

NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
Minutes of the
Legal Committee Meeting
Thursday February 4, 2016 – 2:30 P.M.

The regular meeting of the Legal Committee of the Non-Flood Protection Asset Management Authority was held on Thursday, February 4, 2016 at 2:30 p.m., in the Lake Vista Community Center, Second 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 Fierke called the meeting to order at 2:42 p.m. and led in the pledge of allegiance. The roll was called which constituted a quorum.

Present

Chair Thomas Fierke
Comm. Anthony Richard

Absent:

Comm. Leila Eames

Staff:

Cornelia Ullmann – Chief Operating Officer
Sharon Martiny – Administrative Assistant

Also Present:

Al Pappalardo – Real Estate Consultant

Adopt Agenda

Comm. Fierke requested to amend the Agenda by going directly into Executive Session, seconded by Comm. Richard. Motion passed.

Approval of Prior Minutes

Comm. Richard moved to approve the November 2015 Legal Committee meeting minutes, seconded by Chair Fierke. Motion passed. Comm. Richard moved to approve the January, 2016 Joint CRE/Marina/Legal Committee meeting minutes, seconded by Chair Fierke. Motion passed.

Executive Session:

Duplessy v. Mayer, CDC 10-12602 “E”

Boathouses 41-46 and along New Basin Canal (R.S. 42:17(A) (2) (2))

A unanimous roll call vote was taken to go into Executive Session.

Executive Session ended and no votes or action was taken.

Old Business:

1) Update on letter to boathouse tenants W 2-4, 5-6, 8, 9, 10, 11-13, 14, 17, and 18.

The COO advised boathouse tenants via e-mail, regular mail and certified mail regarding the condition of the pilings. A response was requested by February 28, 2016. Brad Adams (W-2 through 4) has not responded. Mr. Adams is up-to-date with rent and maintains the property. Dieter Hugel requested and received the Anders report to identify which pilings are faulty. Mr. Hugel has rehabbed pilings through the years, and has been a very good tenant. W-8, 9 and 10 are three long-time tenants who have not yet responded to the letter. W-11 through 13 is Fairview Realty, who received a copy of the piling report. Fairview Realty maintains insurance on the boathouses. Capt. White has not provided a status on unpaid rents. The COO received an email from Fairview's finance department that he is out until the Monday following this meeting. Comm. Fierke suggested a demand letter be sent to Fairview Realty regarding the cost of building the improvements that have not yet been built. Whitney (W-14) has not responded as yet. Mr. Ted Alcus (W-17) is maintaining the improvements, as is Dr. Rubin (W-18). The COO and Mr. Pappalardo visited with Mr. Alcus and Dr. Rubin in

the past week and left copies of the diver's notes with both tenants. Mr. Alcus' sons have taken over responsibilities of W-17 and as of last week, continued repairs for termites are ongoing. W-21 (Garcia) is a wholly separate structure, is undergoing renovations and is not part of the same row of boathouses W1-20.

Comm. Fierke advised if tenants do not respond, a follow-up letter will be sent advising them to contact the Authority.

New Business

2) Discussion regarding utilizing one year option for current counsel of record for FY beginning 7/1/16

Comm. Fierke advised that he has no objection to utilizing the one year option for current counsel of record.

3) Discussion regarding Cooperative Endeavor Agreement and lease with Mosquito Control Board

Mr. Pappalardo advised that at its last regular board meeting, the Authority approved an agreement in principle to enter into market rate leases for the duration of the CEA. His suggestion was that each of the two separate parcels of land should have its own lease in the event the tenant or the Authority wishes to discontinue use of one of the parcels. This also gives the parties flexibility to cancel either of the leases. Comm. Richard and Chair Fierke were in agreement with the CEA.

Announce Next Legal Committee Meeting

Chairman Fierke announced that the next Legal Committee meeting is scheduled for Thursday, March 3, 2016 at 2:30 p.m.

Adjournment

Chair Fierke offered a motion to adjourn, seconded by Comm. Richard and unanimously adopted. The meeting adjourned at 3:02 p.m.