

**Board Meeting Minutes**  
**Non-Flood Protection Asset Management Authority Board Meeting**  
**Thursday September 27, 2018 – 5:30 P.M.**

The regular monthly Board Meeting of the Non-Flood Protection Asset Management Authority was held on Thursday September 27, 2018 at the Lakefront Airport Terminal Building, 2<sup>nd</sup> floor conference center, 6001 Stars and Stripes Blvd., New Orleans, Louisiana, after due legal notice of the meeting was sent to each Board member and the news media and posted.

**Oath of Office –**

Appointment letters were received from their appointing authorities for the following commissioners to be reappointed to the Non-Flood Protection Asset Management Authority. Commissioners Hebert, Meadowcroft, and Romero were sworn in by Gerry Metzger, legal counsel, as members of the Non-Flood Protection Asset Management Authority board.

Chair Heaton called the meeting to order at 5:36 P.M. and the roll was called which constituted a quorum.

**PRESENT**

Chair Wilma Heaton  
Vice Chair Eugene Green  
Commissioner Roy Arrigo  
Commissioner Sean Bruno  
Commissioner Leila Eames  
Commissioner Tom Fierke  
Commissioner Dawn Hebert  
Commissioner Pat Meadowcroft  
Commissioner Chris Morvant  
Commissioner Anthony Richard  
Commissioner Robert Romero  
Commissioner Robert Watters

**ABSENT**

Commissioner Stanley Brien  
Commissioner Carla Major  
Commissioner William Settoon  
Commissioner Rodger Wheaton

**STAFF**

Executive Director Jesse Noel  
Deputy Director Ngoc Ford  
Operations Director Don Robertson  
Assistant Director Chane Watson  
Airport Manager Dave ‘Howie’ Howard  
Executive Assistant Kim Vu  
Helaine Milner – Orleans Marina

**Also Present**

Gerry Metzger – Legal Counsel  
Al Pappalardo – Real Estate Counsel  
Kristi Trail – LPBF  
Richard Briscoe – Gulf South Engineering  
Derek Boese – Flood Protection Authority (arrived at 6:35 P.M.)  
Ray Landeche – Optimum Solution

**Opening Comments**

Chair Heaton referenced a brief video clip introducing the commissioners of the NFPAMA that will be uploaded to the Authority’s new website soon.

## **Motion to adopt Agenda**

Motion to amend agenda to delay Item XI.1 until Mr. Derek Boese arrived at the meeting to speak on behalf of the Flood Protection Authority regarding the Memorandum of Understanding.

Commissioner Fierke moved to add an agenda item regarding the name change of Non-Flood Protection Asset Management Authority to Lakefront Management Authority. Motion by Commissioner Green, seconded by Commissioner Watters and all were in favor.

Motion to adopt agenda as amended by Commissioner Fierke, seconded by Commissioner Meadowcroft and all were in favor.

## **Motion to approve Minutes**

Motion to approve minutes from the August 23, 2018 board meeting by Commissioner Green, seconded by Commissioner Eames and all were in favor.

## **Public Comments**

Mr. Ray Landeche submitted five public comment cards on different topics.

- 1) Mr. Landeche expressed concern that the neighborhoods of the Lakefront were not being heard. He noted that he submitted a public records request recently but did not receive the requested information yet. Chair Wilma and Director Noel stated that they planned to have the requested information available to him after the board meeting.
- 2) Mr. Landeche expressed his concern over the MOU with the Flood Protection Authority. He requested a 60-day review grace period for the neighborhood associations to review the proposed MOU before the adoption of it.
- 3) Mr. Landeche expressed concern over Item XI.6 regarding the approval of an Estoppel certificate and asked for the lease on the LPBF New Canal Lighthouse.
- 4) Mr. Landeche expressed concern regarding the approval of the Release and Consent for Lakeview Landing d/b/a Blue Crab restaurant.
- 5) Mr. Landeche expressed concern over the discussion of the By-laws amendment. He felt that he was previously misrepresented in the posted minutes in the past.

## **Committee Reports**

Director Noel provided an administrative update as well as a detailed update on each of this past month's committee meetings for airport, finance, legal, commercial real estate, marina and recreation. He stated that some of the listed agenda items will be covered in detail with some items requiring board action.

