

**Special Board Meeting
December 6, 2011
Moorage Office
Assessment Enforcement Resolution
Definition of Harassment**

Officers Present: Chuck Hindenburg, Margaret Puckette, Berni Pilip

Directors Present: Ron Schmidt, Ivan Karmel, Leonard Myers, Jerry Pekrul, Bruce Broussard

Directors Absent: Sher Shepps

Chuck called the meeting to order at 6:30 pm.

At some point in time there will be attorneys here.

Chuck asked directors about whether all the changes had been made to the *Enforcement Resolution Document*.

Andrew Schpak, our BOLI attorney representing the insurance company, showed up. The board went into executive session

The special meeting session reconvened at 7:40 PM.

Andrew Schpak spoke about the confidentially agreement. All settlement agreements are to be held in confidentiality. The goal is to resolve complaint. They are very close. We have insurance. We need to be confidential leading up to settlement. He's been directed to figure out how to be able to disclose the issues.

There is \$2,500 deductible/retention level that JBMI pays. Above that comes from insurance with certain limitations. He is asking board for permission to settle and for residents to know what the settlement is.

What happens if we reject the settlement? The insurance company pays Andrew. Do we have right to tell insurance company that we won't settle. Insurance company wants to settle as cheap as possible. Even though there is a wish to be vindicated, insurance companies will settle and be done.

Ivan moved to empower Mr.Schpak to pursue settlement in accordance with his recommendations maintaining the confidentiality regarding the proposed terms of his recommended settlement. Ron seconded.

Alex Alexander brought up the confidentiality issue. Two level of confidentially. The back and forth has to be confidential. Andrew at the end of the day he wants a settlement that can be disclosed.

Ivan says the board needs to be fiducially responsible. Can't put moorage at risk. Between a rock and hard spot.

Someone asked whether this is only financial or whether there are non financial matters. There are non-financial issues.

Margaret Puckette said that Don Woods has a good lawyer and this is a good thing.

All five directors present voted to give attorney authority to proceed with settlement Motion passed unanimously (Ron Schmidt, Ivan Karmel, Leonard Myers, Jerry Pekrul, Bruce Broussard).

Assessment Resolution

Ivan added another option if there is a no show for the appeal.
(5) dismiss the appeal

Chuck asked about the Assessment Enforcement regulations.

Ivan asked whether we wanted to adopt without definition of harassment. There are two elements to harrassment, subjective and objective.

Jerry had question about 4--feeding from docks. There is no absolute.

Leonard Myers moved to accept the Resolution. Ron seconded. All five present voted to pass the resolution (including #5 the option to dismiss). The five were Ron Schmidt, Ivan Karmel, Leonard Myers, Jerry Pekrul, and Bruce Broussard.

Ivan says we need to empower the moorage management to deal with violations. How to implement? Someone has to play the role of the cop. The board needs to recognize that there needs to be due process. The moorage manager needs discretion to note violations. Jay says this document is in conflict with the old complaint process.

We need to get complaint process updated. Architectural committee has a process that has been used for years.

8:20 meeting adjourned.

Respectfully Submitted,



Berni Pilip, Secretary