

THE NON-FLOOD PROTECTION ASSET MANAGEMENT AUTHORITY
MINUTES OF THE FULL BOARD MEETING
THURSDAY APRIL 16, 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, April 16, 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.

Vice Chair Heaton called the meeting to order at 5:32 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. Michael Stack
Comm. Darrel Saizan
Comm. Patrick DeRouen
Comm. Pearl Cantrelle
Comm. Eugene Green
Comm. Stan Brien
Comm. Thomas Fierke
Comm. Dieter Hugel
Comm. William Settoon
Comm. Glenn Higgins
Comm. Anthony Richard

ABSENT:

Comm. Leila Eames

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
Jim Martin - DEI
Addie Fanguy – Landmark Aviation
Connie Standige – Neel-Schaffer
John Magni – Hawthorne
Chris Groh – Kutchins & Groh
Ray Landeche – Lakeshore
Richard Lambert - RCL

OPENING COMMENTS

Vice Chair Heaton began the meeting in Chair Ernst' absence and waived opening comments.

ADOPT AGENDA

Comm. Hugel offered a motion to amend the Agenda, seconded by Comm. DeRouen and unanimously adopted.

APPROVE MINUTES

Comm. Fierke offered a motion to approve the minutes of the March 19, 2015 Board meeting, seconded by Comm. DeRouen and unanimously adopted.

COMMITTEE REPORTS

Airport Committee – Chair Heaton advised that Customs is on its way, and an architect is under contract. The target date is October 1, 2015. The COO advised that preliminary plans were approved. Security will review the plans by the end of this week and the project will then be ready to go out for bid.

Insurance Committee - Chair Hugel noted that Insurance Committee issues will be taken up when addressed on the Agenda.

Marina Committee – No meeting.

Commercial Real Estate Committee – Chair Green advised that the Committee requested an extension of time relative to the Myrna Davis Boathouses. The Committee also requested to reengage Pappalardo Consultants, Inc. as the Authority's Real Estate Consultant for a period of 12 months with an option period of an additional 12 months.

Recreation/Subdivision Committee – Chair Ernst advised that O.L.D. police will patrol and step up enforcement regarding the use of motorized vehicles in the neighborhood parks. A City Code Ordinance addresses the issue regarding the use of vehicles in parks. The placement of speed cameras along Lakeshore Dr. was not well received, but O.L.D. police will have detail officers on weekends and select days during the week patrolling Lakeshore Dr. Additional port-o-lets will be placed on Lakeshore Dr. until the shelters are operational.

Legal Committee – Chair DeRouen advised that returns received on the RFP will be vetted in the next 30 days with recommendations to follow.

Finance Committee – Chair Stack advised that the Authority is tracking to run a surplus this year. Additional items addressed are on the Agenda.

Vice Chair Heaton noted for the record Comm. Richard's arrival.

EXECUTIVE SESSION

Comm. DeRouen stated that Executive Session would be appropriate if there were questions regarding any of the items. If there are no questions, Executive Session can be bypassed. Mr. Metzger advised the Core Construction and Williams matters are settlements. The Core Construction matter does not involve the Authority expending funds and that case will be dismissed. The Williams matter has reached settlement pending Board approval and the tax sale will be cancelled. There is a resolution and settlement of the RCL Cost Curve A matter, which was previously heard in Executive Session. All Board members agreed that Executive Session was not necessary.

Vice Chair Heaton noted for the record Commissioner Saizan and Commissioner Brien's arrival.

OLD BUSINESS

01-041615 – Motion to approve extension of contract with URS for the sole purpose of completing the Lakefront Airport Wildlife Survey which is 100% grant funded, with no cost to NFPAMA, in an amount not to exceed grant funds, until the study is completed or October 31, 2015, whichever occurs sooner

Vice Chair Heaton advised that this grant is a 100% funded grant (90% federal and 10% state). The Airport is in need of this project. The grant was awarded to URS who was bought out by AECOM who will be the recipient of this contract.

Comm. Heaton offered a motion to extension of contract with URS to complete the Lakefront Airport Wildlife Survey, seconded by Comm. Hugel and unanimously adopted to wit:

MOTION: 01-041615
RESOLUTION: 01-041615
BY: COMMISSIONER HEATON
SECONDED: COMMISSIONER HUGEL

April 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (the "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 Authority (the "Airport"), and the Authority are the co-sponsors of the Airport for among other things grants by the FAA and State of Louisiana under the Airport Improvement Program ("AIP");

WHEREAS, on September 14, 2011 and September 30, 2013, the Authority entered into a Master Agreement for Professional Services with URS Corporation, a professional engineering firm, for projects at the Airport (the "Agreements"), as authorized by Resolutions 02-070811, 03-011912, 06-091913;

WHEREAS, under the terms of the Agreement, URS only provides services pursuant to Work Orders specifying the scope of professional services to be rendered and compensation for services approved by the Authority;

WHEREAS, the Authority and the District submitted a Project Application, dated September 3, 2013, to the FAA for a grant of Federal funds for a project at the Airport identified as "Wildlife Hazard Assessment", which was approved by the FAA and LADOTD (the "Project") and accepted on September 17, 2013;

WHEREAS, under the approved grant for the Project, the FAA provides up to 90% of the necessary funding and the LADOTD provides up to 10% of the necessary funding for this Project;

WHEREAS, Work Order No. 4 was issued to URS to complete the Project;

WHEREAS, the agreement with URS expired on December 31, 2014;

