

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY

Minutes of the Full Board Meeting
Thursday April 21, 2016 – 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, April 21, 2016 at 5:30 p.m., in the Lake Vista Community Center, 2nd Floor, 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Chair Ernst called the meeting to order at 5:41 p.m. and led in the Pledge of Allegiance. The roll was called which constituted a quorum.

Present:

Chairman Greg Ernst
Vice Chair Wilma Heaton
Secretary Thomas Fierke
Comm. Michael Stack
Comm. Eugene Green
Comm. William Settoon
Comm. Glenn Higgins
Comm. Anthony Richard
Comm. Roy Arrigo
Comm. Rodger Wheaton

Absent:

Comm. Stan Brien
Comm. Leila Eames

Staff:

Ken Schwingshaki – Executive Director
Sharon Martiny Rudesill – Executive Assistant
Marlene Wilkerson – Accountant
Ben Morris – Airport Director

Also Present:

Al Pappalardo – Real Estate Consultant
Gerry Metzger – Legal Counsel
Walter Baudier – DEI
Chris Fenner – Stuart Consulting
Duncan Loughridge – Stuart Consulting
Chris Morvant – La. DOTD
Ray Landeche – Lakeshore Resident
Monte C. Shallett – Lake Vista

Opening Comments

Chair Ernst welcomed the new Executive, Ken Schwingshaki. Comm. Richard suggested a retreat for all Board members that covers the history of the Orleans Levee District (profit side and non-profit side), detail of current and future projects, and a strategic plan for the Authority. Chair Ernst appointed Comm. Richard as the Chair of the Board Retreat Ad Hoc Committee.

Adopt Agenda

Comm. Green offered a motion to amend the Agenda, second by Comm. Fierke. Motion passed.

Motion to Approve Minutes

Comm. Green offered a motion to approve the February 18, 2016 Board meeting minutes, second by Comm. Richard. Motion passed. Comm. Arrigo offered a motion to approve the March 17, 2016 Board meeting minutes, second by Comm. Richard Green. Motion passed.

Report By Executive Director

The Executive Director reported that the Ironman Triathlon was a successful event, which produced an additional \$7,000 in revenue for the Authority. A Facilities Maintenance Manager A position was advertised, and 21 applications were received. A selection will be made in the near future. Suite 6513 is vacant and not rentable in its

present position. The vacant suite will serve as a workshop for the new employee, who will make necessary repairs to return the suite into an operational workshop. The evaluation study for the Lake Vista Community Center indicates that the building is in sound condition. The walk-thru for new Shelter No. 3 indicated issues with the anti-graffiti sealant. Customs and Border Control will have a soft opening with a ribbon cutting soon thereafter.

Presentations

Four Winds Fountain

Mr. Morris advised that the first PW written for the Fountain is deficient. Duncan Loughridge, Stuart Consulting, advised the project was to complete the Fountain to pre-Katrina status by cleaning, inspecting, repairing, and replacing the mechanical system. The PW is specific and quantifies what is FEMA eligible. The PW does not make eligible the particular components for the mechanical and electrical systems that are required to bring the Fountain to operating condition. Due to that deficiency, the Authority cannot move forward with design and construction. Also not included in the PW is casting/refinishing the four statues in the center of the Fountain. The Fountain does not have a water source and FEMA will not fund the cost to reconnect the Fountain to a dedicated water source. The cost estimate provided in a 2010 study is sufficient and FEMA believes the version could be revised to more clearly make eligible mechanical and electrical components for a better defined scope of work. The timeline for restoring FEMA eligible parts is December of 2017. Comm. Heaton noted for the record that this is a project much of the community wishes the Authority to address and provide a strategy for restoration. Mr. Loughridge advised that FEMA will not version PWs that are not in design or construction, which the Four Winds Fountain is not. A request will be made to FEMA to make a one-time exception with this PW.

Public Comment

Committee Reports

Airport Committee – Mr. Morris advised that Customs advised that a date of May 20, 2016 was given for the soft opening. The Tower hours of 7:00 a.m. to 9:00 p.m. have been approved, and will increase traffic at the airport. Bids for the PAPI lights were received and materials are beginning to arrive at the Airport to install the lights. The FAA/DOTD crack seal project was rejected. A \$35,000 expert fee is needed for the arbitration matter.

