

**Non-Flood Protection Asset Management Authority  
Minutes of the Legal Committee Meeting  
Thursday, August 6, 2015 – 3:30 P.M.**

The regular meeting of the Legal Committee of the Non-Flood Protection Asset Management Authority was held on Thursday, August 6, 2015 at 3:30 p.m., in the Lake Vista Community Center, 2<sup>nd</sup> 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.

Chair Fierke called the meeting to order at 4:10 p.m. and led in the Pledge of Allegiance.

The roll was called which constituted a quorum.

**Present:**

Chairman Thomas Fierke  
Comm. Anthony Richard  
Comm. Leila Eames

**Absent:** (NA)

**Staff:**

Cornelia Ullmann - Chief Operating Officer  
Sharon Martiny – Administrative Assistant

**Also Present:** (NA)

**Opening Comments**

**Adopt Agenda**

Comm. Eames offered a motion to adopt the Agenda, seconded by Comm. Richard. Motion passed.

**Approval of Minutes**

Comm. Eames offered a motion to adopt the minutes of the May 14, 2015 and June 2, 2015 minutes, seconded by Comm. Richard. Motion adopted.

**Executive Session**

Chair Fierke stated that he was considering talking about South Shore Harbor contractual matters, but I could not find any reasons to go into Executive Session. I thought there was one for contract negotiations, but there is not.

**Old Business**

**Update on various South Shore Harbor contractual matters** Chair Fierke questioned how the status of contract negotiations with South Shore Harbor Marina tenants. The COO advised that negotiations are moving along nicely. We are at a stopping point. The main person working on the plans for the South Shore Harbor long term agreement; I met with her. She has been moved over to be the planner for the September festival. She stated that everything is going along fine. The practical boots on the ground people have been authorized to move forward. The music fest will take place on September 26<sup>th</sup> and 27<sup>th</sup>. I was originally scheduled to be three days: Friday, Saturday and Sunday. It will just be Saturday and Sunday. They are renting additional parking from the Airport so people park on the Airport. They have hired professional parkers to park people for the September event and this is how they plan on doing their other events. They are in the process of soliciting partners because this is evidently going to be a more expensive long-term project than they anticipated, which is good because that means they want to invest more in our property and the project and community. I heard from Angelle Davis, the former Director of Administration for the State of Louisiana. She reached out to me and stated that they are in agreement on the primary portions of the agreement. There are minor things that may need to be discussed, but generally we are in agreement. Ms. Davis stated that they have to get the Orpheum finished which they have been pretty successful in doing. They had a commitment to the Louisiana Philharmonic. That opening is 10 days before the September 26<sup>th</sup> event. The beginning of October they will be ready and committed to move forward on the permanent project.

Chair Fierke requested a status on Michael Botnick. The COO advised that she received approval. We have his contract, but I have not tasked him with anything. Comm. Eames noted that there is

no structure in South Shore Harbor; what are their intentions to be able to hold a crowd. The COO advised that it will be an outside amphitheater for the permanent music venue. For the September event they will build a stage and use tents just like any outside festival. This is the trial run as to parking, traffic, restroom facilities and the placement of vendors. They are working hard on plans to keep people out of the neighborhood because that is a concern from a former commissioner. They are also concerned for the young people. They are making parking on-site as cheap as possible to keep them off of the road, out of the neighborhood and off Haynes Blvd. so as not to cross over the levee. They don't want people gate crashing and getting in for free. I had coffee one morning with Mr. von Kurnatowski and others when we signed the September agreement, and he was good.

## **New Business**

### **1) Retention of trademark attorney**

Chair Fierke advised that Comm. Heaton came to me. Something that she has been thinking about for a long time and that is to make sure that we own the copyright to the seven murals inside the airport and also trademarking and copyrighting some names for the Runway Café. That may be gone because it is in use for someone else. Comm. Heaton has a list of things that we might want to get registered copyrights on. I am meeting with one intellectual property attorney next week for free to see what his thoughts are. I will know more and if there is something there that we can do because we are a public body and that has a different set of rules as far as trade mark and copy rights.

Staying on New Business, the Red Dot litigation is something that Mr. Metzger was handling. Monday he will formally withdraw from that and hand that over to Michael Botnick. I am going to that meeting so I understand more about the Red Dot litigation. That is old litigation involving the James Wedell Hangar, which did not get repaired in time. They were going to repair it and if they did not repair it, they owed us money. It did not get repaired in time and everyone is suing everyone. I think there are seven parties in the litigation so I am not prepared to explain it.

The special investigation we did, the subject of that did do a self disclosure to attorney disciplinary board. I forwarded the report of Mr. Tusa, which was very thick, so they have our report and his self-disclosure. We have no idea what the time frame of that will be; 30 days plus is the only time frame I could get.

We have the contract for the FEMA attorney submitted. The COO advised that the contract is at the AGs office. I received an envelope today from the AGs office so I have to go downstairs. I'm hoping there are two employment contracts for the FEMA attorney. Chair Fierke stated this was something we wanted to have ready in case we needed it. We are still hoping that FEMA will agree with the flood wall for the Airport, but if they don't we want to be able to immediately ask for arbitration and have someone already approved so we don't have to delay arbitration. The COO stated that the unofficial word is the "no" is coming and will be issued on August 15, 2015. The arbitration period, the request to prepare your case, is 30 days.

Comm. Eames addressed the RCL cost curve litigation. Chair Fierke stated that the Authority morally and legally decided that we owed the money. We requested Mr. Metzger negotiate (he was willing to fight it, but Mr. Ernst and myself were not willing to fight it because we saw it differently), so Mr. Metzger was willing to litigate. Legally, the Authority thought we should settle the matter, the Finance and Airport Committees thought that morally we owed that money because we had received the services. Basically, in round numbers we owed RCL \$200,000 and they agreed to settle for \$195,000. We paid them and everybody is happy.

## **ADJOURNMENT**

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

## **ANNOUNCEMENT OF NEXT MEETING**

The next Legal Committee meeting is scheduled for Thursday, September 3, 2015 at 3:30 p.m. The meeting adjourned at 4:22 p.m.