## **Old Business**

There were no old business agenda items for the board meeting.

## **New Business**

- 1) Mr. Derek Boese, CAO of the Flood Protection Authority, and Director Noel, NFPAMA, have been working diligently together over the past few months on the Memorandum of Understanding between the FPA and NFPAMA. Director Noel stated that the MOU had not been updated since 2008 and he explained that the final MOU will benefit both authorities. The commissioners requested that the document will be reviewed every four years. After further review and discussion with clarifications, the board voted unanimously to approve of the MOU.

**MOTION: 01-092718**

**RESOLUTION: 01-092718**

**BY: COMMISSIONER BRUNO**

**SECONDED: COMMISSIONER FIERKE**

- 1) Motion to approve a Memorandum of Understanding with the Flood Protection Authority

**September 27, 2018**

### **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"), including the New Orleans Lakefront Airport, Orleans Marina and South Shore Harbor Marina;

**WHEREAS**, the Southeast Louisiana Flood Protection Authority-East (FPA) by Resolution No. 05-17-07-11 approved the Memorandum of Understanding (MOU) between the FPA East and West and the Division of Administration,

the manager of the non-flood assets designated by Act 1 of 2006 of the LA Legislature, regarding Non-Flood Assets of the Orleans Levee District (O.L.D.) dated and effective March 17, 2007, and

**WHEREAS**, there is a need to update the parties of the MOU, as well revise the terms and conditions of the document; and;

**WHEREAS**, the Memorandum of Understanding Regarding the Management of Non-Flood Assets of the O.L.D. between the Board of Commissioners of the FPA, on behalf of the O.L.D, and the NFPAMA was revised to update the parties of the agreement and include terms and conditions negotiated between the FPA and the NFPAMA.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority approves the updated and revised Memorandum of Understanding Regarding the Management of Non-Flood Assets of the Orleans Levee District between the Board of Commissioners of the Southeast Louisiana Flood Protection Authority- East, on behalf of the Orleans Levee District, and the Non-Flood Protection Asset Management Authority

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

The foregoing was submitted to a vote, the vote thereon was as follows:

**YEAS:** Arrigo, Bruno, Eames, Romero, Fierke, Green, Heaton, Hebert, Meadowcroft, Morvant, Richard, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Brien, Major, Settoon, Wheaton

**RESOLUTION PASSED:** Yes

- 2) Every year, the Authority submits a list of projects from the Capital Maintenance Plan to present to State Capital Outlay for assistance with the projects. Chair Heaton reported that the paperwork for Capital Outlay was due on November 1<sup>st</sup>. All were in favor for approving the Capital Outlay request for 2019-2020.

**MOTION:** 02-092718

**RESOLUTION:** 02-092718

**BY:** COMMISSIONER RICHARD

**SECONDED:** COMMISSIONER WATTERS

- 2) Motion to approve the Capital Outlay Request for 2019-2020

**September 27, 2018**

#### **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"), including the New Orleans Lakefront Airport, Orleans Marina and South Shore Harbor Marina;

**WHEREAS**, the Management Authority has projects that require funding from the Louisiana Capital Outlay Program ("COP") and will submit an application as the local sponsor in order to initiate design and/or construction phases of said projects;

**THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority authorizes the submittal of applications to the State of Louisiana COP to fund the following projects in the amounts shown for Fiscal Year 2019-2020:

1. **Construct ARFF Safety and Security Facility – New Orleans Lakefront Airport - \$3,000,000;**
2. **Orleans Marina – Bulkhead and Promenade rehabilitation - \$2,000,000;**
3. **Seabrook Public Boat Launch Rehabilitation - \$2,000,000;**
4. **ARFF fire truck purchase – New Orleans Lakefront Airport - \$1,000,000;**
5. **Silt removal – New Basin Canal and Orleans Marina - \$1,500,000;**
6. **Elevator replacement to be in ADA compliance at the Lakefront Airport Terminal Building - \$300,000;**
7. **South Shore Harbor – North Peninsula Stabilization and Utility Construction - \$5,000,000**
8. **Repair of lighting and efficiency enhancements to lighting system, New Orleans Lakefront Airport, Stars and Stripes Blvd. and Hayne Blvd. Flyover - \$275,000.00;**

**BE IT FURTHER RESOLVED**, that the Management Authority does hereby certify, in accordance with the State Capital Outlay Act, the following:

1. There is no bond funding, other than State general obligation bond funding, sufficient to fund the above Capital Outlay request.
2. All local options for funding for this Capital Outlay request through taxation special assessments, loans, bonds, or other resources have been considered and rejected as not being feasible or readily acceptable at this time.