Marina Committee – Chair Settoon advised that W. Roadway flooding is more frequent. A gauge and barricades were set near the site to determine the depth of the water when flooding occurs and to deter vehicles from entering the area. The proposed covered boat slip at South Shore Harbor for the WWII PT boat will affect ingress and egress into the Harbor due to the turn radius. There are ongoing issues with the bulkhead at Orleans Marina and the cost to replace that bulkhead is approximately \$4 million.

Commercial Real Estate – Chair Green advised that the City Planning Commission Hearing for Studio Network-Lakefront is set for May 24, 2016. The meeting will address permits requested by Studio Network-Lakefront.

Recreation/Subdivision – Chair Ernst advised that the April Recreation/Subdivision Committee meeting was deferred until May, and advised that Comm. Rodger Wheaton is now Chair.

Legal – Chair Fierke advised that the Legal Committee discussed potential litigation regarding certain boathouse tenants.

Finance – Chair Stack advised that the Finance Committee was currently in the process of revising the budget.

Old Business

01-042116 - Motion to change the time of the monthly full Board meetings from 5:30 p.m. to 4:00 p.m., effective with the June 23, 2016 Board Meeting
Motion withdrawn by Comm. Fierke in order to provide the required 20-day notice when amending the By Laws of the Non-Flood Protection Asset Management Authority.

02-042116 Motion to recognize Tulane Graduate Student, Saisha Chandrasekaran, for her assistance with research on intellectual property rights and copyright laws.

Comm. Fierke requested the motion be amended to give special thanks to Seth M. Nehrbass, Patent Attorney - Garvey, Smith, Nehrbass & North, L.L.C. for his assistance in providing Tulane Law student Saisha Chandrasekaran. Comm. Heaton offered an amended motion to give special thanks to Seth M. Nehrbass, Patent Attorney - Garvey, Smith, Nehrbass & North, L.L.C. for his assistance in providing Tulane Law student Saisha Chandrasekaran and recognizing Saisha Chandrasekaran, for her assistance with research on intellectual property rights and copyright laws, second by Comm. Fierke. Resolution adopted to wit:

MOTION: 02-042116
RESOLUTION: 01-042116
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER FIERKE

April 21, 2016

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 is one of the assets of the District under the management and control of the Non-Flood Division of Orleans Levee District;

Whereas, Lakefront Airport is home to the original Walnut Room sign, the Fountain of Four Winds, eight murals by artist Xavier Gonzales, the insignia on the Terminal Building Floor, and the Lakefront Airport logo;

Whereas, the Authority employed pro-bono Tulane Law student Saisha Chandrasekaran to research the Lakefront Airport's ownership rights to the art and how to secure copyrights for the art;

Whereas, Ms. Chandrasekaran diligently researched copyright and trademark law, researched copyright protection cases and read, as requested, the book *Louisiana Aviation* to assist with the research;

WHEREAS, Ms. Saisha Chandrasekaran of Tulane Law School deserves the thanks of the Management Authority and of the citizens of New Orleans for her efforts to assist the Authority with research regarding the Lakefront Airport's ownership rights to the art and how to secure copyrights for the art.

WHEREAS, the Management Authority also gives special thanks to Seth M. Nehrbass, Patent Attorney - Garvey, Smith, Nehrbass & North, L.L.C. for his assistance in providing Tulane Law student Saisha Chandrasekaran to do research regarding the Lakefront Airport's ownership rights to the art and how to secure copyrights for the art.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority commends the work of Saisha Chandrasekaran for her tremendous efforts with research regarding the Lakefront Airport's ownership rights to the art and how to secure copyrights for the art, and

THEREFORE, BE IT FURTHER RESOLVED, that the Management Authority also gives special thanks to Seth M. Nehrbass, Patent Attorney - Garvey, Smith, Nehrbass & North, L.L.C. for his assistance in providing Tulane Law student Saisha Chandrasekaran to do research regarding the Lakefront Airport's ownership rights to the art and how to secure copyrights for the art.

