

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
FULL BOARD MEETING MINUTES
THURSDAY SEPTEMBER 22, 2016 – 5:30 P.M.

The regular meeting of the Full Board of the Non-Flood Protection Asset Management Authority was held on Thursday, September 22, 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 Heaton called the meeting to order at 5:37 p.m. and led in the Pledge of Allegiance.

The roll was called which constituted a quorum.

PRESENT:

Chair Wilma Heaton
Vice Chair Eugene Green
Secretary Thomas Fierke
Comm. Stan Brien
Comm. Rodger Wheaton
Comm. Anthony Richard
Comm. Bill Settoon
Comm. Greg Ernst
Comm. Leila Eames
Comm. Roy Arrigo
Comm. Dawn Hebert
Comm. Carla Major
Comm. Chris Morvant

ABSENT:

Comm. Cedric Grant

STAFF:

Chuck Dixon – Marina Director
Sharon Martiny – Administrative Assistant
Chanse Watson – Assistant Airport Director
Adam Mansur – Maintenance Director
Marlene Wilkerson – Finance

ALSO PRESENT:

Michael Stack – Dept. of Transportation
Gerard Metzger – Legal Counsel
Phil Antis – Legal Counsel
Al Pappaoardo – Real Estate Consultant
Walter Baudier - DEI
Steve Nelson – Stuart Consulting
Duncan Loughridge – Stuart Consulting
Roland von Kurnatowski – Real Estate Developer
Michael Liebert – LPBF
Ann Duffy – Lake Oaks Resident
Terry Manthey – Lakeshore Resident
Duncan Loughridge – Stuart Consulting
William Wright – Bernadotte Ventures
Octave Rainey - Lake Oaks Resident
Mike James - LPOA
Jonathan Fawer – LPOA
Rick Micklen - Lakeshore
Gene & Lucille Brian – Residents
Rhonda & Terry Hall – Residents
Ron Welcker – Resident

James McCarthy – Resident
Stewart Juneau – Juneau Properties
August James – Lake Oaks Resident
Michael and Mignon Franco – Lake Oaks Residents
John Skinner – Lake Oaks Resident
Robert and Lisa Retz – Lake Oaks Residents
Martha Panzeca – Lake Oaks Resident
Mike Gillen – South Shore Harbor Tenant
Ron Caron – Lakeshore Homeowner
Mike James – LPVOA
Nicole May – Lake Oaks Resident
Lambert and Joyce Hanemann – Lake Oaks Residents
Joann Matherne – Lake Oaks Resident
Sid and Alda Anderson – Lake Oaks Residents
Sidney Hotard – Lake Oaks Resident
Ray Landeche – Lakeshore Resident
Andre’ Marquette – Lake Oaks Resident
Lambert Boissiere – Lake Oaks Resident
Ernest Harrison – Lake Oaks Resident
Emile and Ann LaBranche – Lake Oaks Residents
John Perry – Lake Oaks Resident
Jamal Melancon - Gentilly Messenger

OPENING COMMENTS

Chair Heaton advised that Public Comments would be taken first and Executive Session would be taken prior to other business.

ADOPT AGENDA

Comm. Richard offered a motion to adopt the Agenda as stated, second by Comm. Arrigo. Motion passed.

APPROVE MINUTES

Comm. Ernst offered a motion to defer the minutes of the August 25, 2016 Board meeting, second by Comm. Wheaton. Motion passed.

PUBLIC COMMENTS

Roland von Kurnatowski (Old Bally’s site development) advised that the conditional use permit was approved in June that enabled the lease to be signed. Plans and engineering for the WWII Museum boathouse had a deadline for the end of March 2016 and is scheduled to be complete in January. The fire hydrant line was adjusted and concrete piles have been cast and cured. All land base piles have been driven and water based pilings are presently underway. The steel structure is under fabrication and is 50% complete. All engineering is complete for the Marina store. We are filing a permit on the Marina store in the near future and the Pavilion is gutted. Design for the recording studio is underway. The large palm trees will be moved in January and the lawn for the amphitheater will commence in the first quarter of 2017. The PT boat will be in the boathouse by the end of March 2017. The Pavilion will be complete by the end of 2017. We want to thank everyone for their assistance in moving this forward. Chair Heaton noted that the progress is amazing.

