

**THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY, JUNE 21, 2012 – 5:30 P.M.**

The regular monthly meeting of the Board of the Non-Flood Protection Asset Management Authority of the Orleans Levee District was held on Thursday, June 21, 2012 at 5:30 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 Lupo called the meeting to order at 5:37 p.m. and led in the Pledge of Allegiance. The roll was called and a quorum was present.

PRESENT:

Chairman Robert Lupo
Vice Chairman Joe Hassinger
Secretary Greg Ernst
Commissioner Patrick Derouen
Commissioner Wilma Heaton
Commissioner Michael Stack
Commissioner Stanley Brien
Commissioner Carlton Dufrechou
Commissioner Darrel Saizan
Commissioner William Hoffman
Commissioner Romona Baudy
Commissioner Nyka Scott

ABSENT:

Commissioner Pearl Cantrelle
Commissioner John Trask

STAFF:

Louis Capo - Executive Director
Sharon Martiny - Non-Flood
Dawn Wagener - Non-Flood
Chuck Dixon – Marina Director
Fred Pruitt – Airport Director

ALSO PRESENT:

Al Pappalardo - Real Estate Consultant
Gerard Metzger - Legal Counsel
Steve Nelson – Stuart Consulting
Chris Fenner – Stuart Consulting
David Bacci – Stuart Consulting
Walter Baudier – DEI
Wesley Mills – DEI
Hardee Edgecombe – Arthur J. Gallagher
Kathy Gambino – Arthur J. Gallagher
Randy Maddox – Morrison Insurance
Tim Avegno – Eagan Insurance
Wade Troth – LaDOTD
Jason Duet - LaDOTD
Mike Carroll – Mosquito Control
Tim Gaines – URS
Kort Hutchison – South Shore Harbor Yacht Club
Jeanne Hutchison - South Shore Harbor Yacht Club
Ray Landeche - Lakeshore

OPENING COMMENTS

Chairman Lupo advised that Motions 02-062112 through 07-062112 would be discussed in globo as each item has been vetted in the committee meeting and are in the budget.

ADOPT AGENDA

Commissioner Saizan made a motion to amend the Agenda to hear Motions 02-062112 through 07-062112 in globo, seconded by Commissioner Heaton and unanimously adopted.

APPROVAL OF PRIOR MINUTES

Commissioner Hassinger offered a motion to approve the minutes of the Board meeting held May 17, 2012, seconded by Commissioner Hoffman and unanimously adopted.

REPORT BY EXECUTIVE DIRECTOR

Mr. Capo addressed the two restaurants currently underway and informed the Board that Lakeview Landings is moving forward with the restaurant south of Landry's after a slight delay due to issues regarding servitudes. Lakeview Landings is scheduled to open in October of 2012. Tides, LLC is on the New Basin Canal located at the former Hong Kong restaurant site. The Hong Kong has been demolished and developers are moving forward to construct the restaurant which is scheduled to open in the spring of 2013.

A movie is currently being filmed at South Shore Harbor and will continue until early July. Mr. Bill Burke of Premier Event Management scheduled the first 5150 race with the swim being in the South Shore Harbor location for June 24, 2012. The RFQ for the Airport Consultant is due Monday June 25, 2012 and the RFQ for an architect/engineer for subdivision and building restriction review is due on July 10, 2012. The landscape architect has reported that the preliminary report for the Airport landscaping project will be delivered in July for review.

Mr. Capo introduced the newest Board member, Nyka Scott, who was appointed by Representative Steve Scalise and noted Commissioner DeRouen's arrival.

COMMITTEE REPORTS

Airport Committee

Commissioner Saizan advised that staff is working with LaDOTD and the FAA to address and correct certain safety issues prior to the Super Bowl. The Dallas meeting with the FAA was successful and the Authority is making great strides in bringing Lakefront Airport back to its highest and best use. Chairman Lupo added that this Authority has a team between the state and the federal government that is unprecedented in the history of Lakefront Airport. This team will show great fruits in the future and the Authority will be eligible each year for significant dollars for Lakefront Airport as the FAA sees the importance of general aviation at Lakefront Airport.

Mr. Capo informed the Board that Mr. Bruce Thompson, Mayoral Task Force, gave a presentation at the May 17, 2012 Board meeting on the proposed new pump stations and associated fuel tanks. The Task Force is looking into powering the pump stations in an effort to benefit both the Sewerage & Water Board and the City by investing in and utilizing the Claiborne power facility as opposed to placing tank farms on the Lakefront. Chairman Lupo suggested a meeting with the City, the Corps or the Flood side and noted that this Authority will taken every opportunity to help neighborhoods alleviate having diesel operated generators and tanks that store 300,000 gallons of diesel fuel placed on the Lakefront.

Mr. Capo advised that Dan Bradley from the Corps requested a small meeting to discuss the pump issues. The meeting will include Chairman Lupo, Commissioners Hoffman, Hassinger and Trask and possibly a representative of the Mayoral Task Force. This may be an issue for the local representative as it involves a federal agency doing a \$700 million project that will house 300,000 gallons of diesel fuel on the Lakefront along with diesel power generators that will be an eyesore. Any alternative to that will be thoroughly reviewed. Mr. Capo will invite Mr. Bradley to the July 19 Board meeting via formal letter request signed by Chairman Lupo and copied to the State and Federal Representatives.

Marina Committee

The Marina Committee meeting scheduled for June 5, 2012 was cancelled.

Commercial Real Estate

The June 5, 2012 Commercial Real Estate meeting was cancelled.

Al Pappalardo, Real Estate Consultant, informed that the AeroPremier/Hawthorne buyout occurred and notice was received that the second floor of Building 101 will be released. In upcoming months architectural studies will be prepared to design or retrofit the building for multi-tenant use. The Bastian-Mitchell Hangar and James Wedell Hangars will be coming on line. There is also a motion on the Agenda by the New Orleans Mosquito and Termite Control to lease the warehouse building.

Recreation/Subdivision Obligation

Issues heard before the Recreation/Subdivision Committee will be addressed in the motions.

Legal Committee

Chairman Ernst informed that the Legal Committee recommended approval of the amendment to the 2012 Professional Legal Services contract with Gerard G. Metzger, APLC and the approval of the Professional Legal Services contract for 2013.