3. There is no revenue source for these non-recurring project appropriations.
4. No surplus and/or unobligated funds are available.

**BE IT FURTHER HEREBY RESOLVED**, that the Management Authority is committed to providing a local project match to the extent it is economically able for the amounts required/recommended and necessary by the State.

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

The foregoing was submitted to a vote, the vote thereon was as follows:

**YEAS:** Arrigo, Bruno, Eames, Romero, Fierke, Green, Heaton, Hebert, Meadowcroft,  
Morvant, Richard, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Brien, Major, Settoon, Wheaton

**RESOLUTION PASSED:** Yes

- 3) Director Noel reported that the Lakefront Airport annually adopts a Capital Improvement plan for access to grant funding for various airport related projects. The airport committee recommended this for board approval and all were in favor of approving the plan.

**MOTION:** 03-092718

**RESOLUTION:** 03-092718

**BY:** COMMISSIONER HEATON

**SECONDED:** COMMISSIONER WATTERS

- 3) Motion to approve the Capital Improvement Plan for Lakefront Airport for 2019-2024

**September 27, 2018**

### 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**, New Orleans Lakefront Airport (“Airport”) is one of the non-flood assets of the District under the management and control of the Authority;

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

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

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

**NOW, THEREFORE, BE IT RESOLVED:**

#### SECTION I

That the Sponsor does hereby formally request that the LA DOTD, Division of Aviation provide funds required to complete the airport improvements at New Orleans Lakefront Airport specifically as described in the Capital Improvement Program Application for State Financial Assistance dated October 1, 2018.

#### SECTION II

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

### SECTION III

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

### SECTION IV

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

### SECTION V

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

The Non-Flood Protection Asset Management Authority Board as managing entity for the Orleans Levee District, New Orleans Lakefront Airport, for the Sponsor in the Parish of Orleans met in regular session on this date. The aforesaid resolution was offered by Chair Wilma Heaton and seconded by Commissioner Watters.

The resolution was submitted to a vote, and the vote thereon was as follows:

**YEAS:** Arrigo, Bruno, Eames, Romero, Fierke, Green, Heaton, Hebert, Meadowcroft,  
Morvant, Richard, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Brien, Major, Settoon, Wheaton

**RESOLUTION PASSED:** Yes

Chair Heaton withdrew the motion below, Item XI.4.

- 1) Motion to approve a lease amendment for the Moffett hangar lease with Signature Aviation to accommodate a rent abatement for roofing repairs
- 5) Director Noel stated that the board previously accepted grant funding for the project, but that the board needed to approve of the task order as well. The airport committee reviewed the task order, recommended it for board approval and all were in favor of approving the task order.

**MOTION:** 05-092718

**RESOLUTION:** 05-092718

**BY:** Commissioner Heaton

**SECONDED:** Commissioner Fierke

**September 27, 2018**

- 2) Motion to approve a Task Order with Kutchins and Groh to develop the Airport Master Plan Update and Airport Layout Plan (\$319,968.59 FAA/DOTD funded)

### RESOLUTION

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

**WHEREAS**, the New Orleans Lakefront Airport ("Airport") of New Orleans is one of the non-flood protection assets of the District;

**WHEREAS**, the Management Authority and Kutchins & Groh, LLC entered into an Agreement on May 11, 2017 to provide Aviation Planning Services at the Lakefront Airport in compliance with LaDOTD and FAA requirements,

**WHEREAS**, the Management Authority needs professional aviation planning services to develop the Airport Master Plan Update and Airport Layout Plan;

**WHEREAS**, the Airport Committee considered the Task Order proposal at its meeting on September 18, 2018 and recommended that the Authority proceed with issuing a task order to Kutchins & Groh LLC for the design and permitting of the project; and,

**WHEREAS**, the Management Authority resolved that it was in the best interest of the District to authorize professional aviation planning services with Kutchins & Groh LLC in the amount of \$319,968.59 (FAA/DOTD funded).

