



**AMERICAN LEGION NEWPORT HARBOR POST 291
EXECUTIVE COMMITTEE MINUTES
THURSDAY, 05 MAY 2022**

CALL TO ORDER: Appx. 1830 hrs.

INVOCATION: Kevin Van Otterloo

PLEDGE OF ALLEGIANCE: Commander, Evin Planto

ROLL CALL:

- | | | |
|-----------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------|
| <input checked="" type="checkbox"/> Evin Planto, Commander | <input checked="" type="checkbox"/> Richard Reyna, Judge Advocate | <input type="checkbox"/> Kevin Van Otterloo, M.a.L. |
| <input checked="" type="checkbox"/> Brian Fleming Jr., 1st Vice | <input checked="" type="checkbox"/> Bob Wine, Finance Officer | <input checked="" type="checkbox"/> Eric Schroeder, M.a.L. |
| <input type="checkbox"/> Anthony Morales, 2nd Vice | <input type="checkbox"/> Bob Grundmeyer, Sgt-at-Arms | <input type="checkbox"/> Nick Giordano, M.a.L. |
| <input checked="" type="checkbox"/> Cindy Baker, 3rd Vice | <input type="checkbox"/> Cory Vigil, Service Officer | <input checked="" type="checkbox"/> Wayne Zippi, M.a.L. |
| <input checked="" type="checkbox"/> Jon Reynolds, Jr. Past Comm | <input checked="" type="checkbox"/> Ken Wilson, Chaplain | <input checked="" type="checkbox"/> Mike Schubert, M.a.L. |
| <input checked="" type="checkbox"/> David Zamudio, Adjutant | <input type="checkbox"/> Rich Frauentzimmer, Historian | <input checked="" type="checkbox"/> Dennis DeRosia, M.a.L. |

Excused: A. Morales, B. Grundmeyer, C. Vigil, R. Frauentzimmer, K. VanOtterloo, N. Giordano

MEETING HAS QUORUM

INTRODUCTION OF GUESTS & GUEST COMMENTS:

Richard Sween/Ken Dufour (Exchange Club)

Rick Sundell


Hal McNaughton

Affiliates and Programs Reports:


- Auxiliary Unit 291 – 2nd Vice, Dana Johnston
 - 100% Membership
 - Poppy Season
 - Talked about upcoming events.

- SAL Squadron 291 – Tim Sullivan, Commander
 - No Report

- ALYC –Commodore, Tommy Wheeler



American Legion Yacht Club



Membership:
Up to 850 changing daily.

Financial
Bank Balance ~\$244,000 cash

Events
April New Member Orientation-15 new members
Dana Point Cruise Out
Saturday evening Social/Wine Tasting 60 members attended
Newport to Eureka Race-One ALYC boat Stanley's Cup 4th place finish. Valor was on the Start Line
Pictures on Facebook.
Hosted the Easter Egg Hunt at Easter Brunch
Conducted Duffy Rally Poke Run15 boats-82 poke hands
Opening Day 5/1 Great success.

Events coming up.
Cruise Out to Avalon 5/26/22
Saturday Evening Social 5/14 5-7 PM West Patio
Sundowners Series started
Model Yacht Racing Series started

- Honor Guard – Commander Brian Fleming Jr.



Post 291 Honor Guard / Color Guard

- 26 events completed in 2022
- 9 additional pending for the month
- 24 active members
- Averaging approx. 6+/ services per month



Minutes Approval

- All Committee members received copies of the Executive Committee Minutes:
 - Minutes for 07 April 2022 E Committee Meeting
- The Commander asked for a motion to approve the 07 April 2022 E Committee Minutes
 - **M/S/C:** The motion approved unanimously.

Committee Reports

- House Committee – No Report

- Finance Committee – Bob Wine
 - Held meeting 4/27/2022
 - Reviewed financials with not anomalies.

- Entertainment Committee- Anthony Morales
 - No Report

- Lease Committee- Commander Evin Planto
 - No report

- Audit Committee- Bob Wine
 - Reviewed Egan & Egan Engagement Letter.

- Donations Committee – Cory Vigil
 - No Report

OFFICERS' REPORTS

COMMANDER'S COMMENTS/REPORT -Evin Planto

- Discussion on meeting with City concerning new Lease.

ADJUTANT – David Zamudio

- No Report

1ST VICE COMMANDER – Brian Fleming Jr. – Membership



1st Vice Cmdr- Brian Fleming Jr.