WHEREAS, URS was acquired by AECOM prior to the termination of the contract;

WHEREAS, the Project was not completed by December 31, 2014 and AECOM has agreed to extend the Agreement for the sole purpose of completing the Wildlife Hazard Assessment, for an amount not to exceed the grant funding for the Project, and for the period until the Project is completed or October 31, 2015, whichever occurs sooner;

WHEREAS, an extension of the Agreement with AECOM was considered by the Airport Committee at its regularly scheduled meeting held in April 2015 and the Committee unanimously voted to recommend an extension of the Agreement with AECOM under the terms and conditions set forth above and ratification of all action taken in connection with this specific Project since December 31, 2014; and,

WHEREAS, the Authority after considering this matter resolved that it would be in the best interest of the Airport to approve an extension of the Agreement with AECOM, as successor/parent company of URS, under the terms and conditions set forth above and ratification of all action taken in connection with the Project since December 31, 2014.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority, on its behalf and on behalf of the Orleans Levee District, as the Public Sponsors of the Airport approves an extension of the Master Airport Consultants Services Agreement with AECOM, as successor/parent company of URS, for the sole purpose of completing the Wildlife Hazard Assessment Project, for an amount not to exceed the grant funding for the Project, and for the period until the Project is completed or October 31, 2015, whichever occurs sooner.

BE IT FURTHER HEREBY RESOLVED, that the Authority, on its behalf and on behalf of the Orleans Levee District, as the Public Sponsors of the Airport ratifies all action taken in connection with the Wildlife Hazard Assessment Project since December 31, 2014, including the execution of any and all documents signed prior to the date of this Resolution by the Authority Chairman and Chief Operating Officer.

BE IT FURTHER HEREBY 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: HEATON, BAUDY, STACK, SAIZAN, DeROUEN, GREEN, BRIEN, FIERKE, HUGEL, SETTOON, HIGGINS, RICHARD

NAYS:

ABSTAIN:

ABSENT: ERNST, CANTRELLE, EAMES

RESOLUTION ADOPTED: YES

02-041615 - Motion to change the starting time for regular board meetings from 5:30 p.m. to 4:00 p.m. beginning with the May 21, 2015 board meeting

The COO advised this matter was previously deferred to give the public 30 days to comment.

Ray Landeche, Lakeshore Neighborhood, advised that the Lakeshore neighborhood is opposed to an earlier start time as many residents will be unable to attend. When important issues come up meetings should be held at 5:30 p.m. so residents may attend after work.

Comm. Richard was in favor of the current 5:30 p.m. meeting time, Comm. Baudy was opposed to a 4:00 p.m. starting time due to the neighborhood residents and Comm. Hugel opposed the motion. Comm. DeRouen stated that he was not opposed a 4:00 p.m. start time and was in favor of the motion. Comm. Fierke suggested keeping board meetings the third Thursday of each month, but moving the time to 4:00 p.m. Comm. Green was opposed to starting at 5:30.

Vice Chair Heaton noted Comm. Cantrelle's arrival.

A roll call vote would be taken to change the starting time of the Board meeting from 5:30 p.m. to 4:00 p.m. A yes vote is to change the meeting time to 4:00 p.m.

A roll call vote was taken as follows:

YES: Heaton, Saizan, DeRouen, Brien, Fierke, Higgins

NO: Baudy, Stack, Cantrelle, Green, Hugel, Settoon, Richard

The motion failed by one vote and the start time for board meetings remained 5:30 p.m.

03-041615 - Discussion regarding Four Winds Fountain

Vice Chair Heaton advised that she was contacted by the Helis Foundation who made a proposal to secure the Four Winds Fountain at their expense. The Foundation has concerns regarding further vandalism and damage to the Fountain. The Foundation would like to protect the Fountain from further damage by erecting a fence around the Fountain and making a mold casting for future repairs. This was vetted at the Airport Committee and the vote was to send the issue to the full Board.

Comm. Cantrelle stated opposition to the fence as it would not be attractive for those utilizing the restaurant and atrium for special events. The Airport does not have a problem with vandalism so there is no need to erect a fence. Comm. Higgins noted that the Fountain is approximately 2½ feet deep with a concrete bottom, which is a safety and major liability issue if someone were to trip and fall into the Fountain.

Vice Chair Heaton advised that the Authority received a proposal from the Foundation to expend up to \$12,500 to erect a fence and secure the Fountain. The Foundation purchased eleven Enrique Alferez sculptures to put in a sculpture garden located in City Park's Botanical Gardens. There will be added attention to the Four Winds Fountain due to the sculpture garden and newspaper articles in the Advocate regarding an Alferez sculpture at Charity Hospital. This additional attention may increase the potential for vandalism. The vote is to authorize the Authority accept the offer of Helis to spend up to \$12,500 to erect a fence around the Fountain and make a mold for future repairs. The outside of the Fountain is deteriorating and the design in the concrete cannot be seen. Pieces to the Fountain are loose. Those pieces would be boxed and stored at the Franklin Facility. The Foundation has not agreed to restore the Fountain where it is. The Board must look diligently into strategies to keep the Fountain at Lakefront Airport. Moving the Fountain would require vetting by the full Board and a presentation from the Helis Foundation.

Comm. Fierke moved to accept the full proposal to secure and safeguard the Fountain seconded by Commissioner Saizan. Mr. Metzger advised that a motion to add the item to the Agenda was needed. Comm. Fierke offered a motion to amend the agenda to add the item, seconded by Comm. DeRouen and unanimously adopted by a roll call vote. Comm. DeRouen offered a motion to immediately accept the Helis Foundation proposal and move forward to erect a fence around the Fountain, seconded by Comm. Settoon and opposed by Comm. Cantrelle.