**THEREFORE, BE IT HEREBY RESOLVED** that the Non-Flood Protection Asset Management Authority authorizes professional engineering services for the development of the Airport Master Plan Update and Airport Layout Plan in the amount of \$319,968.59 (FAA/DOTD funded).

**BE IT HEREBY FURTHER RESOLVED**, that the Management Authority Chairman or Executive Director be and is hereby authorized to take any action and execute any and all documents necessary to carry out the above. The foregoing was submitted to a vote, the vote thereon was as follows:

**YEAS:** Arrigo, Bruno, Eames, Romero, Fierke, Green, Heaton, Hebert, Meadowcroft, Morvant, Richard, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Brien, Major, Settoon, Wheaton

**RESOLUTION PASSED:** Yes

- 6) Mr. Pappalardo, real estate counsel, gave the history behind the Lake Pontchartrain Basin Foundation lighthouse lease. Mr. Metzger, legal counsel, explained the terms of a standard estoppel certificate. All were in favor of approving the estoppel certificate for LPBF lighthouse except for Commissioner Meadowcroft who abstained from voting.

**MOTION:** 06-092718  
**RESOLUTION:** 06-092718  
**BY:** COMMISSIONER FIERKE  
**SECONDED BY:** COMMISSIONER RICHARD

- 6) Motion to approve an Estoppel Certificate for Lake Pontchartrain Basin Foundation (LPBF) New Canal Lighthouse

September 27, 2018

#### **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 entered into a written lease agreement with the Lake Pontchartrain Basin Foundation, a Louisiana non-profit corporation, ("LPBF"), dated on February 16, 2012, for that certain property located on the east side of the New Basin Canal bearing Municipal Address 8001 Lakeshore Drive, New Orleans, Louisiana 70124 (the "property"), for a primary term of five (5) years, with eleven (11) 5-year renewal options, for a maximum term of sixty (60) years, for the purpose of operating the New Canal Lighthouse Museum and Education Center, which lease was amended once by the First Amendment to Lease (the "lease");

**WHEREAS**, has secured financing from Gulf Coast Bank and Trust Company (the "Bank") which financing is in part secured by a security interest or other lien on the LPBF's leasehold interest (the "collateral");

**WHEREAS**, LPBF has requested that the Management Authority approve execution of a Landlord's Estoppel Certificate required by the Bank, certifying among other things that the lease is in full force and effect, there are no defaults by the Lessee, that the lease has not been modified or amended and constitutes the entire agreement between the parties with respect to the lease of the property, that no deposits or prepayments of rent have been made, that the Lessor will give notice of any default to the Bank and will afford the Bank a thirty (30) day period to cure any such default, a copy of which is attached to this Resolution;

**WHEREAS**, the Commercial Real Estate Committee considered the Landlord's Estoppel Certificate at its meeting held on September 20, 2018 and voted to recommend approval of the Estoppel Certificate to the Management Authority; and,

**WHEREAS**, after considering the request by LPBF for approval of the Landlord's Estoppel Certificate, the Management Authority resolved that it was in the best interest of the Management Authority and Orleans Levee District to approve the Estoppel Certificate, conditioned upon reimbursement of legal expenses in connection with this matter incurred by the Management Authority.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority hereby approves the Landlord's Estoppel Certificate with the Lake Pontchartrain Basin Foundation and Gulf Coast Bank and Trust Company, a copy of which is attached to this Resolution, conditioned upon reimbursement of legal expenses in connection with this matter incurred by the Management Authority; and,

**BE IT HEREBY FURTHER RESOLVED**, that the Chairman or Executive Director be and is hereby authorized to sign the Landlord's Estoppel Certificate, a copy of which is attached to this Resolution, and any other documents necessary to carry out the above.

**YEAS:** Arrigo, Bruno, Eames, Romero, Fierke, Green, Heaton, Hebert, Morvant, Richard, Watters

**NAYS:** None

**ABSTAIN:** Meadowcroft

**ABSENT:** Brien, Major, Settoon, Wheaton

**RESOLUTION ADOPTED:** Yes

- 7) The commercial real estate committee reviewed the release and consent form for Lakeview Landings to certify that the lessee was in good standing. All were in favor of approving the release and consent for Lakeview Landings LLC.

