SETTOON**  
**SECONDED: COMMISSIONER RICHARD**

May 21, 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 non-flood protection assets managed and controlled by the Authority include South Shore Harbor Marina;

**WHEREAS**, the roofs of the covered boat slips are in need of repair;

**WHEREAS**, bids to repair the roofs were solicited;

**WHEREAS**, Orleans Sheet Metal Works & Roofing submitted a bid totaling \$49,500.00 to furnish

labor and materials to install 26 gauge metal gutter inserts with counter flashings in 25 valleys and to caulk the ridges of the roof;

**WHEREAS**, the bid submitted by Orleans Sheet Metal Works & Roofing was the lowest responsible bid for this work;

**WHEREAS**, this matter was discussed at the May 12, 2015 Marina Committee meeting and the Committee recommended acceptance of the bid from Orleans Sheet Metal Works & Roofing as set forth above; and,

**WHEREAS**, the Authority believes that it is in the best interest of the District and the Marina to accept the bid and authorize a contract with Orleans Sheet Metal Works & Roofing for the work and at the price set forth above, conditioned upon receipt of a payment and performance bond and proof of liability and workmen's compensation insurance.

**BE IT HEREBY RESOLVED**, that the Authority accepts the bid and authorizes a contract with Orleans Sheet Metal Works & Roofing to furnish labor and materials to install 26 gauge metal gutter inserts with counter flashings in 25 valleys and to caulk the ridge of the roof of the covered boat slips located at South Shore Harbor Marina for the total price of \$49,500.00, conditioned upon receipt of a performance and payment bond and proof of liability and workmen's compensation insurances.

**BE IT HEREBY 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.

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

YEAS: ERNST, HEATON, CANTRELLE, STACK, BRIEN, FIERKE, SETTOON, EAMES, RICHARD, GREEN

NAYS:

ABSTAIN: HUGEL

ABSENT: BAUDY, SAIZAN, DeROUEN, HIGGINS

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.  
.....

**11-052115 - Motion to cancel auto insurance (expires November 2015) and rewrite to renew July 1, 2015 with all other insurances**

The COO advised this motion is to continue the process of having the Authority operate smoother. This will cancel auto insurance expiring November 2015 and will rewrite the policy to renew July 1, 2015 with the majority of other insurances.

Comm. Hugel offered a motion to cancel auto insurance expiring November 2015 and rewrite to renew July 1, 2015 with other insurances, seconded by Comm. Settoon and unanimously adopted to wit:

**MOTION:** 11-052115  
**RESOLUTION:** 11 -052115  
**BY:** COMMISSIONER HUGEL  
**SECONDED BY:** COMMISSIONER SETTOON

May 21, 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**, the Authority's fiscal year runs from July 1 to June 30<sup>th</sup> and the majority of the Authority's insurances coincide with the fiscal year. One exception is the auto insurance, which currently renews in November 2015;

**WHEREAS**, for administrative and budgeting purposes, the Authority wishes to cancel the current auto insurance policy expiring in November and rewrite the policy to begin July 1 to coincide with the fiscal year and other insurances;

**BE IT HEREBY RESOLVED** that the Authority authorizes the insurance agent of record to rewrite the auto insurance to begin July 1, 2015 and thereafter annually on July 1<sup>st</sup> and cancel the current policy expiring in November 2015.

**BE IT FURTHER HEREBY 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, CANTRELLE, STACK, BRIEN, FIERKE, SETTOON, EAMES, RICHARD, GREEN

NAYS:

ABSTAIN: HUGEL

ABSENT: BAUDY, SAIZAN, DeROUEN, HIGGINS

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.  
.....

**12-052115 - Motion to authorize COO to renew flood insurance for various NFPAMA properties**

The COO advised that flood premiums are fixed according to NFIP. The Authority must keep up flood insurance on properties funded by FEMA for three years after the last PW is closed. Practically speaking, that is approximately 5 or more years from now. Flood insurances (11 policies) are reviewed by the Finance Committee prior to renewal as part of the budget process.

