

**MINUTES OF THE
LAKEFRONT MANAGEMENT AUTHORITY
BOARD MEETING
THURSDAY, March 24, 2022, 5:38pm – 6:45pm**

PRESENT:

Chair Anthony Richard
Vice-Chair Esmond Carr
Secretary Thomas Fierke
Commissioner Sean Bruno
Commissioner Bran Egana
Commissioner Monika Gerhert
Commissioner Dawn Hebert
Commissioner Wilma Heaton
Commissioner Renee Lapeyrolerie
Commissioner Howard Rodgers

ABSENT:

Commissioner Stanley Brien
Commissioner Stanley Cohn
Commissioner Pat Meadowcroft
Commissioner Bob Romero
Commissioner Laura Veazy

STAFF:

Louis Capo – Executive Director
Winifred Christopher – Assistant to the Executive Director/Board Secretary
David Martin– Director of Engineering and Operations
Bruce Martin – Airport Director

ALSO PRESENT:

Al Pappalardo - PCI
Mike Gillen
Karl Hudson – OMTA
Paul Cabouch – LTPOA
Ashley Haspel – President LTPOA
Helaine Milner – LMA
Sarion Ganger – LMA

Mark Schexnayder – Batture Engineering LLC

Ray Landeche – LPOA

Sue Pilsbury – LVPO

Brian Hope – President of LPOA

Phalon Cornist – President LOCA

The regular monthly Board Meeting of the Lakefront Management Authority was held on Thursday, March 24, 2022, 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.

Chair Richard called the meeting to order at 5:38 P.M., and Vice-Chair Carr led in the pledge of allegiance. Executive Director Louis Capo called the roll, and a quorum was established.

OPENING COMMENTS:

Chairman Richard started by apologizing to the board and staff for not meeting for the February Board Meeting due to the observance of the Mardi Gras holiday. We want to keep up with the regularly scheduled meetings going forward.

The Chairman further states as chairman of his third board meeting; his goal is to get to a point where LMA is not just putting out fires. It is his hope to continue to partner with the board, staff, and neighborhoods to come up with goals and objectives to help move forward in a positive direction for the LMA.

MOTION TO ADOPT AGENDA:

A motion was offered by Secretary Fierke, seconded by Commissioner Bruno, and was unanimously approved to adopt the agenda.

MOTION TO AMEND AGENDA:

A motion was offered by Secretary Fierke and seconded by Commissioner Rodgers to amend the agenda by moving the new business items numbers one through sixteen ahead of the Public Comment and the Director's Report. The motion was unanimously approved to adopt the amended agenda.

Commissioner Heaton asked how many board members would have to leave.

Chair Richard Responded three members will need to leave.

Commissioner Heaton asked when would the public have an opportunity to speak on an agenda item; before we vote?

Chair Richard responded we would recognize them when that item comes up.

Attorney Gerry Metzger advises the Chairman that the next step is a motion to adopt the agenda as amended

MOTION TO ADOPT THE AGENDA AS AMENDED:

The motion to adopt the agenda as amended was unanimously approved.

NEW BUSINESS:

1. Discussion regarding Protocol memorandum issued by Lakefront Management Authority Board Chairman.

Chairman Richard opens the floor for discussion.

Vice-Chair Carr starts the discussion by asking for direction on what prompted the Protocol to be administered.

Chairman Richard responded by stating he had a phone meeting with the chairs regarding how information should flow between staff and the board. After making suggestions and receiving feedback from Vice-Chair Carr that the Protocol might conflict with an article in the By-Laws, Chair Richard further read, received advisement and instruction that the Protocol was not in conflict with the By-Laws and thus put it out in the form of a Protocol. To address the other part of your question, the protocol was discussed with attorneys on staff and also our contract attorneys who further support that it is within the authority of the chair to introduce Protocol to direct the flow of information between staff and the board members. This Protocol is not in violation of public records requests as it does not prohibit anyone from requesting any public information. It does, however, direct to who the request should be addressed.

Vice-Chair Carr objected to the Protocol after reading it stating it appears to limit a sitting commissioner to request information. Speaking specifically to

his request on February 5 for a summary of contracts executed this year over \$15k. To this day he has not received the information and feels that this further limits his rights. It is very hard to operate in a capacity on the board when information is so limited

Chairman Richard disagrees with the train of thought that there is a limitation to receiving information. The Protocol is only to direct whom you may address when requesting information. The staff has a list of duties and responsibilities to carry out daily.