**MOTION:** 07-092718  
**RESOLUTION:** 07-092718  
**BY:** COMMISSIONER GREEN  
**SECONDED BY:** COMMISSIONER EAMES

7) Motion to approve a Release and Consent for Lakeview Landings LLC d/b/a Blue Crab Restaurant

**September 27, 2018**

**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 entered into a written lease agreement with Lakeview Landings, L.L.C. d/b/a Blue Crab Restaurant (“Lakeview Landings”), dated on September 30, 2011, for that certain property designated as Lot 2E situated in the City of New Orleans, located on the east side of the New Basin Canal, and bearing Municipal Address 7842 Lakeshore Drive, New Orleans, Louisiana 70124 (the “property”), for a primary term of ten (10) years, with four ten (10) year renewal options, for a maximum term of fifty (50) years, for the purpose of building and operating among other things a restaurant as defined as a standard restaurant in the Comprehensive Zoning Ordinance of the City of New Orleans (the “lease”);

**WHEREAS**, Lakeview Landings has secured financing from Hancock Whitney Bank (the “Bank”) which financing is in part secured by a security interest in all inventory, equipment, general and tangibles and fixtures owned by Lakeview Landings and located on the property (the “collateral”) and a conditional assignment of the lease;

**WHEREAS**, Lakeview Landings has requested that the Management Authority approve execution of a Landlord’s Release and Consent required by the Bank (the “agreement”), consenting to the conditional assignment of the lease and security interest and disclaiming any lien on the collateral and certifying among other things that the lease is in full force and effect, there are no defaults by the Lessee, that the lease has not been modified or amended and constitutes the entire agreement between the parties with respect to the lease of the property, that no deposits or prepayments of rent have been made, that the Lessor will give notice of any default to the Bank and afford the Bank a sixty (60) day period to cure any such default, and that if the Bank should become the owner of the leasehold interest either by foreclosure or otherwise that the lease shall not terminate and that the lease shall continue as a lease with the Bank or its successor or assigns, as lessee, a copy of which said agreement is attached to this Resolution;

**WHEREAS**, the Commercial Real Estate Committee considered the Landlord’s Release and Consent Agreement at its meeting held on September 20, 2018 and voted to recommend approval of the agreement to the Management Authority; and,

**WHEREAS**, after considering the request by Lakeview Landings for approval of the agreement, the Management Authority resolved that it was in the best interest of the Management Authority and Orleans Levee District to approve the agreement requested by Lakeview Landings, conditioned upon reimbursement of legal expenses incurred by the Management Authority in connection with this matter.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority hereby approves the Landlord’s Release and Consent with Lakeview Landings L.L.C., and Hancock Whitney Bank, a copy of which is attached to this Resolution, conditioned upon reimbursement of legal expenses incurred by the Management Authority in connection with this matter; and,

**BE IT HEREBY FURTHER RESOLVED**, that the Chairman or Executive Director be and is hereby authorized to sign the Landlord’s Release and Consent, a copy of which is attached to this Resolution, and any and all other documents necessary to carry out the above.

**YEAS:** Arrigo, Bruno, Eames, Romero, Fierke, Green, Heaton, Hebert, Meadowcroft, Morvant, Richard, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Brien, Major, Settoon, Wheaton

**RESOLUTION ADOPTED:** Yes

- 8) The commercial real estate committee requested the board to allow the committee to approve of all delegation regarding all leasehold financing agreements. Mr. Metzger stated that the board previously approved for the CRE committee to authorize all boathouse leases related transfers or agreements. The board has amended the motion to include the same administrative process for all commercial real estate related matters, including boathouses. Motion to amend the changes by Commissioner Fierke, seconded by Commissioner Watters and all were in favor of voting as amended.