Chair Ernst arrival was noted at this time.

MOTION: 03-041615
RESOLUTION: 02-041615
BY: COMMISSIONER HEATON
SECOND BY: COMMISSIONER SETTOON

April 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset 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;

WHEREAS, Lakefront Airport is one of the assets of the District that is managed by the Authority, providing necessary revenue for the Authority's statutory obligations;

WHEREAS, the Lakefront Airport campus contains the Fountain of Four Winds, created by artist Enrique Alferez and is over 80 years old;

WHEREAS, the Fountain is currently in a state of disrepair due to Hurricane Katrina, as well as in need of operational updates due to its age, which are hampered by the financial and operational constraints of the Authority;

WHEREAS, the Helis Foundation has generously offered to protect the Fountain from further damage. At a cost of approximately \$12,550, Helis has offered to:

- a) Retain and pay a professional to remove the unattached eagles, broken pieces of coping and/or broken pieces of the Fountain, package the pieces and deliver those pieces to a secure site at Lakefront Airport;
- b) Retain and pay a master plaster craftsman to cast molds of damaged coping to preserve the Fountain for future repair; and
- c) Erect a 6-foot chain link fence around the Fountain with one locked gate;

WHEREAS, the Authority considers it to be in the best interest of the District to accept the offer of the Helis Foundation to preserve and protect the Fountain of Four Winds, with the proviso that currently the Airport campus has ongoing FEMA obligations and project worksheets, including an outstanding project worksheet for the Fountain and any such action shall be coordinated with FEMA so as not to jeopardize any FEMA obligations and/or project worksheets for either the Fountain or the Airport campus;

THEREFORE, BE IT HEREBY RESOLVED, that the Authority accepts the generous offer of the Helis Foundation, subject to the proviso regarding FEMA obligations, as set forth above;

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

YEAS: ERNST, HEATON, BAUDY, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN, BRIEN, FIERKE, HUGEL, SETTOON, HIGGINS, RICHARD

NAYS:

ABSTAIN:

ABSENT: EAMES

RESOLUTION ADOPTED: YES

09-041615 - Motion to authorize the Chair or COO to execute settlement agreement with Richard C. Lambert LLC related to Cost Curve A.

Comm. DeRouen offered a motion to amend the Agenda to hear Motion 09-041615, to authorize the Authority Chair or COO to execute the settlement agreement with Richard C. Lambert, LLC related to cost curve A, seconded by Comm. Hugel and unanimously adopted. Chair Ernst' arrival is noted for the record at 6:00 p.m.

Comm. DeRouen offered a motion to authorize the Chair or COO to execute settlement agreement with Richard C. Lambert LLC related to Cost Curve A, seconded by Comm. Hugel and unanimously adopted to wit:

MOTION: 09-041615
RESOLUTION: 08-041615
BY: COMMISSIONER DeROUEN
SECONDED: COMMISSIONER HUGEL

April 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (the "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 Authority (the "Airport");

WHEREAS, the Terminal (formerly the Administration Building) and other facilities at the New Orleans Lakefront Airport were severely damaged by Hurricane Katrina which struck Southeast Louisiana in August, 2005;

WHEREAS, after Hurricane Katrina, the former Board of Commissioners of the Orleans Levee District issued a Request for Qualifications for architects and engineers to provide professional services for the repair and reconstruction of the facilities at the Airport;

WHEREAS, Richard C. Lambert Consultants, LLC (“RCLC”) was one of the architect/engineering firms selected to render professional services for the repair and reconstruction of the facilities at the Airport, including the repair and reconstruction of the Terminal at the Airport;

WHEREAS, the Authority entered into a written agreement with RCLC dated on May 26, 2006 for among other things preparation of contract documents and contract administration services for the repair and reconstruction of the Terminal (the “Project”);

WHEREAS, the May 26, 2006 Agreement specified compensation for professional services under Design Cost Curve “B” of the Federal Emergency Management Agency fee schedule for professional services;

WHEREAS, during the course of the Project, the Project was changed from a repair project to a renovation and restoration project to restore the Terminal Building to its original Art Deco Architecture;

WHEREAS, by letter dated on August 16, 2007 RCLC was notified by the Director of Non-Flood Assets Division of the Orleans Levee District that the fee schedule for professional services on the exterior phase of the Terminal Project would be adjusted to FEMA Design Cost Curve “A,” which would have increased the fee for professional services for this phase of the Project;

WHEREAS, by letter dated on February 15, 2008 RCLC was notified by the Director of Non-Flood Assets Division of the Orleans Levee District that the fee schedule for professional services on the interior phase of the Terminal Project would be adjusted to the FEMA pending re-designated Design Cost Curve “A,” which also would have increased the fee for professional services for this phase of the Project;

WHEREAS, Article 27 of the May 26, 2006 written Agreement specified that the agreement could only be amended, supplemented, modified or cancelled by a duly executed instrument of the parties and the parties never executed such an agreement to modify the professional fee schedule from FEMA Design Cost Curve “B” to FEMA Design Cost Curve “A” for the Project;

WHEREAS, subsequently a dispute arose between the parties over whether an amendment of the contract was subject to approval by FEMA to change the Cost Curve from Cost Curve “B” to Cost Curve “A” and conditioned upon reimbursement by FEMA of the additional professional fees under Cost Curve “A”;

