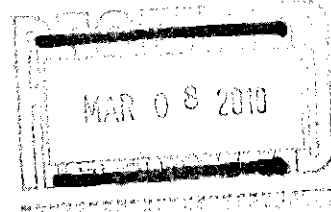


**New Orleans Municipal Yacht Harbor Management Corporation**

**Monday, March 8, 2010  
6:30 PM  
First Baptist Church  
5290 Canal Boulevard  
New Orleans, Louisiana.**



The meeting was called to order by John Manard, President, who requested roll call by Michael Liebaert, Secretary.

**Board of Directors present:**

**Doug Cunningham**

**Charles Eshleman**

**Ashlyn Graves**

**Jennifer Medley**

**Michael Liebaert**

**John Manard**

**Alva See**

**Warner Tureaud**

**Guy Williams**

**Board of Directors absent:**

**Pat Bell**

Bill Brundige

Richard Cortizas

Present for the MYHMC:

Lea Fisk, Executive Director

Beth Erickson, Temporary Dock Master Beau Tichenor,

Temporary Assistant Manager

There were twenty-one attendees in the audience.

Amendments to the meeting agenda; on motion by Mr. Tureaud, seconded by Mr. Eshleman, action item #4 was removed from the agenda.

Approval of the minutes from the meeting on February 17, 2010. On motion by Mr. Tureaud, seconded by Mr. Williams, the minutes were approved.

#### ACTION ITEMS

1. Resolution: Recognition and appreciation to David Herrera. Mr. Manard read aloud a proposed MYHMC Resolution of appreciation for David Herrera, describing the outstanding volunteer job he did since Hurricane Katrina with producing the MYHMC web site. On motion by Mr. See, seconded by Mr. Tureaud, the Resolution was unanimously adopted.
2. Vote: MYHMC officers. Mr. Manard explained that in accordance with the by-laws, the nominating committee put forth the following slate of Officers: Mr. Manard-President, Mr. Cortizas-Vice President, Mr. Williams-Treasurer and Ms. Graves-Secretary. Mr. Manard asked if anyone on the Board wished to exercise their right to nominate someone else to an Officer's position; there were none. On motion by Mr. Liebaert, seconded by Mr. See, the vote was unanimous to elect the aforesaid Officers to their recommended positions.
3. Resolution: Approval of LAMP accounts' authority designations. Mr. Manard explained that the LAMP accounts contain the largest portion of the (liquid) assets of the MYHMC and this Resolution will name those who will have authority to "read only" and "authorize to perform transactions" in the

accounts. Mr. Williams recommended that the Ms. Graves as Secretary should also be authorized as "read only". On motion by Mr. Williams, seconded by Mr. See, the Resolution was amended to authorize Ms. Graves to "read only" the LAMP accounts and the amended Resolution was unanimously adopted by the Board.

4. Resolution: Retention of legal counsel. Mr. Manard withdrew this matter.
5. Resolution: Approval of revised Certificate of Compliance (boathouse restoration/renovation process). Mr. Manard explained that this Resolution will revise the currently used Certificate of Compliance with new wording related to the "50% damage" clause and "stamping and identifying pages of plans" that will be submitted to the Department of Public Safety and Permits. On motion by Mr. See, seconded by Mr. Williams, the Resolution was unanimously adopted.
6. Resolution: Approve retention of a commercial diver to support FEMA claim development process. Mr. Manard explained that the MYHMC is working with the City on harbor depths and dredging issues and one of the necessary things to accomplish that is to hire a commercial diver to perform bottom surveys. This Resolution would authorize payment of the diver. Mr. See asked if the diver will have a certificate of insurance and what are the liability implications if the diver is hurt on the job. Mr. Manard replied that the diver would be employed via a professional services contract. Mr. Cunningham asked what would the divers scope of work consist of. Mr. Manard replied there are two issue areas; one is "how deep is it now in certain places" the second is "where is debris located on the bottom". On motion by Mr. See, seconded by Mr. Cunningham, the Resolution was unanimously adopted.
7. Resolution: Authorizing the Officers of MYHMC to interview and select a property management firm to do defined work associated with setting in place and commencing operation of more professional tenant account management practices and records. Mr. Manard explained that during 2010, the MYHMC will go through a process of a national search for an Executive Director and this Resolution would authorize Mr. Williams and Mr. Cunningham the authority to determine which property management company would best serve the MYHMC. On motion by Mr. See, seconded by Mr. Tureaud, the Resolution was unanimously adopted.

