

**MINUTES OF THE
LAKEFRONT MANAGEMENT AUTHORITY
BOARD MEETING
THURSDAY, OCTOBER 22, 2020**

The regular monthly Board Meeting of the Lakefront Management Authority was held on Thursday, October 22, 2020 at the Lakefront Airport Terminal Building, 2nd Floor Conference Center, 6001 Stars and Stripes Blvd., New Orleans, Louisiana 70126, after due legal notice of the meeting was sent to each Board member and the news media and posted.

PRESENT:

Chair Wilma Heaton
Vice Chair Robert Watters
Secretary Thomas Fierke
Commissioner Sean Bruno
Commissioner Esmond Carr
Commissioner Stanley Cohn (*left at 6:53 PM)
Commissioner David Francis
Commissioner Eugene Green, Jr.
Commissioner Dawn Hebert
Commissioner Renee Lapeyrolerie (*left at 7:25 PM)
Commissioner Anthony Richard
Commissioner Howard Rodgers (*left at 7:25 PM)
Commissioner Bob Romero

ABSENT:

Commissioner Stanley Brien
Commissioner Pat Meadowcroft

STAFF:

Louis Capo – Executive Director
Madison Bonaventure – Assistant to the Executive Director/Board Secretary
Daniel Hill, P.E.– Director of Engineering and Operations
Bruce Marin– Airport Director
Helaine Milner– Marina Administrator
Brad Vanhooose– Harbor Master

ALSO PRESENT:

Chris Fenner– Stuart Consulting Group, Consultant to the LMA
Gerard Metzger– LMA Legal Counsel
Al Pappalardo– LMA Real Estate Consultant
Sallie Arnoult– Self
Sharon Barthelemy- Self
Keith Cooper– Self
Phalon Cornist– Lake Oaks Civic Association
Benaiah Harvey– City of New Orleans Neighborhood Engagement Office
Wallace Joseph– Self

Rick Mickler– LPOA
Kristi Trail– Pontchartrain Conservancy
Corinne Villavaso– Legislative Assistant to Senator Harris

Chair Wilma Heaton called the meeting to order at 5:35 P.M. and Commissioner Francis led in the pledge of allegiance.

Executive Director Louis Capo called the roll, and a quorum was present.

OPENING COMMENTS:

Commissioner Heaton said staff was working on submitting Capital Outlay applications. She urged Commissioners to connect with their appointing authorities to assist staff with Letters of Support as they are required for the applications to be considered.

Commissioner Rodgers inquired about an update from the Flood Protection Authority about Lakeshore Drive because he received some concerns from citizens about the item (Lakeshore Drive (L-05 to Shelter 1) Traffic Study and Roadway Configuration) continuing eastward on Lakeshore Drive.

Chair Heaton said that at the last Board Meeting Ryan Foster of the Flood Protection Authority clarified that no other studies are planned for Lakeshore Drive, and if there were to be other projects in the future then they would notify the stakeholders including elected officials.

Commissioner Romero asked if the comments Commissioner Rodgers had received were positive or negative. Commissioner Rodgers said some comments were positive, and others voiced concerns about projects continuing eastward on Lakeshore Drive that might restrict access to Lakeshore Drive.

Chair Heaton said that it was her understanding that there are no other designs for other areas of Lakeshore Drive, and the Engineering Department of the Flood Protection Authority has committed to informing the Board if additional studies or improvements are proposed.

Commissioner Romero said he received some calls about the project as well. He said that he believes everyone would like to see Lakeshore Drive become a safer place for traffic and pedestrians to co-exist. He said that applying the same principles to the East End of Lakeshore Drive would be problematic. Commissioner Hebert asked for clarification on what he meant.

He said his concerns were about how plans on the West End would not be compatible for the East End of Lakeshore Drive because Lakeshore Drive condenses down to one lane on the East End, so the same design principles can't be applied. He thought that the LMA should have input on the process in the future.

Chair Heaton said she emphasized to the Engineering Department at the Flood Protection Authority that the respective delegates on the state and city level need to be notified about

Lakeshore Drive projects. She said that some legislators did not appreciate being informed about the project afterwards, and the lack of communication appeared disrespectful. She said it had not been intentional by the engineers, and they have profusely apologized.