BE IT HEREBY FURTHER RESOLVED, that the Authority Chairman or Executive Director is 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, STACK, GREEN, SETTOON, HIGGINS, RICHARD, ARRIGO, WHEATON

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRIEN, EAMES

RESOLUTION PASSED: YES

03-042116 Motion to authorize the execution of slip leases for the Orleans Marina and South Shore Harbor Marina for a one year term commencing on July 1, 2016 under the same terms and conditions of the current slip leases.

Comm. Settoon offered a motion to authorize the execution of slip leases for the Orleans Marina and South Shore Harbor Marina for a one year term commencing on July 1, 2016 under the same terms and conditions of the current slip leases, second by Comm. Fierke. The Resolution was adopted to wit:

MOTION: 03-042116
RESOLUTION: 02-042116
BY: COMMISSIONER SETTOON
SECOND: COMMISSIONER FIERKE

April 21, 2016

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;

Whereas, two of the non-flood protection assets managed by the Management Authority are Orleans Marina and South Shore Harbor Marina;

Whereas, the slip leases in the Marinas are for a term of one (1) year and the leases at both marinas expire on June 30, 2016;

Whereas, the Marina Committee at its meetings on April 4, 2016 and April 14, 2016, and the Finance Committee at its meeting held on March 15, 2016, discussed the renewal of the slip leases in the Marinas;

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, 2016, under the same general terms and conditions of the current slip leases, 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 the marina from which the surcharge was collected, and further that any remaining funds from the surcharge not expended on capital improvements and major maintenance during the term of the leases 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; and,

Whereas, the Management Authority after considering the recommendation of the Marina Committee resolved that it is in the best interest of the Orleans Levee District to approve the recommendation of the Marina Committee on the slip leases in the Orleans and South Shore Harbor Marinas;

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves one year slip leases beginning July 1, 2016 and expiring on June 30, 2017, for the Orleans Marina and South Shore Harbor Marina, under the same general terms and conditions of the current slip leases, with base rent fixed at the current rate, and with a 10% annual surcharge assessed on the base rent for each marina, which surcharge shall only be used for capital improvements and major maintenance at the marina from which the surcharge was collected, and further that any remaining funds from the surcharge not expended on capital improvements and major maintenance during the term of the leases 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 FURTHER HEREBY RESOLVED, that the Management Authority Chairman, Executive Director or Marina Manager 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, STACK, GREEN, SETTOON, HIGGINS, RICHARD, ARRIGO, WHEATON
NAYS: NONE
ABSTAIN: NONE
ABSENT: BRIEN, EAMES
RESOLUTION PASSED: YES

04-042116 Motion to approve the recommendations of the Management Authority Legal Committee that approval of assignment of the boathouses leases in the Orleans Marina be conditioned upon presentment of a current structural evaluation by a company approved by the Management Authority and signed by a licensed Louisiana engineer and that prior to any lease assignment that all

required repairs to the structural support and pilings of a boathouse be completed or that a bond/security in the amount of 150% of the estimated cost of the required repairs be provided to and in a form acceptable by the Management Authority; and, that any new lease or assignment of any existing lease of a boathouse in the Orleans Marina to a juridical person, e.g., limited liability company, be personally guaranteed by the individuals who are the owners of the juridical person.

Comm. Fierke offered a motion that assignment of boathouses leases in Orleans Marina be conditioned upon a current structural evaluation signed by a licensed Louisiana engineer and that all repairs to the structural support and pilings of a boathouse be completed or a bond/security of 150% of the cost of the repairs be provided in a form acceptable by the Authority; and, that new leases or lease assignments to a juridical person (LLC) be personally guaranteed, second by Comm. Richard. The Resolution was adopted to wit:

MOTION: 04-042116
RESOLUTION: 03-042116
BY: COMMISSIONER FIERKE
SECONDED: COMMISSIONER RICHARD

April 21, 2016

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 Orleans Levee District under the management and control of the Management 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.Rev.Stat. 38:336(A) and (B)(4);

Whereas, the former Board of Commissioners of the Orleans Levee District and its successors have entered into water bottom and ground leases for boathouses in the Marina dating back to 1971, which boathouses are owned by the lessees;

Whereas, many of the boathouses have pilings and structural supports that are in need of repair or replacement;

