

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY JANUARY 15, 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, January 15, 2015 at 5:30 p.m., in the Lake Vista Community Center, 2nd Floor, 6500 Spanish Fort Blvd., New Orleans, La. after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Chairman Ernst called the meeting to order at 5:44 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. Darrel Saizan
Comm. Patrick DeRouen
Comm. Pearl Cantrelle
Comm. Eugene Green
Comm. Thomas Fierke
Comm. Dieter Hugel
Comm. William Settoon
Comm. Leila Eames
Comm. Glenn Higgins
Comm. Anthony Richard

ABSENT:

Secretary Romona Baudy
Comm. Stan Brien

STAFF:

Cornelia Ullmann – Chief Operating Officer
Sharon Martiny – Administrative Assistant
Fred Pruitt – Acting Airport Director
Chuck Dixon – Marina Director

ALSO PRESENT:

Gerard Metzger - Legal Counsel
Al Pappalardo - Real Estate Consultant
Brent Russell - Hawthorne
Walter Baudier - DEI
Jim Martin - DEI
Alton Davis - Richard C. Lambert
Chris Fenner – Stuart Consulting
Taylor Casey – Municipal Yacht Harbor
Roland van Kurnatowski – Tipitina's Foundation
Richard Speer – URS

OPENING COMMENTS

Chairman Ernst noted that the January Board meeting falls the week after Committee meetings due to the New Year's holiday. This will occur again in October. It is necessary to have the one week gap between Committee and Board meetings to give Board members and staff time to iron out details by the next Board meetings if any issues should arise. Rescheduling the October Board meeting will be discussed at the September meeting.

ADOPT AGENDA

Comm. Hugel offered a motion to adopt the Agenda, seconded by Comm. Green and unanimously adopted.

APPROVE MINUTES

Comm. Cantrelle offered a motion to approve the minutes of the December 15, 2014 Board meeting, seconded by Comm. Hugel and unanimously adopted.

REPORT BY CHIEF OPERATING OFFICER

The COO reported that movie shoots generated an additional \$5,700 in revenue. Lake Vista Crime Prevention District held a meeting with the City on Tuesday, Jan. 13. The RFPs and RFQs for professional services will be advertised on Tuesday. The contract for Shelter No. 3 will be signed on Monday. The Authority continues to stay on budget and budget preparations for the 2015-2016 budget are underway. The budget will be reviewed at the end of the March 5, 2015 Finance Committee meeting, and all Board members are invited to attend that Finance Committee meeting.

Generally, lights with metal poles along Lakeshore Drive are the Non-Flood Authority's responsibility, and the majority of those lights are working. Heavy trucks traveling along Lakeshore Drive create vibrations which damage those lights or shorten the life of bulbs or ballasts. Comm. Heaton noted that lighting along Lakeshore Drive as it is a safety issue.

COMMITTEE REPORTS

Airport Committee – (Comm. Heaton) The Airport Committee will soon make application for approximately \$70 million in hazard mitigation money. Sen. Vitter has scheduled a tour of the Airport, and there is other congressional support. Comm. Heaton requested a suspension of the rules to amend the Agenda to add a motion for approval to execute the application for hazard mitigation funding. The motion authorizes the Chairman or COO to execute the 406 Hazard Mitigation application documents for 100% funding for flood protection at New Orleans Lakefront Airport. Application cannot be made until the Resolution is secured.

The Authority advertised an RFQ to restore the 1930's murals that hang in Lakefront Airport as FEMA would not agree to restore the art. A 501c3 organization volunteered to organize a function to raise the money to restore the murals. The event is scheduled for Feb. 9, 2015 and the invitation describes the murals, painted by world renowned artist Javier Gonzales, in their current state and invites attendees to help restore the murals to their original fidelity. The money raised will go to art preservationist Elise Grenier, whom the Board selected to restore the murals. The fee for materials and an assistant for Ms. Grenier for the seven murals is \$75,000. For an additional \$6,000 the eighth mural can be recreated.

Alton Davis, RCL, noted that Elise Grenier is an art conservator who submitted a very reasonable proposal to restore the murals, which were hidden behind a wall in the Terminal Building. Ms. Grenier advised how to encase the murals and protect them in air condition/humidity controlled boxes during the construction process. She was very instrumental in protecting the murals at no expense and the Authority is appreciative of her input.

