

AMERICAN LEGION NEWPORT HARBOR POST 291 EXECUTIVE COMMITTEE MINUTES THURSDAY, 03 MARCH 2022

CALL TO ORDER: Appx. 1831 hrs. **INVOCATION:** Kevin Van Otterloo

PLEDGE OF ALLEGIANCE: Commander, Evin Planto

ROLL CALL:

Evin Planto, Commander	⊠ Ed Infante, Judge Advocate	Kevin Van Otterloo, M.a.L.
□ Brian Fleming Jr., 1st Vice	⊠ Bob Wine, Finance Officer □	Eric Schroeder, M.a.L.
	⊠ Bob Grundmeyer, Sgt-at-Arms □	Nick Giordano, M.a.L.
	Cory Vigil, Service Officer	Wayne Zippi, M.a.L.
	Ken Wilson, Chaplain	Mike Schubert, M.a.L.
□ David Zamudio, Adjutant	☐ Rich Frauenzimmer, Historian	Dennis DeRosia, M.a.L.

Excused: K. Wilson, R. Frauenzimmer

MEETING HAS QUORUM

INTRODUCTION OF GUESTS & GUEST COMMENTS:

Past Commander- Doug Nye

Affiliates and Programs Reports:

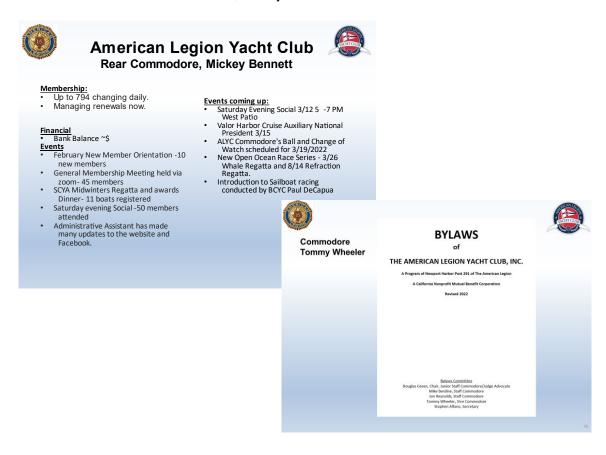
☐ Auxiliary Unit 291 – 2nd Vice, Dana Johnston





- □ SAL Squadron 291 Tim Sullivan, Commander
 - Spoke about upcoming events

□ ALYC – Rear Commodore, Mickey Bennet



Honor Guard – Commander Brian Fleming Jr.



Minutes Approval

- □ All Committee members received copies of the Executive Committee Minutes:
 - Minutes for 03 Feb 2022 E Committee Meeting
 - ☐ The Commander asked for a motion to approve the 03 Feb 2022 E Committee Minutes
 - □ M/S/C: The motion approved unanimously.

Correspondence

Adjutant David Zamudio – No Correspondence

Committee Reports

House Committee – Mike Mailman



House Committee - Chair, Mike Mailman

- 1st Vice presented 2 promotions for Saint Patrick Day weekend
 Looking into a Bingo or Poker night
 BBQ left on in the kitchen and fill the post with smoke.
 Evin working on new hardware for alarm system to include new motion sensors and smoke detectors
 Receiving inventory, dating, and rotating stock
 Ontario air is working on engineering of

- Receiving inventory, dating, and relating stock
 Ontario air is working on engineering of HVAC for main hall
 Purchased new attachments for the Hobart to reduce injuries and improve productivity
 Dennis will investigate other equipment that may be needed to also help
 Purchase new anti-slip and fatigue matts for the bar
 Will be purchasing a new clover credit card machine

 He slip
 Looking for consultants to create goals for bonus program as well as job descriptions for staff and management
 JC is working on a new wine list
 Helix oven in the kitchen needs to be repaired not to exceed \$3500.00
 1 more year. Part of which is also to renew post workers comp policy. As this might be over 5K we are asking the E committee to ratify what the HC has approved.

Finance Committee - Bob Wine

- No Report
- **Entertainment Committee- Anthony Morales**
 - No Report
- Lease Committee- Commander Evin Planto
 - No report
- Audit Committee- Bob Wine
 - No report
- Donations Committee Cory Vigil
 - No Report

OFFICERS' REPORTS

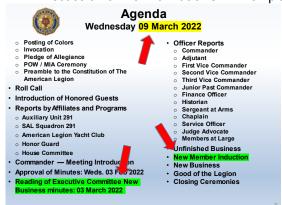
COMMANDER'S COMMENTS/REPORT -Evin Planto

Discussion on City Audit Letter

OFFICERS' REPORTS - continued

ADJUTANT - David Zamudio

Discussion on new format of GMM Template



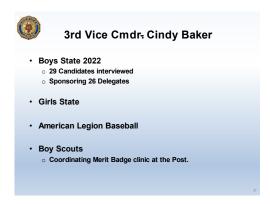
1ST VICE COMMANDER - Brian Fleming Jr. - Membership



2ND VICE COMMANDER – Anthony Morales - Speaking about upcoming events and bands.

