

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY FEBRUARY 26, 2015 – 5:30 P.M.

The monthly meeting of the Board of the Non-Flood Protection Asset Management Authority of the Orleans Levee District was held on Thursday, February 26, 2015 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 Ernst called the meeting to order at 5:39 p.m. and led in the Pledge of Allegiance. The roll was called which constituted a quorum.

PRESENT:

Chairman Greg Ernst
Vice Chairman Wilma Heaton
Secretary Romona Baudy
Comm. Darrel Saizan
Comm. Patrick DeRouen
Comm. Eugene Green
Comm. Stan Brien
Comm. Dieter Hugel
Comm. William Settoon
Comm. Leila Eames
Comm. Glenn Higgins
Comm. Anthony Richard

ABSENT:

Comm. Michael Stack
Comm. Pearl Cantrelle
Comm. Thomas Fierke

STAFF:

Cornelia Ullmann – Chief Operating Officer
Sharon Martiny – Non-Flood

ALSO PRESENT:

Gerard Metzger - Legal Counsel
Al Pappalardo - Real Estate Consultant
Steve Nelson - Stuart Consulting
Brayton Matthews - Flightline
Walter Baudier - DEI
Jim Martin - DEI
George Messina – Messina's
Ischicka Davis – Boathouse W-14, 15 & 16
Myrna Davis – Boathouses W-14, 15 & 16
Frank Stuart – Stuart Consulting
Terri Dupre – Meyer Engineers

OPENING COMMENTS

Chairman Ernst welcomed Mr. Anthony Richard, the newest Comm. and Representative Bouie's appointment.

ADOPT AGENDA

Comm. Hugel offered a motion to adopt the Agenda, seconded by Comm. Higgins and unanimously adopted.

APPROVE MINUTES

Comm. Green offered a motion to approve the minutes of the January 15, 2015 Board meeting, seconded by Comm. DeRouen and unanimously adopted.

REPORT BY CHIEF OPERATING OFFICER

Cornelia Ullmann, Chief Operating Officer, advised of a grant the Authority received from La. DOTD in the Transportation Alternatives Program for the New Basin Canal Bike Path. The Authority is partnering with the Lakeview Civic Association. DOTD will pick up 80% of the cost and the Lakeview Civic Association picks up the remaining 20%

of the cost. The Authority has no financial responsibility. The project is to widen the bike path and improve lighting.

COMMITTEE REPORTS

Airport Committee – Comm. Heaton thanked all for a very successful event at Lakefront Airport to raise funds for the restoration of the murals. Messina's went above and beyond with the party. After further information is received from the Non-Profit, a report will be distributed advising what the plan is, what the phase is and when the restoration will begin. Thanks to my colleagues and everyone who made it a good night. Chair Ernst thanked Comm. Heaton for spearheading the event. It is a wonderful cause and all efforts are appreciated.

Marina Committee – Comm. Settoon reported that the exposed vaults along the wall at South Shore Harbor have been cut off and the electrical inspections have been completed. All minor problems that were found have been repaired. The two missing buoys have been ordered and will be anchored with a chain and concrete weight to hold them in place. The missing light pole on the Promenade has been ordered.

Orleans Marina has minor issues such as boards popping up on the piers, pile caps, and rub rails which will be repaired with money from the 10% maintenance account. Emergency ladders at the end of the finger piers will be replaced with specialized aluminum ladders that remain out of the water to avoid accumulation of barnacles. The grassy area between the Promenade and parking has subsidence issues and will be brought up to grade. The 2016 Marina budget is under review. There are many issues that must be addressed. There has been public feedback regarding rate increases at Orleans Marina. Those increases will be discussed in detail at the next Marina Committee meeting.

Commercial Real Estate Committee – Comm. Green reported that the boathouse transfers will result in development of boathouses that will create true value in that area. This is a very significant development. Mrs. Davis took three boathouses; two that are in deplorable condition and have not been in commerce since Katrina. There are three resolutions dealing with each boathouse (W-14, 15 and 16). The authority will get two new leases and the derelict boathouses will be transferred to the Davis's for demolition. Negotiations continue with Roland von Kurnatowski and the Tipitina's Foundation. The Authority should have a substantial report after the next Commercial Real Estate meeting.

Recreation/Subdivision Committee – Chair Ernst reported the Wren Street development is the main issue. The owner and developer are building condominiums at the end of Wren Street. At the time that pilings were brought to the location, the developer had not received approval from the Authority. A stop was put on the development while plans were reviewed by the Authority's architect. The plans were approved and legal counsel reviewed the issue to ensure compliance with the covenants. Approval was later granted and pilings were driven.

The second issue addresses regarding consideration for Lake Vista Crime Prevention to allow security to patrol in park areas. Legal counsel reviewed the issue regarding whether security patrol would be permitted and issued a legal opinion which was forwarded to LVCP who will come back before the Board for approval of security patrols in the park areas.

Legal Committee – Comm. DeRouen reported that the RFQ for Legal Services has gone out and the Legal Committee is addressing issues regarding Cost Curve A on Lakefront Airport. The lawsuit involving an automobile accident that occurred shortly before the Authority transferred ownership of the Ted Hickey Bridge to DOTD has been settled.