There have been many complaints about the PAPI lights at Lakefront Airport and FBOs are alleging loss of business over the issue. An e-mail from Landmark advises of frustration over losing business and safety issues regarding the PAPI lights. The Authority will be very aggressive and reach out to the state and the federal government as this is not acceptable and it could literally shut Lakefront Airport down. The PAPI lights are owned by the FAA.

Marina Committee – (Comm. Settoon) There was a Joint Marina/Commercial Real Estate Committee meeting consisting of a presentation from Studio Network-Lakefront LLC regarding a three day music event in September 2015, as well as the long-term development near South Shore Harbor Marina by the same developer. Stuart Consulting Group was authorized to provide engineering services for an issue with a separation in the bulkhead near Orleans Marina.

Commercial Real Estate Committee – (Comm. Green) The joint CRE/Marina Committee meeting addressed the potential agreement regarding the redevelopment of the area near South Shore Harbor Marina. The Committee also voted to allow the Municipal Yacht Harbor Board to meet at the Community Center during renovations to their building. Lake Vista Community Center repairs could be expensive due to a floating slab. Structural problems at Lake Vista Community Center must be addressed by a structural engineer and architect so repairs are done correctly. The COO advised

the Board that Fairview Realty is in default as the three boathouses have not been rebuilt as stated in the lease.

Recreation/Subdivision Committee – (Comm. Ernst) The University of New Orleans (UNO) has inquired into a traffic study to determine if a left turn can be made when exiting the University onto Lakeshore Dr. and also making a left to enter UNO from Lakeshore Dr. UNO was advised that the committee did not have an objection to UNO performing a traffic study. Jim Martin of DEI thought that a traffic study was necessary given the current configuration.

Legal Committee – Comm. DeRouen advised of a long and extensive meeting. Most of the meeting was spent in Executive Session with litigation related to renovation at the Airport. The second topic discussed in Executive Session related to a claim for payment by one of the Consultants. The Legal Committee is working through both of those claims and hopes to have more information to report at the next meeting. There were some other topics discussed that are on today's Agenda.

Finance Committee – (Comm. Stack) The Authority is doing well and it is hopeful that the Authority will end this budget year with a surplus. The 2015-2016 proposed budget is due in Baton Rouge by April 1. Preparations are underway and the Finance Committee will discuss the budget in detail on March 5, 2015 as the last item on its agenda. All Board members are welcome to attend and provide input.

NEW BUSINESS

01-011515 - Status regarding 2015 music event with developer, Studio Network-Lakefront, LLC, at the South Shore Harbor Marina Terminal Site at South Shore Harbor Marina

Mr. Dixon advised that tenants were excited about the potential development and proposed music fest near South Shore Harbor Marina. The redevelopment will bring the Marina back to life and make it a destination bringing people in from Florida and Texas.

Roland Von Kurnatowski of the Tipitina's Foundation, gave a presentation regarding the event and made available a site plan showing traffic flow, where tents and the stage would be. Music is to be directed out over the water. He advised that the event would establish a "New Orleans style" music fest at the lakefront site highlighting local groups such as Galactic, Better Than Ezra, Trombone Shorty and Dr. John. It is hoped that the music fest will attract approximately 3,000-4,000 people per day. Tipitina's has experience with issues such as sound, traffic, clean-up and security. There will be ample parking both at the site as well as overflow parking. Fences and security will ensure pedestrians do not walk across the levee. Comm. Cantrelle reiterated concern about traffic and security in the nearby neighborhoods, as well as the live aboard tenants at SSH.

The COO advised that the producer would require the site two weeks in advance of the event to set up. The event itself is the smallest part. Mr. von Kurnatowski requested a signed document by the end of the January. Comm. Heaton suggested suspension of the rules to add this item to the Agenda. Staff could execute the documents after approval from the Legal Committee Chair and Legal Counsel.

02-011515 - Motion and approval to allow Municipal Yacht Harbor Management Corporation (MYHMC) to use the 2nd floor Lake Vista Community Center for monthly Board meetings. (Commercial Real Estate recommends approval)

Taylor Casey (MYHMC) advised that MYHMC is a public benefit corporation of the City of New Orleans. Mr. Metzger advised that the Authority must enter into a Cooperative Endeavor Agreement, which would be reviewed by legal counsel.