Stewart Juneau, developer of Ritz Carlton in New Orleans, stated that pre Katrina he approached the Board regarding development of the Peninsula at the end of South Shore Harbor. Mr. von Kurnatowski’s development reignited interest to continue discussion about development of that Peninsula. I would like to develop a Master Plan for that area. The time is right with all the development going on in the City to revitalize that area. A preliminary plan of the Peninsula includes hotels. Chair Heaton advised Mr. Juneau to take the issue at the next Commercial Real Estate meeting. We look forward to those discussions, and will issue an RFP for that project.

Mike Gillen, South Shore Harbor Marina Tenant Association, stated that tenants looked forward to the development at South Shore Harbor. I am excited about Mrs. Heaton's leadership. It is nothing short of remarkable. The grants and federal funding was remarkable and we now look forward to further development at South Shore Harbor Marina, the sister of Lakefront Airport. It is a beautiful development and efforts need to be now focused on that area.

Shelter No. 1 Comments

John Kreeler saw no advantage in transitioning a restroom facility to a bar and restaurant as Shelter No. 1 is very close to the flood protection levee. Residents have their hands full on the weekend trying to control crowds, loud music, and drag racing. Putting food and liquor will make matters worse. This is not a viable deal as you are asking local residents to pay for that with our quality of life and home value. The residents of Lakeshore are asking the Board to deny this request. Comm. Wheaton pointed out the current condition of Shelter 1, which is currently shuttered and has no available restroom facilities. The Authority is trying to find way to open Shelters to the public and have a presence on site to operate the Shelters responsibly. The Authority has many provisions included in the lease, including a 10:00 p.m. closing hour.

Chair Heaton added that the Flood Authority received funding to rebuild the former Orleans Levee District police station located on Elysian Fields. Patrols will be increased to balance out opening the Shelters. Restaurants presently located along West End Blvd. have food and music. The Authority is conscious of the necessary provisos, which will be approved by the Recreation/Subdivision Committee prior to any lease being signed. The Authority desperately needs restroom facilities along Lakeshore Dr., and reopening the Shelters will provide those facilities. The Authority will proceed with great commitment and address all issues brought forward as the majority of the Board members are Lakeview residents and your neighbors.

Ron Welcker noted that provisions in the lease will address most concerns and the liquor license will have restrictions. Opening the Shelters will put those assets back into commerce will produce much needed revenue for the Levee District. The Shelters will give residents a casual outdoor place to have coffee and seafood instead of dining at a restaurant. William Wright (selected to redevelop Shelter No. 1) advised the residents that Shelter No. 1 will operate as a coffee house from 6:00 a.m. until 11:00 a.m., at which time it will become a family style seafood boil house until closing at 10:00 p.m. The restrooms will be well maintained, clean, and open to the public. There are provisions included in the Double Outlay Plan to build a storage area for lawn and cleaning equipment that will be purchased. There will be a police presence in the area, and trash will be collected every other day. All rules laid out by the Authority will be adhered to.

Several local residents including Terry Manthey, Judy Buckley, Rick Michler, Ron Caron, Mike James offered additional comments regarding Shelter No. 1; some opposed to the opening and some in favor of the opening. Chair Heaton advised the residents that the Shelter is owned by the citizens of New Orleans through the Orleans Levee District, which was established as a political subdivision of the State of Louisiana, and the Shelter can be used for the purpose stated. The Orleans Levee District owns the property, which under State Statute is managed by this Authority. The Recreation/Subdivision Committee will participate in lease negotiations, which will include the necessary legal provisos. Comm. Wheaton added that all music will be stopped by 9:00 p.m., with the Shelter closing at 10:00 p.m.

Lake Pontchartrain Basin Foundation – Parking Lot Issue

Mike Franco, Lake Oaks resident, opposed the proposed parking lot stating that the location will occupy four acres of greenspace and the proposed location is dangerous. Mr. Franco suggested using the UNO Research Bldg., which would also provide parking for the future South Shore Harbor development. LPBF will meet with UNO to determine if parking at UNO will be a possible solution. The matter will be deferred indefinitely.