Chair Heaton explained that the Recreation/Subdivision Committee received concerns from citizens over the policing of Lakeshore Drive. She explained that at one time the LMA paid part of the OLDPD's salary, but OLDPD is under the Flood Protection Authority's purview. She explained that OLDPD is not accountable to the LMA. She clarified that the LMA cuts the grass and controls some recreation activities.

She said the moment she learned about the study she had the FPA present to the LMA Recreation/Subdivision Committee. She stressed that improved communication would better serve the public.

MOTION TO ADOPT AGENDA:

Commissioner Cohn withdrew New Business Items No. 2 and No.3 from the agenda.

Commissioner Fierke offered a motion to adopt the agenda with the deletion of New Business Items No. 2 and No.3. Commissioner Bruno seconded the motion. The motion to adopt the agenda was unanimously approved.

ADOPTION OF THE MINUTES:

Commissioner Fierke complimented staff member Madison Bonaventure on the quality of the minutes. Commissioner Fierke made a motion to adopt the minutes from September 24, 2020. The motion was seconded by Commissioner Francis.

Commissioner Hebert requested that Representative Hilferty's name be included in the minutes as one of the parties briefed by the Flood Protection Authority on Lakeshore Drive (L-05 to Shelter 1) Traffic Study and Roadway Configuration and made a motion to amend the minutes to do so. Commissioner Romero concurred. Commissioner Bruno seconded the motion. All were in favor of the amendment.

All were in favor of the minutes as amended.

PUBLIC COMMENT:

Sharon Barthelemy introduced herself to the Board as a resident of 2301 New York Street. She said that it was her understanding that the easements were now the responsibility of the property owners of Lake Oaks. She asked if the homeowners were responsible for the patches of grass on the roadside of the sidewalk and added that she recently cut down some pine trees on her corner lot. She said she had called the Orleans Levee District to see if they owned any land adjacent to her corner lot and inquired about transferring the property to herself if that was the case.

Chair Heaton suggested that Ms. Barthelemy follow up with staff so they could find an answer to her inquiry.

Corinne Villavaso introduced herself to the Board as the Legislative Assistant to State Senator

Jimmy Harris. She said the Senator could not attend the meeting as he was attending the ongoing Legislative Session in Baton Rouge. She said she was sent to deliver comments on his behalf.

She said that the issue was that the respective Senators, State Representatives and City Councilmembers who were not invited to participate during the decision-making process was disrespectful. The Senator was not engaged at the on-set. There was no communication from the Flood Protection Authority or the LMA to their office prior to a decision being finalized. Meeting requests to meet with the Senator came after she called the LMA office on September 24th regarding the agenda item (Briefing by the Flood Protection Authority on Lakeshore Drive (L-05 to Shelter 1) Traffic Study and Roadway Configuration). She requested that the LMA offer a virtual option for the meeting but was told it could not be accommodated at that time. It was her understanding that Commissioner Hebert did request that the item be deferred at the September Board Meeting, and her request was subsequently denied by the Board. Senator Harris did decline meetings after the fact because a decision had already been made and representatives including City Councilmembers, Senators and Representatives had not been briefed in advance. She said he wanted her to come to the meeting to make everyone understood his concerns and to clear up any misinformation.

Chair Heaton thanked Ms. Villavaso and asked her to convey to the Senator that the project is not an LMA project, and the moment it was known to the LMA it was put on the Recreation/Subdivision Committee Meeting agenda in August. She clarified that the LMA did have authority to approve the project.

Ms. Villavaso asked if the FPA had approved the project, and Chair Heaton confirmed they had. Ms. Villavaso said it was concerning because they had learned about the project because of the September Board Meeting Agenda that was circulated by the LMA, and she was speaking in front of the LMA because the presentation happened at an LMA meeting.

DIRECTORS' REPORTS:

Louis Capo, Executive Director, said that staff is still working with the auditors for the audit for the fiscal year ending on June 30, 2020. He said staff is awaiting the audit report, and the auditors should have it available by next month.

He said at the Commercial Real Estate Committee Meeting they had discussed the various properties that are available for RFPs. He said that some of the properties have been returned to the LMA within the past 6 months. He said that there are still 2 units at the LVCC available, but some interest has been generated regarding the units.

He said that staff must continue to collect rents timely and continue to work towards putting the LMA properties back into commerce. He said that staff and consultants will be putting together drafts for RFPs. He said that the W. Roadway parcels may be submitted for an RFP first with other sites such as the 8.671 Acre Seabrook Site, which may require additional time and care due to FAA regulations or other considerations, may be submitted later.