Comm. Green offered a motion to allow Municipal Yacht Harbor Management Corporation (MYHMC) to use the 2nd floor Lake Vista Community Center for monthly Board meetings, seconded by Comm. Hugel and unanimously adopted to wit:

MOTION: 02-011515
RESOLUTION: 02-011515
BY: COMM. GREEN
SECONDED: COMM. HUGEL

January 15, 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 Lake Vista Community Center located on Spanish Fort Boulevard in New Orleans is one of the non-flood protection assets owned by the District under the management and control of the Management Authority;

WHEREAS, the New Orleans Municipal Yacht Harbor Management Corporation, a public corporation of the city of New Orleans, has held its Board meetings at First Baptist Church on Canal Blvd. for several years;

WHEREAS, First Baptist Church has advised New Orleans Municipal Yacht Harbor Management Corporation that the meeting space will be restricted for use due to additional requests from Church sponsored organizations to hold meetings;

WHEREAS, New Orleans Municipal Yacht Harbor Management Corporation desires to use the Upper Hall of the Lake Vista Community Center for monthly Board meetings for a period of approximately one year until their replacement office and board facilities are built out;

WHEREAS, a Memorandum of Understanding between the New Orleans Municipal Yacht Harbor Management Corporation and the Management Authority will be prepared for the purpose of holding monthly Board meetings in the Upper Hall of the Lake Vista Community Center;

WHEREAS, under the Memorandum of Understanding, the New Orleans Municipal Yacht Harbor Management Corporation shall be responsible at its expense to provide all equipment, services and supplies necessary to hold its meetings;

WHEREAS, pursuant to the Memorandum of Understanding, the Management Authority shall have the following responsibilities: make the Upper Room available on the specified dates, rent free, for New Orleans Municipal Yacht Harbor Management Corporation Board meetings; and keep the air conditioning or heat on at the Site for the specified meetings dates;

WHEREAS, the term of the Memorandum of Understanding shall be one year or until terminated by one of the parties and termination shall be effective upon the passage of 30 days after receipt of written notice of termination;

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves executing a Memorandum of Understanding with the New Orleans Municipal Yacht Harbor Management Corporation for the purpose of holding its monthly Board meetings in the Upper Hall of the Lake Vista Community Center located on Spanish Fort Boulevard located in the City of New Orleans, State of Louisiana for a period of one year, which times will be coordinated with Authority administration.

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.

YEAS: ERNST, HEATON, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN, FIERKE, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: BAUDY, BRIEN

RESOLUTION ADOPTED: YES

03-011515 - Motion and approval authorizing Stuart Consulting Group, Inc. to provide engineering services under an IDIQ contract to develop repair costs of North Wall sheet piling at Orleans Marina

COO advised that this issue would be deferred.

04-011515 - Discussion of a Request by West End Resources, Inc. for approval of a Landlord's Estoppel Certificate and Landlord's Release and Consent agreement with Mississippi River Bank in connection with a proposed leasehold mortgage by West End Resources, Inc.

Mr. Metzger advised that this issue comes with full recommendation from the Legal Committee. There is nothing that will be detrimental to the Authority's position as lessor of this property. Comm. DeRouen advised that this lease is consistent with every other commercial lease.

Comm. DeRouen offered a motion for approval of a Landlord's Estoppel Certificate and Landlord's Release and Consent agreement with Mississippi River Bank in connection with a proposed leasehold mortgage by West End Resources, Inc., seconded by Comm. Settoon and unanimously adopted to wit:

MOTION: 04-011515

RESOLUTION: 04-011515

BY: COMM. DeROUEN

SECONDED BY: COMM. SETTOON

January 15, 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 ("Management Authority"), and the successor of the Division of Administration of the State of Louisiana, which was the governing authority of said assets between January 1, 2007 and August 15, 2010;

WHEREAS, West End Resources, Inc. ("West End Resources") entered into a written lease agreement with the Orleans Levee District ("District"), which was then under the management of the Division of Administration, dated on July 10, 2009, for a primary term of five (5) years with the right to five 5-year renewal options for a maximum term of 30 years, for the purpose of operating a commercial yacht and marine service business (the "lease");

WHEREAS, West End Resources and its affiliate M. G. Mayer Yacht Services, Inc. ("Mayer Yacht Services") have applied for financing with the Mississippi River Bank, Belle Chasse, Louisiana (the "Bank"), which financing will in part be secured by a leasehold mortgage on the lease;