Vice-Chair Carr asks to eliminate concerns about receiving information; would it be prudent to add a bullet point to establish a time limit such as the law poses three days for staff to respond to a request made by a Chair or Commissioner?

Chairman Richard makes further clarification that this is not a law. He recognizes Commissioner Egana to speak.

Commissioner Egana states that after reading the Protocol and emails, he did not see where the recommendations for requests could be sent to the Executive Director which slows down the process. He does agree that a commissioner should not correspond with staff. And further asks is there a better way to expedite records requests.

Director Capo asks to respond to the suggestion that he has not responded to Commissioner Carr's request for information by stating that he sent two emails, with no response, to Commissioner Carr, first asking him to come into the office to have the information pulled on a specific date or to allow and extension of time to fulfill his request due to the finance staff was working on the budget which is time-sensitive. He went into further detail describing the need for additional staff, the length of time and manpower to prepare this month's agenda containing sixteen action items.

Commissioner Lapeyrolerie asks to speak and is acknowledged to speak after Chairman Richard's response to Commissioner Egana.

Chairman Richard agrees with Commissioner Egana in that a Commissioner has the right to request information directly from the Executive Director. He again expresses that the Protocol intends to create a smooth flow of communication to ensure that the information gets back. He also would add a timeframe and an exception to allow for extenuating circumstances.

Commissioner Lapeyrolerie is recognized and asks the public if they have seen this Protocol and offers to have the other board member share their copies of the protocol. She further states that the Protocol is ill-advised and delayed, and Commissioner Cohn is not the board attorney. We don't intend to demand anything from staff. Having served on this board for eighteen months and now also serving as the Airport Committee Chair there are requested records that I have never gotten. She states that this was not an honest conversation. We need to be timelier with our responses.

Chairman Richard recognized Commissioner Heaton who is in support of and respects the decision to utilize whatever tools the chairman needs to get the job done. Having half the staff and budget but all the responsibility to the public to get it done.

Chairman Richard recognized Commissioner Lapeyrolerie who questions the integrity of the Protocol asking why does Commissioner Heaton have more access to the staff than the rest of the board? She asks to only address Director Capo and the Chairman. She further states that it is inappropriate for Commissioner Heaton to have an office at LMA.

Chairman Richard recognized Commissioner Bruno who asks if the Protocol was reviewed by legal?

Chairman Richard responded yes, an email was sent out by Mr. Dye and asks Attorney Metzger to comment further.

Attorney Metzger confirms that he also went over the Protocol, the LMA By-Laws and reviewed the authority and duties of the Chairman, and found no conflict or illegality. It is simply a procedure by which to obtain documents and communicate with staff.

Commissioner Bruno requested the Protocol be modified to include that a commissioner may request information directly from the Executive Director as opposed to reaching out to a committee chair. He is in favor of the document and agrees that communication with staff should be limited when requesting public records.

Chairman Richard again agrees to amend the Protocol to add that commissioners can reach out to the Executive director.

Chairman Richard recognized Secretary Fierke who points out in this discussion that any comparison to the Public Records Act is inappropriate because that's not what this discussion is about so those time limits are not applicable. Also serving on other boards, where the board training procedure is for other commissioners to communicate with the Board Chair and the Executive Director where my suggestion is to follow that here as well including the Committee Chair. This authority heavily utilizes the committees. Perhaps board training would be useful here as well.

Commissioner Lapeyrolerie asked for clarification as to when Attorney Metzger reviewed the Protocol and disagreed that he reviewed the document before it went out to the board.

Executive Director Capo apologized to Commissioner Lapeyrolerie if all of her questions were not answered. He further invites any board member who has questions or needs additional information on records requests to set up a meeting with him.

Chairman Richard's final comment on this discussion is to amend the Protocol to add that Commissioners, according to the By-Laws, have the right to request information directly from the Executive Director.

- 1. Motion to oppose Louisiana House Bill No. 587 of the Legislative Session.**
Motion is withdrawn by Commissioner Hebert.

Attorney Metzger informs the board that under Section 33 of Robert's Rule of Order when a motion is made, the mover may withdraw before it is second.

2. Motion to approve Fiscal Year 2022-2023 General Operating and Capital Project Budgets.

Motion to Approve was offered by Commissioner Fierke, second by Commissioner Bruno.

Executive Director Capo reports that the budgets have been reviewed at the committee level over the last two consecutive months.

The Operating Budget remains consistent from year to year, and we know what revenues we are going to receive.