He said the LMA will conduct an environmental assessment at 424 S. Roadway site for the

building and dock area. He added that they will also conduct an environmental assessment at 6701 Stars and Stripes Boulevard, the former Bally's site.

He said he anticipated that the RFPs may be submitted in the early part of the new year.

He said he had an informational meeting with Finance Committee Vice Chair Richard where they went through an exhaustive list of properties. He said there was a lack of quorum, but he shared financial information with him. He added that that rents are stable.

He said the variances in revenues come from fuel sales, ad valorem tax and percentage rents collected by the LMA. He said the LMA has received 16% of its budgeted revenues and has expended about 21% of its budgeted expenses. He said that the LMA will not receive ad valorem taxes from the City of New Orleans via the Flood Protection Authority until early spring, and ad valorem taxes typically account for 20-24% of the LMA's budget.

Commissioner Richard asked about the LMA's relationship with GoPark. Director Capo said that the relationship between GoPark and the LMA has improved. He said the LMA has access to their system to see reports regarding rent collections. Commissioner Richard asked about the process of collecting delinquent rents. Director Capo said that shortly after the quarterly collection period, he requests an aging report so he and marina staff can monitor the collection of the rents. He said that after analyzing the reports, then marina staff and GoPark can immediately begin to attempt collecting the rents.

Commissioner Richard asked about the auctioning of surplus property. Director Capo said that if the FPA would have a public auction sometime soon, the LMA would join it to include its surplus property. He said if not then staff would need to contact an auctioneer. He said surplus items include old tractors and other equipment.

Commissioner Fierke added that the Lake Vista Community Center was a revenue-generating asset and at the last Commercial Real Estate Committee Meeting they learned that the roof needed extensive repair.

Bruce Martin, Airport Director, gave the Airport Report:

- He said a grouting company repaired the 18R/36L Runway ("main runway") and inserted material into 184 points along the width of the runway to repair the void underneath. He said core samples were taken and a ground-penetrating radar inspection was conducted afterwards for quality control purposes. He said that since the quality control inspections indicated that the repair was successful, asphalt patching and painting was complete.
- He said that now that the main runway was repaired, larger aircraft were able to land including a 737 plane from the United States Air Force.
- He said that Air Traffic Control (ATC) tower hours were currently 8:00 AM to 4:00 PM, a reduction from its legacy hours. He said the lack of ATC staff after 4:00 PM could pose a safety risk. He said that staff is arranging a meeting with the head of the ATC tower and the facility manager to discuss restoring the tower's hours.

- He said there have been a number of incidents at the Airport that could have been prevented with support from air traffic controllers.

Chair Heaton asked if support from Congressional members would be helpful. Mr. Martin believed it would be helpful. They added that the hours used to last until 9:00 PM.

Commissioner Lapeyrolerie asked who controlled the tower hours. Mr. Martin confirmed that it was the Federal Aviation Administration (FAA).

Commissioner Francis asked if the shortened hours and aircraft utilizing the Airport after tower hours was a liability for the agency.

Chair Heaton confirmed that was not the case under federal statute. She said that the reduced hours have hurt the FBOs' business. She said the FAA's means for justifying the reduced hours is due to reduced traffic, but it is difficult for the FBOs to increase traffic with the reduction in hours.

Commissioner Rodgers asked if a plane could land after 4:00 PM. Mr. Martin confirmed they could and that certain radar systems operate after hours, and the Aircraft Rescue and Fire Fighting (ARFF) team is now present 24/7.

Vice Chair Watters said that pilots can still communicate with the ATC tower at the Louis Armstrong International Airport (MSY), but it is less advantageous.

Commissioner Lapeyrolerie volunteered to reach out to the FAA regarding restoration of the hours.

Mr. Martin said that there was a depression that developed at the East National Guard Ramp due to age, and the drainage infrastructure underneath has washed out. He said that he has instructed Signature to not park any aircraft in that vicinity until the problem is corrected.

Mr. Martin said the New Orleans Lakefront Airport would be hosting the Warbird Expo in collaboration with the Big Easy Wing (BEW) chapter of the Commemorative Air Force (CAF) November 6-8, 2020. He said the opportunity came to the Airport suddenly after the BEW received interest from the Texas chapter of the CAF. He said the organizations will be offering rides and tours of WWII era aircraft. He said it is the Airport's intention to keep the event small to be socially distanced but also promote the Airport.

