

New Orleans Municipal Yacht Harbor Management Corporation

MINUTES OF THE BOARD OF DIRECTORS MEETING

May 10, 2010

First Baptist Church, 5290 Canal Boulevard, New Orleans, Louisiana

John Manard, President, called the meeting to order and requested a roll call by Ashlyn Graves, Secretary.

Board of Directors Present:

Pat Bell
Bill Brundige
Ashlyn Graves
Michael Liebaert
John Manard
Jennifer Medley
Warner Tureaud
Guy Williams

Board of Directors Absent:

Doug Williams
Charles Eshleman
Alva See

A quorum was present.

The following amendments to the published Agenda were proposed by a motion made by Mr. Williams and seconded by Mr. Bell: New item 9A (Boathouse #16 transfer), 9B (Boathouse #5 transfer) and 11 (consultant to aid in the FEMA claim) were approved by a unanimous vote of the members of the Board present.

On a motion of Mr. Bell, seconded by Mr. Tureaud, the minutes of the previous meeting were approved unanimously.

Action Items

1. It was reported that Mr. Richard Cortizas had been appointed as the Executive Counsel to the Mayor of the City of New Orleans and has resigned from the Board. On a motion by Mr. Bell, seconded by Mr. Liebaert, Mr. Warner Tureaud was unanimously elected to fill Mr. Cortizas' position as Vice President of MYHMC.

2. Cynthia Sylvain Lear was thanked, though she could not be present, by Mr. Manard for all of her good efforts in supporting MYHMC during the course of her time as Deputy CAO. Mr. Bell suggested that a written Resolution to that effect be prepared and presented at the next Board meeting. Mr. Manard agreed to prepare such a Resolution.
3. On motion by Mr. Bell, seconded by Mr. Tureaud, a formal Resolution was passed thanking Ms. Beth Erickson for her excellent work as Dock Master.
4. Mr. Mike Howell was given formal thanks and recognition for his work in supporting MYHMC in connection with developing information in support of the City's FEMA claim as to the harbor and for other valuable help.
5. Mr. Stanton Murray was given formal thanks and recognition for loaning his boat to the group undertaking to develop additional information in support of the City's FEMA claim.
6. On motion of Mr. Williams, seconded by Mr. Bell, the Board voted unanimously to approve the \$21,000 premium for renewal of the existing primary general liability insurance policy.
7. See number nine below.
8. See number nine below.
9. On motion of Mr. Williams, seconded by Mr. Brundige, the Board voted unanimously to approve the transfer of Boathouse Nos. 32, 40, 127, 16 and 5.
10. On motion of Mr. Bell, seconded by Mr. Tureaud, the Board voted unanimously in favor of a Resolution giving the President authority to sign lease assignment consents, where the necessary prerequisites were met, and also to transfer that responsibility to the Executive Director, once the Executive Director has sufficient background and knowledge to perform that duty.
11. On motion of Mr. Bell, seconded by Mr. Tureaud, the Board approved a Resolution authorizing the President to retain, for less than \$15,000.00, a professional consultant to assist MYHMC and the City in connection with the City's development of information in support of the FEMA claim.

Report of the Executive Director

1. Oil spill: Mr. Fisk reported on his coordination with other agencies concerning oil spill contingency planning and on efforts he has underway with regard to obtaining boom.
2. NOPD off duty officers: Mr. Fisk reported that they are on duty and seeming to perform appropriately and effectively.
3. Charles Holmes, security officer: He is now in uniform and more visible, when on duty.

4. Slip lease extensions: Twelve are still outstanding, not having submitted materials. As to some of the others, required materials are still being gathered. This remains a work in progress.
5. Tree examination report: Mr. Thomas Campbell has concluded his report. Pricing is being obtained for a tree service to perform pursuant to that report.
6. Status of the temporary office: It is open and functioning.
7. Barrier/bollards to prevent cars from going on the grass north of Breakwater Drive: Several alternatives are being explored. As soon as more complete information is available, a formal proposal will be made to the Board.
8. Boat launch: Signs, following the applicable City Ordinance, have been posted.
9. Schubert's fishing rodeo: No further information was available on this.
10. Brother Martin's use of the boat launch: This has been approved and approximately 200 people are expected for this family event.
11. Rate sheet and sign up procedure: Mr. Fisk gave an interim report on information developed to date and said that he would be presenting a formal proposal to the Board soon.
12. Abandoned property: Mr. Fisk reported on efforts with regard to the Constable's office and the State concerning the process and funding for getting abandoned property removed. While some information has been developed and the Constable has placed stickers on some of the abandoned property, the path to the most important step – getting the abandoned property actually removed – remains unclear. Mr. Fisk will further investigate this and will report back to the Board on a monthly basis until he has succeeded in getting the property removed.

