

Minutes of Non-Flood Protection Asset Management Authority
Legal Committee Meeting
June 19, 2018 @ 4:30 p.m.

Present:

Chair Carla Major
Vice Chair Rodger Wheaton
Commissioner Roy Arrigo
Commissioner Chris Morvant

Staff:

Executive Director Jesse Noel
Deputy Director Ngoc Ford
Executive Assistant Kim Vu

Also Present:

Commissioner Wilma Heaton
Gerry Metzger – Legal Counsel
Anthony Marino – GEC
Michael Botnick – Gordon Arata

The Legal Committee of the Non-Flood Protection Asset Management Authority met on Tuesday June 19, 2018 at 6001 Stars and Stripes Blvd. in the Lakefront Airport Terminal Building on the second-floor conference room. Chair Major called the meeting to order at 4:35 P.M.

Opening Comments – Chair Major

Chair Major thanked everyone for coming to the legal committee meeting.

Motion to Adopt Agenda:

Motion to adopt agenda moved by Wheaton, seconded by Commissioner Morvant, and all were in favor.

Motion to approve minutes from May 15, 2018:

Motion to approve minutes from May 15, 2018 moved by Commissioner Arrigo, seconded by Commissioner Wheaton and all were in favor.

Public Comments:

- None

Legal Counsel's Report:

Mr. Metzger issued his routine monthly status report to the legal committee. He reported the status on the pending cases, and that there was no action taken on anything.

Old Business:

a) Motion to recommend Legal Services selections as recommended by staff

Director Noel stated that five submissions were received for legal services contracts and staff recommended the following three firms Gerard Metzger, a Legal team led by Jefferson Dye, and Gordon Arata. The legal services contracts would be based on a one year primary term and two one year options. After reviewing the legal services ranking sheet, Commissioner Major inquired about Transcendent Law

Group based on their state civil service experience and DBE credentials. Both Commissioner Major and Wheaton recommended that Transcendent Law Group be added as the list of legal services selections.

Motion to recommend contracts for legal services Gerard Metzger, a legal team led by Jefferson Dye, Gordon Arata, and Transcendent Law Group moved by Commissioner Arrigo, seconded by Commissioner Wheaton and all were in favor.

New Business:

a) Discussion and recommendation regarding Lease terminations

Director Noel discussed current issues with habitually late tenants and how best to implement late fees, issue default letters and process evictions. Staff will work more towards lease term enforcement.

b) Discussion regarding Louisiana Compliance Questionnaire

Director Noel explained that the Louisiana Compliance Questionnaire must be submitted to the audit on an annual basis. Mr. Metzger, legal counsel, reviewed the questionnaire to ensure everything was answered properly. The questionnaire was recommended for approval by the finance committee and will be on the board agenda.

c) Status update on pending arbitration with FEMA

Director Noel stated that June 2018 marked one year since the brief was filed with FEMA. Unfortunately, there was no action report from FEMA on this matter.

Executive Session:

a) Civil District Court for the Parish of Orleans, State of Louisiana, No: 2014-6983, Division "G-H" Non-Flood Protection Asset Management Authority vs. The Lathan Company, Inc. et al

Motion to go into executive session moved by Commissioner Wheaton, seconded by Commissioner Arrigo.

Motion to resume from executive session by Commissioner Wheaton, seconded by Commissioner Arrigo and all were in favor.

Motion to recommend Mr. Botnick proceed with settlement negotiations and bring back Lathan Company's best offer moved by Commissioner Wheaton, seconded by Commissioner Arrigo and all were in favor.

Commissioner Morvant left the meeting early at 5:10 P.M.

Chair Major made the announcement that the next Legal Committee Meeting would take place on Tuesday July 17, 2018 at 4:30 P.M. Chair Major noted that the legal committee would not be required to meet in July if there were no actionable items.

Motion to adjourn moved by Commissioner Wheaton, seconded by Commissioner Arrigo and the meeting was adjourned at 5:17 P.M.