

**MINUTES OF
LAKEFRONT MANAGEMENT AUTHORITY
REGULAR MEETING OF THE LEGAL COMMITTEE
HELD ON THURSDAY, JUNE 17, 2021**

PRESENT: Chair Stanley Cohn
Commissioner David Francis
Commissioner Wilma Heaton
Commissioner Howard Rodgers

ABSENT: Vice Chair Robert Watters

STAFF: Louis Capo – Executive Director
Madison Bonaventure – Assistant to the Executive Director
David Martin– Director of Engineering and Operations

ALSO

PRESENT: David Jefferson Dye – Legal Counsel to the LMA
Gerard G. Metzger – Legal Counsel to the LMA
Stanley Brien – Commissioner of the LMA
Chris Fenner – Stuart Consulting Group, Inc.

The Regular Meeting of the Legal Committee of the Lakefront Management Authority met on Thursday, June 17, 2021 at the New Orleans Lakefront Airport at 6001 Stars and Stripes Blvd., New Orleans, LA 70126.

Chair Cohn called the meeting to order at 2:40 P.M. and led in the pledge of allegiance. Director Capo called the roll, and a quorum was present.

Opening Comments:

Chair Cohn explained that the items appearing on the agenda were the result of recommendations by legal counsel and staff.

Motion to Adopt Agenda:

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and was unanimously approved, to adopt the agenda.

Motion to Approve the Minutes:

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and was unanimously adopted, to approve the minutes of May 20, 2021.

Public Comments: None

Legal Counsel's Update:

Gerard Metzger, Legal Counsel to the LMA, reminded the Committee that he had submitted his monthly report to them. He noted that Boh Brothers had 10 days to respond to the supervisory writ LMA legal counsel had submitted to the Louisiana Supreme Court, and there was a serious issue regarding Louisiana construction law that they had brought to the court's attention in the writ.

David Jefferson "Jeff" Dye, Legal Counsel to the LMA, said that there was a judicial sale scheduled for May 26, 2021 for the crane located at 404 S. Roadway; however, he had not yet heard back from the Orleans Parish Sheriff's Office and would need to follow up on the results.

Executive Session:

1)Sam B. Haynes, Jr. v. Lakefront Management Authority, et al, No. 2020-07856, Div. "B," Civil District Court for the Parish of Orleans.

Mr. Metzger advised the Committee that the item was placed on the agenda to discuss the pending litigation; however, new developments after discussions with the opposing party's legal counsel possibly postured the LMA to reach a settlement due to non-compliance on the tenant's part.

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and was unanimously adopted to defer Executive Session.

New Business:

1)Discussion regarding Change Order No. 4 for the TKTMJ, Inc. Contract for the Orleans Marina North and East Wall Slip Repair and Construction Project.

Chair Cohn explained that the item was referred to the Legal Committee for further vetting. He said that the project took an extraordinary amount of time, and he took part in a phone call with legal counsel to discuss the circumstances. He said additional information was needed to discuss the item and to recommend action, if any.

2)Motion to recommend amendment of the Professional Legal Services Contract with Gerard G. Metzger, A Professional Law Corporation, to increase the Annual Budget for Fiscal Year 2021 to a sum not-to-exceed \$165,000.00.

Director Capo explained that he cannot spend above the amount outlined in a given contract after that contract is approved by the Board. He explained that the expenses may not rise to the full \$165,000.00, but it was staff's best estimation.

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and was unanimously approved to recommend amendment of the Professional Legal Services Contract with Gerard G. Metzger, A Professional Law Corporation, to increase the Annual Budget for Fiscal Year 2021 to a sum not-to-exceed \$165,000.00.

3) Motion to recommend amendment of the Professional Legal Services Contract with David Jefferson Dye, L.L.C., to increase the Annual Budget for Fiscal Year 2021 to a sum not-to-exceed \$160,000.00.

Director Capo explained that Mr. Dye's contract amount was originally \$100,000.00, but due to the volume of pending litigation and court appearances, more of his services were needed. Commissioner Heaton said it was her understanding that older legal issues were finally going to court.

Commissioner Rodgers asked if the LMA could afford the expense. Director Capo confirmed they could.

Mr. Dye thanked the Commissioners for their support and reported that approximately \$30,000 had been recovered as a result of the sale of the Mary Grace yacht of the Roland von Kurnatowski Succession. Commissioner Heaton asked if there were any opportunities for reimbursement of legal fees. Mr. Metzger recalled that attorney fees as a result of the lease transfer of the former Benson Dock leasehold to Oceana USA, LLC would be made payable to the Authority.

A motion was offered by Commissioner Rodgers, seconded by Commissioner Francis, and was unanimously adopted to recommend amendment of the Professional Legal Services Contract with David Jefferson Dye, L.L.C., to increase the Annual Budget for Fiscal Year 2021 to a sum not-to-exceed \$160,000.00.

4) Motion to recommend approval of Legal Service Contract renewals with Gerard G. Metzger (APLC), Gordon, Arrata, Barnett, Montgomery, McCollam, Duplantis & Eagan, L.L.C and David Jefferson Dye, L.L.C. for a term of one year, commencing on July 1, 2021, with a one-year option to renew.

Chair Cohn and Director Capo concurred that continuity in legal services was important to the pending litigation the LMA was involved in. Chair Cohn said that the LMA was pleased with the legal services it had been provided, so he was supportive of moving forward with the firms already in place.

Director Capo advised that the overall legal budget would be increasing to \$322,000 for Fiscal Year 2022 as opposed to the current year's projection of \$272,000.

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and was unanimously adopted to recommend approval of Legal Service Contract renewals with Gerard G. Metzger (APLC), Gordon, Arrata, Barnett, Montgomery, McCollam, Duplantis & Eagan, L.L.C and David Jefferson Dye, L.L.C. for a term of one year, commencing on July 1, 2021, with a one-year option to renew.

Announcement of next Legal Committee Meeting:

- 1) **Thursday, July 15, 2021– 2:30 P.M.**

Adjourn:

A motion was offered by Commissioner Francis, seconded by Commissioner Rodger, and unanimously adopted, to adjourn. The meeting was adjourned at 2:59 PM.