Whereas, the consent of the Management Authority, as lessor, is required for an assignment of the leases of the boathouses in the Marina;

Whereas, the lessees are responsible to maintain the boathouses and other improvements located on the leaseholds and at the expiration or earlier termination of the leases the improvements revert in ownership to the Orleans Levee District;

Whereas, the Legal Committee of the Management Authority at its April Meeting adopted a motion to recommend to the Management Authority that approval for the assignment of the leases for the boathouses in the Marina be conditioned upon (1) the presentment of a current structural evaluation that specifically includes all substructure and pilings from a company approved by the Management Authority, including but not limited to Anders Construction, H. J. Merrihue and Gill's Crane and Dozer, and signed by a licensed Louisiana engineer, to ascertain that the current lessee has satisfied the obligations under the lease to maintain the improvements on the leased premises; and, (2) that prior to the assignment of any lease any required repairs or replacements to the structural support and pilings of a boathouse be made or that a bond or other security in the amount of 150% of the estimated cost of the required work be provided to and in a form acceptable by the Management Authority;

Whereas, the Legal Committee of the Management Authority also adopted a motion to recommend that any new lease with or assignment of an existing lease to a juridical person, e.g., corporation, limited liability company, shall be personally guaranteed by the individuals who are the owners of the juridical person; and,

Whereas, the Management Authority after considering these matters resolved that it is in the best interest of the Orleans Levee District and Management Authority to adopt resolutions implementing the recommendations of the Legal Committee of the Management Authority set forth above regarding the boathouse leases in the Orleans Marina.

THEREFORE, BE IT HEREBY RESOLVED, that approval for the assignment of the leases for the boathouses in the Orleans Marina shall be conditioned upon the presentment of a current structural evaluation that specifically includes all substructure and pilings by a company approved by the Management Authority, including but not limited to Anders Construction, H. J. Merrihue and Gill's Crane and Dozer, and signed by a licensed Louisiana engineer, to ascertain that the current lessee has satisfied the obligations under the lease to maintain the improvements on the leased premises; and, (2) that prior to the assignment of any lease any required repairs or replacements to the structural support and pilings

of a boathouse shall be made or that a bond or other security in the amount of 150% of the estimated cost of the required work be provided to and in a form acceptable by the Management Authority.

BE IT FURTHER HEREBY RESOLVED, that any new lease of a boathouse in the Orleans Marina with or assignment of an existing lease of a boathouse in the Orleans Marina to a juridical person, e.g., corporation, limited liability company, shall be personally guaranteed by the individuals who are the owners of the juridical person.

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

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

YEAS: ERNST, HEATON, FIERKE, STACK, GREEN, SETTOON, HIGGINS, RICHARD,
ARRIGO, WHEATON
NAYS: NONE
ABSTAIN: NONE
ABSENT: BRIEN, EAMES
RESOLUTION PASSED: YES

05-042116 Motion to exercise one year option to renew the Professional Services Contract with Pappalardo Consultants, Inc., as real estate consultant, commencing on July 1, 2016.

Comm. Green offered a motion to exercise one year option to renew the Professional Services Contract with Pappalardo Consultants, Inc., as real estate consultant, second by Comm. Higgins. The Resolution was adopted to wit:

MOTION: 05-042116
RESOLUTION: 04-042116
BY: COMMISSIONER GREEN
SECONDED: COMMISSIONER HIGGINS

April 21, 2016

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, effective the 1st day of July 2015, the Management Authority entered into a written Professional Services Contract with Pappalardo Consultants, Inc. for Real Estate Consulting Services;

WHEREAS, the Contract was for a primary term of one year, commencing on July 1, 2015 and ending on June 30, 2016, with one 1-year option to renew, at an hourly rate of \$150.00 for the real estate consultant, with the total of all sums payable under this contract, including fees and reimbursement of out-of-pocket expenses not to exceed \$82,000.00;

WHEREAS, at the March 3, 2016 Commercial Real Estate Committee meeting this matter was discussed, and the Committee recommended that the Board renew the contract with Pappalardo Consultants, Inc. for a term of one year, commencing on July 1, 2016 and ending on June 30, 2017, in a contract amount not to exceed \$82,000.00; and,

WHEREAS, the Management Authority considered it to be in the best interest of the District to renew the Professional Services Contract with Pappalardo Consultants, Inc. under the terms and conditions set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves the renewal of the Professional Services Contract with Pappalardo Consultants, Inc. for a term of one year, commencing on July 1, 2016 and ending on June 30, 2017, with an established budget in the amount of \$82,000.00.

