

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY SEPTEMBER 17, 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, September 17, 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 4:46 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. Michael Stack
Comm. Stan Brien
Comm. Eugene Green
Comm. William Settoon
Comm. Anthony Richard
Comm. Roy Arrigo

ABSENT:

Comm. Leila Eames
Comm. Glenn Higgins

STAFF:

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

ALSO PRESENT:

Michael Botnick – Legal Counsel
Steve Nelson – Stuart Consulting
Walter Baudier – DEI
Connie Standige - Neel Schaeffer representative

OPENING COMMENTS

Chair Ernst thanked Board members for arranging their schedule to accommodate an earlier meeting on the regular Board meeting date and advised of many items that must be addressed.

ADOPT AGENDA

Comm. Higgins moved to adopt the Agenda as written, seconded by Comm. Green. Motion passed.

Comm. Fierke moved to amend the Agenda to add an item (request for AG opinion – what constitutes a quorum), seconded by Comm. Settoon. The amendment passed via a unanimous roll call vote.

Vice Chair Heaton advised the Finance Committee previously recommended Item No. 6 (IDIQ Engineer Contract), which recommendation was later rescinded. Comm. Stack requested two motions: (1) rescind the recommendation of the Finance Committee and (2) contract with existing engineering firms (Stuart Consulting, Design Engineering and Richard Lambert) for IDIQ for a 12 month period. This can be handled as a substitute motion under Item No. 6. Comm. Heaton moved to add the item to the Agenda, seconded by Comm. Arrigo. Motion passed by a unanimous roll call vote.

Comm. Fierke moved to adopt the Agenda as amended, seconded by Comm. Settoon. Motion passed by a unanimous roll call vote.

APPROVE MINUTES

Approval of the September 3, 2015 Board meeting minutes deferred.

REPORT BY CHIEF OPERATING OFFICER

The COO waived her report in order to maintain the quorum.

COMMITTEE REPORTS

Airport Committee – Comm. Heaton requested each committee submit Capital Outlay requests, which must be turned in by November 1, 2015. This requires a Board Resolution, which will list projects requested by each committee and approved by the Board.

Marina Committee – Chair Settoon noted that the biggest marina issue is the demolition of boathouses and pre-bid meeting for same.

Commercial Real Estate Committee – Comm. Green addressed the Landing music fest scheduled on September 26th and 27th and thanked the COO, staff and Marina Committee for all their work. The COO advised that the electric vault was painted and the Terminal Building will also be painted with either a mural or a neutral paint color. The majority of the street lights on Stars & Stripes will be repaired by the producer for the Jack Reacher movie. The movie set electrician may also agree to repair the Stars & Stripes parking lot, a small area not included with the lights on Stars & Stripes. Comm. Green commended Comm. Heaton for her efforts with the O.L.D. Police Station and noted that the community is looking forward to demolition of the vacant building.

Recreation/Subdivision Committee – The COO noted staff is currently pricing backflow preventers, which are very expensive. Shelter No. 3 is progressing forward and the cement roof had been placed on the shelter. A Sunday morning garbage pick-up was added for Lakeshore Dr. Comm. Settoon noted an increase in OLDPD and EJLD police patrolling the western end of Lakeshore Dr. on the weekends. Comm. Heaton added that residents along West End are advocating for traffic cameras. The traffic camera issue should be discussed further, as Comm. Heaton advised that she would not be in favor of the traffic cameras if the City is not willing to create an ordinance giving this Authority revenue from any citations issued.

Finance Committee – Chair Stack advised that all Finance issues were previously discussed.

Legal Committee – All Legal Committee matters were addressed at the September 2015 Board meeting. The October Legal Committee will address amendment to the By-Laws, quorum issues and a policy for emergency situations. The recent boathouse situation brought the emergency situation policy issue to the forefront. Smaller issues in the By-Laws must also be updated to comply with the statutes. Comm. Fierke organized assistance from Tulane Law Clinic in drafting ordinances, which will make Lakeshore accessible and safe. Law students will also assist with researching copyright laws, which cost is rather expensive. Graduate students will research those issues and a Tulane graduate and who has an active practice in intellectual property will supervise them on a pro-bono.

