

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY  
SPECIAL BOARD MEETING MINUTES  
TUESDAY AUGUST 30, 2016 – 5:30 P.M.

A special meeting of the Full Board of the Non-Flood Protection Asset Management Authority was held on Tuesday, August 30, 2016 at 5:30 p.m., in the Lake Vista Community Center, 2<sup>nd</sup> Floor, 6500 Spanish Fort Blvd., New Orleans, Louisiana after due legal notice of the meeting was sent to each Board member, the news media, and a copy of the call was posted.

Chair Ernst called the meeting to order at 5:35 p.m. and led in the Pledge of Allegiance.

The roll was called which constituted a quorum.

**PRESENT:**

Chair Greg Ernst  
Vice Chair Wilma Heaton  
Secretary Thomas Fierke  
Comm. Mike Stack  
Comm. Stan Brien  
Comm. Bill Settoon  
Comm. Leila Eames  
Comm. Glenn Higgins  
Comm. Roy Arrigo  
Comm. Rodger Wheaton  
Comm. Dawn Hebert  
Comm. Carla Major

**ABSENT:**

Comm. Eugene Green  
Comm. Anthony Richard

**STAFF:**

Ken Schwingshagl – Executive Director  
Sharon Martiny – Administrative Assistant  
Chuck Dixon – Marina Director  
Tony Collins – Airport Fireman

**ALSO PRESENT:**

Gerard Metzger – Legal Counsel  
Chris Fenner – Stuart Consulting  
Jim Martin – DEI  
Walter Baudier - DEI  
Octave Rainey - Lake Oaks Resident  
Michael Liebert – Orleans Marina live-aboard tenant  
Joe Hassinger – Chairman, O.L.D. Flood Authority

**OPENING COMMENTS**

Chair Ernst noted that votes were taken improperly by secret ballot for the position of Chair. That is illegal under the Open Meetings Law and it is illegal under the NFPAMA By-Laws.

**ADOPT AGENDA**

Comm. Arrigo offered a motion to amend the agenda by replacing the word “illegal” with the word “improper”, second by Comm. Eames. Comms. Higgins, Fierke and Chair Ernst opposed the motion. Motion passed.

Comm. Fierke offered a motion to adopt the Agenda as amended, second by Comm. Settoon. Chair Ernst opposed the motion. Motion passed.

## **NEW BUSINESS**

**01-083016 – Motion to set aside the improper voting for the office of Chairman at the last regular Meeting of the NFPAMA on August 25, 2016, because the vote was taken by secret ballot in violation of the NFPAMA’s By-Laws (Article III, Section 7.B and Article III, Section 10) an in violation of the Louisiana Open Meetings Law (La.R.S. Article 42:14.C).**

The motion was amended to replace the word “illegal” with “improper”. Comm. Fierke offered a motion to set aside the improper voting for the office of Chairman at the last regular Meeting of the NFPAMA on August 25, 2016, because the vote was taken by secret ballot in violation of the NFPAMA’s By-Laws (Article III, Section 7.B and Article III, Section 10) an in violation of the Louisiana Open Meetings Law (La.R.S. Article 42:14.C), second by Comm. Settoon. The Resolution was adopted to wit:

**AGENDA ITEM: VII – 1 / Set Aside Improper Voting**  
**RESOLUTION: 01-083016**  
**BY: COMMISSIONER FIERKE**  
**SECONDED BY: COMMISSIONER SETTOON**

August 30, 2016

### **RESOLUTION**

**WHEREAS**, as provided under Article IV, Section 1 of the By-Laws of the Non-Flood Protection Asset Management Authority (“Management Authority”), officers are elected each year at the regularly scheduled August Management Authority Meeting;

**WHEREAS**, at the August 25, 2016 regular scheduled meeting a motion was made and duly seconded to take written ballot votes, which method of voting violates the NFPAMA’s By-Laws (Article III, Section 7.B and Article III, Section 10) and in violation of the Louisiana Open Meetings Law (La. R.S. Article 42:14.C);

**WHEREAS**, a Special Board meeting was called and held on August 30, 2016 to set aside the improper voting for the office of Chairman at the last regular meeting held on August 25, 2016; and,

**WHEREAS**, upon a motion duly made and seconded, a motion was adopted to set aside the voting for the Office of Chairman at the last regular meeting held on August 25, 2016.