BE IT FURTHER HEREBY RESOLVED, that the Authority Chairman or Executive Director 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, STACK, GREEN, SETTOON, HIGGINS, RICHARD,
ARRIGO, WHEATON
NAYS: NONE
ABSTAIN: NONE
ABSENT: BRIEN, EAMES
RESOLUTION PASSED: YES

06-042116 Motion to exercise one year option to renew the Professional Legal Services Contract with Gerard Metzger (APLC), commencing on July 1, 2016.

Comm. Fierke offered a motion to exercise one year option to renew the Professional Legal Services Contract with Gerard Metzger (APLC), commencing on July 1, 2016, second by Comm. Settoon. Resolution adopted to wit:

MOTION: 06-042116
RESOLUTION: 05-042116
BY: COMMISSIONER FIERKE
SECOND: COMMISSIONER SETTOON

April 21, 2016

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;

Whereas, occasions arise when the Authority requires professional legal services for matters involving the non-flood protection assets owned by the Orleans Levee District and managed by the Management Authority;

Whereas, effective the 29th day of October 2015, the Management Authority entered into a written Professional Services Contract with Gerard G. Metzger (APLC), for Legal Services;

Whereas, the Contract was for a primary term commencing on October 29, 2015 and ending on June 30, 2016, with an option to renew for one (1) year, with rates not to exceed the Attorney General's rate sheet, dated September 15, 2014 or as amended, for legal services, plus expenses, and under the terms and conditions specified in said Professional Legal Services Contract;

Whereas, at the April 7, 2016 Legal Committee meeting, the Legal Committee voted to recommend that the Board exercise the option to renew for one (1) year the Professional Legal Services Contract with Gerard G. Metzger (APLC), and

Whereas, the Management Authority considered it to be in the best interest of the District to renew the Professional Legal Services Contract with Gerard G. Metzger (APLC) for one year commencing on July 1, 2016 and ending on June 30, 2017, with rates not to exceed the Attorney General's rate sheet, dated September 15, 2014 or as amended, for legal services, plus expenses, and under the terms and conditions specified in said Professional Legal Services Contract;

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves the Professional Legal Services Contract with Gerard G. Metzger (APLC) for one year commencing on July 1, 2016 and ending on June 30, 2017, with rates not to exceed the Attorney General's rate sheet, dated September 15, 2014 or as amended, for legal services, plus expenses, and under the same terms and conditions specified in the Professional Legal Services Contract with Gerard G. Metzger (APLC) dated on October 29, 2015.

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

YEAS: ERNST, HEATON, FIERKE, STACK, GREEN, SETTOON, HIGGINS, RICHARD, ARRIGO, WHEATON
NAYS: NONE
ABSTAIN: NONE
ABSENT: BRIEN, EAMES
RESOLUTION PASSED: YES

07-042116 Motion to exercise one year option to renew the Professional Legal Services Contract with Gordon Arata McCollam, Duplantis & Eagan, L.L.C., commencing on July 1, 2016.

Comm. Fierke offered a motion to exercise one year option to renew the Professional Legal Services Contract with Gordon Arata McCollam, Duplantis & Eagan, L.L.C., second by Comm. Higgins. The Resolution was adopted to wit:

MOTION: 07-042116
RESOLUTION: 06-042116
BY: COMMISSIONER FIERKE
SECOND: COMMISSIONER HIGGINS

April 21, 2016

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;

WHEREAS, occasions arise when the Management Authority requires professional legal services for matters involving the non-flood protection assets owned by the Orleans Levee District and managed by the Management Authority;

WHEREAS, effective the 29th day of July 2015, the Management Authority entered into a written Contract for Professional Legal Services with Gordon, Arata, McCollam, Duplantis & Eagan, LLC for Legal Services;