- Current Post Membership = 3,845 Legionnaires
- 2021-2022 Goal = 4,151
 - 200 over last years Goal
- Current Membership Numbers for 2022@ National = 3,951 (95.1%)
 - May Goal = 100.0% (4,151)
 - Good thru 2021 = 329
 - New Members 2022 = 437
 - 42 more new members this month

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

- Excused


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



3rd Vice Cmdr- Cindy Baker

- Boys State
- American Legion Baseball
- Boy Scouts
- Updating the Website

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3rd Vice Cmdr- Cindy Baker

Navigation: Home, About, Membership, Programs, News, Contact Us, Donate

Home > About > Membership > Report to Americanism (2022)

Report to the Americanism program

Your report is greatly appreciated. You can donate to these programs by using the below Post 235 webpage: <https://www.legion.org/americanism>

Using the drop-down arrow, choose the Americanism program line. To specify which Americanism program you would like to donate your contribution to, please add a note in the "Notes" area (Optional). Boys State, Christianism, Baseball, Boy Scouts or where it is needed most.

Report Member Post 2021

| Post | Year | Amount |
|------|------|---------|
| 100 | 2021 | \$25.00 |

Report Member Post 2021

Post 2021

Make this a recurring donation

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OFFICERS' REPORTS – cont. on next page


OFFICERS' REPORTS – continued

JR. PAST COMMANDER – Jon Reynolds

- No Report, but concerns of the audit. States he believes audit still needs to be challenged. States Post should push back with the City and finalize the audits.

FINANCE OFFICER – Bob Wine


- Profit and Loss / Cash Flow Projection



Finance Officer - Bob Wine

AL 291 BUSINESS P&L BY CLASS 4/6/2022

| YTD 2022 | ADMIN | BAR | RESTAU | BANQUET | TOT REST | HALL | CUSTODIAL | MARINA | TOTAL | PYC | DIFF |
|-------------------|--------------|--------------|---------|---------|----------|--------|-----------|---------|---------|----------|---------|
| TOT INC | 3,600 | 174,873 | 298,359 | 100,982 | 399,341 | 26,790 | | 112,078 | 716,682 | 362,182 | 354,500 |
| COGS | | 103,452 | 308,088 | 62,972 | 371,060 | | | | 474,512 | 294,488 | 180,025 |
| GP | 3,600 | 71,421 | -9,729 | 38,010 | 28,281 | 26,790 | | 112,078 | 242,170 | 67,694 | 174,476 |
| GP % | | 41% | -3% | 38% | 7% | | | | | | |
| EXPENSES | 43,909 | 44,010 | 53,879 | 1,082 | 54,961 | 21,307 | 29,815 | 56,413 | 250,414 | 171,337 | 79,077 |
| NET ORD INCOME/LO | -40,309 | 27,411 | -63,608 | 36,928 | -26,681 | 5,483 | -29,815 | 55,665 | -8,245 | -103,643 | 95,399 |
| OTHER INC | 2,508 | | 200 | | 200 | | | | 2,707 | 4,021 | -1,313 |
| FAC FEE | 82,425 | | | | | | | | 82,425 | 66,105 | 16,320 |
| NET INCOME | 44,624 | 27,411 | -63,409 | 36,928 | -26,481 | 5,483 | -29,815 | 55,665 | 76,887 | -33,518 | 110,405 |
| BANK BALANCES: | | | | | | | | | | | |
| | | PYC | | | | | | | | | |
| WELLS FARGO | 351,807.45 | 183,739.91 | | | | | | | | | |
| UNION | 238,130.05 | 211,862.75 | | | | | | | | | |
| COMERICA | 246,834.98 | 246,709.70 | | | | | | | | | |
| CHASE | 49,023.39 | 249,652.63 | | | | | | | | | |
| CDs | 300,015.15 | 1.26 | | | | | | | | | |
| B OF A | 250,038.00 | 250,015.00 | | | | | | | | | |
| FARMERS | 250,236.35 | 250,093.52 | | | | | | | | | |
| CITY NAT'L | 225,000.00 | 210,000.00 | | | | | | | | | |
| TOTALS | 1,901,085.37 | 1,602,074.77 | | | | | | | | | |