Finance Committee

Chairman Hoffman advised that the Finance Committee addressed insurance coverage issues and how insurance impacts the budget. Insurance issues have been vetted on two occasions with the Insurance Committee and at the Finance Committee meeting.

NEW BUSINESS

Motion No. 01-062112 - Lease with N.O. Mosquito and Termite Control Board

The City proposed a one year lease with an option to renew for one additional year and 90 day cancellation clause for use of the warehouse facility. The rental rate is .40¢ per square foot for 47,500 of leased space totaling \$19,000 per year payable quarterly. Lessee has agreed to demolish the warehouse and other facilities on the leased premises at the expiration of the lease subject to approval by the Management Authority.

Mr. Pappalardo noted that the warehouse facilities have been in play since 1985 at New Orleans Lakefront Airport and were heavily damaged with flood waters in Katrina. The warehouse has been utilized by the Mosquito Control Board for storage of chemicals used to spray for mosquitoes. The Mosquito Control Board is currently seeking warehouse space behind levee protection and off of the airfield as these buildings are in the clear zone of runway N-27. A one year lease with a one year option is requested. As part of the lease consideration these buildings will be demolished by Mosquito Control at their expense to the satisfaction of the lessor. The ground will be returned clean and free of any substances

Motion No. 01-062112 by Commissioner Saizan, seconded by Commissioner Hassinger was unanimously adopted to wit:

MOTION: 01-062112
RESOLUTION: 01-062112
BY: COMMISSIONER SAIZAN
SECONDED: COMMISSIONER HASSINGER

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the Management Authority manages, operates and administers the New Orleans Lakefront Airport, which is a non-flood protection asset owned by the Orleans Levee District, located on the south shore of Lake Pontchartrain in the Parish of Orleans, State of Louisiana, (“Airport”);

WHEREAS, the City of New Orleans (the “City”) operates and manages the New Orleans Mosquito and Termite Control Board (the “Board”) which is responsible for mosquito, termite and pest control in the City of New Orleans;

WHEREAS, the City by and through the New Orleans Mosquito and Termite Control Board leased a portion of ground at the Airport in 1985 where it constructed warehouse and other facilities used for mosquito research, aerial spraying and allied control methods in connection with mosquito and pest control in the City of New Orleans;

WHEREAS, the Lease with the City expired in 2006 and since that time the Board has remained in possession of the property on a month-to-month lease;

WHEREAS, the City is desirous of leasing from the Management Authority the property where the warehouse and other facilities are located for use in mosquito and pest control in the City of New Orleans, together with the right to use and enjoy individually, and in common with others, the facilities at the Airport;

WHEREAS, the City has proposed a lease for a term of one (1) year with an option to renew for one (1) additional year, and with a ninety (90) day cancellation clause, at a rental rate of \$.40 per square foot for 47,500 square feet of leased space, totaling \$19,000.00, per annum, payable quarterly, and as additional consideration has agreed to demolish the warehouse and other facilities on the leased premises on the expiration of the lease, subject to the approval of the Management Authority.

WHEREAS, the Airport Committee of the Management Authority considered the proposed lease at its meeting held on June 5, 2012 and voted unanimously to recommend approval of the proposed lease with the City of New Orleans under the terms set forth above and in accordance with the standard terms and conditions of the Management Authority for leases at the New Orleans Lakefront Airport; and,

WHEREAS, the Management Authority after considering the lease proposal by the City of New Orleans resolved that it is in the best interest of the Orleans Levee District to approve the proposed lease with the City of New Orleans under the terms and conditions set forth above.

BE IT RESOLVED, that the Management Authority approves a lease with the City of New Orleans, under the terms and conditions set forth above, and in accordance with the standard terms and conditions for leases at the New Orleans Lakefront Airport.

BE IT FURTHER RESOLVED, that the Management Authority Chairman or Executive Director be and is hereby authorized to sign a written lease with the City of New Orleans, under the terms set forth above, and in accordance with the standard terms and conditions for leases at the New Orleans Lakefront Airport, and any other documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN,
DUFRECHOU, SAIZAN, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN:
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

Chairman Lupo advised that Motions 02- 062112 through 07-062112 have been offered by Commissioner Hoffman and seconded by Commissioner DeRouen.

Commissioner Hoffman noted that staff and all insurance providers worked diligently reviewing the Authority’s assets including new assets and assets that were recently brought on line. Issues involving rising insurance premiums and reduced coverage were reviewed to determine what risk the Authority could afford, how much insurance to purchase and how much insurance was available in the marketplace for the Authority’s properties. Premiums were at \$457,000 which has jumped up to \$604,000. In an effort to increase the aggregate coverage for general liability after \$20 million, the Insurance

and Finance Committees along with staff recommended self-insuring the wharfs for fire coverage and allocating that money to property insurance giving the Authority a premium of approximately \$683,000 which is \$30,000 over the budgeted amount. The deductible is higher than last year. All property is covered to some extent and there is a \$20 million aggregate.

Tim Avegno with Eagan Insurance noted that the premium increased because total insurable values rose from \$40 million to \$78 million due to new appraisals and many buildings that were renovated. This is exclusive of wharfs and docks. Rates are basically the same, but coverage is better. There is full coverage for non-named storm perils of \$78 million plus \$78 million in coverage for fire. A certification from FEMA and the State Insurance Commissioner has been requested for declared disasters.

Commissioner DeRouen addressed environmental exposure on the Fuel Farm and noted that currently there is no coverage. Mr. Pruitt explained that the Fuel Farm was extremely overbuilt. Law requires containment for the Airport's largest single tank which is 100,000 gallons. The containment area is 488,000 gallons. Katrina did not cause a spill, but it did move a tank approximately 8 feet and bent the piping once the flange dried. The Airport was not cited for anything by EPA as it was contained. There have been no citable spills or citations.

Commissioner Hassinger abstained from voting on Motions 02-062112 through 07-062112 as his firm represents several insurance companies listed in the motions.

Motion No. 02-062112 – Public Officials Liability and Employee Practices Liability Insurance Coverage

Motion 02-062112 is for approval to acquire Public Officials Liability and Employment Practices Liability Insurance coverage from Westchester Surplus Lines Insurance Company (ACE) through Arthur Gallagher Risk Management Services at an annual estimated premium of \$21,400.05.