WHEREAS, West End Resources and its affiliate M. G. Mayer Yacht Services, Inc. have requested that the Management Authority approve execution of a Landlord's Estoppel Certificate in favor of West End Resources, certifying that the lease is in full force and effect, there are no defaults by the Lessee, that the lease has not been modified or amended and constitutes the entire agreement between the parties with respect to the lease of the property, that no deposits or prepayments of rent have been made, that the Lessor will give notice of any default to the Bank and afford the Bank a thirty (30) day period to cure any such default, a copy of this Estoppel Certificate, which is attached to this Resolution;

WHEREAS, in connection with the leasehold financing, West End Resources and its affiliate, Mayer Yacht Services, have requested that the Management Authority also approve execution of a Landlord's Release and Consent Agreement, certifying to the matters set forth in the Estoppel Certificate, consenting to the conditional assignment of the lease to the Bank as partial security for the loan, agreeing to consent to the reassignment of the lease upon a borrower default, which will not be unreasonably withheld or delayed but always subject to the terms of the lease, agreeing to provide notice to the Bank and affording the Bank a 30 day period to cure any such default, disclaiming and subordinating the landlord's lien in the collateral, granting West End Resources the right to sublease a portion of the leased premises bearing municipal address 406 S. Roadway, New Orleans to M. G. Mayer Yacht Services, Inc., and other terms and conditions set forth in the Release and Consent, a copy of which is attached to this Resolution;

WHEREAS, the Legal Committee of the Management Authority considered the request of West End Resources and Mayer Yacht Services at its meeting held on January 8, 2015 and voted to recommend to the Management Authority approval of the Landlord's Estoppel Certificate and Landlord's Release and Consent Agreement, conditioned upon reimbursement of legal expenses incurred by the Management Authority in connection with this matter;

WHEREAS, after considering the request of West End Resources and Mayer Yacht Services for approval of the Landlord's Estoppel Certificate and Landlord's Release and Consent Agreement, and the recommendation of the Legal Committee, the Management Authority concluded that it was in the best interest of the Orleans Levee District to approve the Landlord's Estoppel Certificate and Landlord's Release and Consent Agreement requested by West End Resources and Mayer Yacht Services, conditioned upon reimbursement of legal expenses incurred by the Management Authority in connection with this matter.

THEREFORE BE IT HEREBY RESOLVED, that the Management Authority approves the Landlord's Estoppel Certificate and Landlord's Release and Consent Agreement requested by West End Resources and Mayer Yacht Services in favor of Mississippi River Bank, copies of which are attached to this Resolution, conditioned upon reimbursement of legal expenses incurred by the Management Authority in connection with this matter; and,

BE IT HEREBY FURTHER RESOLVED, that the Chairman or Chief Operating Officer be and is hereby authorized to sign the Landlord's Estoppel Certificate and Landlord's Release and Consent Agreement, copies of which are attached to this Resolution, and any and all other documents necessary to carry out the above.

YEAS: ERNST, HEATON, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN, FIERKE, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: BAUDY, BRIEN

RESOLUTION ADOPTED: YES

05-011515 - Motion for approval of an RFP for a structural engineer/architect familiar with floating slabs for Lake Vista Community Center repairs

NFPAMA and SLFPA-E agreed to make available \$350,000 for repairs to the Lake Vista Community Center. A definitive plan will be prepared after the structural engineer and architect reviews the floating slab.

Comm. Green offered a motion to approve an RFP for a structural engineer/architect familiar with floating slabs for Lake Vista Community Center repairs, seconded by Comm. Stack and unanimously adopted to wit:

MOTION: 05-011515

RESOLUTION: 05-011515

BY: COMM. GREEN

SECONDED BY: COMM. STACK

January 15, 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 Lake Vista Community Center (“Community Center”) is one of the non-flood assets of the Orleans Levee District under the management and control of the Management Authority and was constructed over 30 years ago;

WHEREAS, through the diligent efforts of board members and staff to further enhance the revenues of the non-flood assets under the management of the Authority, the advancement of additional funds has become available to make needed improvements and repairs to the Community Center,

WHEREAS, subsidence has been noted at the Community Center and the Community Center is supported by a floating slab,

WHEREAS, at the January 2015 joint meeting of the Commercial Real Estate and Marina Committees it was unanimously approved by the Commercial Real Estate Committee to issue a Request for Qualifications and Proposals for a structural engineer or architect familiar with floating slabs to evaluate noted subsidence and advise the Authority on appropriate repairs,

WHEREAS, the Management Authority feels it is in the best interest of the Authority to issue such a Request for Qualifications and Proposals;