EXECUTIVE SESSION

- 1) *Red Dot Buildings v. GM&R Construction Company, Inc., et al*
USDC 2014-2803

Comm. Fierke offered a motion to enter into Executive Session, second by Comm. Settoon and unanimously adopted. Upon exiting Executive Session, Chair Heaton advised that no action was taken.

COMMITTEE REPORTS

Airport Comm. – Asst. Airport Director Chane Watson reported that the maximum grant for the Rehab Runway 18R/36L was received. The PAPI project is complete and the request for reimbursement was forwarded to the State. The Location Agreement for the WWII Air Power Expo will be finalized in the near future. Staff is preparing the 2017-2018 Capital Outlay Program request for submission to the State.

Marina – Comm. Settoon advised that the Marina Committee has several big projects planned in the near future, including refurbishing boat slips on the east wall of Orleans Marina.

Commercial Real Estate – Comm. Green reported that the Request for Proposals for development of Parcel K was advertised. The Authority is seeking potential developers to redevelop that area of the New Basin Canal. The South Shore Harbor development is currently under way, and four responses were received from architectural firms for the development of current Boathouse Standards and a concept for redevelopment of boathouses along W. Roadway. The development of Lincoln Beach (currently owned by the City of New Orleans) will play a significant role in the development of Area 5 north of Haynes Blvd., which has never been developed. There will be a clean-up at Lincoln Beach on October 30, 2016 marking the first time in 50 years the beach will be accessible to the public. This historic clean-up will enhance development of that parcel.

Recreation – Comm. Wheaton advised that current issues were covered during Public Comments on Shelters Nos. 1 and 2 and the proposed parking lot (LPBF).

Legal – Comm. Fierke advised that the Legal Committee met jointly with the Recreation/Subdivision Committee

Finance – Chair Heaton noted that the Finance Committee will miss Michael Stack. Comm. Arrigo has been appointed as the Finance Committee Chair with Comm. Richard taking the Vice Chair position.

OLD BUSINESS

None.

NEW BUSINESS

01-092216 – Motion to approve the Krewe of Nyx plaque for placement at the Mardi Gras Fountain providing that previously approved guidelines regarding plaque specifications are met.

The Resolution includes provisions that the Krewe agree to abide by the previously approved specifications regarding cost and placement of the plaque around the Mardi Gras Fountain. There are also provisions regarding ingress and egress during installation of the plaque and requirements regarding access to the Fountain for installation of the plaque.

Comm. Wheaton offered a motion to approve the Krewe of Nyx plaque for placement at the Mardi Gras Fountain providing that previously approved guidelines regarding plaque specifications are met, second by Comm. Green. The Resolution was adopted to wit:

MOTION: 01-092216
RESOLUTION: 01-092216
BY: COMMISSIONER WHEATON
SECONDED BY: COMMISSIONER GREEN

September 22, 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 Mardi Gras Fountain on Lakeshore Drive 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 Krewe of Nyx desires to include a Krewe of Nyx plaque around the Mardi Gras Fountain; and,

WHEREAS, the Krewe of Nyx agrees to adhere to the attached guidelines regarding tile placement and cost for the plaque to be included around the Mardi Gras Fountain and also agrees to comply with all of the requirements of a permit of ingress and egress for access to the property for the installation of the plaque;

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves a Krewe of Nyx plaque to be placed around the Mardi Gras Fountain, subject to compliance with the attached guidelines regarding tile placement and cost for plaques placed around the Mardi Gras Fountain and all of the requirements of a permit of ingress and egress for access to the property for the installation of the plaque.