Chair Heaton encouraged the Board to collaborate with staff regarding the event.

Chair Heaton commended Airport staff and thanked them for their hard work. Daniel Hill, Director of Engineering and Operations, introduced himself to the Board and presented a report:

- Mr. Hill said that the Maintenance Department has filled the vacant Helper employee position. He said they will be receiving applicants from State Civil Service for candidates for a Maintenance Repairer 2 position. He said he is

working with Human Resources and Civil Service to get an additional Maintenance Repairer position created.

- He said fire protection and electricity were lost at Orleans Marina that previous Monday when a watermain broke in the vicinity of where the sinkholes were occurring. He said the issues have been repaired.
- He said that the Maintenance Department was aiming to clear servitudes in Lake Vista in the near future. He said he will present obstructive items that require attention at the next Recreation/Subdivision Committee Meeting. He said he will be asking for feedback on how to resolve the servitude encroachment issues.
- He said that the Lake Terrace Fountain will be cleaned. He said the fountain has no filtration system.
- He said the Orleans Marina North and East Wall Slips Repair and Construction Project is experiencing significant delays due to COVID-19 circumstances, but it is nearing completion. He said there will be finishing touches and small items he will need to share with the Marina Committee. He said that the next significant step towards completion will be to address electrical infrastructure to get power to the new slips. He said installation of the new transformers would require power to be shut off at the Peninsula Condominiums complex, and he will coordinate with Entergy and the condominium association when the time comes.
- He said that the Stars and Stripes Waterline Repair Project was complete, and staff has sent in the requests to the Sewerage and Water Board of New Orleans (SWBNO) to have the account adjusted. He said he was not sure if it would necessitate a presentation at a SWBNO Board Meeting due to the figure amounting to over \$1,000,000.00. Commissioner Romero volunteered to attend meetings if necessary.

Brad Vanhooose, Harbor Master, added that since the last Board Meeting, marina staff has been combatting several storms and high water conditions. He said that South Shore Harbor Marina staff has moved into their new Harbor Master Building. He said that Orleans Marina North and East Wall Slips Repair and Construction Project continues to advance.

Chair Heaton added that the South Shore Harbor Marina Entrance Dredging Project has been completed. Commissioner Fierke asked Mr. Vanhooose if the quantity that had been dredged was verified. Mr. Vanhooose confirmed it had.

Mr. Vanhooose said 16 additional dock boxes have been purchased for marina tenants.

COMMITTEE REPORTS:

Chair Heaton, Chair of the Airport Committee, confirmed that the Airport Committee Report was sufficiently covered in Mr. Martin's report.

Commissioner Richard, Vice Chair of the Finance Committee, said that he visited with staff for an informational meeting.

Commissioner Cohn, Chair of the Legal Committee, said that the hearing for the J & J Partners' case will be November 24, 2020.

Vice Chair Watters, Chair of the Commercial Real Estate Committee, said that the committee covered several properties that were available for development, and they received a thorough report from Mr. Alva See, March, CSI of New Orleans Design Group regarding the condition of LVCC's roof and what measures may be required to remedy the issues. Vice Chair Watters said he toured 6701 Stars and Stripes Boulevard, the former Studio Network-Lakefront, LLC site, and expressed that it will take significant work to develop the site. He said that staff is moving forward with getting the site assessed for potential hazards and building restrictions pursuant to the base flood elevation requirements as it relates to the National Floodplain Insurance Program. He added that a map would be helpful to orient new commissioners when discussing these parcels.

Commissioner Green asked what environmental issues were discovered at the 6701 Stars and Stripes Boulevard site. Vice Chair Watters said that there were issues involving spillage of substances such as oil and paint, and they must be identified before it is released for issuance of an RFP.

Commissioner Romero asked if there was debris. Vice Chair Watters confirmed there was, and there were issues with the compliance of the fuel tanks constructed by the former tenant though they had been emptied as to mitigate issues. He said the fuel tanks may need to be remedied by the next tenant.

Commissioner Lapeyrolerie asked if the tenant had insurance to cover the fuel tank issue. Vice Chair Watters said that one of the reasons the former tenant was defaulted was due to their failure to provide adequate insurance. He said it was important that the issues be evaluated.

Chair Heaton said the issues with the site could be remediated. Vice Chair Watters agreed and said there was a path forward to putting the property back into commerce.