The Operating Budget for the current fiscal year 2022 we expected to receive is \$8,434,192. For the upcoming Fiscal year 2023, the proposed operating budget is \$8,537,012. This would be an increase in revenues of \$102,820 which can be attributed to fewer Covid restrictions, more Airport revenue, increased fuel sales, property appraisals, and CPI adjustments.

The challenges are the expenditures and where do we need to isolate the expenditures during the year. The expenditures again this year match the revenue which is \$8,537,012.

This is a good budget, which has been reviewed by staff and all committees. We recommend approving the operating budget as presented.

Next is the Capital Projects Budget which changes from year to year out of the LMA account and is larger than the Operating Budget. The presentation lists all projects that have been submitted through the committees to move forward with next year.

We still owe the Flood Authority close to \$1 million from the MOU dating back to 2005 and 2006. It was up to \$7 million. It was negotiated down to \$1.3 million. However, we have not been able to make the \$400k annual payments out of the Capital Project budget to date. Director Capo plans to

send a letter to the Flood Authority's director and board to request more time to pay.

The staff has requested to obtain a man lift and a trailer to do more work in-house as opposed to outsourcing the work. Maintenance, the Airport, , and the Marina can all use it. \$100k has been allocated for that purchase.

\$35k has been allocated out of the general fund towards sign replacement on Stars and Stripes Boulevard.

\$100k has been allocated for restriping the pavement on Stars and Stripes Boulevard.

\$40k was allocated for a bucket truck. Maintenance would utilize a bucket truck to get more materials and equipment in-house to move quicker on repairs.

Next are the Subdivisions and the Lakefront.

\$200k is allocated to the reopening of Lakefront Shelters #1and #4.

\$50k is allocated to neighborhood signage.

An additional \$40k is allocated above what was already set aside for the four neighborhood subdivisions.

\$50k out of LMA funds in addition to \$550k FEMA funds towards the Frank Davis Fishing Pier which was destroyed in H. IDA.

The Seabrook Boat launch funding source is through Capital Outlay. We have matched \$250k of our funds to go towards design study and construction.

\$325k is allocated to The Lake Vista Community Center for the 2nd-floor refurbishment and an upgraded alarm system.

\$250k is allocated for the Orleans Marina repair and inspection.

Hurricane Ida electrical is a cost that is shared by LMA and FEMA. The LMA has allocated \$20k and is hoping to obtain the remaining \$250k from FEMA.

Mold remediation and roof repair at the Harbormaster Building is another cost shared by LMA and FEMA. LMA has allocated a \$100k and another \$200k will come from FEMA in total \$300k for those repairs.

\$100k is allocated for security cameras at Orleans Marina.

\$50k is allocated towards fire alarm system upgrade at the Marina.

The security cameras and the fire alarm system upgrade will be delayed until the Floodwall and bulkhead are repaired, and the Flood Authority is out hopefully, by this time next year, we will be well on the way with these repairs.

South Shore Harbor also has electrical issues where the cost is shared by LMA and FEMA. \$20k from LMA and \$250k from FEMA.

\$200k is allocated to the replacement of the 4 floating docks.

\$200k is allocated to a laundry and restroom facility at Southshore Harbor.

\$250k is allocated to the repair and inspection of the pier.

\$100k of LMA funds is allocated to security cameras at Southshore Harbor.

Under the Airport, most of the funding is shared by the Federal Government and the State. The only items covered by LMA funds are fuel form evaluation and repairs. We allocated \$125k has been allocated for a full inspection of the piping layout.

LMA's total funds allocated is \$3,035,000. Grants from Federal and State total \$10,839,000. FEMA is \$1.2 million and \$100k from Capital Outlay for a total of \$15,224,056.

We recommend that both the General Operating Budget and the Capital Project Budget be approved as presented.

Chairman Richard opens the floor for questions from the board.

Commissioner Egana is recognized and asks for clarification as to why should we approve the operating budget if it is not in balance as presented specifically, the million-dollar short all at the Airport.

Director Capo clarifies that our overall budget is in balance. The Airport budget is an enterprise fund which is proprietary and does not have to be in balance. The Government General Fund Budget, however, must be in balance. Our overall budget is in balance. Each property stands alone. The budgeted shortfalls at Airport and Southshore are shown because we do not have the revenue to cover the expenditures. However, we do have the funds to move to cover the shortfalls in these areas. Mr. Capo offers to meet with Commissioner Egana to go over all the financials upon his availability.

Commissioner Egana states that his challenge would be voting to approve both budgets as presented.

Commissioner Carr asks once the budget is approved, would staff be empowered to operate within this budget without board approval?

Director Capo will seek board approval on anything over \$25k whether he has the authority or not.