WHEREAS, the difference in the fee for the professional services rendered on the Project between Cost Curve “B” and Cost Curve “A” is \$198,666.49;

WHEREAS, RCLC has agreed to accept the sum of \$178,799.85 in full and final settlement of its claim for additional professional service fees under the FEMA Design Cost Curve “A”; and,

WHEREAS, the Authority after considering this matter resolved that it would be in the best interest of the Authority and Airport to approve payment of the sum of \$178,799.85 in full and final settlement of all claims by RCLC for additional professional service fees under FEMA Design Cost Curve “A” on the Project.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves the settlement with Richard C. Lambert Consultants, LLC and authorizes the payment of \$178,799.85 in full and final settlement of all claims by Richard C. Lambert Consultants, LLC against the Authority and Orleans Levee District for additional professional service fees under FEMA Design Cost Curve “A” on the exterior and interior Terminal Projects at the Airport, with both parties reserving any and all other claims that they may relating to the Terminal Project.

BE IT FURTHER HEREBY 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, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN, BRIEN, FIERKE, HUGEL, SETTOON, HIGGINS, RICHARD

NAYS:

ABSTAIN:

ABSENT: EAMES

RESOLUTION ADOPTED: YES

NEW BUSINESS

04-041615 - Motion to approve the assignment of the leases for the James Wedell and National Guard hangars from Hawthorne New Orleans, LLC to Encore FBO, LLC d/b/a Landmark Aviation. (Airport Committee recommends)

The COO advised that the Authority will not lose any revenue and will continue to have strong FBOs at Lakefront Airport.

Vice Chair Heaton offered a motion to approve the assignment of the leases for the James Wedell and National Guard hangars from Hawthorne New Orleans, LLC to Encore FBO, LLC d/b/a Landmark Aviation, seconded by Comm. Hugel and unanimously adopted to wit:

MOTION: 04-041615

RESOLUTION: 03-041615

BY: COMMISSIONER HEATON

SECONDED BY: COMMISSIONER HUGEL

April 16, 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;

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

WHEREAS, on April 8, 2008 the Orleans Levee District, then under the management and control of the Louisiana Div. of Administration, entered into a Lease with AeroPremier Jet Center, L.L.C. ("AeroPremier"), effective June 1, 2008, for a term of five (5) years, with three (3) five year options to renew, for the purpose of the operation of a fixed base operation at the Airport;

WHEREAS, in 2012 AeroPremier requested and the Authority approve the assignment of the Lease to Hawthorne N.O., L.L.C. to operate an FBO at the Airport ("Hawthorne");

WHEREAS, the Authority also entered into a lease with Hawthorne New Orleans LLC, on June 1, 2014, for a primary term of four (4) years commencing June 1, 2014 and ending on May 31, 2018, with two (2) five (5) year options, for a maximum term if all options are exercised of fourteen (14) years, for the purpose of the operation of a fixed base operation at the Airport;

WHEREAS, Hawthorne has entered into a Purchase Agreement with Encore FBO, LLC d/b/a Landmark Aviation, a Delaware limited liability company ("Landmark"), which also operates an FBO at the Airport, under the terms of which Landmark will acquire, among other things, substantially all of Hawthorne's assets used for operation under an FBO, including without limitation, all of Hawthorne's rights, interests, and obligations under the two Leases;

WHEREAS, Hawthorne, pursuant to the Purchase Agreement, desires to assign the Leases and any amendments, modifications, addenda and agreements related thereto (the "Leases") to Landmark and Landmark has agreed to assume all obligations under the Leases and continue to operate a fixed base operation at the Airport;

WHEREAS, pursuant to Paragraph XV of the Lease, the Lessor's approval is required for the assignment of the Lease;

WHEREAS, this matter was presented to the Airport Committee at its April 9, 2015 meeting, and the Committee voted unanimously to recommend approval of the assignment of the Leases to Landmark;

WHEREAS, after considering the request of Hawthorne for the assignment of the Leases to Landmark, and the recommendation of the Airport Committee, the Authority resolved that it was in the best interest of the Airport and Orleans Levee District to approve the assignment of the Leases by Hawthorne to Landmark, subject to the following conditions: (1) all lease, fuel and insurance obligations have been satisfied prior to execution of the written consent to the assignment of the Lease by the Authority, (2) Landmark's agreement to assume, pay, discharge and perform in a full and timely manner all of the lessee's liabilities and obligations under the Lease arising or incurred on or after the date of the assignment of the Lease, and (3) reimbursement of the Authority's legal expenses incurred in connection with this matter.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves the assignment by Hawthorne N.O., L.L.C. to Encore FBO, LLC d/b/a Landmark Aviation of the Leases dated April 8, 2008 and June 1, 2014 and any amendments, modifications, addenda and agreements related thereto, subject to the following conditions: (1) all lease, fuel and insurance obligations have been satisfied prior to

execution of the written consent to the assignment of the Lease by the Authority, (2) Landmark's agreement to assume, pay, discharge and perform in a full and timely manner all of the lessee's liabilities and obligations under the Lease arising or incurred on or after the date of the assignment of the Lease, and (3) reimbursement of the Authority's legal expenses incurred in connection with this matter; and,

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

YEAS: ERNST, HEATON, BAUDY, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN, BRIEN, FIERKE, HUGEL, SETTOON, HIGGINS, RICHARD

NAYS:

ABSTAIN:

ABSENT: EAMES

RESOLUTION ADOPTED: YES

05-041615 - Motion to designate Eagan Insurance Agency, LLC as insurance agent of record and enter into a contract for Eagan to procure property, casualty, liability, flood, auto, employee practices and workers compensation policies for the Non-Flood Protection Asset Management Authority. (Insurance Committee recommends)

Comm. Hugel advised that three proposals were received with Eagan being the best respondent. Comm. Hugel offered a motion to designate Eagan Insurance Agency, LLC as insurance agent of record, seconded by Comm. Saizan and unanimously adopted to wit:

MOTION: 05-041615
RESOLUTION: 04-041615
BY: COMMISSIONER HUGEL
SECONDED BY: COMMISSIONER SAIZAN

April 16, 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, the Authority authorized the issuance of a Request for Qualifications/Proposals for professional services agreements every two years beginning 2015 in Resolution No. 08-082114, which includes the Agent of Record for all casualty, general liability, marina liability, worker's compensation, employee practices, auto liability, airport owner's liability, and property and flood policies for the insurable non-flood protection assets of the District;

WHEREAS, responses to the Request for Qualifications/Proposals for an Agent of Record were required to be submitted by no later than March 31, 2015;

WHEREAS, responses were submitted by McGriff, Seibels & Williams of Louisiana, Inc., Arthur J. Gallagher & Co., and Eagan Insurance Agency, LLC,

WHEREAS, the responses were reviewed by the Insurance Committee at the meetings held on April 9, 2015 and April 13, 2015;

WHEREAS, after considering the proposals submitted in response to the Request for Qualifications/Proposals for an Agent of Record, the Insurance Committee voted unanimously to recommend to the Authority the selection of Eagan Insurance Agency, LLC ("Eagan Insurance Agency") as Agent of Record under the terms set forth below for a period of one (1) year commencing on May 1, 2015;

WHEREAS, the Proposal of Services and Agency Qualifications submitted by Eagan Insurance Agency offered to provide the full range of services requested in the Request for Qualifications/Proposals, including but not limited to assisting the Authority in administering all insurance plans, negotiating with providers on all issues related to premiums, special terms, conditions, and claims and soliciting proposals from national and world insurance markets which specialize in casualty, general liability, marina liability, worker's compensation, employee practices, auto liability, airport owner's liability, property insurance and all other insurance needs of the Management Authority;

WHEREAS, Eagan Insurance Agency proposed a flat fee of \$45,000 plus flood insurance commissions which will be paid directly to Eagan Insurance by the National Flood Insurance Program. Additionally, \$20,000.00 of the fee will be designated for DBE services and which fee will be in lieu of any insurance commission for procuring casualty, general liability, marina liability, worker's compensation, employee practices, auto liability, airport owner's liability, property and flood insurance and all other insurance policies required by the Authority, exclusive of health and dental coverages;

WHEREAS, the Authority after considering the recommendation of the Insurance Committee and proposal submitted by Eagan Insurance Agency resolved that it would be in the best interest of the Orleans Levee District to select Eagan Insurance Agency as Agent of Record under the terms set forth above for a period of one (1) year commencing on May 1, 2015.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority selects Eagan Insurance Agency as Agent of Record for a period of one (1) year, commencing on May 1, 2015, for a flat fee of \$45,000 plus flood insurance commissions which will be paid directly to Eagan Insurance Agency by the National Flood Insurance Program. Additionally, \$20,000.00 of the fee will be designated for DBE services, and which consulting fee will be in lieu of any insurance commissions for all required casualty, general liability, marina liability, worker's compensation, employee practices, auto liability, airport owner's liability, property and flood insurance policies for the property of the Orleans Levee District under the management and control of the Non-Flood Protection Asset Management Authority and all other insurance policies required by the Non-Flood Protection Asset Management Authority except for health and dental insurance.

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

YEAS: ERNST, HEATON, BAUDY, STACK, SAIZAN, DeROUEN, CANTRELLE, GREEN, BRIEN, FIERKE, HUGEL, SETTOON, HIGGINS, RICHARD

NAYS:

ABSTAIN:

ABSENT: EAMES

RESOLUTION ADOPTED: YES

06-041615 - Motion to extend the period of time for Ms. Ishicka Davis to confect the transfer of the lease from Whitney for boathouse W-14, and to extend the period of time to enter into a lease with NFPAMA for boathouses W-15 and W-16 for an additional 60 days. (CRE Committee recommends)

At the Commercial Real Estate meeting of April 9, 2015 Comm. Green offered a motion to extend the period of time for Ms. Ishicka Davis to confect the transfer of the lease from Whitney for boathouse W-14, and to extend the period of time to enter into a lease with NFPAMA for boathouses W-15 and W-16 for an additional 60 days, which was seconded by Commissioner DeRouen and unanimously adopted to wit:

MOTION: 06-041615

RESOLUTION: 05-041615

BY: COMMISSIONER GREEN

SECONDED: COMMISSIONER DeROUEN

April 16, 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, the 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.Rev.Stat. 38:336(A) and (B)(4);

WHEREAS, Ischicka Davis has offered to lease the water bottoms and land in the Marina shown as Sites numbered W-15 and W-16 on Orleans Levee Board Drawing LD 4529, dated August 16, 1971 and the Authority has resolved to lease those Sites to Ms. Davis under those terms and conditions as set forth in two separate Resolutions numbered 03-022615 and 04-022615 and dated February 26, 2015;