Director Capo welcomed any commissioners to reach out if they wanted to tour the LMA properties.

Chair Hebert said that Mr. Hill and Mr. Vanhose sufficiently covered the Marina Committee Report.

She added that when she was on the Recreation/Subdivision Committee, Betty Tedesco, Patricia Fullmer and other community members proposed that trees be planted along Lakeshore Drive in the vicinity of Franklin Avenue and Shelter No. 3. Director Capo showed photos from the prior Saturday showing over 60 volunteers who had collaborated with Save Our Urban Landscape (SOUL) to plant several trees. She said the LMA would be watering the trees, and hopefully they will grow up and provide shade to visitors on the East End. She said it was planned prior to the COVID-19 pandemic, so they were happy to see the project finally completed.

Commissioner Cohn commented that when trees are planted it must be a concerted effort as to mitigate risk in the future. Commissioner Hebert confirmed that proper permitting and training was in place.

Commissioner Romero confirmed the October Recreation Committee Meeting had been deferred.

EXECUTIVE SESSION:

- 1) ***Flightline Ground, Inc. v. Orleans Levee District, Division of Non-Flood Assets and the Non-Flood Protection Asset Management Authority, No: 14-5419, CDC, Division "H."***

A motion was offered by Commissioner Cohn, seconded by Commissioner Lapeyrolierie, and unanimously approved, to enter Executive Session to discuss *Flightline Ground, Inc. v. Orleans Levee District, Division of Non-Flood Assets and the Non-Flood Protection Asset Management Authority, No: 14-5419, CDC, Division "H."*

Gerard Metzger, Legal Counsel to the LMA, explained that the issue was appropriate for Executive Session because the Board would be discussing litigation.

The meeting resumed, and it was announced that no action had been taken during Executive Session

OLD BUSINESS:

- 1) **Update on the status of Runway 18R/36L.**

Chair Heaton said that the topic was sufficiently covered during Mr. Martin's Airport Report.

NEW BUSINESS:

- 1) **Motion to approve the LMA Floodplain Administrator as Daniel Hill, P.E. and to adopt and submit the LMA floodplain management ordinance for participation in the National Floodplain Insurance Program (NFIP).**

Chris Fenner introduced himself to the Board as the Vice President of Stuart Consulting Group. He explained that his firm assists the LMA with its Hurricane Katrina cases with FEMA. He said that the designation of the floodplain community would be one of the final hurdles to overcome to close out process of the LMA's Hurricane Katrina cases. He said that the approval of the ordinance and designation of Mr. Hill as the floodplain administrator will make the LMA eligible to apply to FEMA as a floodplain community but acceptance by FEMA is not guaranteed.

MOTION: 01-102220
RESOLUTION: 01-102220
BY: COMMISSIONER FIERKE
SECONDED: COMMISSIONER ROMERO

October 22, 2020

- 1) **Motion to approve the LMA Floodplain Administrator as Daniel Hill, P.E. and to adopt and submit the LMA floodplain management ordinance for participation in the National Floodplain Insurance Program (NFIP).**

RESOLUTION

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

WHEREAS, the New Orleans Lakefront Airport (“Airport”) is one of the non-flood protection assets managed and controlled by the Management Authority;

WHEREAS, the Bastian Mitchell and James Wedell hangars are facilities located at the Airport and were severely damaged after Hurricane Katrina in 2005, and afterwards the Management Authority embarked on restoring these facilities;

WHEREAS, all facilities managed by the Management Authority must comply with regulations to qualify for enrollment in the National Flood Insurance Program (NFIP) to comply with the conditions of the federal assistance provided by FEMA to rebuild the hangars, and to remain eligible for FEMA public assistance;

WHEREAS, to participate in the National Flood Insurance Program, pursuant to NFIP Regulation 44 CFR 59.22 (a)(9)(iv), the Management Authority must (a) Assist FEMA, at its request, in delineation of the limits of the area having special flood, or flood-related hazards, (b) Provide such information as FEMA may request concerning present uses and occupancy of the floodplain, or flood-related areas, (c) Cooperate with Federal, State, and local agencies and private firms that undertake to study, survey, map, and

identify floodplain, or flood-related areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, and/or flood-related areas in order to prevent aggravation of existing hazards;

