

**MINUTES OF
LAKEFRONT MANAGEMENT AUTHORITY
REGULAR MEETING OF THE LEGAL COMMITTEE
HELD ON THURSDAY, JULY 15, 2021**

PRESENT: Chair Stanley Cohn
Commissioner David Francis
Commissioner Wilma Heaton (*entered during Executive Session)
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.
Rocky Trosclair – Subcontractor to Stuart Consulting Group, Inc.
Bridgette Vinson – LMA Tenant
Ronnie Vinson – LMA Tenant

The Regular Meeting of the Legal Committee of the Lakefront Management Authority met on Thursday, July 15, 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 2:35 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 executive session would take up most of the meeting time.

Motion to Adopt Agenda:

A motion was offered by Commissioner Rodgers, seconded by Commissioner Francis, 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 June 17, 2021.

Public Comments: None

Legal Counsel's Update:

Gerard Metzger, Legal Counsel to the LMA, advised that he and Jeff Dye, also Legal Counsel to the LMA, had both submitted their status reports to the Committee. Mr. Metzger added that Dr. Rubin's legal counsel had finally responded to the discovery issued to him in December. He clarified that the LMA's insurance carrier's legal counsel was handling the issue, but he was kept abreast of and has been assisting with the issues regarding the Rubin case.

Mr. Dye informed the Committee that he had filed Motion for New Trial on the Peremptory Exception of Prescription to dismiss the suit brought against the LMA by Mr. Sam Haynes. He advised that the hearing is scheduled for September 2, 2021.

Executive Session:

Chair Cohn announced that all items listed under Executive Session were eligible because of pending litigation, discussion of legal strategy, and/or threat of litigation:

- 1) **Discussion regarding Aqueous-Film Forming Foam (AFFF) litigation.**
- 2) **Potential Litigation – Proposed Change Order No. 4 – TKTMJ, Inc. Contract for the Orleans Marina North and East Wall Slip Repair and Construction Project.**
- 3) **Proposed Settlement of Disputed Claims and Assignment of the Boathouse N-18 Lease by Lessee Willard Robinson.**
- 4) **Lakefront Management Authority v. Matthews F. Vargas, II, No. 2021-3990, Division "J-15", Civil District Court for the Parish of Orleans.**
- 5) **Brian Trascher v. Lakefront Management Authority and Brad Vanhose, No. 2021-03683, Division "L-6", Civil District Court for the Parish of Orleans.**

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

Commissioner Heaton entered the meeting during Executive Session.

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

New Business:

- 1) **Motion to approve a settlement agreement for property damages sustained at South Shore Harbor Marina Covered Slip No. 12 with Bridget A. Vinson and Ronnie M. Vinson.**

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and was unanimously adopted to approve a settlement agreement for property damages sustained at South Shore Harbor Marina Covered Slip No. 12 with Bridget A. Vinson and Ronnie M. Vinson.

Bridgette Vinson, owner of the improvements of South Shore Harbor Marina Covered Slip No. 12, explained that due to the roof leaking above the improvements, there was water damage and subsequently mold. She said a report had been prepared regarding the damages. She said while she and her husband spent around \$10,000.00, they received a higher quality repair/renovation because they oversaw the work themselves instead of hiring a contractor. Ms. Vinson thanked the Committee and staff for their efforts in improving the quality of life at South Shore Harbor Marina.

The Committee discussed if Director Capo had the authority to take actions to settle the issue. It was determined that Director Capo needed Board approval because the settlement required payment for the settlement and a lease extension for a lease could not be amended without Board action.

Director Capo advised that they had reached an agreement of a cash payment of \$5,000.00 and a five-year lease extension. Mrs. Vinson discussed next steps with the Committee as the matter needed Board approval. The Vinsons thanked the Committee.

Announcement of next Legal Committee Meeting:

- 1) **Thursday, August 19, 2021– 2:30 P.M.**

Adjourn:

A motion was offered by Commissioner Francis, seconded by Commissioner Rodgers, and unanimously adopted, to adjourn. The meeting was adjourned at 4:00 PM.