#### REPORT OF THE EXECUTIVE DIRECTOR

Mr. Fisk introduced Mr. Wayne H. Bloom as the new accountant for the MYHMC and provided a brief history of Mr. Bloom's background. Mr. Fisk stated that Mr. Bloom has been working on the rent payment statements for the boat slips and boathouses and lease extensions for the slips will all be going out in the next few days.

Mr. Fisk explained that Ms. Kimberly M. Armstrong is the new office assistant for the MYHMC, but that she could not attend this meeting.

### INFORMATION & DISCUSSION ITEMS

Finances. Mr. Manard explained that the City recently transferred most of the approximate \$2.5 million of funds belonging to the MYHMC, into two LAMP accounts and a Capital One Bank account, which are controlled by the MYHMC. Mr. Manard noted that approximately \$743,000 of the aforementioned funds is reserved for the outstanding NOAA bonds. Additionally reserved are the deposits attributable to the boathouse extended term leases. Mr. Manard explained that approximately \$385,000 of MYHMC funds remains in the possession of the City and that those funds are for advances to other funds and old bond money. Mr. Manard said that Council Person Midura and the CAO's Office are working to get the approximate \$385,000 released to the MYHMC.

Mr. Manard explained that the MYHMC recently retained and met with personnel at Ericksen Krentel to work with the MYHMC Executive Director, in-house staff and accountant on accounting systems, the 2011 audit and to reconcile the (aforementioned) transfer of funds from the City.

Mr. Williams explained that contrary to rumors, the vast majority of MYHMC funds in the City Ledger have been accounted for. Mr. Williams said the MYHMC will soon be converting all revenue, expenses and tenant payments to an electronic format.

Mr. Manard explained that the MYHMC has been working diligently to have precise accounting in 2010; we will soon have monthly financial reports and an audit performed in the beginning of 2011.

### Update on the FEMA claims

Mr. Manard explained that the City didn't have the ability to produce a "comprehensive damage report" on the Municipal Harbor until 2008. The comprehensive damage report was finally provided to FEMA in early 2009. By August 2009, the MYHMC began direct involvement with FEMA, concerning the damage claim for the Harbor. In the Fall several of the city's FEMA claim personnel, who had been working on the City's numerous claims, were replaced. Mr. Manard explained that it's now become apparent that the original comprehensive damage report could be improved on by gathering additional information.

The Secretary notes the presence of City Councilperson elect Guidry. Ms. Guidry said she has met with Councilperson Midura and discussed the issues concerning the Municipal Yacht Harbor and pledges her support to bring back the West End area.

Mr. Manard resumed his update on FEMA claims by saying the MYHMC has been working closely with Jim Tideman, who is the City representative working with FEMA on the Municipal Harbor claim. Mr. Manard predicted that in ninety days, we should have a better feel for the status of the FEMA claim to restore the Harbor. Mr. Manard reviewed the various matters that have to be agreed upon before FEMA will authorize the claim to

rebuild the Harbor. Mr. Manard mentioned the City's "revolving fund" that would then pay for the rebuilding of the Harbor and the complications the City is having with that fund. Mr. Manard also mentioned MWH Company who is the City's construction management company and the possibility of complications with that company.

Mr. Manard explained that the renovation of the administration building is now on track after being delayed by some complications with MWH Company.

Mr. Manard explained that pressure is being maintained on the City (FEMA having already agreed to pay) to renovate the MYHMC boathouses; they have been separated from the Harbor restoration claim, which should accelerate their progress through the system for renovation.