Monthly Financial Report

Mr. Williams reviewed the first draft of the newly developed monthly financials for the Board. These have been prepared by Ericksen Krentel and by MYHMC's in house accountant, Mr. Wayne Bloom. Ericksen Krentel continues with its ongoing advice to MYHMC, including putting MYHMC in a position where 2010 can be audited. A report was given with regard to the funds in the LAMP and Capital One accounts and a report was given on delinquent A/R balances.

Questions were presented and answered on two topics. First, a question was posed with regard to how salaries and benefits are paid. It was explained that these are paid by the City and MYHMC then reimburses the City. Second, a question was raised with regard to the role, if any, of the legislative auditor. It was noted that the legislative auditor may well have authority with regard to investigating any board or commission of the City, but that the audit previously referred to would be done by an independent CPA firm, consistent with the requirements of the 1981 Resolution of the MYHMC Board in connection with the revenue bond purchased by NOAA.

Information and Discussion Items

1. City Hall changes: Mr. Manard ran through the departments and offices in City Hall that MYHMC routinely interacts with and noted where changes had been made.
2. Finances: Mr. Manard reported that \$385,000 previously held by Capital Projects had been approved for return to MYHMC by an Ordinance passed by the City Council and that the process of getting to closure with the City on the transfer of funds was close.
3. 60 year lease payments: It was reported that 16 people have asked for a return of their \$5,000 fees (a total of \$80,000) and that the rest have either refused the tender or failed to respond, after follow up requests. It was reported that the balance of the money will be maintained in a reserve situation in the LAMP funds.
4. Safety equipment on the West Pier: It was reported that a bill for \$17,084 had been paid, as a necessary expense, though one that it was believed previously the City would pay. On motion of Mr. Liebaert, seconded by Mr. Tureaud, the Board voted unanimously in favor of ratifying that payment, insofar as any ratification would be necessary.
5. Sewerage & Water Board claim: Mr. Manard reported that another request has been made to the Sewerage & Water Board to respond to the earlier settlement offer, but that no response had been received to date.
6. Update on FEMA claims: Mr. Manard gave an update with respect to a variety of steps that are going forward, at differing paces, with regard to the eight individual FEMA claims that cover Katrina damage at West End.
7. Boathouse restoration process: A report was given by Mr. Manard concerning the 21 default/restoration letters that had been sent out in January. The first milestone, April 30, 2010, had just passed and the process with regard to plans and specifications is underway.
8. Website: Mr. Manard reported that issues with Go Daddy had ended up in the website being down temporarily. The necessary work is being done to rectify that.

9. Mr. Fisk's agreement: Mr. Manard reported that Mr. Fisk was reconsidering his earlier request that material changes in his employment and compensation arrangement be made. Accordingly, any further discussion on making such changes has been deferred until it is reraised by Mr. Fisk, Mr. Manard or any member of the Board.
10. Removal of two large trailers by Sintes: Mr. Manard reported that these trailers, at the request of MYHMC, were voluntarily removed by Sintes, which he thanked publicly in the meeting.
11. Solving the drainage problem in West End Park: Mr. Manard reported that efforts are underway to determine the cause and to stay in coordination with Capital Projects, which is the part of City government prosecuting the FEMA claim for West End Park.
12. The Dip: It was reported that progress is being made to get this situation corrected. The Department of Public Works has put together the necessary plans and signed a contract with Boh Bros. to do the work. They are waiting on authority from the Corps of Engineers to commence the work.
13. Corporate Realty: Elizabeth Hughes, with Corporate Realty, has begun her consulting work, which is directed to having MYHMC perform in a more professional way as to its property management functions.

Issues Presented From the Audience

1. Mr. Tureaud volunteered to take Board members on an orientation ride around the harbor in his boat. It was agreed that any scheduling would be handled by email and that a quorum of the Board could not be present together on any such occasion.
2. Mr. Bell asked about the status of the 60 year leases. Mr. Manard explained how some had been signed, had gone to the City Council and had been gone to the Mayor. He further described the situation with regard to those being kept by MYHMC, once the Mayor stated that he would not sign them, and that the others previously submitted by boathouse tenants also remained with MYHMC.
3. The timing of the steps/milestones extended cure period for the 21 boathouses that were sent default/restoration notices in January was reviewed.

Date and Time of Next Meeting

The next meeting will be held at 6:30 p.m. on Monday, June 14, 2010 at the First Baptist Church.

Adjournment

On a motion properly made and seconded, the Board voted unanimously to adjourn the meeting.