Finance Committee – Comm. DeRouen reported that the Authority was still on track with the budget. The Bally's fund has not been used this year, which is significant. All Board members are invited to attend the Finance Committee meeting to discuss the proposed 2015-2016 budget on Thursday, March 12, 2015 at 4:30 p.m. Comm. Heaton added that the Authority received the \$400,000 advance for the Customs Build-out. Funds were placed in the LAMP account and will be segregated from other finances of

the Authority. Staff continues to work with Stuart Consulting regarding the application for flood protection risk reduction at Lakefront Airport. The application is in the hands of FEMA. The Flood Authority prepared a Resolution of Support as FEMA requires the Flood Authority's commitment on interim protection that would have to be deployed as part of the permanent structure. The Resolution of Support is included in the record.

NEW BUSINESS

1) Motion to approve the First Amendment to the lease with Messina's to allow the restaurant to operate six days per week, with the specified day to be closed as Monday

Comm. Heaton advised that initially Messina's desire was to be open five days per week. The Authority requested Messina's temporarily agree to seven days for the first year. It has been six months more than one year. Staff is requesting Messina's stay open six days, and preferably close the same day each week. Mr. Messina requested the restaurant be closed on Mondays as that is the slowest day of the week. Closing on Mondays will help alleviate overtime and it gives all a break. Mr. Pappalardo advised that in New Orleans, Monday is the day that many restaurants are closed.

Comm. Heaton offered a motion to approve an amendment to Art. 2 of the lease to provide that the minimum days of operation for the restaurant shall be six (6) days per week, with the restaurant closed on Monday of each week, seconded by Commissioner Hugel and unanimously adopted to wit:

MOTION: 01-022615
RESOLUTION: 01-022615
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER HUGEL

February 26, 2015

RESOLUTION

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

WHEREAS, New Orleans Lakefront Airport Terminal ("Terminal") was severely damaged by Hurricane Katrina in August of 2005 and the Authority completed extensive repairs and renovations of the Terminal;

WHEREAS, following the completion of the renovation of the Terminal, Messina Lakefront Airport, L.L.C. ("Messina") entered into a long term lease with the Authority, dated on November 15, 2013, for a restaurant and special events venue at the Terminal (the "Lease Agreement");

WHEREAS, Article 2 of the Lease Agreement provides, in part, that the restaurant operated on the Leased Premises would be open for business at a minimum of seven (7) days per week (the "minimum days of operation");

WHEREAS, Messina's made a request that the Lease Agreement be amended to provide that the minimum days of operation for the restaurant be six (6) days per week, with the restaurant closed on Monday of each week;

WHEREAS, the Airport Committee of the Authority at its meeting held on February 5, 2015 voted to recommend approval of an amendment to the Lease Agreement with Messina to provide that the minimum days for the restaurant shall be six (6) days per week, with the restaurant closed on Monday of each week; and,

WHEREAS, the Authority after considering recommendation of the Airport Committee resolved that it was in the best interest of the Airport and the Orleans Levee District to approve an amendment of Article 2 of the Lease Agreement with Messina to provide that the minimum days of operation for the restaurant shall be six (6) days per week, with the restaurant closed on Monday of each week.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves an amendment of Article 2 of the Lease Agreement with Messina Lakefront Airport, L.L.C. to provide that the minimum days of operation for the restaurant shall be six (6) days per week, with the restaurant closed on Monday of each week.

BE IT HEREBY FURTHER RESOLVED, that the Authority Chairman or Chief Operating Officer be and is hereby authorized to sign an amendment to the Lease Agreement with Messina Lakefront Airport, L.L.C., which said amendment shall include the terms and conditions set forth above, and any other documents necessary to carry out the above.

YEAS: ERNST, HEATON, BAUDY, DeROUEN, BRIEN, SAIZAN, GREEN, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: CANTRELLE, FIERKE, STACK

RESOLUTION ADOPTED: YES

2) Motion to approve transfer of boathouse W-14 (7323 S. Roadway) from Whitney Bank to Ischicka Davis, subject to receipt of 8% transfer fee and certain rebuilding requirements

Mr. Pappalardo advised that Whitney owns this boathouse and will pay a \$3,400 transfer fee. The present lease expires in 2021. Ms. Davis has the option to purchase an additional 15 years of three five-year options for the one-time sum of \$8,000. Mrs. Davis will determine if the boathouse is to be remodeled or demolished.