WHEREAS, the Contract was for a term commencing on July 29, 2015 and ending on June 30, 2016, with an option to renew for one (1) year, with rates not to exceed the Attorney General's rate sheet, dated September 15, 2014 or as amended, for legal services, plus expenses, under the terms and conditions specified in said Contract for Professional Legal Services;

WHEREAS, at the April 7, 2016 Legal Committee meeting, the Legal Committee voted to recommend that the Management Authority exercise the option to renew for one (1) year the Contract for Professional Legal Services with Gordon, Arata, McCollam, Duplantis & Eagan, LLC; and,

WHEREAS, the Management Authority considered it to be in the best interest of the District to renew the Contract for Professional Legal Services with Gordon, Arata, McCollam, Duplantis & Eagan, LLC for one year, commencing on July 1, 2016 and ending on June 30, 2017, with rates not to exceed the Attorney General's rate sheet, dated September 15, 2014 or as amended, for legal services, plus expenses, under the terms and conditions specified in said Contract for Professional Legal Services.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves the renewal of the Contract for Professional Legal Services with Gordon, Arata, McCollam, Duplantis & Eagan, LLC for a term of one year, commencing on July 1, 2016 and ending on June 30, 2017, with rates not to exceed the Attorney General's rate sheet, dated September 15, 2014, or as amended, for legal services, plus expenses, and under the same terms and conditions specified in the Contract for Professional Legal Services with Gordon, Arata, McCollam, Duplantis & Eagan, LLC effective on July 29, 2015.

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

YEAS: ERNST, HEATON, FIERKE, STACK, GREEN, SETTOON, HIGGINS, RICHARD, ARRIGO, WHEATON

NAYS: NONE

ABSTAIN: NONE

ABSENT: BRIEN, EAMES

RESOLUTION PASSED: YES

08-042116 Motion to approve Executive Director, Kenneth J. Schwingshaki, in place of the former Chief Operating Officer, Cornelia Ullmann, to perform any and all functions in place of the Chief Operating Officer retroactive to March 21, 2016.

Comm. Stack offered a motion to approve Executive Director, Kenneth J. Schwingshaki, in place of the former Chief Operating Officer, Cornelia Ullmann, to perform any and all functions in place of the Chief Operating Officer retroactive to March 21, 2016, second by Comm. Heaton. The Resolution was adopted to wit:

MOTION: 08-042116

RESOLUTION: 07-042116

BY: COMMISSIONER STACK

SECONDED: COMMISSIONER HEATON

April 21, 2016

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, Louisiana Revised Statutes, Title 38, Section 330.12.1(F) provides, in part, that the Management Authority may employ an Executive Director and such personnel as may be necessary to implement the provisions of this Section;

WHEREAS, the Management Authority employed Kenneth J. Schwingshaki as Executive Director of the Management Authority effective March 21, 2016 (the "Executive Director"), which position has primary responsibility for the operations of the Management Authority;

WHEREAS, the Management Authority desires to authorize the Executive Director as signatory on behalf of the Management Authority on any and all documents, releases, and contracts, including but not limited to leases of property owned by the Orleans Levee District under the management and control of the Management Authority, FAA documents, FEMA reimbursement agreements, location agreements, settlement agreements and Louisiana State Civil Service documents, and checks, drafts and orders against any funds standing to the credit of the Management Authority with any banks or other depositories and to make all agreements embodied in deposit slips or other documents evidencing deposits of funds with said banks or other depositories, and the banks or other depositories shall be authorized to honor checks, drafts and orders of the Management Authority when so signed by the Executive Director, unless and until said bank or other depository has received notice in writing from the

Management Authority that said Executive Director is no longer authorized to administer the funds of the Management Authority, and to ratify all contracts signed and actions taken by the Executive Director since March 21, 2016; and,