PRESENTATIONS

Paul Parrie – WWII Museum, Asst. VP of Operations

Mr. Parrie advised that the National WWII Museum, Commemorative Air Force, Lakefront Airport and Landmark Aviation enjoyed a great relationship at the last Air Expo at Lakefront Airport. Hopes were far exceeded the 11,000 visitors who came to view the aircraft at that Air Expo. The CAF (Commemorative Air Force) doubled attendance at their home expo and is very excited to come back this year. Approximately 800 students attended on the free student day.

Trip Advisor notified that the WWII Museum is the No. 3 museum in the U.S. with only two museums (the Met and Chicago Art Museum) above it in ratings. The United States Freedom Pavilion recently opened and the Campaigns of Courage Pavilion is under construction. The Road to Tokyo (top floor) will open December 2015, and the Road to Berlin opened last December. Aircraft housed in the various pavilions include a NE-109 Messerschmitt, a C-47, and a British Spitfire. Those aircraft (with the exception of the Spitfire) will be displayed at the Air Power Expo. The WWII Museum is an educational institution and will provide distance learning applications at Lakefront Airport with live streaming field trips and educational materials to students all over the country.

Tom Gibbs – WWII Museum, Project Manager

Mr. Gibbs advised that the Expo will be a three day event. The VIP reception will be held October 22, 2015. Aircraft on display will include a B-29, B-25, and B-17. This group will be led by David Oreck (WWII B-29 navigator) arriving from Lafayette on the B-29. Aircraft will be displayed for three hours and patrons and guests can enjoy a reception and cockpit tours of the aircraft. Friday is free student and active military day which begins at 9:00 a.m. A special exhibit (Fighting for the Right to Fight) addresses the African-American experience in WWII and will include the CAF Red Tail Squadron. Students can also participate in a movie shown inside of a trailer (30 students at one time) teaching about the Tuskegee Airmen, their values and what the Airmen did during the War. The trailer simulates a P-51 ride and includes a static P-51 Red Tail Mustang. Additionally, 10-12 aircraft will fly in on Friday and take position on the ramp. Aircraft include the P-51, Douglas SBD Dauntless, F-4 U Core Sarah and other famous aircraft from WWII. The show closes at 5:00 p.m. on Friday, Saturday and Sunday. Safety is important and every possible consideration was made for safety inside of the James Wedell Hangar as for Marina tenants as well. Pre-sales for the tickets indicate people are interested from all over the country. Landmark Aviation, Addie Fanguy, Ben Morris, Cornelia Ullmann and Chanse Watkins have been instrumental in coordinating this event.

NEW BUSINESS

01-091715 - Motion to recognize the contributions of Dawn Wagener, comptroller for the Authority, after 38 years of service to the Orleans Levee District and NFPAMA.

Comm. Heaton advised that Mrs. Wagener will be presented with a certificate and a plaque at the October 29, 2015 Board meeting.

Comm. Fierke moved to approve the resolution recognizing the contributions for Dawn Wagener, seconded by Comm. Heaton. The Resolution passed to wit:

MOTION: 01-091715
RESOLUTION: 01-091715
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER FIERKE

September 17, 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 Asset Management Authority (NFPAMA) wishes to recognize Dawn Wagener for her hard work and distinguished service over the past eight years while serving as its Comptroller and for her 38 years of dedicated public service to the Orleans Levee District;

Whereas, Mrs. Wagener was a key employee spending many long and arduous hours with her fellow employees performing the work required for the recovery of the Orleans Levee District after Hurricane Katrina;

Whereas, Mrs. Wagener's many years with the Orleans Levee District provided her with a wealth of knowledge, organizational familiarity and the financial management expertise required for the success of the newly created NFPAMA;

Whereas, Mrs. Wagener generously contributed her time to work through financial issues with various vendors, FEMA and other federal regulatory bodies;

Whereas, Mrs. Wagener's personal efforts in budgetary and financial matters resulted in excellent budget planning with limited revenues;

Whereas, Mrs. Wagener's experience as an accountant and comptroller, assisted NFPAMA to move forward and strategically plan for the future in spite of many challenges, including lack of revenue.