Comm. Green offered a motion to approve the transfer of boathouse W-14 (7323 S. Roadway) from Whitney Bank to Ischicka Davis, subject to receipt of 8% transfer fee and certain rebuilding requirements, seconded by Comm. Hugel and unanimously adopted to wit:

MOTION: 02-022615

RESOLUTION: 02-022615

BY: COMMISSIONER GREEN

SECONDED: COMMISSIONER HUGEL

February 26, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("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, Orleans Marina located at West End in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District under the management and control of the Authority;

WHEREAS, as owner of the Orleans Marina, the Orleans Levee District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under La.Rev.Stat. 38:336(A) and (B)(4);

WHEREAS, Orleans Marina Boathouse W-14, bearing Municipal Address 7323 W. Roadway Street, is currently leased to the Whitney Bank, as Lessee, pursuant to the term of a written Lease Agreement effective the 1st day of July, 1971, and three Amendments of the Lease, which Lease is for a term of twenty (20) years commencing on July 1, 1971 and ending June 30, 1991, with the right of six (6) five (5) year renewal options, and under other terms and conditions set forth in the Lease Agreement (the "Lease" or "Lease Agreement");

WHEREAS, Whitney Bank has requested approval to assign and transfer its rights to lease Boathouse W-14 to Ischicka Davis, who has agreed to the assignment and purchase of the improvements on the leasehold owned by the Lessee for the price and sum of \$43,000.00;

WHEREAS, under Article X of the Lease Agreement the Lessor's consent is required for an assignment of the Lease and this Article also provides for payment to the Lessor of an eight (8%) percent transfer fee of the total amount of any consideration received by the Lessee;

WHEREAS, Whitney Bank has agreed to pay the eight (8%) percent transfer fee, totaling \$3,440.00, upon the assignment of the Lease and sale of the improvements, and Ischicka Davis has agreed to assume all of the obligations under the Lease Agreement;

WHEREAS, Mrs. Davis has also requested three additional five-year options to extend the term of the Lease and has agreed to pay the sum of \$8,000.00 cash, for each of the three additional five-year options to extend the term of the Lease;

WHEREAS, the Authority after considering this matter resolved that it was in the best interest of the Orleans Levee District to approve the assignment by Whitney Bank of its rights to lease South Roadway Boathouse No. W-14 and sale of the improvements located thereon to Ischicka Davis, conditioned upon payment of the 8% transfer fee of the consideration received by the Whitney Bank, totaling \$3,440.00, as required under the Lease Agreement, and the assumption of all of the obligations under the Lease Agreement by Ischicka Davis; subject to the execution of the transfer of the lease and payment of the 8% transfer fee within sixty (60) days of approval by the Authority and,

WHEREAS, the Authority after considering this matter also resolved that it was in the best interest of the Orleans Levee District to approve an amendment of the Lease to provide for three additional five-year options in consideration of the payment of \$8,000.00 cash.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves the assignment by Whitney Bank of its rights to lease South Roadway Boathouse No. W-14, municipal address 7323 W. Roadway and sale of the improvements located thereon to Ischicka Davis, conditioned upon payment of the 8% transfer fee of the consideration received by the Whitney Bank, totaling \$3,440.00 and subject to the execution of the transfer of the lease and payment of the 8% transfer fee within sixty (60) days of approval by the Authority, as required under the Lease Agreement, and the assumption of all of the obligations under the Lease Agreement by Ischicka Davis.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority approves an amendment of the Lease of South Roadway Boathouse No. W-14 to provide for three additional five-year options to extend the term of the Lease in consideration of the payment of \$8,000.00 cash.

BE IT HEREBY FURTHER RESOLVED, that the Chairman or Chief Operating Officer of the Management Authority be and is hereby authorized to take any action and to sign any and all documents necessary to accomplish the above.

YEAS: ERNST, HEATON, BAUDY, DeROUEN, BRIEN, SAIZAN, GREEN, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: CANTRELLE, FIERKE, STACK

RESOLUTION ADOPTED: YES

3) Motion to approve the lease of boathouse W-15 to Ischicka Davis, subject to certain rebuilding requirements

Mr. Pappalardo noted that the Authority owns this boathouse, which has tax liens from a previous tenant. The tax liens will be extinguished upon demolition of the boathouse and all improvements. The property will be transferred by lease on a vacant parcel of ground. The consideration the Authority will receive is the demolition of the improvements. The lease is \$3,025 per quarter and the CPI adjustment will come in 2016 with an additional 22 years after that on the lease. All boathouses leases expire in the year 2036 or 2037.

Comm. Green offered a motion to approve the lease of boathouse W-15 to Ischicka Davis, subject to certain rebuilding requirements, seconded by Comm. DeRouen and unanimously adopted to wit:

MOTION: 03-022615

RESOLUTION: 03-022615

BY: COMMISSIONER GREEN

SECONDED: COMMISSIONER DeROUEN

February 26, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority ("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, Orleans Marina located at West End in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District under the management and control of the Authority;

WHEREAS, as owner of the Orleans Marina, the District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under La. R.S. 38:336(A) and (B)(4);

WHEREAS, Ischicka Davis has offered to lease the water bottoms and land in the Marina shown as Site No. W-15 on Orleans Levee Board Drawing LD 4529, dated August 16, 1971;

WHEREAS, the proposed lease of Site No. W-15 will be for a term of one year and four months commencing on March 1, 2015 and expiring on June 30, 2016, with four (4) five-year options to renew, with a rental rate of \$3.78 per square feet, payable quarterly at the rate of \$3,025.89 per quarter, which rental rate will be subject to a Consumer Price Index (CPI) adjustment on July 1, 2016 and every five years thereafter, and the lease will include all other standard terms and conditions for leases of boathouses in the Orleans Marina;