BE IT HEREBY FURTHER 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:

AYES: HEATON, GREEN, FIERKE, WHEATON, BRIEN, ERNST, SETTOON, EAMES, RICHARD, ARRIGO, HEBERT, MAJOR, MORVANT

NAYS:

ABSTAIN:

ABSENT: GRANT

RESOLUTION ADOPTED: YES

***Specifications attached to the Resolution on file with the Management Authority*

02-092216 – Motion to authorize the Authority Chairman to enter into a Cooperative Endeavor Agreement with Lake Pontchartrain Basin Foundation for a parking lot subject to Board approval of certain provisions

Comm. Wheaton offered a motion to change Cooperative Endeavor Agreement to Memorandum of Understanding, second by Comm. Arrigo. Comm. Wheaton advised that it is not appropriate to enter into a Cooperative Endeavor Agreement due to the infancy of this project and the considerable fundraising needed.

Carlton Dufrechou advised that LPBF is working with Lake Oaks Property Owners Association for a successful plan for Pontchartrain Beach. The primary issues is that of parking at the former Pontchartrain Beach site south of the UNO Research Center. Ann Duffy, Lake Oaks resident, advised that UNO is agreeable to allow overflow parking access to the UNO Arena, and offered to contact UNO to facilitate conversation regarding the parking issue. LPBF will meet with Mrs. Duffy and UNO within 30 days to discuss the issue and report back to the Recreation/Subdivision Committee. The matter was deferred indefinitely.

03-092216 – Motion to authorize the Executive Director or Chairman of the Management Authority to sign as authorized agents for FEMA disaster assistance documents for Public Assistance Funding for District Projects

Chair Fierke offered a motion to authorize the Executive Director or Chairman of the Management Authority to sign as authorized agents for FEMA disaster assistance documents for Public Assistance Funding for District Projects, second by Comm. Richard. The Resolution was adopted to wit:

MOTION: 03-092216
RESOLUTION: 02-092216
BY: CHAIRPERSON HEATON
SECONDED: COMMISSIONER FIEFRKE

September 22, 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"), including the New Orleans Lakefront Airport, Orleans Marina and South Shore Harbor Marina; **WH**

WHEREAS, the Management Authority with Public Assistance funding provided by FEMA rebuilt and repaired many of the facilities at the Airport, Marinas and other facilities owned by the District that were damaged by Hurricane Katrina in 2005;

WHEREAS, FEMA requires a duly authorized organizational signatory to sign all disaster related documents required to be submitted to FEMA for Public Assistance funding;

WHEREAS, since Hurricane Katrina the Management Authority has authorized by resolution the Executive Director of the Management Authority as the authorized agent for the Management Authority to sign all disaster assistance related documents required to be submitted to FEMA for Public Assistance funding for District projects;

WHEREAS, in the event that the Management Authority does not have a duly appointed Executive Director or the appointed Executive Director is not available, the Management Authority does not have a duly authorized agent to sign FEMA disaster assistance related documents; and,

WHEREAS, it would be in the best interest of the Management Authority and Orleans Levee District to authorize the Chairman of the Management Authority as an alternate signatory on all disaster assistance related documents required to be submitted to FEMA for Public Assistance funding for District projects;

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority hereby authorizes the Chairman or Executive Director of the Management Authority to sign as authorized agent all disaster assistance related documents required to be submitted to FEMA for Public Assistance funding for District projects.

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

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

AYES: HEATON, GREEN, FIERKE, WHEATON, BRIEN, ERNST, SETTOON, RICHARD, ARRIGO, HEBERT, MAJOR, MORVANT

NAYS:

ABSTAIN:

ABSENT: EAMES, GRANT

RESOLUTION ADOPTED: YES

04-092216 – Motion to accept an increase in the FAA Grant “Rehabilitation Runway 18R/36L – Phase 1” from \$162,000 to a total grant amount of \$237,510.00

Comm. Fierke offered a motion to accept an increase in the FAA Grant “Rehabilitation Runway 18R/36L – Phase 1” from \$162,000 to a total grant amount of \$237,510.00, second by Arrigo. The Resolution was adopted to wit:

MOTION: 04-092216

RESOLUTION: 03-092216

BY: CHAIRPERSON HEATON

SECONDED: COMMISSIONER ARRIGO

September 22, 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”), including the New Orleans Lakefront Airport (“Airport”);

WHEREAS, the Management Authority and the Orleans Levee District are the Public Sponsors of the Airport for Louisiana Department of Transportation and Development, Aviation Division (LADOTD) and U.S. Department of Transportation, Federal Aviation Administration (FAA) grant funding;