BE IT RESOLVED, that the Authority Chairman or Chief Executive Officer be and is hereby authorized to issue a Request for Qualification and Proposals for a structural engineer or architect to evaluate noted subsidence and advise the Authority on appropriate repairs, and

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

YEAS: ERNST, HEATON, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN, FIERKE, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: BAUDY, BRIEN

RESOLUTION ADOPTED: YES

NEW BUSINESS

06-011515 - Motion for approval to retain RCL Architecture, LLC as architect for the Customs build out at the New Orleans Lakefront Airport Terminal Building, with a budget not to exceed \$35,000, including construction management, for a period of one year or until the project has been completed. Funding has been secured earlier than expected and Customs is ready to proceed, providing needed revenue to the Airport

The COO advised that the Finance Committee requested this contract be handled separately from the current IDIQ contract for the buildout of airport tenant spaces. Comm. Heaton advised that the Authority had a \$400,000 budget for the Customs build-out. Comm. Stack advised that RCL will be accountable to deliver plans, specifications and bid documents within 45 days to move the Customs build-out forward. If RCL exceeds 45 days there is a \$500 per day penalty.

Mr. Davis agreed to the 45 day timeline, excluding plan approval. The contract uses the term “Construction Management”; RCL provides Contract and Construction Administration. Comm. Fierke offered a motion to amend the Resolution to use the term “Construction Administration” in place of “Construction Management”, seconded by Comm. Fierke and unanimously adopted.

Comm. Heaton offered a motion to retain RCL Architecture, LLC as architect for the Customs build out at the New Orleans Lakefront Airport Terminal Building, with a budget not to exceed \$35,000, including construction management, for a period of one year or until the project has been completed. Funding has been secured earlier than expected and Customs is ready to proceed, providing needed revenue to the Airport, seconded by Comm. Fierke and unanimously adopted to wit:

MOTION: 06-011515
RESOLUTION: 06-011515
BY: COMM.S HEATON
SECONDED: COMM. FIERKE

January 15, 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 Management Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the Orleans Levee District, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, (“Airport”);

WHEREAS, the New Orleans Lakefront Airport Terminal (the “Terminal”) was severely damaged by Hurricane Katrina in August of 2005 and the Management 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, those Customs facilities could be built out and ready for occupancy by year's end;

WHEREAS, Customs requires an architect be designated to forward specifications so that plans may be drawn, bids obtained and work undertaken;

WHEREAS, whereas the Authority has a current contract with RCL Architecture, L.L.C. to perform similar involving tenant build outs but it is anticipated that the Customs build out may exceed the current allocated budget of the current contract;

WHEREAS, Because of RCL Architecture, L.L.C.'s extensive knowledge, applicable experience and expertise, in its January 2015 the Finance Committee requested that RCL Architecture, L.L.C. provide estimated architectural and engineering fees to prepare plans, specifications and bid documents within 45 days of contract execution (excluding the Authority and U.S Customs review time) and including Construction Administration;

WHEREAS, RCL Architecture, L.L.C. has estimated that the architectural and engineering fees, including Construction Administration, can be accomplished for an amount not to exceed \$35,000, with the understanding that Customs provides limited specification information due to security and confidentiality.

WHEREAS, the Management Authority considers it to be in the best interest of the Airport and the Orleans Levee District to approve a professional service contract with RCL Architecture, L.L.C. to provide architectural and engineering services for the build out of the U.S. Customs facility at New Orleans Lakefront Airport Terminal Building to be accomplished in a timely, efficient manner, with fees for professional services not to exceed \$35,000.00, including Construction Administration, and for a fixed term of one year or until project completion.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves a professional service contract with RCL Architecture, L.L.C. to provide architectural and engineering services for the build out of the U.S. Customs facility at New Orleans Lakefront Airport Terminal Building to be accomplished in a timely, efficient manner, with fees for professional services not to exceed \$35,000.00, including Construction Administration, and for a fixed term of one year or until project completion.

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

YEAS: ERNST, HEATON, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN,
FIERKE, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: BAUDY, BRIEN

RESOLUTION ADOPTED: YES

07-011515 - Motion for approval to authorize the COO to procure replacement firefighting equipment pursuant to a FEMA grant which had been previously applied for. Funds to be reimbursed by FEMA after submitting proof of purchase. (Hurst Hydraulic Rescue tool - \$21,692.00, MSA Breathing Apparatus - \$18,126.00, for a total of \$39,818. Total grant anticipated to be \$46,918.08. Remaining balance of \$7,100 to be spent to procure a hand held infrared camera)

The Finance Committee approved the more expensive hand-held infrared camera. Any overage should remain in the \$800-\$900 range. Mr. Pruitt advised that FEMA recommends the Authority move on this equipment. Mr. Fenner noted this is a PW for equipment in the storage container by the Fire Station, which was written as an improved project for flexibility to purchase the needed equipment. All equipment on the list provided falls within the improved project and the PW has all required language for FEMA reimbursement.