WHEREAS, the improvements currently located on Site No. W-15 are subject to tax liens for unpaid ad valorem taxes of the City of New Orleans;

WHEREAS, the improvements currently located on Site No. W-15 were severely damaged by Hurricane Katrina and likely need to be demolished, however no definitive architectural or engineering determination has been made;

WHEREAS, the City of New Orleans has advised that if the improvements are demolished that the tax liens for unpaid ad valorem taxes will be extinguished and cancelled by operation of law;

WHEREAS, Ms. Davis has agreed as a condition for the lease for Site No. W-15 to demolish at her expense the improvements currently located on the Site to the extent necessary that the tax liens will be extinguished and cancelled and build new improvements on the Site subject to the prior approval of the Authority;

WHEREAS, Ms. Davis has agreed to purchase the improvements from the current leaseholder for adjacent Site No. 14 and request that the W-14 lease be transferred to her from the current leaseholder. She also proposes to lease adjacent Site Nos. 16 from the Authority, and has agreed as a condition of leasing Site No. 15 that any improvements constructed on Site No. 15 will have separate utility services and meters for water, sewerage and electrical services, and that the improvements constructed on Site No. 15 will be a separate structure with separate utility connections and shall be capable of being separated in the case of a sale or default from Orleans Marina Boathouse Sites No. 14 and No. 16;

WHEREAS, the Authority after considering this matter resolved that it was in the best interest of the Orleans Levee District to approve a lease with Ms. Ischicka Davis of Site No. W-15 for a term of one year and four months commencing on March 1, 2015 and expiring on June 30, 2016, with four (4) five-year options to renew with a rental rate of \$3.78 per square foot, payable quarterly at the rate of \$3,025.89 per quarter, which rental rate will be subject to a Consumer Price Index (CPI) adjustment on July 1, 2016 and every five years thereafter, and including the standard terms and conditions for the leases of boathouses in the Orleans Marina, subject to the successful execution of a written lease and fulfilling any and all insurance and monetary requirements within sixty (60) days of approval by the Authority, and also shall include the other conditions set forth above;

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves a lease with Ms. Ischicka Davis of Site No. W-15 for a term of one year and four months commencing on March 1, 2015 and expiring on June 30, 2016, with four (4) five-year options to renew with a rental rate of \$3.78 per square foot, payable quarterly at the rate of \$3,025.89 per quarter, which rental rate will be subject to a Consumer Price Index (CPI) adjustment on July 1, 2016 and every five years thereafter, subject to the successful execution of a written lease and fulfilling any and all insurance and monetary requirements within sixty (60) days of approval by the Authority, and including the other standard terms and conditions for the leases of boathouses in the Orleans Marina; the lease shall also include a condition requiring the lessee to demolish at her expense the improvements currently located on the Site to the extent necessary that the tax liens on the improvements on the Site will be extinguished and cancelled and to build new improvements on the Site, subject to the prior approval of the Authority, and the failure to comply with these conditions will constitute a default under the terms of the lease; and, further the lease shall include conditions providing that improvements constructed on Site No. 15 will have separate utility services and meters for water, sewerage and electrical services and that the improvements constructed on Site No. 15 will be a separate structure with separate utility connections and shall be capable of being separated in the case of a sale or default from Orleans Marina Boathouse Sites No. 14 and No. 16.

BE IT HEREBY FURTHER RESOLVED, that the Chairman or Chief Operating Officer of the Authority be and is hereby authorized to take any action and to sign any and all documents necessary to accomplish the above.

YEAS: ERNST, HEATON, BAUDY, DeROUEN, BRIEN, SAIZAN, GREEN, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD
NAYS: NONE
ABSTAIN: NONE
ABSENT: CANTRELLE, FIERKE, STACK
RESOLUTION ADOPTED: YES

4) Motion to approve the lease of boathouse W-16 to Ischicka Davis, subject to certain rebuilding requirements

Mr. Pappalardo advised that boathouse W-16 has not been in commerce since Katrina. Rent on W-16 is \$2,995 per quarter and is based on square footage of the footprint of the leasehold.

Comm. Green offered a motion to approve the lease of boathouse W-16 to Ischicka Davis, subject to certain rebuilding requirements, seconded by Comm. Hugel and unanimously adopted to wit:

MOTION: 04-022615
RESOLUTION: 04-022615
BY: COMMISSIONER GREEN
SECONDED: COMMISSIONER HUGEL

February 26, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“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, Orleans Marina located at West End in the City of New Orleans is one of the non-flood protection assets of the Orleans Levee District under the management and control of the Management Authority;

WHEREAS, as owner of the Marina, the District is authorized to lease its water bottoms and land as moorings for boats and construction of boathouses for fair and equitable rental rates, as provided under La. R.S. 38:336(A) and (B)(4);

WHEREAS, Ms. Ischicka Davis has offered to lease the water bottoms and land in Orleans Marina shown as Site No. W-16 on Orleans Levee Board Drawing LD 4529, dated August 16, 1971;