WHEREAS, the FAA approved project identified as “New Orleans Lakefront Airport Rehabilitation Runway 18R/36L – Phase I Project”, but reduced the grant amount to \$162,000.00 by execution of an amendment to the FAA Grant;

WHEREAS, the FAA has approved a monetary increase to the project identified as “New Orleans Lakefront Airport Rehabilitation Runway 18R/36L – Phase I Project”, from \$162,000.00 to \$237,510.00;

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority, on its behalf and on behalf of the Orleans Levee District, as the Public Sponsors of the Airport, approves the increase to the FAA Grant Funding for the Project identified as the “New Orleans Lakefront Airport Rehabilitation Runway 18R/36L – Phase I Project” from the sum of \$162,000.00 to \$237,510.00.

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:

AYES: HEATON, GREEN, FIERKE, WHEATON, BRIEN, ERNST, SETTOON, RICHARD, ARRIGO, HEBERT, MAJOR, MORVANT

NAYS:

ABSTAIN:

ABSENT: EAMES, GRANT

RESOLUTION ADOPTED: YES

05-092216 – Motion to approve an Application to the State of Louisiana Capital Outlay Program to fund projects for Fiscal Year 2017-2018

Chair Heaton advised that the list was comprised of requests from all the committees, and can be reprioritized, but the order does not affect how money is distributed. Chances of the Authority receiving any money is slim to none. A Resolution is required to apply to the e-court system.

Comm. Heaton offered a motion to approve an Application to the State of Louisiana Capital Outlay Program to fund projects for Fiscal Year 2017-2018, second by Comm. Richard, and abstained by Comms. Ernst and Fierke.

MOTION: 05-092216
RESOLUTION: 04-092216
BY: CHAIRPERSON HEATON
SECONDED: COMMISSIONER FIERKE

September 22, 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"), including the New Orleans Lakefront Airport, Orleans Marina and South Shore Harbor Marina;

WHEREAS, the Authority has projects that require funding from the Louisiana Capital Outlay Program ("COP") and will submit an application as the local sponsor in order to initiate design and/or construction phases of said projects;

THEREFORE, BE IT HEREBY RESOLVED, that the Non-Flood Protection Asset Management Authority authorizes the submittal of applications to the State of Louisiana COP to fund the following projects in the amounts shown for Fiscal Year 2016-2017:

1. Lakeshore Drive and Stars and Stripes Boulevard Safety Striping and Pavement Markings, Planning and Construction - \$130,000.00;
2. Buildout for Public Use - 2nd floor Building 101 (National Guard Hangar) – \$475,000;
3. Interim Airport Flood Protection – New Orleans Lakefront Airport - \$900,000;
4. Lake Vista Community Center Repairs, Subsidence, Site Paving and Fill - \$550,000;
5. Drainage repairs and berm design – New Orleans Lakefront Airport - \$350,000;
6. South Shore Harbor – silt removal - \$475,000;
7. Lake Terrace Fountain Restoration - \$200,000;
8. Silt removal – New Basin Canal and Orleans Marina - \$475,000;
9. Replace ARFF fire truck – New Orleans Lakefront Airport - \$800,000;
10. Repair of lighting and conversion to alternate lighting system, New Orleans Lakefront Airport, Stars and Stripes Blvd. and Haynes Blvd. Flyover - \$275,000.00;
11. Replace ARFF Station – New Orleans Lakefront Airport - \$1,500,000;
12. South Shore Harbor – restripe parking lot - \$150,000

BE IT FURTHER RESOLVED, that the Management Authority does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.
3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

BE IT FURTHER RESOLVED, that the Management Authority is committed to providing a local project match to the extent it is economically able for the amounts required/recommended and necessary by the State.