**MOTION: 08-092718**  
**RESOLUTION: 08-092718**  
**BY: COMMISSIONER GREEN**  
**SECONDED: COMMISSIONER EAMES**

- 8) Motion to authorize the Commercial Real Estate Committee to approve all leasehold financing agreements

**September 27, 2018**

**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 District owns property on Lakeshore Drive, two Marinas and the New Orleans Lakefront Airport and the Management Authority and its predecessors have leased portions of these properties:

**WHEREAS**, occasions arise when tenants and lenders request non-disturbance agreements, release and consent agreements, estoppel certificates and similar leasehold financing related agreements from the Management Authority acknowledging and confirming among other things the status of leases, that no defaults have occurred and requesting consents to conditional assignments of leases required by lenders financing transfers and improvements secured by UCC security interests and leasehold mortgages on the leaseholds and movable property owned by tenants located on the leaseholds;

**WHEREAS**, in September of 2017 the Management Authority adopted a resolution delegating authority to the Commercial Real Estate Committee to approve boathouse lease transfers and to approve estoppel certificates for the boathouse leases in the Orleans Marina;

**WHEREAS**, requests for estoppel certificates and other tenant related leasehold financing agreements with lenders primarily involve administrative matters;

**WHEREAS**, Article V, Section 4 of the By-Laws of the Management Authority permits the Management Authority to authorize by resolution a committee to act on matters on behalf of the Management Authority;

**WHEREAS**, the Commercial Real Estate Committee at its meeting held on September 20, 2018 discussed the concept of delegating authority to the Committee to approve non-disturbance agreements, estoppel certificates, release and consent agreements and similar leasehold financing related agreements for all of the leases of property owned by the District; and,

**WHEREAS**, the Management Authority after considering this Motion resolved that it was in the best interest of the Management Authority to delegate authority to the Commercial Real Estate Committee to approve request by tenants and lenders for non-disturbance agreements, estoppel certificates, release and consent agreements and similar leasehold financing related agreements for the leases of property owned by the District.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority delegates authority to the Commercial Real Estate Committee of the Non-Flood Protection Asset Management Authority to approve requests by tenants and lenders for non-disturbance agreements, estoppel certificates, release and consent agreements and similar leasehold financing related agreements for the leases of property owned by the District after legal counsel approval.

**BE IT FURTHER HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority Chairman or Executive Director be and is hereby authorized to sign any and all documents necessary to carry out the above. The foregoing was submitted to a vote, the vote thereon was as follows:

**YEAS:** Arrigo, Bruno, Eames, Romero, Fierke, Green, Heaton, Hebert, Meadowcroft,  
Morvant, Richard, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Brien, Major, Settoon, Wheaton

**RESOLUTION PASSED:** Yes



- 9) The commercial real estate committee recommended that the board approve of the lease renewal for Mr. Kenneth Labbe at 6504 Spanish Fort in Lake Vista Community Center. All were in favor of approving the lease renewal.

**MOTION: 09-092718**  
**RESOLUTION: 09-092718**  
**BY: COMMISSIONER GREEN**  
**SECONDED BY: COMMISSIONER EAMES**

**September 27, 2018**

- 9) Motion to approve a lease with Labbe Construction Co. LLC for Suite 6504 in the Lake Vista Community Center at the current rate (\$16/S.F.) and under the standard terms and conditions for an initial term of one year with two one-year options. (\$1,193.33 /month)

### **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 Lake Vista Community Center is located in the City of New Orleans and is one of the non-flood assets of the Orleans Levee District managed and controlled by the Management Authority;

**WHEREAS**, Labbe Construction Co. LLC has leased Suite 6504, containing 895 square feet of space on the first floor of the Lake Vista Community Center, bearing Municipal Number 6504 Spanish Fort Boulevard, New Orleans, LA 70124 ("leased premises") and desires to renew the lease for a term of one (1) year, at a rental rate of \$16.00 per square foot or \$1,193.33 per month, with two (2) one (1) year options to renew with a rental rate set as the fair market value for locations in the Lake Vista Community Center, and under the standard terms and conditions for leases in the Lake Vista Community Center;

**WHEREAS**, the renewal of the lease with Labbe Construction Co. LLC for the lease of Suite 6504 in the Lake Vista Community Center will commence on December 1, 2018 and end on November 30, 2019;

**WHEREAS**, the renewal of the lease with Labbe Construction Co. LLC for the lease of Suite 6504 in the Lake Vista Community Center was considered by the Commercial Real Estate Committee of the Management Authority at its meeting held on September 20, 2018, and the Committee unanimously voted to recommend approval of a lease with Labbe Construction Co. LLC under the terms and conditions set forth above and in accordance with the standard terms and conditions for leases at the Lake Vista Community Center to the Management Authority; and,

**WHEREAS**, the Management Authority after considering the proposed lease resolved that it is in the best interest of the Orleans Levee District to approve the proposed lease.