Therefore Be It Hereby Resolved, that the Non-Flood Protection Asset Management Authority expresses its sincerest appreciation to Dawn Wagener for her commitment, dedication and perseverance while Comptroller for the NFPAMA and for her 38 years of distinguished public service, and congratulates and offers Mrs. Wagener its best wishes on her retirement.

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

YEAS: Ernst, Heaton, Fierke, Green, Settoon, Brien, Stack, Arrigo, Richard

NAYS:

ABSENT: Higgins, Eames

This resolution was declared adopted this 17th day of September, 2015.

02-091715 - Motion to authorize the COO to issue a Request for Qualifications for engineering services for pile rehabilitation, rebuilding/repair, removal and/or demolition of certain boathouses. (Marina Committee recommends)

The COO advised that this motion is not Boathouse W-19 and W-20, but for other boathouses in need of repair. This is not an emergency contract, but an opportunity for any engineering firm.

Comm. Fierke moved to authorize the COO to issue a Request for Qualifications for engineering services for pile rehabilitation, rebuilding/repair, removal and/or demolition of certain boathouses, seconded by Comm. Settoon. The Resolution was adopted to wit:

MOTION: 02-091715
RESOLUTION: 02-091715
BY: COMMISSIONERS SETTOON and GREEN
SECONDED BY: COMMISSIONER FIERKE

September 17, 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, Orleans Marina and boathouses along South and West Roadway are assets of the District that is under its management, providing necessary revenue for the Authority's statutory obligations;

Whereas, at the September 1, 2015 joint meeting of the Commercial Real Estate and Marina Committee it was unanimously approved to issue a Request for Qualifications to provide engineering services for pile rehabilitation, removal or replacement; rebuilding/repair, removal and/or demolition of certain boathouses;

Whereas, the Authority feels it is in the best interest of the Orleans Levee District and the Authority to issue such a Request for Qualifications;

Be It Resolved that the Chairman or Chief Operating Officer be and is hereby authorized to issue a Request for Qualifications to provide engineering services for pile rehabilitation, rebuilding/repair, removal and/or demolition of certain boathouses, and

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, Green, Settoon, Brien, Stack, Arrigo, Richard

NAYS:

ABSENT: Higgins, Eames

This resolution was declared adopted this 17th day of September, 2015.

03-091715 - Motion to authorize Chief Operating Officer to accept the lowest, responsive and responsible bidder for the demolition of boathouses W-19 and W-20, after consultation with the Legal Chair.

The COO advised that these are emergency repairs and must comply with the Public Bid statutes. Many contractors attended the pre-bid meeting. DEI advised the proposed contractors of the work to be completed. The Authority must obtain two sets of permits: a demolition permit (City) and notice must be given to the DEQ who has 10 days to approve demolition. DEQ has the right to inspect for asbestos which could cause delays. The bid was advertised on Sept. 13th and 14th and responses are due September 23, 2015. Out of a concern for safety, various boathouse owners were contacted regarding the demolition process.

Walter Baudier, DEI, advised that no asbestos was found, but there may be issues with creosotes in the piles already in place, removal and/or cutting the piles and booming the area. Pictures will be taken of existing boats and precautions will be taken when booming the area and removing the piles to prevent damage to those boats. The piles will be cut at the mud line, which is acceptable at this location. Mr. Dixon will notify all tenants at that end of the Marina as some boats may have to be moved to allow barges access to the location.

Comm. Settoon moved to authorize the COO to accept the lowest, responsive and responsible bidder for the demolition of boathouses W-19 and W-20, after consultation with the Legal Chair, seconded by Comm. Fierke. The Resolution was adopted to wit:

MOTION: 03-091715
RESOLUTION: 03-091715
BY: COMMISSIONER SETTOON
SECONDED BY: COMMISSIONER FIERKE

September 17, 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, including Orleans Marina and boathouses along South and West Roadway;