Comm. Fierke noted that FEMA mandates the amount and NFIP mandates the rate and the Authority must accept that number. The resolution should include wording that states the amount is mandated. Comm. Fierke offered a motion to amend the resolution to add the wording “as mandated by FEMA”, seconded by Comm. Heaton and unanimously adopted.

Mr. Nelson explained that the term is called “obtain/maintain” and if the Authority does not get the insurance correct the Authority will not receive further FEMA reimbursement. If the Authority does not obtain and maintain proper insurance requirements, FEMA can also take funding previously provided to the Authority.

Comm. Fierke offered a motion to amend the resolution to add the wording “as mandated by FEMA”, seconded by Comm. Heaton and unanimously adopted. Comm. Hugel offered a motion to authorize the COO to renew flood insurance for various NFPAMA properties, seconded by Comm. Heaton and unanimously adopted to wit:

**MOTION:** 12-052115  
**RESOLUTION:** 12-052115  
**BY:** COMMISSIONER HUGEL  
**SECONDED BY:** COMMISSIONER HEATON

May 21, 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**, at its May 1, 2015 meeting, the Insurance Committee reviewed coverages for the District facilities under the Authority’s management and determined that twelve flood insurance policies are procured each year;

**WHEREAS**, the amount of flood insurance is fixed due to FEMA requirements;

**WHEREAS**, the premiums for flood insurance are fixed by NFIP and are not subject to reduction or negotiation;

**WHEREAS**, as part of the budget process, the Authority annually reviews current insurance coverages and premiums and adopts a budget including the various flood insurances as mandated by FEMA;

**WHEREAS**, the Authority selects an insurance agent of record by competitive process to advise and assist the Authority and staff in obtaining proper flood insurance as mandated by FEMA;

**WHEREAS**, the Insurance Committee recommends authorizing the Chief Operating Officer to renew NFIP flood insurance for various NFPAMA properties as mandated by FEMA, subject to prior Finance Committee review, without the necessity of board approval, for the reasons set forth above;

**BE IT HEREBY RESOLVED** that the Authority authorizes the Chief Operating Officer to renew NFIP flood insurance for the various NFPAMA properties as mandated by FEMA, subject to prior Finance Committee review, without the necessity of board approval, for the reasons set forth above.

**BE IT FURTHER HEREBY 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, STACK, SETTOON, EAMES, RICHARD, BRIEN, FIERKE, HUGEL

**NAYS:** NONE

**ABSENT:** SAIZAN, BAUDY, HIGGINS, DEROUEN, CANTRELLE, GREEN

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.



**13-052115 - Motion to authorize leases for Orleans and South Shore Harbor Marinas for a term of one year beginning July 1, 2015 (no increase in rental rates, assess 10% surcharge for major maintenance)**

The COO noted that this is a one year lease. If the Authority does not spend the entire surcharge in the one year period, said surcharge can roll over within that particular marina and be used for major maintenance or capital improvements.

Comm. Settoon clarified that the 10% maintenance surcharge is new for South Shore Harbor Marina. Mr. Dixon has been diligent in spending the surcharge only on major maintenance at Orleans Marina. Chair Ernst added that tenants opposed the original recommendation to increase rent in addition to the 10% surcharge. With the millage coming next year, the rate increase issue will be revisited next year.

Comm. Settoon offered a motion to authorize a one year lease for Orleans and South Shore Harbor Marinas beginning July 1, 2015 with no increase in rental rates and including a 10% surcharge dedicated to major maintenance, seconded by Comm. Heaton. Comm. Hugel abstained, to wit:

**MOTION:** 13-052115  
**RESOLUTION:** 13-052115  
**BY:** COMMISSIONER SETTOON  
**SECONDED BY:** COMMISSIONER HEATON

May 21, 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**, two of the non-flood protection assets managed by the Authority are Orleans and South Shore Harbor Marinas;

**WHEREAS**, both marinas were damaged by Hurricane Katrina in 2005 and were repaired thereafter with the assistance of FEMA funding;