WHEREAS, Ms. Davis has requested a 60 day extension in which to enter into Leases for Sites W-15 and W-16, all other terms and conditions contained in the two Resolutions numbers 03-22615 and 04-22615 to remain the same;

WHEREAS, Whitney Bank requested approval to assign and transfer its rights to lease Boathouse W-14 to Ms. Davis and the Authority has resolved to approve the assignment of the lease of Boathouse W-14 by Whitney Bank to Ms. Davis pursuant to Resolution 02-22615, all other terms and conditions contained in the resolution to remain the same;

WHEREAS, the Authority, after considering this matter, resolved that it was in the best interest of the District to grant a 60 day extension, commencing on April 16, 2015, to Ms. Davis to enter into leases for Sites Nos. W-15 and W-16 on the same terms and conditions contained in Resolutions 03-022615 and 04-022615 and dated February 26, 2015, with the proviso that should the current lessee of No. W-14, Whitney Bank, not transfer the W-14 lease to Ms. Davis, this 60 day extension shall expire upon receipt of written notice by the Whitney Bank to both the Authority and any party with whom the Whitney Bank has a current, valid Agreement to Purchase Boathouse No. W-14;

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves a 60 day extension to Ms. Ischicka Davis to enter into leases for Orleans Marina Boathouse Sites Nos. W-15 and W-16 which extension commences on April 16, 2015, all other terms and conditions to remain the same as those contained in Resolutions 03-022615 and 04-022615, with the proviso that should the current lessee of W-

14, Whitney Bank, not transfer the lease of W-14 to Ms. Davis, this 60 day extension shall expire upon receipt of written notice by the Whitney Bank to the Authority.

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, STACK, SAIZAN, DeROUEN, CANTRELLE, BRIEN, FIERKE, HUGEL, SETTOON, HIGGINS, RICHARD

NAYS:

ABSTAIN:

ABSENT: GREEN, EAMES

RESOLUTION ADOPTED: YES

07-041615 - Motion to authorize the Chair or COO to execute settlement agreement in the matter of NFPAMA v. Williams, CDC 13-11754.

The COO clarified this settlement involved Erroll Williams, the Assessor and is revenue neutral. Comm. DeRouen offered a motion to authorize the Chair or COO to execute settlement agreement in the matter of NFPAMA v. Williams, seconded by Comm. Hugel and unanimously adopted to wit:

MOTION: 07-041615

RESOLUTION: 06-041615

BY: COMMISSIONER DeROUEN

SECONDED: COMMISSIONER HUGEL

April 16, 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, the 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, the Authority, as the governing authority of the Orleans Levee District, is authorized to lease the 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, the Authority leases the improvements located on Orleans Marina Boathouse Site N-28;

WHEREAS, commencing in the tax year 2012, Erroll G. Williams, Assessor for the Parish of Orleans ("Assessor") assessed ad valorem taxes on the improvements located on Orleans Marina Boathouse Site N-28 which are owned by the Orleans Levee District and leased to a private person;

WHEREAS, after receipt of the 2012 ad valorem tax bill, the Management Authority requested that the Assessor exempt the boathouse improvements located on Site N-28 from taxation since these improvements are owned by the Orleans Levee District, a taxing authority, and leased for a public purpose;

WHEREAS, the Assessor denied this request on the grounds that the improvements were subject to ad valorem taxes because the improvements were leased to a private individual, and, as such, were not used for a public purpose;

WHEREAS, on December 11, 2013, the Authority filed a Petition for Declaratory Judgment and to Cancel Ad Valorem Tax Assessments against the Assessor and Norman S. Foster, Director of Finance and Ex-Officio Tax Collector for the City of New Orleans ("Tax Collector") in the matter captioned and entitled "Non-Flood Protection Asset Management Authority v. Errol G. Williams, Assessor for the Parish of Orleans and Norman S. Foster, Director of Finance and Ex-Officio Tax Collector for the City of New Orleans," bearing action CDC No. 2013-11754, Div. "L" "Litigation";

WHEREAS, the Assessor and the Tax Collector answered the aforesaid Petition denying that the Authority was entitled to the relief sought in the litigation;

WHEREAS, on September 11, 2014 the Tax Collector sold the improvements located on Site N-28 at tax sale;

WHEREAS, the Assessor and the Tax Collector have now agreed in consideration of the dismissal of the litigation to cancel retroactively to the tax year 2012 the taxes assessed on Site N-28, to not assess ad valorem taxes on the improvements located Site N-28 at any time in the future as long as the improvements are not used for commercial purposes, and agreed to cancel the tax sale certificate on the improvements located on Site N-28, with all parties reserving their rights regarding the assessment of ad valorem taxes which may now or in the future be assessed against any other property owned by the Orleans Levee District;

WHEREAS, the Assessor and Tax Collector have signed a Mutual Receipt and Release Agreement with the settlement terms set forth above, a copy of which is attached hereto; and,

WHEREAS, the Authority after considering this matter resolved that it would be in the best interest of the Orleans Levee District to approve the settlement agreement with the Assessor and Tax

Collector under the terms set forth above and authorize the Chairman or Chief Operating Officer to execute the Mutual Receipt and Release Agreement, a copy of which is attached hereto.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves the settlement agreement proposed by the Assessor and Tax Collector of the City of New Orleans to cancel retroactively to the tax year 2012 the ad valorem taxes assessed on the improvements located on Orleans Marina Boathouse Site N-28, to not assess ad valorem taxes on the improvements located on Orleans Marina Boathouse Site N-28 at any time in the future as long as the improvements are not used for commercial purposes, to cancel the tax sale certificate on the improvements located on Orleans Marina Boathouse Site N-28, with all parties reserving their rights regarding the assessment of ad valorem taxes which may now or in the future be assessed against any other property owned by the Orleans Levee District, in consideration of dismissal of the litigation instituted by the Management Authority captioned and entitled "*Non-Flood Protection Asset Management Authority v. Errol G. Williams, Assessor for the Parish of Orleans and Norman S. Foster, Director of Finance and Ex-Officio Tax Collector for the City of New Orleans*," CDC No. 2013-11754, Div. "L".