Whereas, Pursuant to La. R.S. 38:2212(P), the Authority issued a Declaration of Emergency on Thursday September 3, 2015 for boathouses W-19 and W-20 on the outer edge of Orleans Marina, 221 Lake Marina Ave., New Orleans, LA 70124, after certification of emergency by a licensed Louisiana engineer justifying said Declaration and immediate demolition of the two boathouses is required. Said declaration is attached hereto and incorporated by reference;

Whereas, a Request for Bids for demolition of boathouses W-19 and W-20 was made available and advertised on Sunday, September 14, 2015 in the official journal for the Authority, as well as in the Journal of Daily Commerce on Monday, September 15, 2015;

Whereas, a mandatory pre-bid meeting was scheduled for Thursday, September 17, 2015 and the deadline for submission of bids is Wednesday, September 23, 2015;

Whereas, boathouses W-19 and W-20 on the outer edge of Orleans Marina, 221 Lake Marina Ave., New Orleans, LA 70124 are a safety issue and require immediate demolition; and

Whereas, it is in the best interest of the Authority to authorize the Chief Operating Officer to accept the lowest, responsive and responsible bidder for the demolition of boathouses W-19 and W-20, after consultation with Legal Chair for the Authority, as appropriate; and,

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

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

YEAS: Ernst, Heaton, Fierke, Green, Settoon, Brien, Stack, Arrigo, Richard

NAYS:

ABSENT: Higgins, Eames

This resolution was declared adopted this 17th day of September, 2015.

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04-091715 - Motion to approve Capital Improvement Plan for Lakefront Airport for 2015-2020.

Comm. Heaton advised that this motion is required for the Authority to obtain funding for Capital Improvement through LaDOTD and/or the FAA. This is separate from the Capital Outlay requests.

Ben Morris, Airport Director, advised that requests include the Pre-Fab Lighting Vault (cost increased from \$600,000 to \$1 million – funded), design/ repair uneven surface (entitlement funds from federal gov.), seal coat and paint 9-27 (state funds), and survey the runway, which is approximately 6,800 feet long. GIS software and hardware was recently purchased and installed at Orleans Levee District and perhaps this Authority could join in on that contract. Requests for 2017 include main safety concerns such as repairs to runways and drainage, repair and berm design. The berm may be eliminated if FEMA agrees to erect a flood wall. Most requests involve State, DOTD Aviation or FAA funds.

Comm. Heaton moved to approve Capital Improvement Plan for Lakefront Airport for 2015-2020, seconded by Comm. Arrigo. The Resolution was adopted to wit:

MOTION: 04-091715
RESOLUTION: 04-091715
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER ARRIGO

September 17, 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, New Orleans Lakefront Airport is one of the non-flood assets of the District under the management and control of the Authority;

Whereas, Title 2 of the Louisiana Revised Statutes of 1950 provides that cities, towns, parishes, and other political subdivisions of this State may separately or jointly acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police airports and landing fields for the use of aircraft; and,

Whereas, the State of Louisiana, Department of Transportation and Development, Division of Aviation (formerly the LA DOTD-OAPT) is charged by Title 2 with the responsibility for the development of aviation facilities within the State to foster air commerce and to safeguard the interests of those engaged in all phases of the aviation industry and of the general public; and,

Whereas, the Non-Flood Protection Asset Management Authority, hereinafter referred to as "Sponsor", has completed an FAA and DOTD approved Master Plan, Action Plan, and/or Airport Layout Plan which outlines the specific future development of New Orleans Lakefront Airport; and, the Sponsor is desirous of implementing a portion of the approved Plan recommendations which provide for the critically needed improvements as stated below to substantially improve the safety and usability of the Airport, but does not have sufficient funds of its own required for completing the needed improvements; and,

Whereas, the LA DOTD, Division of Aviation is authorized by Title 2 to expend funds for the construction or enlargement of airports for the safety and advancement of aeronautics;

Now, Therefore, Be It Resolved:

SECTION I

That the Sponsor does hereby formally request that the LA DOTD, Division of Aviation provide funds required to complete the airport improvements at New Orleans Lakefront Airport specifically as described in the Capital Improvement Program Application for State Financial Assistance dated September 17, 2015.