**WHEREAS**, since Hurricane Katrina and the separation of management of the flood and non-flood assets of the District, insufficient funds have been available for capital improvements and major maintenance at the marinas;

**WHEREAS**, leases at both marinas expire June 30, 2015;

**WHEREAS**, the Marina Manager recommended a 10% annual surcharge to provide needed funding for capital improvements and major maintenance at both marinas;

**WHEREAS**, discussion was had at the Marina Committee at its meetings on March 3<sup>rd</sup> and May 12<sup>th</sup>, 2015; at the budget meeting on March 12<sup>th</sup>, 2015 and at the board meeting on March 19<sup>th</sup>, 2015;

**WHEREAS**, after considering the recommendation of the Marina Manager and hearing from tenants, the Marina Committee recommended that leases at both marinas be issued for a term of one year, beginning July 1, 2015, with base rent fixed at the current rate, and further that a 10% annual surcharge be assessed on the base rent for each marina, which surcharge shall only be used for capital improvements and major maintenance at that particular marina, and further that any remaining fees not expended on capital improvements and major maintenance during the term of the lease, shall be carried over to future fiscal years and shall only be used for capital improvements and major maintenance at the marina from which the surcharge was collected;

**BE IT HEREBY RESOLVED**, that the Authority approves one year slip leases beginning July 1, 2015 for a period of one year, no increase in rental rates and assessing a 10% surcharge for major maintenance, for Orleans Marina and South Shore Harbor Marina, as set forth above.

**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.

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

**YEAS:** ERNST, HEATON, CANTRELLE, STACK, BRIEN, FIERKE, SETTOON, EAMES, RICHARD, GREEN

**NAYS:**

**ABSTAIN:** HUGEL

**ABSENT:** BAUDY, SAIZAN, DeROUEN, HIGGINS

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.

**14-052115 - Discussion regarding Senate Bill 282**

Comm. Ernst advised that this bill was proposed by Sen. Morrell to eliminate several Board members (City Park, Dept. of Transportation, Southeast Louisiana Flood

Protection Authority-East and Lake Pontchartrain Basin Foundation representatives). All these positions and members in particular have contributed greatly to this Board and any change in that regard is opposed. I recommend this bill be killed. The bill moved out of committee and passed the senate 37-0, without amendment. The procedure is to request our representatives to do something regarding the bill. If there is concern among this Board that the bill be changed, the issue should be discussed and a recommendation made to the legislators regarding what might be appropriate.

Comm. Cantrelle noted for the record that a letter was sent to Sen. Morrell expressing disappointment and opposition to this decision. She requested Sen. Morrell explain this decision, but she had not received an answer. Comm. Fierke noted for the record that representations were made to Sen. Morrell that the commissioners at issue (Fierke, Higgins and Stack) have not been attending meetings. An audit of the minutes will show these commissioners attended more than the required amount of meetings. Comm. Heaton noted that Sen. Morrell has been very supportive of this Authority. Communication should be made to Sen. Morrell as a proactive step. The session ends June 13, 2015. The bill is out of the senate and will be going to the house. The Orleans delegation has a lunch each Wednesday at the Capital. The lunch would be a good opportunity to discuss the bill with the Orleans legislators. Comm. Heaton requested the COO advised Sen. Morrell's office of the attendance of these committee members as the issue is bogus.

Mr. Metzger advised that this item must be added to the Agenda by unanimous vote. Comm. Fierke moved to amend the Agenda to add an item, seconded by Comm. Settoon and unanimously adopted by a roll call vote.

Comm. Green offered a motion to authorize legal counsel to draft a resolution expressing opposition of Senate Bill 282, seconded by Comm. Hugel and unanimously adopted by a roll call vote:

**MOTION:** 14-052115  
**RESOLUTION:** 14-052115  
**BY:** COMMISSIONER GREEN  
**SECONDED BY:** COMMISSIONER HUGEL

May 21, 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 Southeast Louisiana Flood Protection Authority-East, which includes Orleans Levee District, East Jefferson Levee District and Lake Borgne Levee District.