Motion No. 02-062112 by Commissioner Hoffman, seconded by Commissioner DeRouen was adopted to wit:

MOTION: 02-062112
RESOLUTION: 02-062112
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER DEROUEN

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("Management Authority") is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District");

WHEREAS, the Public Officials Liability (POL) and Employment Practices Liability Insurance Coverage (EPLI) for the Non-Flood Protection Asset Management Authority will expire on July 1, 2012; and

WHEREAS, a quotation was received to acquire said coverage from Westchester Surplus Lines Insurance Company (ACE) through Arthur Gallagher Risk Management Services at an annual estimated premium of \$21,400.05 for \$3 million in coverage with \$10,000 deductible for POL and \$25,000 for EPLI claims, and.

BE IT HEREBY RESOLVED; that the Non-Flood Protection Asset Management Authority authorizes the acquisition of Public Officials Liability and Employment Practices Liability Insurance Coverage from Westchester Surplus Lines Insurance Company (ACE) through Arthur Gallagher Risk Management Services at an annual estimated premium of \$21,400.05 for \$3 million in coverage with \$10,000 deductible for POL and \$25,000 for EPLI claims.

BE IT FURTHER RESOLVED; that the Authority Chairman or Executive Director is hereby authorized to sign any and all documents to carry out the above.

YEAS: LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU,
SAIZAN, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: HASSINGER
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

Motion No. 03-062112 – General Liability Insurance Coverage

Motion 03-062112 is for approval to acquire General Liability Insurance from Amtrust Insurance Company through Arthur J. Gallagher Risk Management Services, Inc. at an annual estimated premium of \$28,218.75.

Motion No. 03-062112 by Commissioner Hoffman, seconded by Commissioner DeRouen was adopted to wit:

MOTION: 03-062112
RESOLUTION: 03-062112
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER DEROUEN

JUNE 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the General Liability Insurance Coverage for the Non-Flood Protection Asset Management Authority will expire on July 1, 2012; and

WHEREAS, Arthur J. Gallagher Risk Management Services Inc., shopped the market for said coverage, and obtained a quote from AmTrust Insurance Company with an estimated annual premium of \$28,218.75 with coverage limits of \$1 million per occurrence, \$2 million aggregate and a \$2,500 deductible per occurrence, and

BE IT RESOLVED; that the Non-Flood Protection Asset Management Authority authorizes the procurement of the General Liability Insurance through Arthur J. Gallagher Risk Management Services Inc, with AmTrust Insurance Company at estimated annual premium of \$28,218.75 with limits of \$1 million per occurrence, \$2 million aggregate and a \$2,500 deductible per occurrence, for the policy period July 1, 2012 through July 1, 2013; and

BE IT FURTHER RESOLVED; that the Authority Chairman or Executive Director is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU,
SAIZAN, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: HASSINGER
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

Motion No. 04-062112 – Marina Liability Insurance Coverage for Orleans Marina and South Shore Harbor

Motion 04-062112 is for approval to acquire Marina Liability Insurance for the Orleans Marina and South Shore Harbor Marina from Scottsdale Insurance Company through Eagan Insurance Company at an annual estimated premium of \$31,053.75.

Motion No. 04-062112 by Commissioner Hoffman, seconded by Commissioner DeRouen was adopted to wit:

MOTION: 04-062112
RESOLUTION: 04-062112
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER DEROUEN

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the Marina Operators Legal Liability Insurance Coverage for the Orleans Marina and South Shore Harbor Marina is effective on July 1, 2012; and

WHEREAS, a quotation was received to acquire said coverage from Scottsdale Insurance Company through Eagan Insurance Company for an annual estimated premium of \$31,053.75 with coverage limits of \$1 million per occurrence, \$2 million aggregate and a deductible of \$2,500 per occurrence for the policy period of July 1, 2012 through July 1, 2013; and

BE IT RESOLVED; that the Non-Flood Protection Asset Management Authority authorizes the acquisition of Marina Operators Legal Liability Insurance Coverage from Scottsdale Insurance Company through Eagan Insurance Company for an annual estimated premium of \$31,053.75 with coverage limits of \$1 million per occurrence, \$2 million aggregate and a deductible of \$2,500 per occurrence for the policy period of July 1, 2012 through July 1, 2013.

BE IT FURTHER RESOLVED; that the Management Authority hereby authorizes the Authority Chairman or Executive Director to sign any and all documents necessary to carry out the above.

YEAS: LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: HASSINGER
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

Motion No. 05-062112 – Property Insurance Coverage

Motion 05-062112 is for approval to acquire Property Insurance from Amrisk (comprised of Lloyd’s, QBE and Steadfast) through Eagan Insurance Company at an annual estimated premium of \$544,950.

Motion No. 05-062112 by Commissioner Hoffman, seconded by Commissioner DeRouen was adopted to wit:

MOTION: 05-062112
RESOLUTION: 05-062112
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER DEROUEN

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, Non-Flood Protection Asset Management Authority’s (wind/ hail/fire) property insurance coverage will expire on July 1, 2012; and

WHEREAS, Eagan Insurance Agency shopped the market for said coverage, and obtained a quote for \$20 million of coverage for Named Storms and Full Coverage for all other covered perils (\$78,912,721) from Amrisk, and comprised of the following:(Lloyds, QBE & Steadfast) for an estimated premium of \$515,300, plus \$29,650 in Surplus Line Tax and Fees, for a total annual estimated cost of \$544,950.00.

WHEREAS, said coverage contains a \$250,000.00 minimum per occurrence deductible or a five percent (5%) deductible for each building value for a Named Storm, wind, hail and cyclone and other conditions as defined in the policy, and a \$100,000 per occurrence deductible for Non-Named Storm Wind & Hail and a \$25,000 deductible for all other perils (excluding Flood & Earthquakes) and other conditions as defined in the policy; and

WHEREAS, the properties to be insured are under the jurisdiction of the Non-Flood Protection Asset Management Authority.

BE IT RESOLVED; that the Non-Flood Protection Asset Management Authority authorizes the procurement of property (wind/hail/fire) insurance coverage for properties under the jurisdiction of the Non-Flood Protection Asset Management Authority for \$20 million in coverage for Named Storms and Full Coverage for all other covered perils (\$78,912,721) from Amrisc and comprised of the following: (Lloyds, QBE & Steadfast) for an estimated annual premium of \$515,300.00 plus \$29,650.00 in Surplus Line Tax and Fees, for a total annual estimated cost of \$544,950.00 through the Eagan Insurance Agency for a one year period commencing July 1, 2012.