SECTION II

That the said LA DOTD, Division of Aviation be and is hereby assured that all necessary servitudes, rights-of-way, rights of ingress and egress and means thereof will be furnished by the Sponsor and the titles thereto will be valid and indefeasible, and that the Sponsor will assume ownership, financial reporting, and complete responsibility for the maintenance and upkeep of the airport after completion of said improvement.

SECTION III

That the Sponsor will save and hold the said LA DOTD, Division of Aviation, its officers, agents, and employees harmless from any liability or claim for damages arising out of the project, including death or injuries to third parties including, but not limited to, liability or claim for damages out of the negligence of said LA DOTD, Division of Aviation, its officers, agents, or employees, and expressly agrees to defend any suit of any nature brought against the LA DOTD, Division of Aviation as a result of this project.

SECTION IV

That the Chief Operating Officer or the Chair of the Sponsor be and is hereby authorized and directed to evidence this agreement by affixing his signature at the place provided therefore on this resolution and on subsequent related documents/agreements as required by the rules and regulations of the Federal Aviation Administration and the State of Louisiana and the Clerk is hereby authorized to attest said execution.

SECTION V

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

The Non-Flood Protection Asset Management Authority Board as managing entity for the Orleans Levee District, New Orleans Lakefront Airport, for the Sponsor in the Parish of Orleans met in regular session on this date. The aforesaid resolution was offered by Commissioner Wilma Heaton and seconded by Commissioner Roy Arrigo. The aforesaid resolution, having been submitted to a vote, the vote thereon was as follows:

YEAS: Ernst, Heaton, Fierke, Green, Settoon, Brien, Stack, Arrigo, Richard

NAYS: None

ABSENT: Higgins, Eames

This resolution was declared adopted this 17th day of September, 2015.

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05-091715 - Motion to accept the lowest bidder for U.S. Customs Build-out.

Comm. Heaton advised that the project, originally estimated at \$2 million, was reduced to approximately \$400,000. Bids were received, and the low bidder was \$457,000 - \$57,000 over the anticipated costs. Customs requires a contingency of 5% (\$22,800), furniture (\$20,000), and data/communications equipment (\$78,000). The total for Customs with the build out is approximately \$620,768.50. An additional \$220,000 is needed, which could come from the BP money. The alternate project amount for the build-out was budgeted at \$400,000. The build-out does require Board action to accept. The COO advised that \$212,000 was saved on flood and property insurance, primarily at the Airport. While the \$200,000 is not budgeted for Customs, the money is in the budget. Comm. Settoon noted that the Customs expense will ultimately generate more revenue for Lakefront Airport.

Comm. Heaton moved to accept the lowest bidder for U.S. Customs Build-out, seconded by Comm. Fierke. The Resolution was adopted to wit:

MOTION: 05-091715
RESOLUTION: 05-091715
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER SETTOON

September 17, 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 Authority completed extensive repairs and renovations of the Terminal in the past year and the Architect and Engineer of Record for the Terminal project was RCL Architecture L.L.C.;

Whereas, through diligent efforts over many months, the Airport Committee has successfully obtained the agreement of U.S. Customs and Border Patrol to return to New Orleans Lakefront Airport, which would enhance the Airport facility by incentivizing national and international travelers to utilize the Airport, thereby increasing revenues for both the Airport and its FBO's;

Whereas, through continued efforts, the Airport and Finance Committees, the Board and staff have secured funding to allow for the immediate build out of the Customs facilities, which must be provided as a turn-key operation; which funding was not expected as quickly as it was obtained;

Whereas, U.S. Customs and Border Patrol requires the Authority provide tenant build out for the space to be leased by U.S. Customs and Border Patrol;

Whereas, bids to complete the U.S. Customs and Border Patrol tenant build out were solicited, and two bids were received to build out the tenant space of U.S. Customs and Border Patrol: Tuna Construction LLC in the amount of \$457,000.00 and UATC and Associates in the amount of \$459,350.00;

Whereas, the bid submitted by Tuna Construction, LLC was the lowest responsible bid for this work;

Whereas, staff recommends acceptance of the bid from Tuna Construction, LLC as set forth above; and,

Whereas, the Authority believes that it is in the best interest of the District and the Airport to accept the bid and authorize a contract with Tuna Construction, LLC 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 Tuna Construction, LLC to furnish labor and materials to build out the tenant space for U.S. Customs and Border Patrol for the total price of \$457,000.00, 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 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, Green, Settoon, Brien, Stack, Arrigo, Richard

NAYS:

ABSENT: Higgins, Eames

This resolution was declared adopted this 17th day of September, 2015.