Comm. Heaton offered a motion to authorize the COO to procure replacement firefighting equipment pursuant to a FEMA grant with funds to be reimbursed by FEMA, seconded by Comm. Hugel and unanimously adopted to wit:

MOTION: 07-011515
RESOLUTION: 07-011515
BY: COMM. HEATON

SECONDED BY: COMM. HUGEL

January 15, 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 New Orleans Lakefront Airport ("Airport") is one of the non-flood assets of the Orleans Levee District under the management and control of the Management Authority;

WHEREAS, due to Hurricane Katrina the Airport lost firefighting equipment and a FEMA grant was previously applied for and approved, which amount is anticipated to be \$46,918.08, further that funds are available to purchase replacement equipment, which FEMA will reimburse with proper documentation;

WHEREAS, the Airport Committee at its January meeting, after considering the recommendation of the interim airport director, recommended that the following equipment be purchased: Hurst Hydraulic Rescue tool at a cost of \$21,692.00 and MSA Breathing Apparatus at a cost of \$18,126.00, for a total of \$39,818 and the remaining balance of \$7,100 is to be spent towards procuring a hand held infrared camera;

WHEREAS, the Management Authority considers it to be in the best interest of the Orleans Levee District and the Airport to obtain this equipment as set forth above;

BE IT HEREBY RESOLVED, that the Management Authority authorizes the Chief Operating Officer or the Interim Airport Director to procure the following equipment at the prices set forth herein: Hurst Hydraulic Rescue tool at a cost of \$21,692.00 and MSA Breathing Apparatus at a cost of \$18,126.00, for a total of \$39,818 and the remaining balance of \$7,100 is to be spent towards procuring a hand held infrared camera;

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

YEAS: ERNST, HEATON, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN, FIERKE, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: BAUDY, BRIEN

RESOLUTION ADOPTED: YES

08-011515 – Motion for approval to file the application for 406 Hazard Mitigation Funding

Comm. DeRouen offered a motion to suspend the rules to add an item to the Agenda, seconded by Comm. Hugel and unanimously adopted by a roll call vote.

Comm. Heaton advised that the Authority requires expedited movement by the Board to file the application for the Hazard Mitigation Grant prior to the next Board meeting. The 406 Hazard Mitigation Grant is a 100% grant. This application is for hazard mitigation monies to enhance the existing flood protection at the Airport. A final number will be plugged in at a later date. Mr. Fenner noted that temporary protection surrounding the hangars and Terminal cannot be included in the Hazard Mitigation Grant. However, should a named storm enter the Gulf, money the Authority expended for temporary flood protection should be eligible for FEMA reimbursement.

Comm. Heaton offered a motion for approval to execute documents pertaining to the 406 Hazard Mitigation Application for flood protection at New Orleans Lakefront Airport, seconded by Comm. DeRouen and unanimously adopted to wit:

MOTION: 08-011515

RESOLUTION: 08-011515

BY: COMM.S HEATON

SECONDED: COMM. DeROUEN

January 15, 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 ("District");

WHEREAS, the Management Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the Orleans Levee District, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, ("Airport");

WHEREAS, the New Orleans Lakefront Airport campus including site equipment and lighting, navigational aids, several aircraft hangars, fuel farm, tower, and the historic terminal building (the "Terminal") was severely damaged by Hurricane Katrina in August of 2005 and the Management Authority, with funding assistance by FEMA, completed extensive repairs and renovations to the Airport in the amount of over \$50 Million;

WHEREAS, current flood protection at the Airport would benefit greatly from retrofitting and enhancement to prevent future hurricane or flood damage to the airfield equipment and lighting as well as the newly renovated structures including the Terminal Building, the James Wedell and Bastian Mitchell hangars; and

WHEREAS, Funding for such a project, if received, could provide necessary a means to retrofit current Airport flood protection to prevent further hurricane or flood damage to the newly renovated structures as well as airfield equipment; and

WHEREAS, in order to qualify for grant funding, application(s) must be submitted on behalf of the Authority;
and

WHEREAS, the Authority considers it to be in the best interest of the Airport and the Orleans Levee District to execute documents pertaining to the necessary application(s) for enhanced flood protection at New Orleans Lakefront Airport.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves the application for and execution of the documents in order to submit a Hazard Mitigation Application for retrofitted, enhanced flood protection for New Orleans Lakefront Airport.