WHEREAS, the proposed lease of Site No. W-16 will be for a term of one year and four months commencing on March 1, 2015 and expiring on June 30, 2016, with four (4) five-year options to renew, with a rental rate of \$3.78 per square foot, payable quarterly at the rate of \$2,995.65 per quarter, which rental rate will be subject to a Consumer Price Index (CPI) adjustment on July 1, 2016 and every five years thereafter, and the lease will include the other standard terms and conditions for leases of boathouses in the Orleans Marina;

WHEREAS, Ms. Davis has agreed to purchase the improvements on Site No. 14 from the current leaseholder. She also proposes to lease adjacent Site No. 15 from the Authority, and has agreed as a condition of the Lease of Site No. 16 that any improvements situated on Site No. 16 will have separate utility services and meters for water, sewerage and electrical services, and that the improvements situated on Site No. 16 will be a separate structure with separate utility connections and shall be capable of being separated in the case of a sale or default from Orleans Marina Boathouse Sites No. 14 and No. 15, all subject to prior approval of the Authority;

WHEREAS, the Authority after considering this matter, resolved that it was in the best interest of the Orleans Levee District to approve a lease with Ms. Ischicka Davis of Site No. W-16 for a term of one year and four months commencing on March 1, 2015 and expiring on June 30, 2016, with four (4) five-year options to renew, with a rental rate of \$3.78 per square foot, payable quarterly at the rate of \$2,995.65 per quarter, which rental rate will be subject to a Consumer Price Index (CPI) adjustment on July 1, 2016 and every five years thereafter, and including the standard terms and conditions for the leases of boathouses in the Orleans Marina, subject to the successful execution of a written lease and fulfilling any and all insurance and monetary requirements within sixty (60) days of approval by the Authority, and also shall include the other conditions set forth above;

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves a lease with Ms. Ischicka Davis of Site No. W-16 for a term of one year and four months commencing on March 1, 2015 and expiring on June 30, 2016, with four (4) five-year options to renew, with a rental rate of \$3.78 per square foot, payable quarterly at the rate of \$2,995.65 per quarter, which rental rate will be subject to a Consumer Price Index (CPI) adjustment on July 1, 2016 and every five years thereafter, and including the other standard terms and conditions for the leases of boathouses in the Orleans Marina; and, further the lease shall include a condition providing that improvements constructed on Site No. 16 will have separate utility services and meters for water, sewerage and electrical services and that the improvements constructed on Site No. 16 will be a separate structure with separate utility connections and shall be capable of being separated in the case of a sale or default from Orleans Marina Boathouse Sites No. 14 and No. 15, subject to the successful execution of a written lease and fulfilling any and all insurance and monetary requirements within sixty (60) days of approval by the Authority, all subject to prior approval of the Authority.

BE IT HEREBY FURTHER RESOLVED, that the Chairman or Chief Operating Officer of the Management Authority be and is hereby authorized to take any action and to sign any and all documents necessary to accomplish the above.

YEAS: ERNST, HEATON, BAUDY, DeROUEN, BRIEN, SAIZAN, GREEN, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: CANTRELLE, FIERKE, STACK

RESOLUTION ADOPTED: YES

5) Motion to increase IDIQ budget for Stuart Consulting Group, Inc. by an additional \$35,000, total budget of \$85,000. Stuart was previously tasked with projects that extend beyond current budget of \$50,000. Requested increase will complete already tasked projects, as well as requested projects, until the end of fiscal year

This completes all current projects and projects on the Agenda. Comm. Stack offered a motion to increase IDIQ budget for Stuart Consulting Group, Inc. by an additional \$35,000, total budget of \$85,000, seconded by Comm. Higgins and unanimously adopted to wit:

MOTION: 05-022615
RESOLUTION: 05-022615
BY: COMMISSIONER STACK
SECONDED BY: COMMISSIONER HIGGINS

February 26, 2015

RESOLUTION

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

WHEREAS, the Authority and Stuart Consulting Group, Inc. entered into a contract on July 1, 2014 to provide ID/IQ services (Agreement),

WHEREAS, the Agreement provided a Not-To-Exceed fee of \$50,000;

WHEREAS, the Authority authorized Stuart Consulting Group to provide engineering services under the IDIQ contract for various projects and the balance for these projects due is \$11,578.50;

WHEREAS, the Authority seeks to obtain repair costs of the North Wall sheet piling at Orleans Marina, develop plans to convert the same North Wall slips to 40 foot slips and East Wall slips to 50 foot slips at Orleans Marina in response to rental inquiries for larger slips, as well as design services for South Shore Harbor rub rails (for which grant funds are available to replace a portion of the rails);

WHEREAS, the combination of tasks remaining and the additional services requested are beyond the current Not-To-Exceed fee of \$50,000.00;

WHEREAS, the cost of the remaining tasks and additional services will not exceed the sum of \$35,000.00, increasing the total contract sum to \$85,000.00 and further that the referenced tasks can be concluded prior to the current fiscal year and the contract expiration date of June 30, 2015;

BE IT RESOLVED that the Not-To-Exceed fee for ID/IQ services by Stuart Consulting Group is hereby increased to \$85,000.00.