WHEREAS, pursuant to NFIP Regulation 44 CFR 59.22 (a)(9)(iv) upon occurrence, the Management Authority must notify FEMA, in writing, whenever the boundaries of the Community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area and in order that all Flood hazard Boundary Maps and Flood Insurance Rate Maps accurately represent the Community's boundaries, include within such notification a copy of a map of the Community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority;

WHEREAS, the Management Authority appointed Mr. Daniel Hill, P.E. as the interim Floodplain Administrator and authorized the development of a floodplain management ordinance at its Regular August Board Meeting scheduled on September 3, 2020; and

WHEREAS, the Management Authority determined that it is in the best interest of the District to approve the floodplain ordinance attached hereto in order to proceed with the pursuit of a floodplain community through the National Flood Insurance Program (NFIP) and to nominate Daniel Hill, P.E. as the Management Authority's official Floodplain Administrator to perform all duties pursuant to NFIP Regulation 44 CFR 60.3 to ensure compliance of all its facilities.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Lakefront

Management Authority approves the attached floodplain ordinance, and nomination of Daniel Hill, P.E. as the Management Authority's Floodplain Administrator;

BE IT HEREBY FURTHER RESOLVED, that the Management Authority Chair, Executive Director and Floodplain Administrator be and is hereby authorized to take any action and execute any and all documents necessary to pursue the floodplain community application process with FEMA.

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

YEAS: Heaton, Watters, Fierke, Bruno, Carr, Cohn, Francis, Green, Hebert, Lapeyrolerie, Richard, Rodgers, Romero

NAYS: None

ABSTAIN: None

ABSENT: Brien, Meadowcroft

RESOLUTION ADOPTED: YES

This resolution was declared adopted this 22nd day of October, 2020.

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1) **Motion to approve a ground lease with Stumm Girls for development of new T-hangars located between Taxiway E and the Taxi Lane.**

The motion was withdrawn by Chair Cohn.

2) **Motion to approve a contract with ROADWRXX, L.L.C. to perform a ramp repair near the National Guard Hangar for a price and sum not-to-exceed \$39,715.00.**

A motion was offered by Commissioner Fierke and seconded by Commissioner Bruno to discuss.

Chair Heaton said that the amount exceeded Director Capo's spending authority, so approval of the contract was placed on the agenda for the Board's approval.

Mr. Martin said that the lowest quote, provided by Roadwrxx, L.L.C. was recommended by Mr. Hill. He said he was under the impression that the firm was eager to work with the Airport, and so they offered a competitive price.

Mr. Hill explained that the firm in question specialized in road repair work, so he believed they were able to offer the lowest quote due to their specialty and equipment inventory.

Commissioner Carr asked how the scope of work was communicated to the contractors. Mr. Hill said the scope was communicated through a field meeting. He said that the scope of work was to replace the section of drainage underneath the depression and to replace the pavement.

Commissioner Carr expressed concern over lack of uniformity of the quotes and was questioning if all the firms had a clear understanding of the scope of the project. He said it seems that the scope has not been communicated properly and if proper grade of materials would be used.

Vice Chair Watters asked if 4,000 PSI grade concrete was the standard the FAA required. Mr. Martin and Mr. Hill confirmed it was. Mr. Martin said that was communicated to each contractor during the site visits. Chair Heaton suggested adding that language into the contract.

Commissioner Carr said the LMA may expect a change order for rock base, which he would recommend to support drainage, if it was not included in the original quote.

Commissioner Fierke asked if this type of work necessitated a performance bond. Mr. Metzger confirmed it would as it was over \$25,000.00.

Mr. Hill explained that the depression developed, and in an effort to move the project along, site visits were done in lieu of surveyed drawings to communicate the scope of work.

Commissioner Carr asked if the intention was to select the lowest bidder before communicating the specifications. He said he had concerns about the accuracy of the lowest bidder's quote because it did not include rock base.

Chair Heaton inquired if there was a legal means of moving the project forward with passage of a resolution to allow staff – with certain assurances dictated – to proceed and ensure necessary quality controls were in place.

Mr. Hill offered to provide a detailed report of specifications and to resolicit quotes from the contractors. Commissioner Carr said that would not be necessary. Mr. Hill said he understood that he wanted the quotes to have the same specifications and scope, and it was staff's desire as well. Commissioner Carr said he trusted Mr. Hill's expertise.

Commissioner Francis said he had concerns about the lowest quote increasing beyond the second lowest quote.