**Finance Officer
Bob Wine**

Newport Harbor Post 291
Cash Flow Projection for the Period 5/01/22 - 7/31/2022

| | 5/3-5/31 | 6/1-6/30 | 7/1-7/31 | Totals |
|-------------------------------|-----------------|-----------------|-----------------|-----------------|
| Cash: Beginning* | \$ 1,287,966.74 | \$ 1,770,473.42 | \$ 1,716,823.05 | \$ 1,787,966.74 |
| Add: Cash Inflows | | | | |
| Membership Fees | 10,000.00 | 3,000.00 | 3,000.00 | 16,000.00 |
| Marina Rents | 22,397.00 | 26,000.00 | 26,000.00 | 74,397.00 |
| Restaurant Sales (\$5500/day) | 159,500.00 | 165,000.00 | 170,500.00 | 495,000.00 |
| Hall Rentals | 7,850.00 | 9,645.00 | 4,317.00 | 21,812.00 |
| Banquet Food | 33,083.00 | 44,165.00 | 15,437.00 | 94,685.00 |
| Facility Fees | | | 62,000.00 | 62,000.00 |
| Total Cash Inflows | 235,430.00 | 247,810.00 | 281,254.00 | 764,494.00 |
| Deduct: Cash Outflows | | | | |
| Food & Beverage Cost @ 40% | 77,833.20 | 83,666.00 | 74,374.80 | 235,874.00 |
| Entertainment | 8,350.00 | 8,000.00 | 8,000.00 | 24,350.00 |
| Payroll** | 105,000.00 | 100,000.00 | 150,000.00 | 355,000.00 |
| Health Insurance | 6,200.00 | 6,200.00 | 6,200.00 | 18,600.00 |
| Liability Insurance | | 8,911.75 | 8,911.75 | 17,823.50 |
| Marina Insurance | 2,900.00 | 2,900.00 | 2,900.00 | 8,700.00 |
| D&O Insurance | 2,235.00 | | | 2,235.00 |
| JB Cleaning Co. | 12,000.00 | 12,000.00 | 12,000.00 | 36,000.00 |
| Repairs & Maintenance | 2,000.00 | 2,000.00 | 2,000.00 | 6,000.00 |
| Telephone | 450.00 | 450.00 | 450.00 | 1,350.00 |
| Utilities | 5,600.00 | 5,600.00 | 5,600.00 | 16,800.00 |
| Rent | 11,500.00 | 11,500.00 | 11,500.00 | 33,500.00 |
| Credit Card | | 2,500.00 | 2,500.00 | 5,000.00 |
| Credit Card Fees | 4,555.12 | 4,932.62 | 4,251.44 | 13,739.18 |
| Misc | 1,400.00 | 1,400.00 | 1,400.00 | 4,200.00 |
| Mileage | 1,400.00 | 1,400.00 | 1,400.00 | 4,200.00 |
| Capital Outlays | 23,000.00 | 50,000.00 | 7,000.00 | 80,000.00 |
| Total Cash Outflows | 252,923.32 | 301,460.37 | 298,487.99 | 852,871.68 |
| Cash: Ending | \$ 1,770,473.42 | \$ 1,716,823.05 | \$ 1,699,589.06 | \$ 1,699,589.06 |
| Monthly Increase /Decrease | \$ (17,493.32) | \$ (53,650.37) | \$ (17,233.99) | \$ (88,377.68) |

* Doesn't include VCAF fund
** Includes P&R taxes & WC

OFFICERS' REPORTS – continued



Finance Officer, Bob Wine

Post 291
Notes on Meeting with City Manager
April 20, 2022

Post Participants: Evin Florito and Bob Wine
City Participants: Grace Lieung, City Manager; Simone Jurjis, Community Development Director; Lauren Wooding Whitlinger, Real Property Administrator

The meeting opened with a discussion about the PowerPoint presentation, sent previously to the City meeting participants, which explained all the commercial and veterans' services provided by the Post. The PowerPoint was a combination of Cory's Annual Impact Report and Ian's presentation to the City Council back in June of 2021, and consisted of seventeen slides. It was also mentioned that Post 291 is a non-profit service organization. The City participants acknowledged that the Post is an important community asset.

After that, I made a pitch as to why I believe the City is wrong in its interpretation of Hall Rental Revenues in the lease. I gave four reasons:

1. The Post's understanding of the lease terms at the time the lease was negotiated in 2002 is different than the terms the City is now promulgating. To support this, I provided Grace and the others with a declaration written by Bob Carolan, former Post commander and participant in the 2002 lease negotiations, which states, in part, "When the Lease was negotiated and agreed to by both parties on the 6th day of December, 2002 – Newport Harbor Post 291 of the American Legion and the City of Newport Beach – the matter of Hall rental income was agreed to and always intended to make only the rental of the Hall itself, excluding any other services or sales of food and beverage products Post 291 might also provide to the Renter."
2. If the Post's understanding was incorrect, the mistake would have been apparent to the City in the first year or two of the lease, when the personnel who negotiated the lease on behalf of the City were still there.
3. The Post negotiators would not have signed a lease that immediately would have placed the rent at almost 50% higher than the base rent.
4. The Post negotiators would not have signed a lease that created a gross loss on banquet food and beverages, because the Post doesn't make more than 25% gross profit on these sales to begin with.

Although Grace and the others didn't dispute any of these points, they were unmovable anyway. Grace said that the City attorney, the auditor, the City Council and they themselves all are on the same page regarding this issue. Further, Grace said that the Council has some own discretion, implying that it's out of her control. Lauren Wooding said that the City has a fiduciary responsibility to maximize the value of its assets properties, and in the course of lease negotiations will favor our property approved. When I mentioned that this would inevitably raise the cost of the lease to the Post, she said that the City has some discretion in regard to rents.