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06-091715 - Motion to approve an IDIQ engineering contract per Finance Committee recommendation

Comm. Heaton requested a substitute motion to withdraw Finance Committee's recommendation. Comm. Green advised the Authority currently has engineers on contract, and advertising another RFQ is not needed. Comm. Stack advised that RFQs would be issued for any major projects. The motion is to rescind the recommendation of the Finance Committee that it be awarded to the firms listed and cancel the RFQ. Comm. Stack moved to withdraw Finance Committee's recommendation and cancel the RFQ, seconded by Comm. Heaton.

Comm. Heaton advised that the Authority currently has three qualified engineering firms contracted for day-to-day engineering needs. Those firms can be contacted to obtain proposals when staff requires an IDIQ project under \$50,000 as RFQ's are not required for small jobs. The Authority will continue to advertize RFQ's for major jobs. There are currently no engineering firms under contract for IDIQ engineering needs.

Comm. Heaton moved to contract with the current engineering firms for IDIQ (Stuart Consulting, Design Engineering and Richard Lambert Engineering) for a period of one year, seconded by Comm. Fierke. The Resolution was adopted to wit:

MOTION: 06-091715
RESOLUTION: 06-091715
BY: COMMISSIONER FIERKE
SECONDED BY: COMMISSIONER SETTOON

September 17, 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 Asset Management Authority has a need for professional engineering services, does not have an engineering department or a professional engineer on staff;

Whereas, the Authority manages two marinas, New Orleans Lakefront Airport, a fifteen unit office building, 5.2 miles of Lakeshore Drive, four recreational shelters, and approximately 430 acres of open space and public parks;

Whereas, the need for professional engineering services frequently arises;

Whereas, Design Engineering, Inc., Stuart Consulting Group and Richard C. Lambert are currently providing engineering services to the Authority, and have the necessary expertise and licensure to perform said services; and

Whereas, Design Engineering, Inc., Stuart Consulting Group, and Richard C. Lambert Consultants, LLC have presented in conformance to DOTD, allowable billable rates for engineering services;

BE IT RESOLVED, that the Authority authorizes the Chairman or Chief Operating Officer to execute an agreement with Design Engineering, Inc., Stuart Consulting Group and Richard C. Lambert Consultants, LLC for professional engineering services on an "as needed" basis for a one year period ending June 30, 2016;

BE IT FURTHER RESOLVED that the Chairman or Chief Operating Officer 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, Green, Settoon, Brien, Stack, Arrigo, Higgins

NAYS:

ABSENT: Richard, Eames

This resolution was declared adopted this 17th day of September, 2015.

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07-091715 - Motion to approve amendment to Robichaux Law Firm lease for four (4) additional (3) year options.

Comm. Heaton advised that Mr. Robichaux invested almost \$100,000 in his office space and has requested a longer term lease. The rent is fixed for the current term, but Mr. Robichaux still is required to pay the CPI adjustments and pass through for utilities and insurance. Comm. Fierke noted that the motion extends Mr. Robichaux's lease until 2034; which is a very long time for premium space in the Terminal Building.

Comm. Heaton advised that Mr. Robichaux was the first tenant in the Terminal Building who always wanted a longer term lease. Mr. Robichaux stuck with the Authority and she supports a long-term lease because without Mr. Robichaux believing in that space and making that investment the Authority would not be where it is today. Mr. Robichaux brought value to the Terminal Building by moving a professional law firm into the building and investing almost \$100,000 on about 600 square feet of office space. Those unique factors are the reasons for this recommendation.