BE IT FURTHER RESOLVED; that the Authority Chairman or Executive Director is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPU, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: HASSINGER
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

Motion No. 06-062112 – Airport Owners and Operators Liability Insurance

Motion 06-062112 is for approval to acquire Airport Owners and Operators Liability Insurance from ACE Property and Casualty Insurance Company through Arthur J. Gallagher Risk Management Services, Inc. at an annual estimated premium of \$27,890.

Motion No. 06-062112 by Commissioner Hoffman, seconded by Commissioner DeRouen was adopted to wit:

MOTION: 06-062112
RESOLUTION: 06-062112
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER DEROUEN

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the New Orleans Lakefront Airport Owners & Operators Liability Insurance is due to expire July 1, 2012, and

WHEREAS, Arthur J. Gallagher Risk Management Services Inc., shopped the market for said coverage, and obtained a quote from Ace Property & Casualty Insurance Company, with an AM Best’s rating of A+. The estimated annual premium is \$27,390 plus a fee of \$500.00 with coverage limits of \$100 million aggregate and \$50 million personal injury for a total estimated annual premium of \$27,890.00 excluding TRIA coverage, for the period of July 1, 2012 through July 1, 2013, and ,

BE IT RESOLVED; that the Non-Flood Protection Asset Management Authority authorizes the procurement of the Airport Owners & Operators Liability Insurance through Arthur J. Gallagher Risk Management Services Inc, with Ace Property & Casualty at estimated annual premium of \$27,390.00 plus a fee of \$500.00 with coverage limits of \$100 million aggregate and \$50 million personal injury for a total

estimated annual premium of \$27,890.00, excluding TRIA coverage, for the period of July 1, 2012 through July 1, 2013.

BE IT FURTHER RESOLVED; that the Authority Chairman or Executive Director is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU,
SAIZAN, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: HASSINGER
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

Motion No. 07-062112 – Workers Compensation Insurance Coverage

Motion 07-062112 is to authorize renewal of Workers Compensation Insurance coverage from LWCC through the Morrison Insurance Agency for an annual estimated premium of \$31,208.27 for a period of one year commencing on July 1, 2012.

Motion No. 07-062112 by Commissioner Hoffman, seconded by Commissioner DeRouen was adopted to wit:

MOTION: 07-062112
RESOLUTION: 07-062112
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER DEROUEN

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the current Workers’ Compensation Insurance Coverage for the Non-Flood Protection Asset Management Authority is due to expire on July 1, 2012; and

WHEREAS, LWCC, the incumbent provider, has offered through Morrison Insurance Agency for the period of one year commencing on July 1, 2012 at a proposed total estimated annual premium of \$213,717.00, which shall be apportioned between the Orleans Levee District - Flood Protection Division and the Orleans Levee District - Non-Flood Assets Division; and

WHEREAS, the annual estimated premium for the Non-Flood Asset Management Authority (Orleans Levee District - Non-Flood Assets Division) is \$31,208.27; and the annual estimated premium is subject to policy term payroll audit.

BE IT HEREBY RESOLVED, that the Non-Flood Protection Asset Management Authority authorizes the procurement of Workers’ Compensation Insurance coverage from LWCC through the Morrison Insurance Agency at the apportioned annual estimated premium of \$31,208.27 for the Non-Flood Protection Asset Management Authority for a period of one year commencing on July 1, 2012 and ending on July 1, 2013 at 12:01 AM.

BE IT FURTHER RESOLVED, that the Authority hereby authorizes the Authority Chairman or Executive Director to sign any and all other documents to carry out the above.

YEAS: LUPO, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU,
SAIZAN, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN: HASSINGER
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

MOTION NO. 08-062112 – Authorize Executive Director to enter into contract with lowest responsible bidder (Runways/Taxiway signage & markings)

Motion 08-062112 is for approval to authorize the Executive Director to enter into a contract with the lowest responsible bidder for new markings on the runway and taxiways and installation of new signage and seal coating on the runways at the New Orleans Lakefront Airport. A contract for the project will be awarded to the lowest responsive bidder in accordance with the Louisiana Public Bid law.

Commissioner Saizan informed the Board that this motion is part of the upgrade for Lakefront Airport in preparation of the 2013 Super Bowl and Part 139 certification in which the Federal Government, the State and this Authority are working in unison. The Board is authorizing the Executive Director to enter into a contract with the lowest bidder due to the tight frame in which to timely submit the paperwork to the FAA for the Airport grant by August 5, 2012.

Chairman Lupo thanked Tim Gains from URS and Wade Troth from La. DOTD, Aviation Department, for the hard work to make this happen as this will bring \$1.3 million in safety improvements to Lakefront Airport that is funded by the project.

Motion No. 08-062112 by Commissioner Saizan, seconded by Commissioner Heaton was unanimously adopted to wit:

MOTION: 08-062112
RESOLUTION: 08-062112
BY: COMMISSIONER SAIZAN
SECONDED: COMMISSIONER HEATON

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the New Orleans Lakefront Airport is one of the non-flood protection assets of the District under the management and control of the Management Authority;

WHEREAS, the Management Authority will publicly advertise commencing on June 25th, 2012 for bids under the Louisiana Public Bid Law for a contract for pavement and marking rehabilitation on Runway 18R/36L, Taxiway F, Taxiway B (Partial) and Terminal Apron Improvements, and for installation of new signage at the New Orleans Lakefront Airport (the “Project”), and bids for this Project are expected to be received on or about July 20, 2012;

WHEREAS, the bids for this Project will not be received until after the regularly scheduled July meeting of the Management Authority; and the next Management Authority Meeting during which authorization to execute a contract could be granted, will not be until August 23, 2012;

WHEREAS, this Project is eligible for FAA grant funding and in order for the FAA to provide grant funding the contract must be awarded and received by the FAA by no later than July 27, 2012;

WHEREAS, the adoption of a resolution to authorize the award of the contract for this Project to the lowest responsible bidder upon receipt of the bids on or about July 20, 2012, in accordance with the provisions of the Louisiana Public Bid Law, accordingly, is critical to project progress and FAA funding for the project;

WHEREAS, the Airport Committee at its meeting held on June 5, 2012 unanimously recommended adoption of a resolution by the Management Authority to authorize the Chairman or Executive Director of the Management Authority to accept the lowest responsible bid for the Project,

execute the contract and submit the contract and all other necessary documents to the FAA prior to July 27, 2012; and,

WHEREAS, the Management Authority resolved that it is in the best interest of the Orleans Levee District to authorize the Chairman or Executive Director of the Management Authority to accept the lowest responsible bid for the Project, execute the contract and submit the contract and all other necessary documents to the FAA prior to July 27, 2012.