When asked, Simone Jurjis indicated that he envisioned a flat-rate lease, which includes some capital improvement improvements. We discussed ADA improvements, which he assumed would be in the \$200,000 range. Evin said I said no, more like in the \$5 million range. Evin asked what the City's proposal to the Post would look like, and Simone said that the City expects the Post to make a proposal to the City instead. I asked Simone, were the Post to make a proposal, would it include a new 20-year lease. He said no, it would be a continuance of the current lease's remaining term, which is about 51 years. Lauren said because the City, under its own rules, can't make leases for more than 30 years, ours can't be extended further. I then asked Simone what would happen to the money the City says we owe based upon the audit. He said it would probably go away when we renegotiate the lease.

We then discussed when the City would expect us to make our proposal, and Simone said about 45 days. Evin said we would need no less than two Executive Board meetings to agree on a proposal, which might extend a little longer than 45 days, to which Simone said would be fine.

This meeting lasted about forty minutes.

HISTORIAN – Richard Frauenzimmer

- ❑ Excused


SERGEANT AT ARMS – Bob Grundmeyer

- ❑ Excused

CHAPLAIN – Ken Wilson

- Spoke about upcoming Memorials (John Lindgren, Robert Wright, George Muncy)
- Spoke about Memorial Day Event

SERVICE OFFICER – Cory Vigil



**Service Officer
Cory Vigil**

Veterans Served in April:

A. Items approved or referred:

1. **NATF veteran**, Jeff U'ville requested assistance with auto transfer for \$610.00. Referred by American Legion HB 133.
2. **USMC veteran**, Arthur Williams, requested assistance with auto repair for \$1000.00. Referred by the Veterans Center.
3. **AIR FORCE veteran**, Lourdes Vasquez requested auto assistance for \$127.87. Referred by Volunteers of America Santa Ana Nevada. Follow up included a purchase for his up outdoor slings and pillows for \$718.21 because of size of family.
4. **USMC veteran**, Dina Hooker requested assistance with auto registration of 31,692.31. Referred by Vet Center North Orange County.
5. **NATF veterans**, Cecilia Andino C requested auto loan due for \$1446.00. Referred by OC-114.
6. **USMC veteran**, Tom Boynton requested auto assistance for 7 days on the amount of \$1902.46. Referred by the Veterans Center.

\$4412.78

Newport Beach Police Department \$500.00
 Seal Beach Lions \$270.00
 Emotional Freedom Curriculum \$200.00 for HMMV Program/Copyright
 El Toro Sea Cadets \$2500.00
 San Diego Maritime Museum \$2500.00
 South Coast Station Association \$2500.00
 Patriots & Paws Golf Tournament \$740.00

Delivered 12 gas cards
 Delivered 10 grocery cards
 Assisted 3 homeless veterans/families
 Assisted 10 veterans with disability compensation
 Assisted 2 veterans with Life and Other transportation
 Referred 2 veterans to Veterans Legal Institute
 Referred 1 veteran to Patriots & Paws
 Ordered 5 DD-214's
 Referred 2 veterans families for burial services
 Referred 2 veterans to Dana Point VFW
 Referred 2 veterans to AL Post 123 Huntington Beach

\$800 in Shell Gas Cards

OFFICERS' REPORTS – continued

JUDGE ADVOCATE – Richard Reyna

- Request closed Session at end of meeting.

MEMBERS AT LARGE

- Eric Schroeder
 - Request that E Comm minutes be shared before meeting.
 - Standing Committee- SAL (need to be given the names and minutes for E Comm to review)
 - Commander Planto states he will have SAL standing committee appointed, as well as Audit Committee appointed by next E Comm meeting.

UNFINISHED BUSINESS

- None

NEW BUSINESS

- Bob Wine- Motion to approval Canopy Bid for Post Awnings at \$14,189.20.
 - M/S/C: Motion Carried Unanimously
- Brian Fleming, Jr.- Motion for Color Guard to travel to Fresno for Legion Baseball opening ceremony, with team of 5 (2 events) not to exceed \$3,000.00.
 - M/S/C: Motion Carries Unanimously
- Bob Wine- Motion to accept the Egan & Egan Engagement letter (\$7500 for Audit & \$2000 for Taxes).
 - M/S/C: Motion Carries Unanimously
- Bob Wine- Motion to Respond to City, from meeting held 20 April 2022.
 - M/S/D/C- Motion Carries Unanimously

GOOD OF THE LEGION

- None to report

CLOSED SESSION

- Judge Advocate presents findings of Legionnaire conduct toward a SAL member concerning egregious behavior.

ADJOURNED: 2102 hours.