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

YEAS: ERNST, HEATON, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN, FIERKE, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: BAUDY, BRIEN

RESOLUTION ADOPTED: YES

09-011515 – Motion for approval to authorize staff to execute the contract regarding the 2015 music event with developer Studio Network Lakefront, LLC at the South Shore Harbor Marina Terminal site and South Shore Harbor Marina subject to review by Legal Counsel and the Chairmen of the Finance, Legal and Commercial Real Estate Committees.

Comm. DeRouen offered a motion to suspend the rules to add an item to the Agenda, seconded by Comm. Stack and unanimously adopted by a roll call vote.

Comm. Heaton noted that legal counsel will perfect the contract, which is subject to review by the Finance, Legal and Commercial Real Estate Committees. Comm. DeRouen advised that the Authority's legal counsel has represented the promoter in the past and board members are concerned there is an appearance of impropriety. The option was discussed that perhaps the Authority should consider retaining separate legal counsel along with a written waiver of the conflict of interest from Mr. von Kurnatowski and Mr. Metzger. Comm. Heaton noted that the Authority already has a similar location agreement created for other events. The suggestion was made to utilize that Location Agreement, and edited and reviewed by the Real Estate Consultant and COO is in the best interest of the Authority. Mr. Pappalardo advised that the Location Agreement can provide certain assurances regarding noise, parking and clean-up.

Mr. Pappalardo advised that similar events have been held where a \$1.25 per participant cost is charged. The promoter is expecting between 3,000-5,000 people per day for a 2½ day event, which is approximately \$10,000. That is a typical price for use of land. In addition, the promoter will pay for overflow parking at Lakefront Airport separately. There will also be a flat fee for set-up days as well as the actual event days. A charge must be determined that is commensurate with the Authority's effort to make the land available for those days. The COO noted that the site would be needed two weeks prior to the event for preparation, which also has some value to the Authority. The promoter will not earn revenue on those days, but is providing in-kind services including landscaping and clean up services, as well as some repairs to the terminal building drive up area; which is additional value to the Authority that must be taken into account.

Chairman Ernst advised that the Authority is in a good position with Mr. Pappalardo and the COO's involvement along with an excellent Location Agreement perfected over time. The Location Agreement is subject to review by the Executive Committee, which is sufficient.

Comm. Heaton offered a motion to authorize the COO to execute a Location Agreement regarding the 2015 music event with developer Studio Network Lakefront, LLC at the South Shore Harbor Marina Terminal site at South Shore Harbor Marina in concert with the Real Estate Consultant and the appropriate legal counsel as applicable by law and required, seconded by Comm. Hugel and unanimously adopted to wit:

MOTION: 09-011515
RESOLUTION: 09-011515
BY: COMM. HEATON
SECONDED BY: COMM. HUGEL

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 (“District”);

WHEREAS, the South Shore Harbor Marina complex (“South Shore Harbor”) and the New Orleans Lakefront Airport are two of the non-flood protection assets of the District under the control of the Authority;

WHEREAS, Tip's Development, LLC, the organizer of the Tipitina's Music Festival, as well as other concert series, through its owner, Roland von Kurnatowski, has requested use of the South Shore Harbor Marina Terminal Building and surrounding paved area (excluding marina and marina tenant parking lot) for a three day music festival and the same site for preparation, set up and clean up;

WHEREAS, the music festival is scheduled to be held on September 25, 26 and 27, 2015, with an estimated attendance of 3,000-5,000; further that the site is needed two weeks prior for preparation and set up, and 3 days afterwards for clean up.