BE IT FURTHER HEREBY 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, including but not limited to the Mutual Receipt and Release Agreement attached hereto.

YEAS: ERNST, HEATON, BAUDY, STACK, SAIZAN, DeROUEN, CANTRELLE, BRIEN, FIERKE, HUGEL, SETTOON, HIGGINS, RICHARD

NAYS:

ABSTAIN:

ABSENT: GREEN, EAMES

RESOLUTION ADOPTED: YES

08-041615 - Motion to authorize the Chair or COO to execute settlement agreement in the matter of Core Construction Services, LLC v. Non-Flood Protection Asset Management Authority", CDC 14-3812.

Mr. Metzger advised that this settlement is revenue neutral. The design professionals are funding the settlement and the Authority is being dismissed from the case. There is a settlement agreement in which the COO must obtain authority to sign. The Motion to Dismiss with Prejudice will be filed once the Settlement Agreement is signed.

Comm. DeRouen offered a motion to authorize the Chair or COO to execute settlement agreement in the matter of Core Construction Services, LLC v. NFPAMA, seconded by Comm. Saizan and unanimously adopted to wit:

MOTION: 08-041615
RESOLUTION: 07-041615
BY: COMMISSIONER DeROUEN
SECONDED: COMMISSIONER SAIZAN

April 16, 2015

RESOLUTION

WHEREAS, the Non-Flood Protection Asset Management Authority (the "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 Authority (the "Airport");

WHEREAS, the Authority, as owner, entered into an agreement with Richard C. Lambert Consultants, LLC ("RCLC"), as architect, to prepare contract documents for the construction of the project known as the Hurricane Katrina Replacement Hangars Bastian and Mitchell Hangers Project, NFPAMA Project No. 9577730 (the "Project");

WHEREAS, Core Construction Services, LLC ("Core") was the lowest responsible bidder for the construction of the Project and entered into a contract with the Authority to construct the Project;

WHEREAS, Core has asserted against the Authority claims and causes of action for the Authority's refusal to pay Core for additional fabrication and erection costs for alleged inadequate and insufficient design plans and specifications, as set forth in that certain lawsuit entitled "*Core Construction Services, LLC v. Non-Flood Protection Asset Management Authority*", CDC No. 14-3812 (the "Lawsuit");

WHEREAS, the Authority has asserted a Third Party Demand against RCLC alleging that should judgment be rendered in favor of Core, then judgment should be rendered in favor of the Authority and against RCLC for any damages awarded to Core as a result of any finding by the Court that the plans and specifications prepared by RCLC were in anyway inadequate or insufficient and resulted in additional fabrication and erection costs to Core;

WHEREAS, RCLC has agreed to pay the sum of \$62,500.00 to Core in complete and final settlement of all claims asserted in the lawsuit; and,

WHEREAS, the Authority after considering this matter resolved that it would be in the best interest of the Authority and District to approve the proposed settlement agreement reached by the parties to resolve the lawsuit as set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves the settlement agreement reached by the parties in the lawsuit captioned and entitled “*Core Construction Services, LLC v. Non-Flood Protection Asset Management Authority*” CDC No. 14-3812, under the terms of which Richard C. Lambert Consultants, LLC shall pay Core Construction Services, LLC the sum of \$62,500.00 in consideration of the dismissal, with prejudice, of all claims asserted by all of the parties in the captioned lawsuit.

BE IT FURTHER HEREBY 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, STACK, SAIZAN, DeROUEN, CANTRELLE, BRIEN, FIERKE, HUGEL, SETTOON, HIGGINS, RICHARD

NAYS:

ABSTAIN:

ABSENT: GREEN, EAMES

RESOLUTION ADOPTED: YES

10-041615 - Motion for Stuart Consulting to prepare an RFQ for specifications for Interim Flood Protection at Lakefront Airport to procure a standby contractor to deploy flood risk reduction measures such as trap bags, sand bags, etc. at a cost not to exceed \$11,000. To be issued as a separate contract to avoid IDIQ budget depletion. (Airport/Finance Recommends.)

The COO advised that this will be issued as a separate contract to avoid IDIQ budget depletion. Comm. Stack requested an amendment (end of last paragraph, first page) “with RFP being issued no later than June 1, 2015 and final recommended selection by July 15, 2015.” Steven Nelson, Stuart Consulting, agrees with the amendment. Comm. Hugel offered a motion to amend the Resolution, seconded by Comm. DeRouen and unanimously adopted.

Comm. Settoon clarified that this is different from the flood wall. It is a temporary flood protection measure. This is no cost to the Authority as it is a stand-by contract. This may be reimbursable if there were an emergency declaration.