Comm. Heaton moved to approve amendment to Robichaux Law Firm lease for four (4) additional (3) year options, second by Comm. Richard, objection by Comm. Fierke, the motion passed. The Resolution was adopted to wit:

MOTION: 07-091715
RESOLUTION: 07-091715
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER RICHARD

September 17, 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, on October 3, 2013, the Authority entered into a lease with the Robichaux Law Firm LLC for Room 230 in the Airport Terminal building, with a primary term of three years commencing on November 1, 2013 and ending on October 31, 2016, with two (2) three (3) year options to renew, for a maximum term of nine (9) years if all options to renew were exercised;

Whereas, the lease was amended on November 5, 2013 adding an additional 65 square feet, with all other terms and conditions of the Lease remaining the same;

Whereas, Robichaux Law Firm L.L.C. has proposed a second amendment to the Lease to allow for an additional four (4) three (3) year options, with all other terms and conditions of the lease as amended on November 5, 2013 remaining the same and in full force and effect; resulting in a total additional term of twelve (12) years above and beyond the existing amended lease. If all options to renew are exercised, the Lease expiration date will be October 31, 2034;

Whereas, the Authority after considering the terms of the existing lease as amended, and the proposed amendment, with the recommendations of staff and Real Estate Consultant of the Authority believes that it is in the best interest of the Airport and the Orleans Levee District to approve the proposed second amendment to the Lease to add the additional four (4) three (3) year options, with Robichaux Law Firm, L.L.C., under the terms and conditions set forth above.

Be it hereby resolved, that the Authority grants lessee, Robichaux Law Firm four (4) additional (3) three year options, if all options to renew are exercised, the Lease expiration date will be October 31, 2034.

Be it 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, Green, Settoon, Brien, Stack, Arrigo, Richard

NAYS: Fierke

ABSENT: Higgins, Eames

This resolution was declared adopted this 17th day of September, 2015.

07-091715 - Motion to authorize the Chief Operating Officer to request an opinion from the Attorney General of the State of Louisiana on the legal issue of the proper constitution of a quorum for the Non-Flood Protection Asset Management Authority

Chair Ernst advised that this motion requests clarification as to whether a quorum is based on the total potential appointment membership (16) or the current members (11). The Attorney General will address this issue and render an opinion.

Comm. Fierke moved to authorize the Chief Operating Officer to request an opinion from the Attorney General of the State of Louisiana on the legal issue of the proper constitution of a quorum for the Non-Flood Protection Asset Management Authority, seconded by Comm. Settoon. Resolution passed to wit:

MOTION: 08-091715
RESOLUTION: 08-091715
BY: COMMISSIONER FIERKE
SECONDED BY: COMMISSIONER SETTOON

September 17, 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, all board and committee meetings are held in conformity with the Louisiana Open Meetings Law, La. R.S. Title 42, Section 11;

Whereas, the question has arisen regarding what constitutes a proper quorum pursuant to the language in La. R.S. 38:330.12.1;

Whereas, the Authority desires to request a formal opinion from the Louisiana Attorney General on this issue of law;

BE IT HEREBY RESOLVED, that the Authority hereby authorizes the Chief Operating Officer to request an opinion from the Attorney General of the State of Louisiana on the legal issue of the proper constitution of a quorum for the Non-Flood Protection Asset Management Authority;

BE IT HEREBY FURTHER RESOLVED, that the Chairman or Chief Operating Officer be and is hereby authorized to sign the 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, Green, Settoon, Brien, Stack, Arrigo, Richard

NAYS:

ABSENT: Higgins, Eames

This resolution was declared adopted this 17th day of September, 2015.

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Comm. Heaton advised that a resolution was previously passed by this Authority, giving the Flood Authority control of the O.L.D. Police Station on Elysian Fields. The Flood Authority budgeted \$2 million for the Police Station and was successful in receiving a \$1 million line of credit from the State Bond Commission. A Cooperative Endeavor Agreement will be prepared and the Flood Authority will start demolition as soon as legally possible.

NEXT BOARD MEETING

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, October 15, 2015 at 5:30 p.m.

ADJOURNMENT

Comm. Arrigo offered a motion to adjourn, seconded by Comm. Brien, motion passed. The meeting adjourned at 5:46 p.m.