BE IT HEREBY RESOLVED, that a contract for the Project be awarded to the lowest responsible bidder in accordance with Louisiana Public Bid Law;

BE IT FURTHER RESOLVED, that the Management Authority Chairman or Executive Director be and is hereby authorized to execute a contract and any and all other documents necessary to accomplish the Project.

YEAS: LUPO, HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN:
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

Motion No. 09-062112 – authorize Authority Chairman to request funds La. DOTD provide funds to complete Airport improvements described in CIP application

Motion 09-062112 authorizes the Authority Chairman to request Louisiana Department of Transportation, Division of Aviation, provide funds required to complete Airport improvements at New Orleans Lakefront Airport specifically as described in the Capital Improvement Program application for State Financial Assistance dated June 12, 2012. The Chairman of the sponsor is authorized to evidence the agreement with his signature on the Resolution and subsequent documents as required by the State, rules and regulations of the Federal Aviation Administration and the State of Louisiana.

Commissioner DeRouen noted that this does not affect the Authority's budget. Mr. Troth added that the Resolution is requesting that if the State has available funds those funds will be put towards one of the three projects requested by the Lakefront Airport in the Capital Improvement Plan. The program is a reimbursement program wherein the Authority writes the check and in turn would be reimbursed the funds.

Motion No. 09-062112 by commissioner Saizan seconded by Commissioner Hassinger was unanimously adopted to wit:

MOTION: 09-062112
RESOLUTION: 09-062112
BY: COMMISSIONER SAIZAN
SECONDED: COMMISSIONER HASSINGER

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("Management Authority") is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District");

WHEREAS, the New Orleans Lakefront Airport ("Airport") is one of the non-flood assets of the District under the management and control of the Management Authority;

WHEREAS, Title 2 of the Louisiana Revised Statutes of 1950 provides that cities, towns, parishes, and other political subdivisions of this State may separately or jointly acquire, establish,

construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police airports and landing fields for the use of aircraft;

WHEREAS, the State of Louisiana, Department of Transportation and Development, Division of Aviation (formerly the LA DOTD-OAPT) is charged by Title 2 with the responsibility for the development of aviation facilities within the State to foster air commerce and to safeguard the interests of those engaged in all phases of the aviation industry and of the general public;

WHEREAS, the Non-Flood Protection Asset Management Authority, hereinafter referred to as "Sponsor", has completed an FAA and DOTD approved Master Plan, Action Plan, and/or Airport Layout Plan which outlines the specific future development of the New Orleans Lakefront Airport; and, the Sponsor is desirous of implementing a portion of the approved Plan recommendations which provide for the critically needed improvements as stated below to substantially improve the safety and usability of the Airport, but does not have sufficient funds of its own required for completing the needed improvements; and,

WHEREAS, the LA DOTD, Division of Aviation is authorized by Title 2 to expend funds for the construction or enlargement of airports for the safety and advancement of aeronautics.

NOW, THEREFORE, BE IT RESOLVED:

SECTION I

That the Sponsor does hereby formally request that the LA DOTD, Division of Aviation provide funds required to complete the airport improvements at the New Orleans Lakefront Airport specifically as described in the Capital Improvement Program Application for State Financial Assistance dated June 12, 2012:

SECTION II

That the said LA DOTD, Division of Aviation be and is hereby assured that all necessary servitudes, rights-of-way, rights of ingress and egress and means thereof will be furnished by the Sponsor and the titles thereto will be valid and indefeasible, and that the Sponsor will assume ownership, financial reporting, and complete responsibility for the maintenance and upkeep of the airport after completion of said improvement.

SECTION III

That the Sponsor will save and hold the said LA DOTD, Division of Aviation, its officers, agents, and employees harmless from any liability or claim for damages arising out of the project, including death or injuries to third parties including, but not limited to, liability or claim for damages out of the negligence of said LA DOTD, Division of Aviation, its officers, agents, or employees, and expressly agrees to defend any suit of any nature brought against the LA DOTD, Division of Aviation as a result of this project.

SECTION IV

That the Chairman of the Sponsor be and is hereby authorized and directed to evidence this agreement by affixing his signature at the place provided therefore on this resolution and on subsequent related documents/agreements as required by the rules and regulations of the Federal Aviation Administration and the State of Louisiana and the Clerk is hereby authorized to attest said execution.

SECTION V

That this resolution shall be in full force and effect from and after its adoption.

The Non-Flood Protection Asset Management Authority met in regular session on this date. The aforesaid resolution was offered by Commissioner Saizan and seconded by Commissioner Hassinger. The aforesaid resolution, having been submitted to a vote, the vote thereon was as follows:

YEAS: LUPO, HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN,
DUFRECHOU, SAIZAN, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN:
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

WHEREUPON, the resolution was declared adopted on the 21st day of June, 2012.

Motion No. 10-062112 – Selection of Times Picayune as Official Journal

Motion 10-062112 is for approval of the Times Picayune being the official journal for publication of the Non-Flood Protection Asset Management Authority's proceedings and financial statements as required under La.R.S. Title 43, Section 171.

Commissioner Hoffman noted that each June the Authority is required to select a paper in which the Authority will advertise proceedings and financial statements as required by law and the Times Picayune meets the legal requirements.

Commissioner Ernst advised of confusion regarding bills passed in the recent legislative session. Mr. Metzger explained House Bill 1144 amended the law regarding judicial advertisements and legal notices such as foreclosures, sales of succession properties, but did not have any bearing on official journal publications. House Bill 943 made minor revisions to Section 140, Subsection 3, which is the definition of a newspaper, but only applied to parishes with a population between 37,500-39,000. It appears that the Times Picayune remains the only publication that fits the criteria. The Statute requires the publication be selected in the June meeting for a term of one year.