Comm. Stack offered a motion for Stuart Consulting to prepare an RFP for specifications for Interim Flood Protection at Lakefront, seconded by Comm. Heaton and unanimously adopted to wit:

MOTION: 10-041615
RESOLUTION: 09-041615
BY: COMMISSIONER STACK
SECONDED BY: COMMISSIONER HEATON

April 16, 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 Lakefront Airport 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 the 1st day of July, 2014 to provide ID/IQ services and a Not-To-Exceed fee of \$50,000, which was increased to \$85,000 by Resolution 05-022615;

WHEREAS, as discussed in the Joint Airport-Finance Committee on April 9, 2015, the Authority wishes to authorize Stuart to prepare an RFP for a stand-by contractor to provide interim flood protection at Lakefront Airport for the hurricane season beginning June 1, 2015 to protect valuable airport buildings and tenants; further because Stuart has been working on permanent flood protection for the Airport and is familiar with the status of the permanent flood protection project, as well as FEMA reimbursements and other FEMA projects completed and or pending at Lakefront Airport;

WHEREAS, these requested services are estimated at \$10,400, and the combination of tasks remaining and the additional services requested are beyond the current Not-To-Exceed fee of

\$85,000.00; and further that the Finance Committee recommends a separate agreement for preparation of the RFQ for a stand-by contractor to provide interim flood protection;

BE IT RESOLVED that the Authority enter into a separate contract with Stuart Consulting Group, Inc. to prepare an RFP for a stand-by contractor to provide interim flood protection at Lakefront Airport for the hurricane season beginning June 1, 2015 to protect valuable airport buildings and tenants which services are estimated at \$10,400; with a deadline for RFP being issued no later than June 1, 2015 and final recommendation for selection no later than July 15, 2015;

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, STACK, SAIZAN, DeROUEN, CANTRELLE, BRIEN, FIERKE, HUGEL, SETTOON, HIGGINS, RICHARD

NAYS:

ABSTAIN:

ABSENT: GREEN, EAMES

RESOLUTION ADOPTED: YES

11-041615 - Motion to enter into a contract with Pappalardo Consultants, Inc. as real estate consultant in response to Request for Qualifications for Real Estate Consultant, beginning July 1, 2015 for a period of 12 months, with the option to renew the contract for an additional twelve month period

The COO advised that the budget has been reduced from \$92,000 to \$82,000. Comm. Heaton noted for the record that the RFQ was put out with a six week return window. Mr. Pappalardo was the sole respondent and has a tremendous amount of experience. At the Real Estate Committee meeting on April 9, 2015, Comm. Green offered a motion to enter into a contract with Pappalardo Consultants, Inc. as real estate consultant in response to Request for Qualifications for Real Estate Consultant, beginning July 1, 2015 for a period of 12 months, with the option to renew the contract for an additional twelve month period, seconded by Comm. Saizan and unanimously adopted to wit:

MOTION: 11-041615
RESOLUTION: 10-041615
BY: COMMISSIONER GREEN
SECONDED BY: COMMISSIONER SAIZAN

April 16, 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, 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 primary term of one (1) year commencing on July 1, 2011 and ending on June 30, 2012, with two (2) one (1) year option periods, and after the options were exercised, the contract expires on June 30, 2014;

WHEREAS, the District has a continuous need for real estate expertise in marketing and leasing the District's extensive real estate holdings;

WHEREAS, the Authority authorized the issuance of a Request for Qualifications/Proposals for professional services agreements every two years beginning in 2015 in Resolution No. 08-082114, which includes a real estate consultant, which Request was issued on February 23, 2015, posted on the Authority website, notification forwarded to all commissioners, all real estate agents or property management companies on NFPAMA DBE list;

WHEREAS, responses to the Request for Qualifications/Proposals for a real estate consultant were required to be submitted by no later than March 31, 2015;

WHEREAS, the NFPAMA website notifies staff if the Request is downloaded and five Requests were downloaded but only one response was received from Pappalardo Consultants, Inc.,

WHEREAS, at the April 9, 2015 Commercial Real Estate Committee Meeting this matter was discussed and recommended to the full Board for approval of a contract with Pappalardo Consultants, Inc., with a primary term commencing on July 1, 2015 and ending on June 30, 2016, with one (1) one (1) year option to renew and with an established budget in the amount of \$82,000.00, and

WHEREAS, the Authority considers it to be in the best interest of the District to approve a Professional Services Contract with Pappalardo Consultants, Inc. for Real Estate Consulting Services under the terms and conditions set forth above.

THEREFORE, BE IT HEREBY RESOLVED, that the Authority approves a Professional Services Contract with Pappalardo Consultants, Inc. for Real Estate Consulting Services, with a primary term commencing on July 1, 2015 and ending on June 30, 2016, with one (1) one (1) year option to renew and with an established budget in the amount of \$82,000.00, and

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

YEAS: ERNST, HEATON, BAUDY, STACK, SAIZAN, DeROUEN, CANTRELLE, BRIEN, FIERKE, HUGEL, SETTOON, HIGGINS, RICHARD

NAYS:

ABSTAIN:

ABSENT: GREEN, EAMES

RESOLUTION ADOPTED: YES

The COO advised that the Ironman event is Sunday, April 19, 2015. Comm. Settoon informed the Board that early voting in Lake Vista Community Center Saturday will be held April 18 through Saturday, April 25, 2015.

NEXT BOARD MEETING

The next full Board meeting of the Non-Flood Protection Asset Management Authority is scheduled for Thursday, May 21, 2015 at 5:30 p.m.

ADJOURNMENT

Comm. Stack offered a motion to adjourn, seconded by Comm. Settoon and unanimously adopted. The meeting adjourned at 7:01 p.m.