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

YEAS: ERNST, HEATON, BAUDY, DeROUEN, BRIEN, SAIZAN, GREEN, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: CANTRELLE, FIERKE, STACK

RESOLUTION ADOPTED: YES

6) Motion to authorize Stuart Consulting Group, Inc. to provide engineering services under its current IDIQ contract to develop repair costs of North Wall sheet piling at Orleans Marina

The COO advised that boathouses had been returned after the termination of a 20-year lease and sheet piling has to be addressed. Comm. Settoon offered a motion to authorize Stuart Consulting Group, Inc. to provide engineering services under its current IDIQ contract to develop repair costs of North Wall sheet piling at Orleans Marina, seconded by Comm. Hugel and unanimously adopted to wit:

MOTION: 06-022615
RESOLUTION: 06-022615
BY: COMMISSIONER SETTOON
SECONDED BY: COMMISSIONER HUGEL

February 26, 2015

RESOLUTION

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

WHEREAS, the Orleans Marina is one of the assets of the District that is under its management, providing necessary revenue for the Authority's statutory obligations;

WHEREAS, the Authority and Stuart Consulting Group, Inc. entered into an Agreement on July 1, 2014 to provide ID/IQ services and a Not-To-Exceed fee of \$50,000, which was increased to \$85,000 by board resolution;

WHEREAS, the Authority wishes to authorize Stuart to provide engineering services under the IDIQ contract to develop repair costs for sheet pile along the North Wall of the Marina, which engineering services are estimated at \$7,952, which are within the Not-To-Exceed fee of \$85,000;

BE IT RESOLVED that the Authority authorizes professional engineering services with Stuart Consulting Group, Inc. as set forth above.

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

YEAS: ERNST, HEATON, BAUDY, DeROUEN, BRIEN, SAIZAN, GREEN, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD

NAYS: NONE

ABSTAIN: NONE

ABSENT: CANTRELLE, FIERKE, STACK

RESOLUTION ADOPTED: YES

7) Motion to authorize Stuart Consulting Group, Inc. to provide engineering services under its current IDIQ contract to develop plans to convert North Wall slips to 40 foot slips and East Wall slips to 50 foot slips at Orleans Marina in response to public inquiries for larger slips

Comm. Higgins informed that actual lease amounts are for 30, 40 and 50-foot slips. Those slips must be increased by 15 feet and there will be finger piers which take three feet. The Authority will lose several slips in the process resulting in a loss in revenue of \$3,100-\$3,800 per quarter. Other questions include: What will converting the slips cost and where will the money come from? There are too many unknowns. Comm. Higgins offered a motion to refer the item back to the Committee, seconded by Comm. Heaton and unanimously adopted.

8) Motion for approval to issue an RFQ for design services for the South Shore Harbor Rub Rails. PW (grant money) has been written for a portion of the rails (\$37,303). Design services are required to design project, create bid package and provide construction services

Mr. Nelson advised that this is a FEMA funded grant. The Authority must have public advertisement and competitively select a designer. Comm. Settoon offered a motion to issue an RFQ for design services for the South Shore Harbor Rub Rails, seconded by Comm. Higgins and unanimously adopted to wit:

MOTION: 08-022615

RESOLUTION: 08-022615

BY: COMMISSIONER SETTOON

SECONDED BY: COMMISSIONER HIGGINS

February 26, 2015

RESOLUTION

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

WHEREAS, South Shore Harbor is one of the assets of the District that is under its management, providing necessary revenue for the Authority's statutory obligations;

WHEREAS, there is currently a PW for grant money in the amount of \$37,303 to replace a portion of the rub rails at South Shore Harbor and design services are required to design the project for that portion of rub rails for which grant funds are available, to evaluate the remaining rub rails for possible repair or replacement, create a bid package and provide construction phase services;

WHEREAS, at the February 2015 meeting of the Marina Committee it was unanimously approved to issue a Request for Qualifications to provide those services;

WHEREAS, the Management Authority feels it is in the best interest of the Authority to issue such a Request for Qualifications;

BE IT RESOLVED that the Authority Chairman or Chief Executive Officer be and is hereby authorized to issue a Request for Qualifications to design the project for the portion of rub rails for which grant funds are available, to evaluate the remaining rub rails for possible repair or replacement, create a bid package and provide construction phase services, and

BE IT FURTHER RESOLVED that the Authority Chairman or Chief Operating Officer be and is hereby authorized to execute any and all documents necessary to carry out the above

YEAS: ERNST, HEATON, BAUDY, DeROUEN, BRIEN, SAIZAN, GREEN, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD
NAYS: NONE
ABSTAIN: NONE
ABSENT: CANTRELLE, FIERKE, STACK
RESOLUTION ADOPTED: YES

9) Motion to renew employee health insurance with Office of Group Benefits in the amount of \$319,494.72.

Comm. DeRouen noted that insurance premiums include family and retired employees; not only the 20 employees working for the Non-Flood Authority. Comm. Heaton added that the Non-Flood Authority piggy-backed with the Flood Authority and will be eligible for its own policy in one year.