WHEREAS, the Management Authority further desires that the Executive Director have the authority without prior approval of the Management Authority to enter into contracts for Management Authority business not to exceed the contract sum of \$25,000.00; provided that for contracts in excess of \$15,000.00, but not exceeding \$25,000.00, the Executive Director shall obtain the prior written approval of the Chairman of the Management Authority or in the Chairman's absence, the prior written approval of the Vice-Chairman of the Management Authority; that all contracts entered into under this Subsection by the Executive Director on behalf of the Management Authority comply with any applicable federal, state, or local laws; that the Executive Director give a report on any such contracts at the next regularly scheduled Finance Committee Meeting after the contract is entered into by the Executive Director; and, further that the Executive Director also perform such other duties as are usually incumbent on an executive officer of a corporate entity, unless prohibited by federal, state or local law or by the By-Laws of the Management Authority, as amended; and, further, notwithstanding anything to the contrary set forth hereinabove, that the Executive Director have the authority to enter into contracts in emergency situations; that an emergency for purposes of this provision is an unforeseen mischance bringing with it destruction or injury to life or property or the imminent threat of such destruction or injury; that all contracts entered into under this Subsection by the Executive Director on behalf of the Management Authority comply with any applicable federal, state, or local laws; and, that the Executive Director give a report on any such contracts at the next regularly scheduled Finance Committee Meeting after the contract is entered into by the Executive Director.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority hereby authorizes the Executive Director of the Management Authority, Kenneth J. Schwingshagl, as signatory on any and all documents, releases, and contracts approved by the Management Authority and on checks, drafts and orders against any funds standing to the credit of the Management Authority with any banks or other depositories.

BE IT HEREBY FURTHER RESOLVED, that the Executive Director of the Non-Flood Protection Asset Management Authority, Kenneth J. Schwingshagl, be and is hereby authorized to sign any contracts approved by the Management Authority, including but not limited to leases of property owned by the Orleans Levee District under the management and control of the Management Authority, FAA documents, FEMA reimbursement agreements, location agreements, settlement agreements and Louisiana State Civil Service documents, and checks, drafts and orders against any funds standing to the credit of the Management Authority with any banks or other depositories and to make all agreements embodied in deposit slips or other documents evidencing deposits of funds with said banks or other depositories, and the banks or other depositories shall be authorized to honor checks, drafts and orders of the Management Authority when so signed by said Executive Director, unless and until said bank or other depository has received notice in writing from the Management Authority that said Executive Director is no longer authorized to administer the funds of the Management Authority.

BE IT HEREBY FURTHER RESOLVED, that the Non-Flood Protection Asset Management Authority hereby ratifies all contracts signed and actions taken by the Executive Director since March 21, 2016.

BE IT HEREBY FURTHER RESOLVED, that the Executive Director shall have the authority without prior approval of the Management Authority to enter into contracts for Management Authority business not to exceed the contract sum of \$25,000.00; provided that for contracts in excess of \$15,000.00, but not exceeding \$25,000.00, the Executive Director shall obtain the prior written approval of the Chairman of the Management Authority or in the Chairman's absence the prior written approval of the Vice-Chairman of the Management Authority; that all contracts entered into by the Executive Director on behalf of the Management Authority shall comply with any applicable federal, state, or local laws; that the Executive Director shall give a report on any such contracts at the next regularly scheduled Finance Committee Meeting after the contract is entered into by the Executive Director; and, further that the Executive Director shall also perform such other duties as are usually incumbent on an executive officer of a corporate entity unless prohibited by federal, state or local law or by the By-Laws of the Management Authority, as amended; that, further, notwithstanding anything to the contrary set forth hereinabove, the Executive Director shall have the authority to enter into contracts in emergency situations; that an emergency for purposes of this provision is an unforeseen mischance bringing with it destruction or injury to life or property or the imminent threat of such destruction or injury; that all contracts entered into under this Subsection by the Executive Director on behalf of the Management Authority shall comply with any applicable federal, state, or local laws; and, that the Executive Director shall give a report on any such contracts at the next regularly scheduled Finance Committee Meeting after the contract is entered into.

BE IT HEREBY FURTHER RESOLVED, that the Authority Chairman, Secretary or Executive Director of the Management Authority is hereby authorized to sign any and all documents necessary to carry out the.

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

YEAS: **ERNST, HEATON, FIERKE, STACK, GREEN, SETTOON, HIGGINS, RICHARD, ARRIGO, WHEATON**
NAYS: **NONE**

ABSTAIN: NONE
ABSENT: BRIEN, EAMES
RESOLUTION PASSED: YES

09-042116 Motion to add as a signatory on the Capital One Bank Payable Checking Account Executive Director, Kenneth J. Schwingshagl, to confirm the current signatories and to remove as a signatory former Chief Operating Officer, Cornelia Ullmann.