Vice-Chair Carr asks for clarification on the process by which staff picks a project and how is it approved to move forward to expend budgeted funds?

Attorney Metzger asks to be recognized to provide clarity on the process by which public works projects. It would be advertised when it comes back to the board for approval to spend the budgeted money.

PUBLIC COMMENTS ON THE BUDGET

Mike Gillen of South Shore Harbor spoke to his disdain over the numerous, ongoing issues from no funding to a staff shortage that continues to plague his neighborhood. He is, however, pleased with some of the improvements made by the new harbormaster, Bruce Cain especially the removal of six sunken boats. He continues by requesting the LMA be more transparent by publishing committee meetings, scheduling committee meetings at a time when the public could attend and publishing updates on proposed projects.

Chairman Richard called for a motion to approve the General Operating Budget and Capital Project Budget as presented.
Motion by Commissioner Fierke and second by Commissioner Heaton with two abstentions by Commissioner Lapeyrolerie and Commissioner Egana.

Both budgets were approved.

At 6:45 PM two board members left the meeting, and a quorum was lost.

Chairman Richard called for a SPECIAL Board Meeting to discuss the remaining Agenda items on Monday, March 28, 2022.

Announcement of a Special Board Meeting to discuss remaining pertinent agenda items No. 4 through No.16:

- **March 28, 2022**

MOTION: XI 03-03242022

RESOLUTION: XI 03-03242022

BY: COMMISSIONER FIERKE

SECOND BY: COMMISSIONER HEATON

March 24, 2022

3) Motion to approve the General Operating Budget and Capital Projects Budget for the Lakefront Management Authority for the Fiscal Year Ending on June 30, 2023.

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, during the Standing Committees for February and March 2022 the Proposed Operational and Capital Project Budgets were presented and discussed.

WHEREAS, the Management Authority advertised in its official journal on March 7th, 2022, that the Proposed Operational and Capital Projects Budget was available for public inspection during regular office hours at the Managements Authority’s office;

WHEREAS; the Finance Committee of the Management Authority reviewed the financial projections for the Fiscal Year Ending June 30, 2023, at the Finance Committee Meeting held on March 17, 2022 and voted unanimously to recommend to the Full Board the adoption of the 2022-2023 Proposed Operating and Capital Projects Budget;

WHEREAS, the estimated funding amounts and expenditures, as detailed by the line-item budgets for the Fiscal Year Ending June 30, 2023, were as follows:

FISCAL YEAR 2022-2023 GENERAL OPERATING BUDGET

REVENUES

| | |
|------------------|----------------|
| Recurring | \$6,421,012.00 |
| Ad valorem taxes | \$2,100,000.00 |

| | |
|---------------------------|-----------------------|
| Other Revenue | \$ 16,000.00 |
| TOTAL REVENUES | \$8,537,012.00 |
| EXPENDITURES | |
| Operations | \$8,537,012.00 |
| TOTAL EXPENDITURES | \$8,537,012.00 |

FISCAL YEAR 2022-2023 CAPITAL IMPROVEMENT PLAN BUDGET

REVENUES

| | |
|-----------------------------------|------------------------|
| Grant funding | \$12,189,056.00 |
| LMA Unrestricted Reserves | \$3,035,000.00 |
| TOTAL REVENUES All SOURCES | \$15,224,056.00 |

EXPENDITURES

| | |
|---------------------------|------------------------|
| Capital MM&CI | 15,224,056.00 |
| TOTAL EXPENDITURES | \$15,224,056.00 |

WHEREAS, the Management Authority is mandated by Louisiana law to submit an approved budget by April 1st of each year to the Joint Legislative Committee on the Budget and other oversight authorities;

WHEREAS, the Management Authority resolved that it was in the best interest of the Management Authority to approve the 2022-2023 General Operating and Capital Improvement Plan Budgets.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Lakefront Management Authority approves and adopts the Fiscal Year Ending June 30, 2023, General Operating Budget and Capital Projects Budget set forth above.

BE IT HEREBY FURTHER RESOLVED that the 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: Bruno, Carr, Fierke Gerhart, Herbert, Heaton, Richard, Rogers

NAYS:

ABSTAIN: Lapeyrolerie, Egana

ABSENT: Brien, Cohn, Meadowcroft, Romero

RESOLUTION PASSED:

This resolution was declared adopted this 24th day of March 2022.

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I hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the Lakefront Management Authority at its meeting on March 24, 2022, held in New Orleans, LA, at which a quorum was present.

Thomas G. Fierke Secretary