Commissioner DeRouen noted that an argument can be made under Title 43, Section 171 and suggested amending the motion to instruct Mr. Metzger to research and determine if there is an alternative interpretation to Title 43, Section 171 in which a publication other than the Times Picayune can be selected as the official journal. An argument could be made in which Gambit, Louisiana Weekly or City Business could fit into this. Commissioner DeRouen offered to amend the motion, depending upon Mr. Metzger's analysis, that publications be ranked in order of Gambit, Louisiana Weekly, City Business and Times Picayune to determine which publication is viable. If the Authority is bound by law to choose the Times Picayune then the Times Picayune would be chosen. Mr. Metzger advised that City Business is excluded as they are located in Jefferson Parish. The Statute reads that the newspaper be published in an office physically located in the political subdivision and for five years prior to the selection.

Commissioner Hoffman advised that selection of a newspaper for publication is not a new issue and there is no new legislation that has impacted this Authority so time should not be spent researching this issue. Chairman Lupo expressed concern regarding language in the Statute requiring selection of the publication be made in the June meeting. Commissioner Heaton added that legal counsel would have to determine if the publications fit the Statute and if this would affect any RFQs going out.

A roll call vote was taken to amend the motion as requested by Commissioner DeRouen. Those in favor of the amended motion were Commissioners Ernst, Baudy Heaton, Dufrechou, Saizan and DeRouen. Those not in favor of the amended motion were Chairman Lupo and Commissioners Hassinger, Hoffman, Stack, Brien and Scott. The vote was a tie vote and the motion did not pass.

A roll call vote was then taken on Motion No. 10-062112. Those in favor were Chairman Lupo and Commissioners Hassinger, Ernst, Hoffman, Heaton, Stack, Brien, Dufrechou, Saizan and Scott. Those not in favor were Commissioners Baudy and DeRouen. Motion No. 10-062112 passed and the Times Picayune was selected as the official Journal for the Non-Flood Protection Asset Management Authority.

Motion No. 10-062112 by Commissioner Hoffman, seconded by Commissioner Ernst was adopted to wit:

MOTION: 10-062112
RESOLUTION: 10-062112
BY: COMMISSIONER HOFFMAN
SECONDED: COMMISSIONER ERNST

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, Louisiana Revised Statutes Title 43 Section 171 provides that levee districts and other political subdivisions shall have the proceedings of their board and such financial statements required by and furnished to the Louisiana Legislative Auditor published in a newspaper, which shall be selected at the meeting in June of each year for a term of one year;

WHEREAS, the Management Authority as a political subdivision is required to comply with the provisions of Louisiana Revised Statutes Title 43 Section 171 regarding publication of its proceedings and financial statements and is required to select an official journal for said publications;

WHEREAS, Louisiana Revised Statutes Title 43 Section 171 further provides that the newspaper shall meet certain criteria relative to location and publication;

WHEREAS, the Times Picayune is a newspaper in the Parish of Orleans that meets the aforementioned criteria for publishing the proceedings of the Management Authority; and,

WHEREAS, the Management Authority after considering this matter resolved that it would be in the best interest of the Management Authority to select the Times Picayune as the Official Journal for the Management Authority.

BE IT HEREBY RESOLVED, that the Times Picayune is hereby selected as the Official Journal for publications for the Non-Flood Protection Asset Management Authority effective June 1, 2012, as required under Louisiana Revised Statutes Title 43 Section 171;

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director of the Management Authority is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, ERNST, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, SCOTT
NAYS: DEROUEN, BAUDY,
ABSTAIN: NONE
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

Motion No. 11-062112 – Amend Stuart Consulting Group’s ID/IQ contract for Engineering Services in the amount of \$5,000

Motion 11-062112 is for approval to amend Stuart Consulting Group’s ID/IQ contract for Engineering Services in the amount of \$5,000. A Supplemental Agreement shall be executed to increase the ID/IQ Professional Engineering Services Contract by \$5,000 making the total ID/IQ contract not to exceed \$100,000 and to extend the expiration date of the agreement to June 30, 2012 with all other terms of the Supplemental Agreement following the terms of the original contract.

Motion No. 11-062112 by Commissioner Hoffman seconded by Commissioner Hassinger was unanimously adopted to wit:

MOTION: 11-062112
RESOLUTION: 11-062112
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER HASSINGER

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”);

WHEREAS, the Non-Flood Protection Asset Management Authority and Stuart Consulting Group, Inc. entered into an Agreement on the 15th day of June, 2010 to provide Project and Direct Administration services for Hurricane Katrina Damage Repairs for Non-Flood Protection Asset Management Authority owned projects, and

WHEREAS, initial authorization included project management services on six specific Non-Flood Protection Asset Management Authority owned, projects, and

WHEREAS, the aforementioned contract includes provision for expansion as authorized in writing by the Non-Flood Protection Asset Management Authority, and

WHEREAS, Supplemental Agreement 3 added ID/IQ engineering services of non-FEMA related projects, and

WHEREAS, Stuart Consulting Group, Inc., is a qualified engineering consulting firm, and has the necessary expertise and licensure to perform said services, and

WHEREAS, Stuart Consulting Group, Inc. has presented billable rates in conformance to DOTD allowable billable rates for design services.

WHEREAS, this matter was discussed and recommended for approval at the June 7, 2012 Finance Committee meeting of the Authority; and

WHEREAS, the current agreement expires on June 15th, 2012 and will need to be extended to coincide with the Authority’s fiscal year end June 30, 2012, and

THEREFORE BE IT RESOLVED, that the Authority authorizes the Authority Chairman or Executive Director to execute a supplemental agreement to increase the ID/IQ professional engineering services contract by \$5,000 making the total ID/IQ contract not to exceed \$100,000, and to extend the expiration date of the agreement to June 30, 2012, and with all other terms of said Supplemental Agreement shall follow the terms of the original contract.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to execute any and all necessary documents to carry out the above.

YEAS: LUPO, HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, DEROUEN, SCOTT

NAYS: NONE

ABSTAIN:

ABSENT: TRASK, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 12-062112 – Adjust budget of Professional Real Estate Services contract with Pappalardo Consultants, Inc. by \$12,500

Motion 12-062112 is for approval of an amendment to adjust the budget of the Professional Real Estate Services contract with Pappalardo Consultants, Inc. by \$12,500 for professional services and reimbursement of expenses to the sum of \$92,500 with all other terms and conditions to remain the same. The original contract amount was \$60,000 which was amended to \$80,000. This amendment is for \$12,500.

