

**NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY**  
**Minutes of the Legal Committee Meeting**  
**Thursday April 7, 2016 – 2:30 P.M.**

The regular meeting of the Legal Committee of the Non-Flood Protection Asset Management Authority was held on Thursday, April 7, 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 2:43 p.m. and led in the pledge of allegiance. The roll was called which constituted a quorum. Chair Fierke announced that the Legal Committee meeting was informal and waived minutes for this meeting.

**Present**

Chair Thomas Fierke  
Comm. Anthony Richard  
Comm. Leila Eames

**Staff:**

K.J. Schwingshaki – Executive Director  
Sharon Martiny – Administrative Assistant

**Also Present:**

Al Pappalardo – Real Estate Consultant

**Adopt Agenda**

Comm. Eames moved to adopt the Agenda, second by Comm. Richard. Motion passed.

**Approval of Prior Minutes**

Comm. Richard moved to approve the March 3, 2016 Legal Committee meeting minutes, second by Comm. Fierke. Motion passed.

Comm. Fierke noted that he could not locate a State requirement addressing retaining verbatim minutes. Recordings are available if needed. Informal minutes are approved in an effort to alleviate administrative time.

**Old Business**

**1) Discussion regarding requirements to transfer leases**

Chair Fierke addressed a Resolution defining requirements to transfer boathouse leases. The parties buying/selling a boathouse will be required to produce a structural report. The Resolution lists three approved companies authorized to prepare the structural report, which will detail the condition of existing pilings located at each boathouse.

Additionally, one or more persons will be required to sign the lease transfer when an LLC is the purchaser. The signing individuals will be guarantors to the Authority and responsible for any maintenance required under the lease. Mr. Metzger advised that the Board has absolute authority to approve or decline the transfer of a boathouse lease. Upon execution of the lease assignment, an Amendment will be prepared citing a personal guarantee by one of the principals of the LLC, Corporation or Partnership. Mr. Metzger advised that the guarantor of the lease guarantees the lessee will fulfill all obligations under the lease. A guarantor on a lease does not expose himself to third party liability. The Authority lease includes a Hold Harmless and Indemnity provision.

Al Pappalardo, Real Estate Consultant, noted that the structural report includes piling conditions, cross member conditions and roof conditions. The purchaser enlists a building inspector to examine the wiring and structure. As a typical home inspector is not knowledgeable with respect to marine pilings, the purchaser will be required to employ one of three sources listed on the Resolution. The piling survey must be current as to the date purchaser agreed to buy or sell said boathouse.

Chair Fierke noted that correspondence and a report with the result of the piling survey were sent to all W boathouse tenants. The correspondence requested a written response of their intent to evaluate and address the condition of the pilings. As several tenants have not responded, a follow-up letter will be prepared and sent to those tenants that have not answered. The W boathouse files will be reviewed in May Executive Session. The issue regarding boathouse lease requirements going forward will be brought before the Board on April 21, 2016.

### **New Business**

#### **2) Discussion exercising one year option to retain as legal counsel on an as needed basis: Gordon Arata and Gerard Metzger APLC**

Mr. Metzger advised that this issue does not fall within the purview of Executive Session. Comm. Richard moved to extend Gordon Arata and Gerard Metzger, APLC for one additional year, second by Comm. Eames. Motion passed.

### **Announce Next Legal Committee Meeting**

Chairman Fierke announced that the next Legal Committee meeting is scheduled for Thursday, May 5, 2016 at 2:30 p.m. in the Conference Center at Lakefront Airport.

### **Adjournment**

Comm. Richard offered a motion to Adjourn, seconded by Comm. Eames and unanimously adopted. The meeting adjourned at 3:05 p.m.