No Report

3RD VICE COMMANDER – Cindy Baker - Speaking about Boys State and Americanism.



OFFICERS' REPORTS - cont. on next page

JR. PAST COMMANDER – Jon Reynolds

 Discussion of lease and audit for Post 291. Adjutant given document to be placed in minutes which was read, to Executive Committee during meeting. Motion made during old Business.

You have just heard the correspondence received from the City's Community Development Department, which was forwarded to the Executive Committee by Commander Planto on Monday 28 February. In Lauren Wooding Whitlinger's chronology of events, she notes that:

"On or about January 25, 2022, to avoid the third audit review process the Legion requested and the City agreed to negotiate a new lease that would develop a new payment structure resolving the back rent owed."

Further, any consideration by anyone from the Legion "to negotiate a new lease" is especially surprising and puzzling because the Post's current Lease with the City possesses very favorable terms that are beneficial to Post 291. Following the disclosure that "the Legion requested ... to negotiate a new lease," an extensive analysis by the Post Finance Officer — specifically comparing the Post 291 Lease with other current leases of City properties — clearly showed the financial advantages of the current Post Lease. Any attempt to reopen the current Lease could subject the Post to significant risk of increased lease rental payments.

Although I reported about this audit previously when I was Post Commander, because of these recent developments it's essential that the details be reviewed again.

In fact, Post 291 does NOT owe the City this money. The City's auditor, Davis Farr, fabricated a new, different, and incorrect legal interpretation of the Lease — which the City's Director of Community Development Seimone Jurjis is letting them get away with and perhaps even encouraging.

This is money that belongs to the military veterans who are members of Post 291. The seeming intent to give the Post 291 members' money away is completely unwarranted and unfair to our military veterans at Post 291

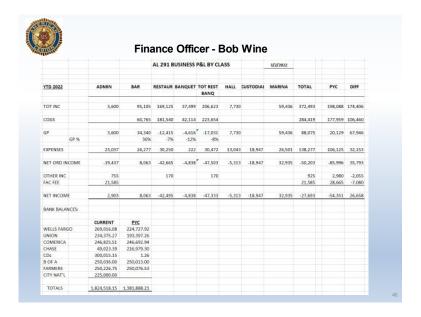
Going forward, the Post 291 Executive Committee, at its meeting this past Thursday 3 March, wisely approved the following measures:

- The Executive Committee designated two knowledgeable and experienced members of the Executive Committee to represent Post 291 in all future dealings with the City related to the audit and the Lease.
- 2. These two Post Officers will also engage with the Post attorney for advice on next actions.
- These two Post Officers will pursue whatever further actions are necessary with the City to get the audit properly resolved.

For God and Country, The American Legion, and Post 291.

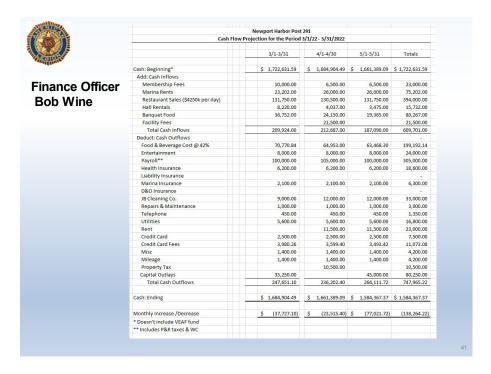
FINANCE OFFICER – Bob Wine

Profit and Loss / Cash Flow Projection



OFFICERS' REPORTS - cont. on next page

OFFICERS' REPORTS - continued



HISTORIAN – Richard Frauenzimmer

Excused

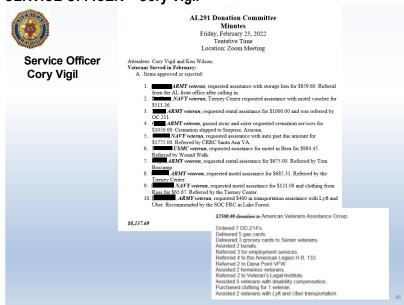
SERGEANT AT ARMS – Bob Grundmeyer

No Report

CHAPLAIN - Ken Wilson

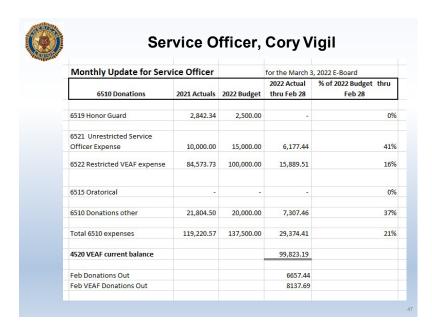
Excused

SERVICE OFFICER - Cory Vigil



OFFICERS' REPORTS - cont on next page

OFFICERS' REPORTS - continued



JUDGE ADVOCATE - Richard Reyna

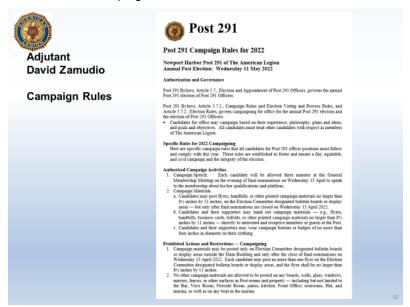
Brief Introduction of self and qualifications.