Mr. Manard explained that the restoration of West End Park has been placed in the City's Capital Projects Department.

Mr. Manard explained that East bulkhead; fishing pier/boat launch and Breakwater Drive are at various levels of progress and encouraged everyone to visit the MYHMC web site, which shows where each one of these claims is in the process with FEMA.

Mr. Manard explained that the federal taking with respect to the 17<sup>th</sup> Street Canal pumping station, can't commence until the State and the Corps of Engineers sign a partnership agreement, which for various reasons, has been delayed. Mr. Manard mentioned that the MYHMC sent a letter to the Corps of Engineers, concerning access roads to the new pumping station, storage of fuel, the taking of land at Coconut Beach and other various subjects.

Mr. Manard reminded everyone that the MYHMC has a claim with Sewerage & Water Board, concerning a sizeable water bill, which has been an ongoing matter since Hurricane Katrina. Mr. Manard said that the S&WB has issued a credit because of broken water lines, but they've never responded to final settlement offer submitted by the MYHMC.

### Insurance

Mr. Manard explained it is necessary for MYHMC to obtain three new forms of insurance, which it has not previously had in place, namely:

Worker's Compensation insurance.

Liability insurance to cover the types of risks that are associated with security personnel (whether off-duty NOPD or guards from a private security firm).

Insurance with regard to any theft or loss of funds by those handling such funds on behalf of MYHMC.

Mr. Eshleman explained that insurance is being obtained through work led by Fay Forvendel, who is the City Risk Manager.

Master Plan for West End Park:

Mr. Manard said that on February 25, 2010 a second public meeting was held. The draft Master Plan is being drawn together from what was learned in the public meetings and elsewhere by a combination of the Friends of West End, Inc. Board, individuals from the MYHMC Board and volunteer professionals. It is anticipated that a draft proposed Master Plan for West End Park would be delivered to the MYHMC Board and posted on the websites of MYHMC and Friends of West End on or about April 30, 2010. It is anticipated that the proposed Master Plan will be on the Agenda of MYHMC for its May meeting and would also be on the Agenda for the June meeting for approval. Mr. Carlos Cashio, the planning professional retained by MYHMC, attended the public meeting and is staying sufficiently involved with the process to be in a position to advise the MYHMC Board as appropriate.

Coconut Beach:

Mr. Manard explained it now appearing that action by the Corps of Engineers may prove to be further delayed, because of that Mr. Williams and Mr. Cortizas are moving forward, as the representatives of the MYHMC Board on that project, aided by Mr. Hamilton, concerning the Coconut Beach contractual situation.

ISSUES PRESENTED FROM THE AUDIENCE

There was a question from the audience concerning the relocation of the Coconut Beach volleyball courts. Mr. Manard replied that the COE issued a map showing the maximum footprint of the area they may take for the proposed pumping station. Approximately six months after the agreement is signed between the State and the COE, the contractor should provide a better idea of how much land will be needed for the pumping station.

There was a question from the audience concerning the number of boathouses that are yet to be renovated. Mr. Manard replied there are twenty-one boathouses that fall into that category. Mr. Manard added that the MYHMC held off on pressuring the owners to renovate because of two reasons; (1) To see if the extended terms leases could be executed, which would assist owners with financing (2) To put into place new rules and regulations concerning design criteria and amendments to the City Building Code.

Mr. Manard further explained after it became apparent in the Fall of 2009, that the Mayor was not going to sign the extend lease agreements, the MYHMC decided in January 2010, to send default letters to the boathouse owners who had failed to renovate their properties. Mr. Manard emphasized that the MYHMC web site contains all of the information that one needs to comply with the renovation process and the MYHMC owes it to those who have renovated their boathouses, not to let the wrecked ones sit any longer.

**DATE & TIME OF NEXT MEETING**

The next meeting will be held at 6:30 p.m. on Monday, April 12, 2010 at the First Baptist Church.

On motion duly seconded, and approved, the meeting was adjourned.