**THEREFORE, BE IT HEREBY RESOLVED**, that the Management Authority approves a lease with Labbe Construction Co. LLC for the lease of Suite 6504 in the Lake Vista Community Center for a term of one (1) year, commencing on December 1, 2018, at a rental rate of \$16.00 per square foot or \$1,193.33 per month with two (2) one (1) year options to renew with a rental rate set at the fair market value for locations in the Lake Vista Community Center, and under the standard terms and conditions for leases in the Lake Vista Community Center.

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

The foregoing was submitted to a vote, the vote thereon was as follows:

**YEAS:** Arrigo, Bruno, Eames, Romero, Fierke, Green, Heaton, Hebert, Meadowcroft, Morvant, Richard, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Brien, Major, Settoon, Wheaton

**RESOLUTION ADOPTED:** Yes

### 10) Discussion regarding By-laws amendment

Chair Heaton asked the board to review the by-laws amendment before the next board meeting. The by-laws committee previously met in July 2018 to discuss cleaning up the language in detail. She further stated that the By-laws committee planned to meet again before adopting the final changes to the by-laws. Commissioner Fierke suggested a change in the written minutes of meetings to show the date and time, who was there, and the topic of discussion as well as any recommendation made.

Motion to go into executive session at 7:41 P.M. by Commissioner Fierke, seconded by Commissioner Green.

XII. Discussion of prospective litigation after formal written demand of allegations of breach of contract by Bernadotte Ventures, L.L.C., as authorized under Louisiana Revised Statutes, Title 42, Section 17 (A)(2)

Commissioner Eames departed early during executive session at 7:52 P.M.

No decisions were made during executive session.

11) The board voted to settle with Bernadotte Ventures, previous lessee of Shelter 1, for a sum of \$25,000.00.

**MOTION: 11-092718**  
**RESOLUTION: 11-092718**  
**BY: COMMISSIONER FIERKE**  
**SECONDED: COMMISSIONER ARRIGO**

11) Motion to authorize a settlement with Bernadotte Ventures, LLC

**September 27, 2018**

**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"), including the New Orleans Lakefront Shelters

**WHEREAS**, the Management Authority executed a lease for Shelter 1 with Bernadotte Ventures on December 20<sup>th</sup>, 2016 in order to return the Shelter to service as a restroom and eatery;

**WHEREAS**, the Permit application for the restaurant was denied due to the zoning of the shelter;

**WHEREAS**, Bernadotte Ventures submitted a demand letter in the amount of \$35,000 to release the Authority from all claims that Bernadotte Ventures LLC may have in this matter,

**WHEREAS**, the Management Authority considered the matter at their September 27<sup>th</sup> Board Meeting and agreed to a settlement in the Sum of \$25,000,

**THEREFORE, BE IT HEREBY RESOLVED**, that the Non-Flood Protection Asset Management Authority approves a settlement with Bernadotte Ventures, LCC in the amount of \$25,000 to release the Authority from any and all claims that Bernadotte Ventures may have against the Management Authority;

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

The foregoing was submitted to a vote, the vote thereon was as follows:

**YEAS:** Arrigo, Bruno, Eames, Romero, Fierke, Green, Heaton, Hebert, Meadowcroft, Morvant, Richard, Watters

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** Brien, Major, Settoon, Wheaton

**RESOLUTION PASSED:** Yes

12) Discussion of changing the name from Non-Flood Protection Asset Management Authority to Lakefront Management Authority

Commissioner Fierke requested this agenda item to be added on the board agenda for discussion. The board discussed the legal process of changing the name that would require the Louisiana State Legislature to file a bill for a name change. Director Noel stated that staff will draft a formal resolution for next month's board meeting regarding the name change.

Chair Heaton announced that the next regular board meeting will be held on Thursday, October 25, 2018 5:30 P.M. at Lakefront Airport Terminal Building in the second-floor conference center.

Motion to adjourn moved by Commissioner Fierke, seconded by Commissioner Green and all were in favor of adjourning at 8:00 P.M.