WHEREAS, overflow parking may be needed on nearby Airport property subject to a separate location agreement for this use, conditioned upon approval by the FAA;

WHEREAS, Tip's Development, LLC has agreed to provide the request by Tip's Development, LLC to use the South Shore Harbor Terminal Building, surrounding area and parking lot, excluding the marina and tenant parking lot, for a three day music festival to be held on September 25, 26, and 27, 2015, conditioned upon the required insurances, a detailed site plan to address clean up and garbage control, fencing, traffic, marina and site security, FAA guidelines, approvals and/or clearances, noise concerns for live aboard marina tenants, community concerns regarding traffic, noise and security, a fixed fee for use of the property, and as additional rent the sum of \$1.25 per person attending the event, plus in-kind rental in the form of landscaping and tree maintenance valued at approximately \$4,000, subject and that the event is conducted consistent with the Authority's operation of South Shore Harbor;

WHEREAS, if Airport property is needed for overflow parking, such arrangements will be made as a separate location agreement for separate consideration, with FAA guidelines, approvals and/or clearances;

WHEREAS, this matter was heard at the January 6, 2015 Joint Marina/Commercial Real Estate Committee meeting and was recommended to the full Board for approval;

WHEREAS, Tip's Development, LLC was requested to hold two scheduled, publicized meetings with the tenants of South Shore Harbor regarding this event; and,

WHEREAS, the event is anticipated to have music, live or recorded, food, refreshments and related goods available for purchase by attendees, and

WHEREAS, it is in the best interest of the Authority to approve the use of South Shore Harbor Terminal Building and surrounding paved area (excluding marina tenant parking lot) for this event under the terms set forth above, additional terms to be negotiated with the Authority's Real Estate consultant and Chief Operating Office, and upon execution if a location agreement based upon currently utilized location agreements already prepared by the Authority's attorney, and

THEREFORE BE IT RESOLVED, that the Management Authority approves the request by Tip's Development, LLC to use the South Shore Harbor Terminal Building, surrounding area and parking lot, excluding the marina and tenant parking lot, for a three day music festival to be held on September 25, 26 and 27, 2015, conditioned upon the required insurances, a detailed site plan to address clean up and garbage control, fencing, traffic, marina and site security, FAA guidelines, approvals and/or clearances, noise concerns for live aboard marina tenants, community concerns regarding traffic, noise and security, a fixed fee for use of the property, and as additional rent the sum of \$1.25 per person attending the event, plus in-kind rental in the form of landscaping and tree maintenance valued at approximately \$4,000, and that the event is conducted consistent with the Authority's operation of South Shore Harbor; and,

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

YEAS: ERNST, HEATON, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN, FIERKE, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: BAUDY, BRIEN

RESOLUTION ADOPTED: YES

10-011515 - Discussion regarding proposed amendments to By-Laws

Comm. DeRouen advised that when the By Laws were passed, the Authority did not have a chief operating officer, only an Executive Director. Currently, the Authority has a chief operating officer. The By Laws must be amended to authorize the chief operating officer to perform all duties of the executive director. Comm. Heaton noted in most organizations and political subdivisions appointing authority rests with the Chairman who delegates authority to the COO or Executive Director. No matter who comes or goes, appointing authority rests with the Chairman who in turn delegates that authority by a simple letter sent to Baton Rouge. This is prescribed under Civil Service and it works. There is a recognized position of chief operating officer that serves at the pleasure of the Chairman and the Board. It is a legal, unclassified position and is not required to be in the By Laws.

Comm. Fierke noted that the Authority would never have both an Executive Director and Chief Operating Officer at the same time. A slash could be used after Executive Director along with the addition of Chief Operating Officer after the slash. The Legal

Committee agreed it was a concise fix. Mr. Metzger advised that changes to the By Laws must be circulated 20 days in advance of the meeting in which the amendment will be voted on. Chairman Ernst noted using the slash is the simple way to handle this issue rather than specifically delegating appointing authority in the By Laws, which ties the Authority's hands. Comm. Stack advised that moving forward would clean up everything as the COO is an approved position by Civil Service. The COO can then be given appointing authority (Civil Service disciplinary action, pay raises and payroll).

In order to amend the By Laws, written notice must be given to all commissioners 20 days prior to a regular scheduled Board meeting. Comm. Heaton committed to distribute to every Board member very simple language for the By Laws. Comm. Stack questioned if this needed to be tabled. The next Board meeting is scheduled for February 26th so there is still some time to work through this and still meet the 20 day threshold.

Chairman Ernst suggested that the issue be deferred. Written notice is required 20 days prior to a regular scheduled Board meeting. The wording does not have to be circulated at a regular meeting. Wording suggested by the Legal Committee will be circulated along with language which is already there.

NEXT BOARD MEETING

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, February 26, 2015 at 5:30 p.m.

ADJOURNMENT

Comm. Hugel offered a motion to adjourn, seconded by Comm. Saizan and unanimously adopted. The meeting adjourned at 7:28 p.m.