Commissioner Fierke asked how long the tenants have been inconvenienced by the depression. Mr. Martin said they began working on the issue since August.

Chair Heaton asked if it was legal for staff to move forward with selecting a firm with consultation of certain commissioners and/or committees.

Commissioner Lapeyrolerie asked if Chair Heaton wanted to move forward with the lowest bidder. Chair Heaton indicated that she thought it was most beneficial to the tenants and staff to find a way to keep the process moving but in such a way that would not necessitate change orders. Commissioner Lapeyrolerie was under the impression that it would not be possible and deferred to legal counsel Metzger said contracts over \$25,000.00 must be approved by the Board.

Commissioner Fierke made a motion to withdraw the motion to approve a contract with ROADWRXX, L.L.C. to perform a ramp repair near the National Guard Hangar for a price and sum not-to-exceed \$39,715.00. The motion was seconded by Commissioner Bruno and was unanimously approved. The motion was withdrawn.

Mr. Hill said that he and Mr. Martin have agreed to revisit the issue, and he would prepare drawings, further standardization of specs and would resolicit quotes. He said he wants to ensure it is done appropriately.

3) **Motion to accept the recommendation of legal counsel regarding *Flightline Ground, Inc. v. Orleans Levee District, Division of Non-Flood Assets and the Non-Flood Protection Asset Management Authority, No: 14-5419, CDC, Division "H."***

The motion was withdrawn by Chair of the Legal Committee, Commissioner Cohn.

4) **Discussion regarding the oversight and authority of the LMA Board of Commissioners in contrast to the FPA Board of Commissioners for the benefit of new Commissioners.**

Commissioner Cohn left the meeting.

Commissioner Richard explained that he requested this item be added to the agenda to educate new commissioners and to open the floor for questions.

He said the legislation does give insight into how the Orleans Levee District was split.

He said he would appreciate a further clarification of the Memorandum of Understanding (MOU) between the LMA and the FPA.

Chair Heaton said everything the Orleans Levee District (OLD) did in the past was legislatively mandated including development of the Airport, Marinas, and other assets. She said that when the OLD was one entity before Hurricane Katrina, about 30% of its revenue was self-generated through its non-flood related assets. She said that after the hurricane, most of these assets were severely damaged. She said the will of the people of Orleans Parish was that the new flood authority would not participate in the management of non-flood protection assets. She said a constitutional amendment was passed in 2006 to separate the non-flood protection assets from the OLD's flood protection assets and management thereof.

She said a legislator in St. Bernard and one in Orleans Parish sponsored the legislation. She said the non-flood protection assets and its management, formerly named the Non-Flood Protection Asset Management Authority, was then placed under the State Division of Administration with no new revenue streams. She said concerned citizens such as herself and others went to the Louisiana Legislature and requested a community-based board to oversee the management of the assets which were not being revitalized. She said the Board's first meeting was in the fall of 2010.

She said that LMA has struggled without a significant capital infusion. She said that Lakeshore Drive has an ad valorem millage of 3 mills that goes to the FPA to maintain Lakeshore Drive. She said that the LMA collects .49 mills to cut the grass and manage aspects of recreation.

She said the FPA controls the policing and maintenance of the infrastructure of Lakeshore Drive because they have the funding, and the adjacent seawall mitigates flooding.

She said in 2011 the LMA briefly paid police salaries, so it has generated confusion over who has purview over the police. She said the LMA could not afford to continue paying police salaries.

She said there is much frustration with the community directed at the LMA over the closing of floodgates despite the FPA being the agency that collaborates with the Governor's office and other entities to close the floodgates. She said educating the public will assist them in navigating these issues.

Commissioner Rodgers and Commissioner Lapeyrolerie left the meeting.

She said she would establish a LMA working group to recommend updates to the MOU, which is a living document. She said it was last amended in 2018 and needed to be reviewed to see if it can be changed to better accommodate the concerns of the community within the confines of the law.

Commissioner Romero asked about permitting for community gatherings in parks.

Chair Heaton announced that the Nominating Committee will likely meet in November to nominate officers, and officers will be elected during the December Board Meeting.

ANNOUNCEMENT OF THE NEXT MEETING:

- 1) November 19, 2020

MOTION TO ADJOURN:

A motion was offered by Commissioner Green, seconded by Commissioner Romero, and unanimously approved, to adjourn the meeting. The meeting was adjourned at 7:35 PM.