

**NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE LEGAL COMMITTEE MEETING
THURSDAY FEBRUARY 5, 2015 – 3:30 P.M.**

The regular meeting of the Legal Committees of the Non-Flood Protection Asset Management Authority was held on Thursday, February 5, 2015 at 3:30 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.

Chairman DeRouen called the meeting to order at 3:55 p.m. and led in the Pledge of Allegiance.

The roll was called which constituted a quorum.

PRESENT:

Chairman Patrick DeRouen
Comm. Thomas Fierke
Comm. Leila Eames
Comm. Anthony Richard

FURTHERMORE PRESENT:

Commissioner William Settoon
Commissioner Michael Stack

STAFF:

Cornelia Ullmann - Chief Operating Officer
Sharon Martiny – Administrative Assistant

ALSO PRESENT:

Gerard Metzger – Legal Counsel
Steve Nelson – Stuart Consulting Group
Jim Martin – DEI
Walter Baudier – DEI

ADOPT AGENDA

Comm. Fierke offered a motion to adopt the Agenda, seconded by Comm. Richard and unanimously adopted.

APPROVAL OF PRIOR MINUTES

Approval of the January 8, 2015 Legal Committee meeting minutes has been deferred.

Mr. Metzger stated that the first item addresses a lawsuit filed by Kay Bailey Miller against the Authority. Item two is a lawsuit naming the Authority as a defendant in the case. The third item is a written letter which is a “threat of litigation” against the Authority. These three items were appropriate for Executive Session under the Open Meetings Law.

The Legal Committee proceeded into Executive Session by a unanimous roll call vote. Upon returning from Executive Session, Chair DeRouen noted the following for the record:

EXECUTIVE SESSION

1) **Kay Bailey Miller vs. Merrill Prater, et al.CDC No. 2013-4743, Div. L-6**
The Committee recommended that counsel proceed as directed.

2) **M&M Concrete Services, Inc. v. GM&R Construction Company, Inc. CDC No. 2015-726, Div.: F-07**
The Committee instructed counsel to proceed forward with a Motion for Summary Judgment.

3) **RCLC claim for additional compensation (Cost Curve A)
Formal demand received. La. R.S. 42:17(A)(2)**

The Committee instructed Richard Lambert and Stuart Consulting to meet with FEMA. Legal Counsel has been instructed to evaluate the Authority's exposure and report back in the next 30 days.

NEW BUSINESS

1) Status of accident of Friday, January 2, 2015 on Lakeshore Drive

The COO advised that on January 2, 2015 a truck was proceeding down Lakeshore Dr. from Robt. E. Lee by the restaurants. The truck was traveling at a high rate of speed, came around the corner, lost control and hit a tree near Shelter No. 1. There was a fatality. The accident report has not yet been issued.

2) Distribution of FY 2015-2016 proposed budget

The proposed budget was distributed.

ADJOURNMENT

Comm. Fierke offered a motion to Adjourn, seconded by Comm. Richard and unanimously adopted.

ANNOUNCEMENT OF NEXT MEETING

The next Legal Committee meeting is scheduled for Thursday, March 5, 2015 at 3:30 p.m. The meeting adjourned at 4:38 p.m.