BE IT FURTHER RESOLVED, that the Management 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:

AYES: HEATON, GREEN, WHEATON, BRIEN, SETTOON, RICHARD, ARRIGO, HEBERT, MAJOR, MORVANT

NAYS:
ABSTAIN: ERNST, FIERKE
ABSENT: EAMES, GRANT
RESOLUTION ADOPTED: YES

06-092216 – Motion to authorize Authority Chairman to sign documents required of the former Executive Director from September 16, 2016 through October 15, 2016

Chair Heaton advised that the September 16, 2016 date was selected due to the resignation of the Executive Director, and the position should be filled by the end date. The Chair of the Selection Committee (Richard) will follow procedure in the selection of the new Executive Director. Comm. Richard identified the next qualified candidate from the previous list of submissions as all applications were kept. That candidate will be brought before the Board for ratification.

Comm. Fierke moved to replace the October 15, 2016 date with January 15, 2017, and Chair Heaton accepted the amendment.

Comm. Fierke moved to authorize the Authority Chairman to sign documents required of the former Executive Director from September 16, 2016 through January 15, 2017, second by Comm. Arrigo. The Resolution was adopted to wit:

MOTION: 06-092216
RESOLUTION: 05-092216
BY: COMMISSIONER ARRIGO
SECONDED BY: COMMISSIONER GREEN

September 22, 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 Executive Director of the Management Authority resigned effective on September 13, 2016;

WHEREAS, since that date the Management Authority has not had an authorized signatory to sign documents, including contracts, permits, and no objection letters for subdivision construction projects, that the Executive Director was authorized to sign under the By-laws of the Management Authority and resolutions adopted by the Management Authority;

WHEREAS, the Management Authority desires to authorize the Management Authority Chairman as signatory on behalf of the Management Authority to sign any and all documents, releases, and contracts, including but not limited to 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 Authority Chairman, unless and until said bank or other depository has received notice in writing from the Management Authority that said Authority Chairman is no longer authorized to administer the funds of the Management Authority, and to ratify all contracts signed and actions taken by the Authority Chairman since September 15, 2016;

WHEREAS, the Management Authority further desires that the Authority Chairman have the authority to enter into contracts for Management Authority business not to exceed the contract sum of \$25,000.00; provided that and that all contracts entered into by the Authority Chairman on behalf of the Management Authority comply with any applicable federal, state, or local laws; and, that the Authority Chairman have the authority to enter into contracts in emergency situations; that an emergency for purposes of this authority is an unforeseen mischance bringing with it destruction or injury to life or property or the imminent threat of such destruction or injury; and,

WHEREAS, the authority granted under this resolution to the Management Authority Chairman shall expire on January 15, 2017; and,

WHEREAS, after discussion and amendment duly made, seconded and adopted, this resolution was duly adopted as amended.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority hereby authorizes the Management Authority Chairman as signatory on behalf of the Management Authority to sign any and all documents, releases, and contracts, including 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 Authority Chairman, unless and until said bank or other depository has received notice in writing from the Management Authority that said Authority Chairman is no longer authorized to administer the funds of the Management Authority, and hereby ratifies all contracts signed and actions taken by the Authority Chairman since September 15, 2016.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority hereby authorizes the Authority Chairman to enter into contracts for Management Authority business not to exceed the contract sum of \$25,000.00; and, that all contracts entered into by the Authority Chairman on behalf of the Management Authority comply with any applicable federal, state, or local laws; and, that the Authority Chairman shall also have the authority to enter into contracts in emergency situations; that an emergency for purposes of this authority is an unforeseen mischance bringing with it destruction or injury to life or property or the imminent threat of such destruction or injury.

BE IT HEREBY FURTHER RESOLVED, that the authority granted under this resolution to the Management Authority Chairman shall expire on January 15, 2017.

BE IT HEREBY FURTHER RESOLVED, that the Chairman, Vice-Chairman or Chairman of Finance of the Management Authority be and is hereby authorized to sign any and all documents necessary to carry out the foregoing.