Comm. Stack offered a motion to add as a signatory on the Capital One Bank Payable Checking Account Executive Director, Kenneth J. Schwingshagl, to confirm the current signatories and to remove as a signatory former Chief Operating Officer, Cornelia Ullmann, second by Comm. Higgins. The Resolution was adopted to wit:

MOTION: 09-042116
RESOLUTION: 08-042116
BY: COMMISSIONER STACK
SECOND: COMMISSIONER HIGGINS

April 21, 2016

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 Authority has its operating bank accounts, including its payables bank account at Capital One Bank;

WHEREAS, after consideration of the recommendation of staff, the Management Authority considers it to be in the best interest of the Management Authority that the signatories on the Capital One Bank Payables Checking Account include the Finance Chairman, Executive Director, Marina Director and the Acting Airport Director;

THEREFORE, BE IT HEREBY RESOLVED, that the former Chief Operating Officer, Cornelia Ullmann, be removed as a signatory on the Capital One Bank Payables Checking Account and that Executive Director, Kenneth J. Schwingshagl, be added as a signatory to the Capital One Bank Payables Checking Account, along with the Finance Chairman, Marina Director and Acting Airport Director;

BE IT FURTHER HEREBY RESOLVED, that the Management Authority Chairman or Executive Director or Secretary 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, STACK, GREEN, SETTOON, HIGGINS, RICHARD, ARRIGO, WHEATON
NAYS: NONE
ABSENT: BRIEN, EAMES
RESOLUTION PASSED: YES

10-042116 Motion to add as a signatory on the Louisiana Asset Management Pool Account Executive Director, Kenneth J. Schwingshagl, and to remove as a signatory former Chief Operating Officer, Cornelia Ullmann.

Comm. Stack offered a motion to add as a signatory on the Louisiana Asset Management Pool Account Executive Director, Kenneth J. Schwingshagl, and to remove as a signatory former Chief Operating Officer, Cornelia Ullmann, second by Comm. Richard. The Resolution was adopted to wit:

MOTION: 10-042116
RESOLUTION: 09-042116
BY: COMMISSIONER STACK
SECONDED: COMMISSIONER RICHARD

April 21, 2016

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 Authority has operating bank accounts, including an account with Louisiana Asset Management Pool (the "LAMP") account;

WHEREAS, after consideration of the recommendation of staff, the Management Authority considers it to be in the best interest of the Authority that the signatories on the LAMP Account include the Finance Chairman and Executive Director, Kenneth J. Schwingshagl, and further that the former Chief Operating Officer, Cornelia Ullmann, be removed as a signatory on the LAMP account;

THEREFORE, BE IT HEREBY RESOLVED, that Executive Director, Kenneth J. Schwingshakl, be added as a signatory on the LAMP account, and further that the former Chief Operating Officer, Cornelia Ullmann, be removed as a signatory on the LAMP account.

BE IT FURTHER HEREBY RESOLVED, that the Management Authority Chairman or Executive Director or Secretary 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, STACK, GREEN, SETTOON, HIGGINS, RICHARD, ARRIGO, WHEATON
NAYS: NONE
ABSTAIN: NONE
ABSENT: BRIEN, EAMES
RESOLUTION PASSED: YES

11-042116 Discussion regarding Resolution 09-102314 on projects selected for alternate funding from the Walter Wedell Hangar Replacement Project.

Chair Ernst noted that this was addressed in October of 2014. Each Committee established priorities for expenditures related to the alternate funding available from the Walter Wedell Hangar replacement project. That money has been received (\$1.20 million), and it is set aside for capital projects. That list will be reviewed and prioritized to determine which projects will be selected for the one time funding. This issue will be addressed in the May Committee meetings, and each committee will select their number one priority so a Board decision can be made regarding that one time funding.

Next Board Meeting

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, May 19, 2016 at 5:30 p.m.

Adjournment

Comm. Higgins offered a motion to adjourn, seconded by Comm. Wheaton, motion passed. The meeting adjourned at 7:11 p.m.