**THEREFORE, BE IT HEREBY RESOLVED**, that the written ballot vote for the office of Chairman at the last regular meeting of the NFPAMA held on August 25, 2016 be and is hereby set aside and new votes for the office of Chairman shall be taken by voice vote.

**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:

**YEAS: ERNST, HEATON, FIERKE, STACK, BRIEN, SETTOON, EAMES, HIGGINS, ARRIGO, WHEATON, HEBERT, MAJOR**

**NAYS:**

**ABSTAIN:**

**ABSENT: GREEN, RICHARD**

**RESOLUTION ADOPTED: YES**

**02-083016 – Motion for the election of Chairman pursuant to the NFPAMA’s By-Laws (Article IV, Section 1) and in compliance with the NFPAMA’s By-Laws and the Louisiana Open Meetings law.**

Chair Ernst noted that under the NFPAMA By-Laws, officers must be elected during the August Board meeting to be placed by the September 1, 2016. The officers will be selected for one year commencing on September 1, 2016. The voting took place on August 25, 2016 by written ballot, which is not allowed in the By-Laws. The nominations remain; this is a re-vote for the position of Chairman. The position of Vice-Chair (Eugene Green) and Secretary (Thomas Fierke) will remain. Comm. Arrigo nominated Comm. Heaton for office of Chair.

Comm. Stack offered a motion to accept comments regarding nominations, second by Comm. Arrigo. Comms. Fierke, Higgins and Settoon opposed public comments prior to the vote.

After public comments were heard, Comm. Fierke offered a motion for the election of Chairman pursuant to the NFPAMA’s By-Laws (Article IV, Section 1) and in compliance

with the NFPAMA's By-Laws and the Louisiana Open Meetings law, second by Comm. Arrigo. The Resolution was adopted to wit:

**AGENDA ITEM:** VII – 2 / Election of Chairman  
**RESOLUTION:** 02-083016  
**BY:** COMMISSIONER ARRIGO  
**SECONDED BY:** COMMISSIONER FIERKE

August 30, 2016

**RESOLUTION**

**WHEREAS**, as provided under Article IV, Section 1 of the By-Laws of the Authority, officers are elected each year at the regularly scheduled August Management Authority Meeting;

**WHEREAS**, at the regularly scheduled August Meeting, a motion was made and duly seconded and adopted to take written ballot votes, which method of voting violated the NFPAMA's By-Laws (Article III, Section 7.B and Article III, Section 10) and was in violation of the Louisiana Open Meetings Law (La. R.S. Article 42:14.C);

**WHEREAS**, a Special Board Meeting was called and held on August 30, 2016 to consider a motion to set aside the improper voting at the August 25, 2016 regular meeting for the office of Chairman and for the vote for Office of Chairman to be retaken by voice vote, which was adopted by the Board;

**WHEREAS**, the following votes for Commissioner Wilma Heaton as Chairman were received:  
Heaton, Stack, Eames, Arrigo, Wheaton, Hebert, Major - **7 votes**; and,

**WHEREAS** the following votes for Chairman Gregory Ernst as Chairman were received:  
Ernst, Fierke, Brien, Settoon, Higgins - **5 votes**.

**THEREFORE, BE IT HEREBY RESOLVED**, that Wilma Heaton be and is hereby elected to serve as Chairman of the Non-Flood Protection Asset Management Authority commencing on September 1, 2016 through August 31, 2017.

**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 stated above.

**ABSENT:** GREEN, RICHARD  
**RESOLUTION ADOPTED:** YES

**ANNOUNCE NEXT MEETING**

Chair Ernst announced the next full Board meeting will be held on September 22, 2016 at 5:30 p.m.

**ADJOURNMENT**

Comm. Settoon offered a motion to adjourn, seconded by Comm. Major. Motion passed. The meeting adjourned at 8:23 p.m.