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

AYES: HEATON, GREEN, FIERKE, WHEATON, BRIEN, ERNST, SETTOON, RICHARD, ARRIGO, HEBERT, MAJOR, MORVANT

NAYS:

ABSTAIN:

ABSENT: EAMES, GRANT

RESOLUTION ADOPTED: YES

Discussion regarding amending the By-Laws of the Non Flood Protection Asset Management Authority by

a) Allowing up to five Authority members on each committee; and

Gerry Metzger, Legal Counsel, advised that notice must be issued at least 20 days before the vote. The provisions state that in voting to amend the By-Laws no such amendment shall be considered unless a Notice of Intention to Alter or Amend the By-Laws and the proposed alteration or amendment has been given in writing to each Authority member not less than 20 days prior to the regular scheduled meeting that the Amendment is to be voted on. Chair Heaton noted that the discussion will start the process.

Comm. Wheaton noted that the present By-Laws allow four members on each committee. Bringing that number to five will allow additional commissioners to participate with the same amount of commissioners needed to constitute a quorum.

b) Establishing a Nominating Committee as a special committee to meet prior to Election of Officers in August

Comm. Wheaton noted that the last election of officers was a painful process. A Nominating Committee will be formed to avoid that in future elections. Comm. Settoon suggested specifications be prepared to entail how the Nominating Committee will proceed forward in the future. Comm. Fierke suggested that the Executive Director chair the Nominating Committee, and be a non-voting member. Chair Heaton requested the notice be sent to amend the By-Laws by increasing the number of Committee members from four to five. The issue regarding the Nominating Committee will be vetted before the Legal Committee.

Chair Heaton offered an amendment to the Agenda to authorize Legal Counsel to pursue settlement in the case entitled, *Red Dot Buildings v. GM&R Construction Company, Inc., et al*, second by Comm. Settoon. The motion was unanimous and the item was added to the Agenda.

07-092216 - Motion to authorize Legal Counsel to settle the case entitled, *Red Dot Buildings v. GM&R Construction Company, Inc., et al*

The motion authorizes Legal Counsel to settle the case as per recommendation from Legal Chair Fierke.

Comm. Fierke offered a motion to settle the case entitled, *Red Dot Buildings v. GM&R Construction Company, Inc., et al*, second by Comm. Settoon. The Resolution was adopted to wit:

MOTION: 07-092216
RESOLUTION: 06-092216
BY: COMMISSIONER FIERKE
SECONDED BY: COMMISSIONER SETTOON

September 22, 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 Management Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the District, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, ("Airport");

WHEREAS, the hangars and other facilities at the Airport, including the James Wedell Hangar (the "Hangar"), were severely damaged by Hurricane Katrina in August of 2005;

WHEREAS, the Management Authority entered into a construction contract with G.M.&R. Construction Company, Inc. ("GM&R") to rebuild the James Wedell Hangar;

WHEREAS, certain disputes arose between GM&R and several of its subcontractors and suppliers and also with the Management Authority during and after the completion of construction of the Hangar;

WHEREAS, as a result of these disputes litigation was instituted in the United States District Court for the Eastern District of Louisiana, in those proceedings captioned and entitled "*Red Dot Buildings, Inc. v. G.M. & R. Construction Company, Inc., et al, No: 14-02803*", in which GM&R asserted claims for damages against the Management Authority;

WHEREAS, counsel for the Management Authority has negotiated a settlement of the claims asserted by GM&R against the Management Authority in this litigation and has recommended to the Management Authority that this litigation should be settled based upon the terms negotiated and recommended by counsel; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the Orleans Levee District and the Management Authority to authorize counsel to settle this litigation on the terms recommended by counsel.

THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority hereby authorizes its legal counsel to settle the claims asserted in the litigation described hereinabove against the Management Authority on the terms negotiated and recommended by counsel.

BE IT HEREBY FURTHER 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:

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

AYES: HEATON, GREEN, FIERKE, WHEATON, BRIEN, ERNST, SETTOON, EAMES,
RICHARD, ARRIGO, HEBERT, MAJOR, MORVANT

NAYS:

ABSTAIN:

ABSENT: GRANT

RESOLUTION ADOPTED: YES

ANNOUNCE NEXT MEETING

Chair Heaton announced the next full Board meeting will be held on October 27, 2016 at 5:30 p.m.

ADJOURNMENT

Comm. Settoon offered a motion to adjourn, seconded by Comm. Major. Motion passed. The meeting adjourned at 7:23 p.m.