Comm. DeRouen noted that personnel costs are a significant part of the budget and benefit costs are a significant component to the personnel figure. Years ago the Insurance Committee reviewed all health insurance options available. The law changed and allowed the Authority to participate in OGB. The OGB premium was less. Included in this insurance premium is a dental and vision package. There are a number bells and whistles included in this package.

Comm. Stack offered a motion to renew employee health insurance with Office of Group Benefits in the amount of \$319,494.72, seconded by Comm. Hugel and unanimously adopted to wit.

MOTION: 09-022615
RESOLUTION: 09-022615
BY: COMMISSIONER STACK
SECONDED: COMMISSIONER HUGEL

February 26, 2015

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 and designated employees of the Orleans Levee District ("District");

WHEREAS, beginning January 1st 2013 the Management Authority procured active Orleans Levee District employees and retirees health insurance, which also includes life insurance, through the Louisiana Office of Group Benefits (OGB);

WHEREAS, on or about September 17, 2014, Orleans Levee District staff requested a renewal quote from OGB and on November 17, 2014 received the renewal quote from OGB;

WHEREAS, after reviewing cost and coverage from OGB, it is the staff's recommendation to renew active employees and retirees health insurance coverage through the Office of Group Benefits for the period January 1, 2015 through December 31, 2015;

WHEREAS, the Finance Committee of the Management Authority considered the recommendation of the staff and voted to recommend that the Management Authority procure employee and retiree health care coverage through the Office of Group Benefits for a premium in the amount of \$319,494.72; and,

WHEREAS, the Management Authority resolved that it was in the best interest of the Management Authority and Orleans Levee District to authorize the procurement of employee and retiree health care coverage through the Office of Group Benefits in the amount of \$319,494.72.

THEREFORE, BE IT HEREBY RESOLVED, that the Non-Flood Protection Asset Management Authority authorizes the procurement of employee and retiree health care

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coverage through the Office of Group Benefits for a premium in the amount of \$319,494.72 for a period of one year commencing on January 1, 2015 and ending on December 31, 2015.

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

YEAS: ERNST, HEATON, BAUDY, DeROUEN, BRIEN, SAIZAN, GREEN, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD
NAYS: NONE
ABSTAIN: NONE
ABSENT: CANTRELLE, FIERKE, STACK
RESOLUTION ADOPTED: YES

10) Motion for approval to make formal request to the legislative delegation to allow the Authority to meet the public notice requirement in La. R.S. 43:171 to allow website postings in lieu of publication of minutes and financial statements in the official journal, currently the Advocate

Comm. Settoon advised that the Authority would request legislature change the law so the Authority would not have to advertise in the official journal, which costs approximately \$5,000 per year. The Authority would be more transparent because more people who have an interest in the Authority would look at the website than the classified section of the newspaper. This is not cost free because the Authority would have to overhaul the website and be more diligent about posting.

Comm. Settoon offered a motion to make formal request to the legislative delegation to allow the Authority to meet the public notice requirement in La. R.S. 43:171 to allow website postings in lieu of publication of minutes and financial statements in the official journal, currently the Advocate, seconded by Comm. DeRouen and unanimously adopted to wit:

MOTION: 10-022615
RESOLUTION: 10-022615
BY: COMMISSIONER SETTOON
SECONDED: COMMISSIONER DeROUEN

February 26, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (“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, La. R.S. 43:171 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 Authority as a political subdivision is required to comply with the provisions of La. R.S. 43:171 regarding publication of its proceedings and financial statements and is required to select an official journal for said publications;

WHEREAS, the publication of the proceedings and financial statements of the Management Authority is budgeted for FY 2016-2017 at \$11,600;

WHEREAS, since the Authority was established in August 2010, it has annually operated under budgetary constraints due to loss of income from revenue producing assets, as well as rebuilding lakefront facilities damaged as a result of Hurricane Katrina, and has had insufficient funds to properly fulfill its principal obligation to manage and maintain the non-flood protection assets of the Orleans Levee District;

WHEREAS, if the Authority were exempt from publishing its proceedings and financial statements in an official journal the cost savings could be dedicated to the management and maintenance of the non-flood protection assets of the Orleans Levee District;

WHEREAS, the purpose of publishing the proceedings and financial statements of the Authority as required under current law would be achieved by publishing the proceedings and financial statements on the website of the Management Authority and would result in a savings of the cost expended on publishing through an official journal; and,

WHEREAS, the Authority after considering this matter resolved that it was in the best interest of the Authority and the Orleans Levee District to solicit the support of the elected state officials in Orleans Parish to propose legislation to amend La. R.S. 43:171 to exempt the Authority from publishing its proceedings and financial statements in an official journal and authorize the Authority to publish its proceedings and financial statements on the website of the Authority.

THEREFORE, BE IT HEREBY RESOLVED, that the Chairman or Chief Operating Officer, be and is hereby authorized to take any action necessary and proper to solicit the support of the elected state officials in Orleans Parish to propose legislation to amend La. R.S. 43:171 to exempt the Authority from publishing its proceedings and financial statements in an official journal and authorize the Authority to publish the proceedings and financial statements on the website of the Authority.