MEMBERS AT LARGE

- ☐ Mike Shubert
 - Law & Order event April 26th.
 - Vietnam Welcome Home Event- April 8-10.

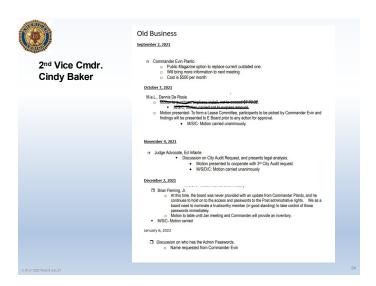
UNFINISHED BUSINESS

☐ Review of 2022 Campaign Rules



☐ 3Rd Vice- Cindy Baker

Request review of Old Business from past meetings



Commander Evin Planto

Discussion on the City Audit Letter dated 28 Feb 2022

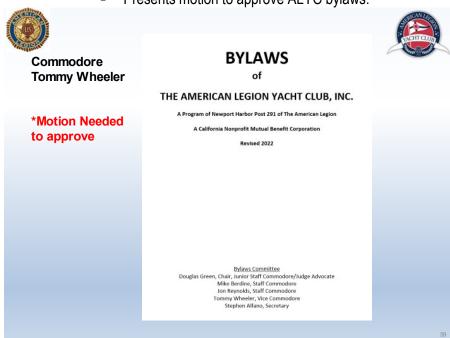
American Legion, Post #291 Page 2 of 2 **Unfinished Business** On January 7, 2021, the Legion notified the City it contracted with the audit firm of Egan & Egan to conduct a confirming audit pursuant to the terms of the Lease. The Egan & Egan audit results indicated a small overpayment to the City. **Audit Letter** On August 12, 2021, the City notified Mr. Reynolds the City will be conducting a third and final audit to reconcile the differences between the City's and Legion's audits (28 Feb 2022) On or about January 25, 2022, to avoid the third audit review process the Legion requested and the City agreed to negotiate a new lease that would develop a new payment structure resolving the back rent owed. On February 22, 2022, you informed Seimone Jurjis, Community Development Director that the Legion has ceased all lease negotiations. The Legion ceasing negotiations is disappointing to the City, as the City wants to work amicably to resolve the audit difference. This leaves the City in a position to enforce the The City remains committed to working collaboratively with the Legion to resolve the outstanding amounts owed. Please contact me no later than March 18, 2022, to discuss your proposed resolution. I can be reached at 949-644-3236 or by email at lwooding@newportbeachca.gov. Thank you in advance, Lauren Wooding Whitlinger Real Property Administrator Enclosures Seimone Jurjis, City of Newport Beach (via email only)

NEW BUSINESS

- □ Service Officer, Cory Vigil
 - Presents motion VEAP Campaign



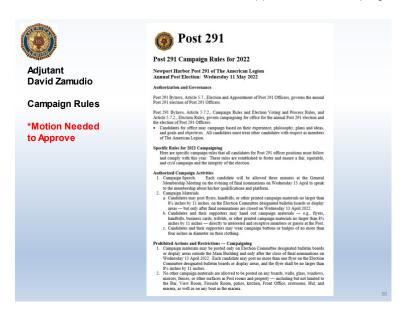
- M/S/C- Motion carries unanimously
- ☐ Jr. Past Commander, Jon Reynolds
 - Presents motion to approve ALYC bylaws.



M/S/C- Motion carries unanimously

NEW BUSINESS (cont.)

- ☐ M.a.L.- Mike Shubert
 - Presents motion to approve 2022 Campaign Rules.



- M/S/C- motion carries unanimously
- ¬ 1st Vice Cmdr., Brian Fleming Jr.
 - Presents motion to move the New Member Induction after the completion of Old Business for General Membership Meeting.
 - M/S/C: Motion carries unanimously.
- □ Jr. Past Commander, Jon Reynolds
 - Presents motion:
 - I move that Eric [Schroeder] and Bob [Wine] and any and all representatives decided by these two, start working with the attorney, which Ed Infante [former Judge Advocate] recommended, concerning the city audit letter, and all actions must be approved by the Executive Committee.
 - M/S/C: Motion carries unanimously.
- ☐ Finance Officer, Bob Wine
 - Presents motion:
 - I move that I am given authorization not to exceed \$10,000.00 for a consultant retainer if needed while working with attorney recommended by Ed [Infante].
 - M/S/D/C: Motion carries unanimously.

GOOD OF THE LEGION

□ None

ADJOURNED: 2111 hours.