

**LAKEFRONT MANAGEMENT AUTHORITY
LEGAL COMMITTEE MEETING
THURSDAY, JUNE 15, 2023 – 2:30 P.M
6001 Stars and Stripes Blvd.
New Orleans, LA 70126**

PRESENT: Commissioner Robert Drouant – Chair
Commissioner Jennifer W. Herbert -Vice-Chair
Commissioner Adonis Expose

ABSENT: Commissioner Carlos Williams

Other

Commissioners

In Attendance: Commissioner Monika Gerhart
Commissioner Dawn Hebert
Commissioner Wilma Heaton

STAFF: Louis Capo – Executive Director
Vanessa McKee – Assistant to the Executive Director
Adam Gulino – Director of Operations and Engineering
Kristen Clinard, LMA Finance

ALSO

PRESENT: Gerry Metzger – LMA Counsel
Jeff Dye – LMA Counsel
Ashley Haspel- President LTPOA
Harold Matherne- President of Lake Oaks
Raleigh Bourg- Roadway Owner

The Recreation Committee of the Lakefront Management Authority on Wednesday, June 14, 2023, at 2:30 PM at 6001 Stars and Stripes Blvd., New Orleans, LA 70126.

- I. **Call to Order**
Chair Drouant called the meeting to order at 2:33 PM

- II. **Pledge of Allegiance**
Chair Drouant led the Pledge of Allegiance

III. Roll Call

Mr. Capo called the roll; with (3) members present; a quorum was established.

IV. Opening Comments – Chair Drouant/Commissioners

Chair Drouant announced that Commissioner Michelle White recently tendered her resignation from the board for personal family reasons.

V. Motion to Adopt Agenda

A motion was offered by Commissioner J. Herbert; seconded by Commissioner Exposé.

With no questions or comments, all were in favor. The motion passed.

VI. Motion to Approve Minutes

1. Legal Committee Minutes – May 18, 2023

A motion was offered by Commissioner J. Herbert; seconded by Commissioner Exposé.

With no questions or comments, all were in favor. The motion passed.

VII. Public Comments - Limited to (2) Minutes

Raleigh Bourg, Roadway Owners Association, commented on their numerous attempts to negotiate a new boathouse lease. He said that they have provided ample proof that a win/win exists and asked the committee to put them on the agenda to review the boathouse owner's lease proposal.

VIII. Legal Counsel's Update

Gerry Metzger, LMA Attorney, reported that he turned in his monthly report to which he gave the status of each item of casework for the month.

Jeff Dye, LMA Attorney, reported that he distributed his monthly status report to the Legal Committee which reported that his firm is engaged in 10 lawsuits;(8) currently in court and (2) to be filed shortly. His firm is also engaged in 10 regulatory/transactional matters. He detailed the status of each item of litigation that his firm is working on.

Mr. Dye recognized and noted for the record that Ms. Wendy Bell who is a manager for Flightline First FBO was present in the audience.

Commissioner D. Hebert discussed the attorney fee schedule which was set by the Attorney General in 2016. She also asked about the counsel's billing process. She had other questions that were protected by attorney-client privilege.

Mr. Dye addressed Commissioner Herbert's questions regarding the attorney fee schedule and the billing process. He declined to discuss the questions that were protected by attorney-client privilege on the record.

IX. New Business

- 1) **Motion to recommend approval of Legal Service Contracts with Gerard G. Metzger (APLC), Gordon, Arrata, Barnett, McCollam, Duplantis & Egan, L.L.C and David Jefferson Dye, L.L.C., for a term of one year commencing on July 1, 2023 and ending on June 30, 2024, with a one year option to renew, and with fees for legal services in accordance with the Maximum Hourly Fee Schedule of the Office of the Louisiana Attorney General.**

A motion was offered by Voice-Chair J. Herbert; seconded by Commissioner Exposé

Commissioner Gerhart asked if the legal committee and staff had any discussions on the cost-effectiveness of in-house counsel. She also expressed her concerns over awarding the legal contract amidst updating the DBE policy, stating that it could be put on a month-to-month contract and go out for bid.

Chair Drouant explained that all five of the Legal Committee members are new to both the committee and the board. He looked forward to former Committee member White's participation on this topic especially since she served as in-house counsel on the Flood side.

He felt that Commissioner Gerhart's questions were appropriate. However, he was hesitant to recommend putting the contract on a month-to-month basis due to the technical and specialized nature of LMA's cases and the amount of historical knowledge the LMA attorneys provide.

Commissioner Gerhart stated that while she understood Chair Drouant's position, she expressed her concerns back in March to put this contract out for bid. She was also concerned over the cost of the attorneys' visits to the accessor's office.

Mr. Metzger clarified that the visits to the tax accessor's office were necessary to rectify a substantial undue amount of property taxes on LMA property and legal issues.

Commissioner Exposé commented that the updated DBE policy was scheduled to be approved at the next board meeting and asked if the attorneys would be opposed to working with a DBE firm.

Mr. Metzger stated that he worked alone but would not be opposed to working with a DBE firm.

Mr. Dye stated would be happy to work with a qualified DBE attorney. However, he operates as an independent lawyer. Mr. Robair and Mr. Arata also operate as independent lawyers under Mr. Dye's malpractice insurance. However, adding an unknown attorney to his malpractice insurance would be complicated and a huge risk.

Mr. Metzger advised the committee that if the board were to approve the contract, it would give the attorneys a contract for a year. However, the board also has the authority to cancel a contract at any time.

He added that the fact that the resolution has (3) lawyers listed doesn't mean that the committee or board couldn't add (3) more if they chose to.

Vice-Chair J. Herbert commented that she currently represents state entities where working with multiple attorneys is a normal occurrence.

With respect to the in-house attorney option, she felt that it would be an insurmountable amount of work for one person to handle. They would most likely still have to consult with other outside attorneys for manpower and expertise which would be costly, especially with the amount of specialized litigation LMA experiences.

She added that once appointed to the board and the Legal Committee, as an attorney, she immediately recognized the specialized skillset attorneys must have to approach the type of litigation they encounter. She respected and commended the attorney's diligence and hard work.

She also added, that as an attorney, she has also responded to RFQs for work statewide where she is now on an approved attorney list to be called should services be required within her area of expertise.

Commissioner Gerhart asked Commissioner Exposé if there were a specific set of threshold requirements or goals set for the DBE policy.

She questioned if it would be worth deferring the resolution if the board is set to finalize the DBE policy and is open to bringing additional partners into the resolution.

Commissioner Exposé stated that the goals were set at 18%.

Vice Chair Herbert said the resolution is set to expire. This is not an exclusive list of attorneys who could provide services. The board has the authority to add other counsel to the resolution.

Chair Drouant also suggested that the budgeted funds do not have to be spent exclusively on the current list of attorneys.

Harold Matherne commented that after looking at the numbers there wasn't enough funds budgeted for an in-house attorney.

Chair Drouant suggested that other the committee chairs carefully get together to work on the DBE policy prior to the board meeting.

Mr. Metzger advised the commissioners on the protocol to be followed when hiring attorneys by submitting the fee schedule to be approved by the Attorney General's Office.

Chair Drouant called for a vote. **Commissioner Exposé abstained. The motion passed.**

X. Announcement of the next Legal Committee Meeting

1. Thursday, July 20, 2023 – 2:30 P.M.

XI. Adjourned at 3:27 PM.

A motion was offered by Vice-Chair J. Herbert; seconded by Commissioner Exposé.