BE IT FURTHER RESOLVED, that the Chairman or Chief Operating Officer of the Authority be and is hereby authorized to sign any and all documents to accomplish the above.

YEAS: ERNST, HEATON, BAUDY, DeROUEN, BRIEN, SAIZAN, GREEN, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD
NAYS: NONE
ABSTAIN: NONE
ABSENT: CANTRELLE, FIERKE, STACK
RESOLUTION ADOPTED: YES

11) Discussion and approval of Second Amendment to the By Laws related to appointing authority. 20 day written notice provided.

Chair Ernst noted that the 20-day notice was provided on two competing amendments to the By Laws. Comm. DeRouen advised that this issue was not discussed in the Legal Committee. Something has to happen due to the struggle that employees have with daily Civil Service decisions that have to be made.

Comm. Heaton agree with Comm. DeRouen and distributed a memo (February 4, 2015) that will be part of the record. Under State rules and regulations the Authority needed By Laws. By Laws were passed naming an Executive Director who was a classified employee, which is uncommon in the entire state. From day one, the appointing authority for this Board was the Chairman of the Board who could delegate appointing authority. The only amendment the By Laws requires is to delete Section 6-B. For the record, this memo states that the Authority did nothing improper from the day the COO was hired. This was done through the Executive Committee, by the rules of the Civil Service, in compliance with the laws of the State. The Chair usually wants the chief executive officer or the managing person to have appointing authority because the person in charge of the organization has to manage staff and is familiar with their performance. The Chair then delegates appointing authority with an act of delegation. The COO does serve at the pleasure of the Board, but it allows some checks and balances.

Chair Ernst recommended passing the Resolution, Comm. Heaton agreed and requested that the memo be part of the record for clarification purposes as to what the law states.

Comm. Heaton offered a motion to approve a Second Amendment to the By Laws related to appointing authority, seconded by Comm. Hugel and opposed by Comm. DeRouen to wit:

MOTION: 11-022615
RESOLUTION: 11-022615
BY: COMMISSIONER HEATON
SECONDED BY: COMMISSIONER HUGEL

February 26, 2014

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 is authorized by law to adopt by-laws, rules and regulations for the management of its affairs and for the operation and governance of the non-flood protection assets of the Orleans Levee District;

WHEREAS, the Management Authority adopted By-Laws at its regularly scheduled monthly meeting in July of 2011;

WHEREAS, the Management Authority adopted an amendment to the By-Laws on October 20, 2011;

WHEREAS, the By-Laws of the Management Authority presently designate the Executive Director as the appointing authority of the Orleans Levee District Non-Flood Asset Division for all employee civil service matters;

WHEREAS, the Management Authority at its regularly scheduled meeting held on February 26, 2015 considered an amendment to Article IV of the By-Laws to designate the Chairman as the appointing authority of the Orleans Levee District Non-Flood Asset Division for all employee civil service matters;

WHEREAS, in accordance with Article X of the By-Laws, notice was given to the members of the Management Authority of the proposed amendment, in writing, dated February 6, 2015, a copy of which is attached hereto; and,

WHEREAS, after consideration of the proposed amendment to the By-Laws to designate the Chairman as the appointing authority of the Orleans Levee District Non-Flood Asset Division for all employee civil service matters, the Management Authority at its regularly scheduled monthly meeting held on February 26, 2015 approved and adopted a resolution authorizing the amendment as set forth in the notice issued on February 6, 2015 to the members of the Management Authority.

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Management Authority approves and hereby adopts the amendment to Article IV, Sub-Section 3 (1) (e) and (f), and amendment adding Sub-Section 3 (1) (g) to Article IV, and amendment deleting Sub-Section 6 (1) (b), as set forth in the notice issued on February 6, 2015 to the members of the Management Authority, a copy of which is attached to this Resolution.

BE IT FURTHER RESOLVED, that these amendments to the By-Laws shall be effective as of the date of the adoption of this Resolution.

BE IT HEREBY FURTHER RESOLVED, that the Management Authority hereby authorizes its Secretary to sign an amendment to the By-Laws as set forth above and file same in the records of the Management Authority.

YEAS: ERNST, HEATON, BAUDY, BRIEN, SAIZAN, GREEN, HUGEL, SETTOON, EAMES, HIGGINS, RICHARD
NAYS: DeROUEN
ABSTAIN: NONE
ABSENT: CANTRELLE, FIERKE, STACK
RESOLUTION ADOPTED: YES

12) Distribution of FY 2015-2016 budget. Budget hearing: Finance committee meeting (last agenda item): Thursday, March 5, 2015 beginning at 4:30 p.m. Chair Ernst noted that the budget will be heard at the Finance Committee meeting on Thursday, March 12, 2015 at 4:30 p.m. All Board members are encouraged to attend as it is very important and informative.

Comm. Heaton noted that the Flood Authority passed a resolution of support on the application for flood protection, which will be included in the record.

NEXT BOARD MEETING

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, April 16, 2015 at 5:30 p.m.

ADJOURNMENT

Comm. Stack offered a motion to adjourn, seconded by Comm. Cantrelle and unanimously adopted. The meeting adjourned at 6:41 p.m.