**WHEREAS**, the Authority was established by the Legislature in Act 2006, 1<sup>st</sup> Ex. Sess. No. 1 Sec. 1, effective January 1, 2007 in response to the mandate of the people of Louisiana that levee districts focus their time, expertise and energies into flood protection activities in response to Hurricanes Katrina and Rita;

**WHEREAS**, the Authority's duties, obligations and membership are defined in La. R.S. 38:330.12 and 38:330.12.1 and which membership includes a range of appointments in order to reflect the diversity of the community, as well as the geographic location of the non-flood assets;

**WHEREAS**, Senate Bill 282, attached and made a part hereof, seeks to remove from the Authority's membership three positions, namely the representatives from Louisiana Department of Transportation (LADOTD), Lake Pontchartrain Basin Foundation (LPBF) and New Orleans City Park;

**WHEREAS**, at its May 21, 2015 board meeting, the Authority's membership reviewed and discussed the bill;

**WHEREAS**, the representatives sought to be removed are valuable to the Authority's statutory mandate, as the physical boundaries of the Authority's properties touch upon City Park and Lake Pontchartrain;

**WHEREAS**, the Authority also manages Lakeshore Drive, and roadways within its properties which adjoin and connect with LADOTD roads and bridges;

**WHEREAS**, the Louisiana Legislature further addressed the role of the LADOTD's role by amending R.S. 36:801.1 (A) and enacting R.S. 36:509 (P) to place the Non-Flood Protection Asset Management Authority within the LADOTD;

**WHEREAS**, the Authority after due consideration and deliberation unanimously voted to forward to the Louisiana Legislature a resolution in opposition to SB 282 Engrossed that proposes to abolish three appointments;

**WHEREAS**, the Authority further recognizes the role and contribution of the current appointees which fulfill the referenced seats as active, participating members whose knowledge and perspective are valuable to the functioning of the Authority;

**WHEREAS**, the LADOTD representative has been an active board member since his appointment January 2012 and has not been absent from any board meeting, further that he has been Chair of the Finance Committee since September 2014, devoting many hours to the Authority during four distressing financial years; further he has been a member of the Airport Committee and currently Vice Chair since March 2014; as well as a member of the Legal Committee and further brings his knowledge and experience with LADOTD to roadway, construction, engineering and contracting;

**WHEREAS**, the City Park representative has been an active board member since August 2014, participating on both the Insurance and Legal committees; further attending committee meetings above and beyond his assigned committees, in furtherance of the welfare of the Authority; further that he is a member of seven other boards and holds leadership positions on five of those boards, and further is a retired contract attorney for the U.S. military; and an active volunteer in the community assisting veterans and young military members returning to civilian service;

**WHEREAS**, the Lake Pontchartrain Basin Foundation representative has been an active board member since November 2014, participating on both the Insurance and Legal committees; further attending other committee meetings in furtherance of the welfare of the Authority; and further is a practicing architect and boater whose experience brings valuable knowledge in managing the two marinas under the Authority's purview;

**BE IT HEREBY RESOLVED** that the Authority resolution in opposition to SB 282 Engrossed that proposes to abolish certain representatives;

**BE IT HEREBY FURTHER RESOLVED** that the Authority recognizes and commends the participation, experience and knowledge of the individual commissioners currently occupying these positions.

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

YEAS: ERNST, HEATON, STACK, CANTRELLE, GREEN, BRIEN, FIERKE, HUGEL,  
SETTOON, EAMES, RICHARD

NAYS: None

ABSENT: DeROUEN, SAIZAN, BAUDY, HIGGINS

This resolution was declared adopted this 21<sup>st</sup> day of May, 2015.

.....

### **NEXT BOARD MEETING**

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, June 18, 2015 at 5:30 p.m.

### **ADJOURNMENT**

Comm. Stack offered a motion to adjourn, seconded by Comm. Settoon and unanimously adopted. The meeting adjourned at 7:00 p.m.