Motion No. 12-062112 by Commissioner Hoffman seconded by Commissioner Hassinger was unanimously adopted to wit:

MOTION: 12-062112
RESOLUTION: 12-062112
BY: COMMISSIONER HOFFMAN
SECONDED: COMMISSIONER HASSINGER

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“Management Authority”) is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District (“District”):

WHEREAS, effective the 1st day of September 2011, the Management Authority entered into a written Professional Services Contract with Pappalardo Consultants, Inc., for Real Estate Consulting Services;

WHEREAS, the Contract was for a ten (10) month primary term, commencing on September 1, 2011 and ending on June 30, 2012, with two (2) one (1) year option periods and established a budget for fees and expenses in the amount of \$60,000.00, and set forth other terms and conditions for said professional services;

WHEREAS, the Contract was amended to increase the annual budget to \$80,000.00 pursuant to Resolution 12-121511 adopted by the management Authority on December 15, 2011,

WHEREAS, the increase in leasing interest and new tenant leases at the New Orleans Lakefront Airport, New Basin Canal, South Shore Harbor, and the Orleans Marina, have required a greater demand on the Authority’s need for Real Estate expertise,

WHEREAS, a budgetary increase of \$12,500 has been reviewed and recommended by the Finance Committee at its June 7, 2012 committee meeting,

WHEREAS, after consideration of an amendment of said Professional Services Contract, the Management Authority considers it to be in the best interest of the Management Authority and Orleans Levee District to approve the amendment to the Professional Services Contract under the terms and conditions specified hereinabove.

BE IT HEREBY RESOLVED, that the Management Authority approves an amendment of the Professional Services Contract with Pappalardo Consultants, Inc., to increase the budget by \$12,500 for professional services and reimbursement of expenses to the sum of \$92,500, with all other terms and conditions to remain the same.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN,
DUFRECHOU, SAIZAN, DEROUEN, SCOTT
NAYS: NONE
ABSTAIN:
ABSENT: TRASK, CANTRELLE
RESOLUTION ADOPTED: YES

Chairman Lupo noted that the Authority is in a state of re-negotiating and approving new leases on the Authority’s property and Mr. Pappalardo’s services have never been more important. Commissioner Hoffman advised that Motions

12-062112 through 15-062112 have been vetted in the Finance Committee meeting. There has been a large amount of activity with new buildings and restaurants which require Mr. Pappalardo's services. The Authority does see a return for the efforts put forth by Mr. Pappalardo. Commissioner Heaton noted Mr. Pappalardo's professional service, institutional knowledge and knowledge of the complexities of the real estate issues the Authority deals with. It has been and will continue to be an investment due to the money Mr. Pappalardo saved the Authority in so many contracts.

Motion No. 13-062112 – Renew Professional Real Estate Services Contract with Pappalardo Consultants, Inc. for fiscal year 2013

This motion is for the recommendation to renew the Professional Real Estate Services contract with Pappalardo Consultants, Inc. for fiscal year 2013 with an established budget in the amount of \$92,500.

Commissioner Hoffman noted that this is a budgeted number and whether the Authority hits it or not is to be seen. The Authority should come closer to this number because of all of the new buildings that are coming on line, the activities at South Shore Harbor and everything with the Airport. We wanted to be as realistic as we can going into the new year.

Motion No. 13-062112 by Commissioner Hoffman seconded by Commissioner Heaton was unanimously adopted to wit:

MOTION: 13-062112
RESOLUTION: 13-062112
BY: COMMISSIONER HOFFMAN
SECONDED BY: COMMISSIONER HEATON

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("Management Authority") is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District"):

WHEREAS, effective the 1st day of September, 2011, the Management Authority entered into a written Professional Services Contract with Pappalardo Consultants, Inc., for Real Estate Consulting Services,

WHEREAS, the Contract was for a ten (10) month primary term, commencing on September 1, 2011 and ending on June 30, 2012, with two (2) one (1) year option periods, and established a budget for fees and expenses in the amount of \$60,000.00, and set forth other terms and conditions for said professional services;

WHEREAS, during fiscal year 2012 this contract had to be amended twice to account for the increase in leasing interest and new tenant leases at the New Orleans Lakefront Airport, New Basin Canal, South Shore Harbor, and the Orleans Marina, and

WHEREAS, the Authority recognizes that within the next eight (8) to eighteen (18) months, it will have approximately 120,000 square feet of office, hangar, and other available space for lease, and

WHEREAS, the Authority is also desirous of re-branding and re-developing South Shore Harbor Marina, and

WHEREAS, the need for Real Estate expertise will be critical in placing the Authority's real estate properties into commerce, and

WHEREAS, at the June 7, 2012 Finance Committee this matter was discussed and recommended to the full Board for approval of a contract with Pappalardo Consultants, Inc. with an established budget in the amount of \$92,500.00, and

WHEREAS, the Management Authority considered it to be in the best interest of the District to approve the Professional Services Contract with Pappalardo Consultants, Inc.; and

BE IT RESOLVED, that the Management Authority approves the Professional Services Contract with Pappalardo Consultants, Inc. with an established budget in the amount of \$92,500.00; and

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director is authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, DEROUEN, SCOTT

NAYS:

ABSTAIN:

ABSENT: TRASK, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 14-062112 – Adjust budget for Professional Legal Services contract with Gerard G. Metzger, APLC in the amount of \$30,000

Motion 14-062112 is for approval of an amendment to adjust the budget for the Professional Legal Services contract with Gerard G. Metzger, APLC to increase the annual budget for legal services and costs of said contract by the sum of \$30,000 effective May 1, 2012 with all other terms and conditions remaining in full force and effect.

Commissioner Ernst advised that Mr. Metzger's Memorandum dated May 4, 2012 details reasons why the budget for the current fiscal year has been exceeded. Mr. Metzger performed a large amount of work for the Airport due to the *AeroPremier* litigation. Mr. Metzger also reviews all contracts and leases for the Authority which generate revenue for the Board. Mr. Metzger has done outstanding work and the Authority could not operate without Mr. Metzger's services. Commissioner Heaton noted that the Authority does not have a lawyer on staff so all legal work is directed to Mr. Metzger. This is money well spent as the Authority relies on Mr. Metzger for all negotiations and contracts for the Authority.

