

New Orleans Municipal Yacht Harbor Management Corporation

MINUTES OF THE BOARD OF DIRECTORS MEETING

February 13, 2012

6:30 p.m.

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

Warner Tureaud, President, called the meeting to order at 6:50pm and requested a roll call by Ric Smith.

Board of Directors Present:

Winston Burns
Ashlyn Graves
Michael Liebaert
Jennifer Medley
Kiana Mitchell
Ric Smith
Warner Tureaud
Connie Uddo

Board of Directors Absent:

Patrick Bell
David Halpern
Alva See

A quorum was present.

No amendments were made to the published agenda.

The agenda was approved as published on a motion by Mr. Tureaud, seconded by Mr. Smith and unanimously carried.

On a motion by Ms. Agraves, seconded by Mr. Liebaert, and unanimously carried, the minutes from the regular meeting of January 10, 2012, were approved.

Action Items:

1. On a motion by Ms. Graves, seconded by Ms. Mitchell, and unanimously carried, a resolution was adopted authorizing the execution of a change order in the amount of \$2,000 to the contract for the 2010 Audit. This amount will bring the contract up to \$15,000.

2. On a motion by Mr. Smith, seconded by Ms. Medley, and unanimously carried, a resolution was approved to adopt the Louisiana Compliance Questionnaire for the 2011 Audit Year.
3. On a motion by Mr. Liebaert, seconded by Ms. Graves, and unanimously carried, a resolution was adopted authorizing the execution of contract for the purpose of obtaining a fairness opinion on the lease rates for boat slips. The current boat slip lease is reconducting for 2012. In order to execute a new lease, the lease rate will need to be approved by the City Council and the Mayor and a fairness opinion needs to be performed by an appraiser. It was suggested that an appraiser use comparable rent rates from municipal harbors.
4. No motion was made to introduce a resolution authorizing the execution of a contract for the purpose of obtaining a fairness opinion on the lease rates for boathouses. Mr. Kerry Cuccia (President of the Boathouse Owners Association) discussed the fact that both the MYHMC and the Boathouse Owners Association had previously paid for fairness opinions and that the City Council passed an ordinance extending the leases for an additional 30 years. Although Mayor Nagin did not sign the ordinance, the Boathouse Owners Association contends that it was approved and became law since it was not vetoed. Mr. Cuccia requested that the Board not pass this resolution.
5. A resolution authorizing the preparation and issuance of a Request For Proposals (RFP) for a Slip Occupancy Analysis and Projections Study (Market Study) was withdrawn due to the fact that a similar resolution was passed by the Board at the August 2011 meeting.
6. On a motion by Mr. Smith, seconded by Mr. Liebaert, and unanimously carried, a resolution was adopted directing the Executive Director to submit the Annual Report to the City of New Orleans as directed in Policy Memorandum No. 30.

Information and Discussion Items:

1. Mr. Tureaud welcomed Elizabeth Pape for the Office of the Inspector General of New Orleans. Ms. Pape indicated that bylaws will need to be changed to reflect that the Board holds elections on an annual basis. There was a discussion about the quorum meeting requirements. A quorum has to be a majority vote of appointed members not including City Council members, in which there must be eight appointed members present at the meeting. When there is a minimum quorum, everyone has to vote together and there cannot be any dissent. As per Mr. Tureaud, when we have a "bare bones quorum" you can't have any dissent because we have a bare bones to begin with, so we all have to agree. We have very little dissent on the board but there are times when board members decide to disagree and it is their choice, and we have to be in legal conformity. Professional service contracts were discussed where the amounts in the contracts have been raised to \$20,000. An Annual Internal Audit was also discussed along with the posting of the board meeting agendas on the MYH department and City websites. The agendas should also be physically posted inside the glass door of the MYH administrative

office and the same procedure should be done with the Rules and Standards Committee meeting agendas. Public Information Requests should go through the City Attorney's office. The Civil Service department is currently working on an employee manual.

2. Mr. Tureaud updated the board on the progress of the administration building repairs indicating that substantial completion is projected to be March 1, 2012. The mechanical contractor is going through a change order with the general contractor.
3. Mr. Smith reported on the Audit Compliance. He will contact Wegmann, Dazet & Co. LLC with respect to performing the 2011 Audit. Once the formal engagement is signed for the 2011 Audit (which is awaiting Wegmann, Dazet & Co. approval), it will put the Legislative Auditor on notice that MYH expects to be in full compliance this year and deliver it by June 30, 2012.
4. Mr. Tureaud briefed the board on the progress of the remaining FEMA claims. Various studies are being completed and waiting for FEMA response. The concrete pier study has been completed. Concrete pier study revealed wave action which forced water up and moved concrete piers and created \$2.5 to \$4 million worth of damage.
5. Ms. Mitchell has offered to assist Ms. Medley and Mr. Halpern with the selection of Legal Counsel.
6. Mr. Smith presented the Financial Report. The current finances are \$3,172,000 in cash and \$1,182,000 is unrestricted. Hopefully 2014 will be a break even year depending upon FEMA Claim timing with the engineering and construction. Boat slip and boathouse leases are the economic engines.
7. Mr. Casey reported on and distributed the Personal Financial Disclosure Statement to the board members. It is a requirement of the state of Louisiana "Code of Ethics". The paperwork is due on May 15, 2012.
8. Mr. Casey presented the Executive Director's Report. There were four topics: 1.) Boathouse ordinance: corrections to the figures have been made on the municode with help from the Clerk of Council; 2.) The board attendance report will be provided to the City to make sure that we are in compliance; 3.) The Master Plan meeting was very well attended. The RPC is working on the revised Master Plan, and 4.) Plans have been submitted for boathouses 86, 87, and 88 owned by Darryl Berger. We will call a Rules and Standards Committee meeting after our architect reviews the plans.

Other Comments and Issues from the Public:

Ms. Medley offered to join Mr. Tureaud, Mr. Liebaert, and Mr. See on the Rules and Standards Committee.

Adjournment:

On a motion by Ms. Graves, seconded by Ms. Medley, the meeting was adjourned at approximately 8:05pm.

New Orleans Municipal Yacht Harbor Management Corporation
Regular Board Meeting of February 13, 2012

Date and Time of next meeting:

The next meeting is scheduled for Monday, March 12, 2012 at the First Baptist Church.