Motion No. 14-062112 by Commissioner Ernst, seconded by Commissioner DeRouen was unanimously adopted to wit:

MOTION: 14-062112

RESOLUTION: 14-062112

BY: COMMISSIONER ERNST

SECONDED BY: COMMISSIONER DEROUEN

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("Management Authority") is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District");

WHEREAS, effective the 1st day of July, 2011, the Management Authority entered into a written Professional Legal Services Contract with **Gerard G. Metzger, A Professional Law Corporation**, dated on or about August 3, 2011, and approved by the Office of the Attorney General of the State of Louisiana on November 14, 2011 (the "Contract");

WHEREAS, the Contract was for a term of one (1) year commencing on July 1, 2011 and ending on June 30, 2012, and established a budget for attorney's fees and expenses in the amount of \$140,000.00, and set forth other terms and conditions for the professional legal services;

WHEREAS, the Contract was amended to increase the annual budget to \$240,000.00 pursuant to a resolution adopted by the Management Authority on December 15, 2011, and thereafter a First Amendment of the Contract was executed by the parties to reflect the increase in the annual budget;

WHEREAS, only \$9,563.38 of the annual budget set forth in the Contract, as amended, remained available for legal services and reimbursement of expenses as of May 1, 2012;

WHEREAS, the Legal Committee of the Management Authority reviewed this matter at its regularly scheduled monthly meeting held on June 7, 2012 and unanimously recommended an amendment of the Contract to increase the annual budget by the sum of \$30,000.00, effective May 1, 2012; and,

WHEREAS, after consideration of the Legal Committee's recommendation to amend the Contract, the Management Authority considers it to be in the best interest of the Management Authority and the District to approve the amendment of the Contract under the terms and conditions specified hereinabove;

BE IT HEREBY RESOLVED, that the Management Authority approves an amendment of the Professional Legal Services Contract with Gerard G. Metzger (APLC) to increase the annual budget for legal services and costs of said contract by the sum of \$30,000.00, effective May 1, 2012, with all other terms and conditions to remain in full force and effect.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director be and is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPU, HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, DEROUEN, SCOTT

NAYS:

ABSTAIN:

ABSENT: TRASK, CANTRELLE

RESOLUTION ADOPTED: YES

Motion No. 15-062112 – Renew Professional Legal Services contract with Gerard G. Metzger, APLC for fiscal year 2013 with a budget of \$237,5000

This motion is for approval to renew the Professional Legal Services contract with Gerard G. Metzger, APLC for fiscal year 2013 commencing on July 1, 2012 with a budget of \$237,500 subject to the approval of the contract by the Attorney General of the State of Louisiana as required under Louisiana Law. Commissioner Ernst noted that this was vetted at the Legal Committee meeting on June 5, 2012. The Authority's case load for Mr. Metzger is down and hopefully will remain down so the Authority may stay within the budget for the next fiscal year.

Motion No. 15-062112 by Commissioner Ernst, seconded by Commissioner Hassinger was unanimously adopted to wit:

MOTION: 15-062112

RESOLUTION: 15-062112

BY: COMMISSIONER ERNST

SECONDED BY: COMMISSIONER HASSINGER

June 21, 2012

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("Management Authority") is a political subdivision of the State of Louisiana and the governing authority of the non-flood protection assets of the Orleans Levee District ("District");

WHEREAS, effective the 1st day of July, 2011, the Management Authority entered into a written Professional Legal Services Contract with Gerard G. Metzger, A Professional Law Corporation ("Counsel") dated on or about August 3, 2011, which contract was subsequently approved by the Office of the Attorney General of the State of Louisiana as required under Louisiana law;

WHEREAS, the Contract was for a term of one (1) year commencing on July 1, 2011 and expiring on June 30, 2012;

WHEREAS, the Legal Committee of the Management Authority at its meeting held on June 5, 2012 considered a new contract with Counsel and unanimously agreed to recommend to the Management Authority a new contract with Counsel for a term of one (1) year, commencing on July 1, 2012 and expiring on June 30, 2013, with an annual budget of \$237,500; and

WHEREAS, after consideration of the Professional Legal Services Contract with Counsel, the Management Authority considered it to be in the best interest of the Management Authority and District to approve the Professional Legal Services Contract with Gerard G. Metzger, A Professional Law Corporation, under the terms and conditions set forth above.

BE IT RESOLVED, that the Management Authority approves the Professional Legal Services Contract with Gerard G. Metzger, APLC, commencing on July 1, 2012 and with a budget of \$237,500 and subject to the approval of the Contract by the Attorney General of the State of Louisiana as required under Louisiana law.

BE IT FURTHER RESOLVED, that the Authority Chairman or Executive Director is hereby authorized to sign any and all documents necessary to carry out the above.

YEAS: LUPO, HASSINGER, ERNST, BAUDY, HOFFMAN, HEATON, STACK, BRIEN, DUFRECHOU, SAIZAN, DEROUEN, SCOTT

NAYS:

ABSTAIN:

ABSENT: TRASK, CANTRELLE

RESOLUTION ADOPTED: YES

PUBLIC COMMENTS

Mr. Kort Hutchison, South Shore Yacht Club, stated that the Yacht Club would not be furnishing and selling refreshments at the 5150 event due to the tight time frame in which the event developed. The Yacht Club will have a presence at the event recruiting membership and promoting the youth sailing program. The Yacht Club looks forward to working with the Authority to provide refreshments at the April 2013 Ironman event. Staging and preparation is underway for the 5150 event which begins Sunday morning. Approximately 800 participants are anticipated at the event Sunday which should be finished by 12:00 p.m. and by 3:30 p.m. everything will be demobilized and removed from the site. As the event developed at such a late date Mr. Burke was unable to advertise in the various sports magazines. The 2013 Ironman event will have considerably more promotion and recognition. Mr. Dixon noted food truck vendors have been invited to review the crowds and determine if services would be provided in future events. Demographics of triathlons show the average income of a participant is approximately \$150,000-\$200,000 so there is heavy spending with family and friends also attending the events.

NEXT BOARD MEETING

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, July 19, 2012 at 5:30 p.m.

ADJOURNMENT

Commissioner Hassinger offered a motion to adjourn, seconded by Commissioner Hoffman and unanimously adopted.

The meeting adjourned at 6:57 p.m.