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Peggy Lewis
Clerk of Council
First Floor, City Hall
1300 Perdido Street
New Orleans, Louisiana, 70112

Re: Communication to the Council

City Park Golf Course Expansion and Privatization

Dear Clerk of Council:

Please place this letter on the City Council's next available agenda and please communicate a copy to each councilmember and the Council's Chief of Staff, together with my request for an opportunity to address the Council on the issues set forth below.

According to a "confidential" term sheet released in 2007 by the City Park Improvement Association (the CPIA) the CPIA is considering a 90-year lease of 400 to 500 acres of City Park (the actual acreage is a matter of dispute) for the purpose of establishing a golf course concession and expanding the footprint of the pre-Katrina golf courses north of I-610, as currently set forth in the Park's Master Plan. The action contemplated is part of a larger proposal by the Bayou District Foundation, Columbia Residential of Atlanta (linked to the former HUD Secretary Alphonso Jackson scandal), Commercial Properties Realty Trust of Baton Rouge, the Fore!Kids! Foundation and Monarch Real Estate Advisors, Inc., among others, to develop the former site of the St. Bernard Housing Development.

The golf component of this proposal is said to cost \$46,000,000, with FEMA said to be funding \$4,000,000, the LRA \$6,000, the State of Louisiana \$6,000,000 and the balance from the otherwise unspecified "private sector." Recently released documents contemplate million dollar memberships and corporate sponsorships in exchange for "commemorative lockers" and other amenities.

According to the term sheet released in 2007 the base rent to be paid by the golf course operator will be a projected \$500,000 a year upon the execution of a lease OR the opening of the golf course. The tenant would also have the right to operate food, beverage and merchandise concessions.

The financial projections released by the CPIA in 2007 obviously pre-date the subsequent downturn in the national and world economies. At the CPIA's recent public hearing, average local golfers expressed dismay at the contemplated high green fees. The State of Louisiana already subsidizes the TPC course on the West Bank for lack of golfers. Golfing, in general, is in decline.

The decision to alter the City Park Master Plan to expand golf operations, and presumably on the granting of the lease, will be made by the Board of Directors of the CPIA, a self-perpetuating body composed of 36 private members, two of them being City Council members, and others designated by elected and other officials, dating back to 1891. Under state law the CPIA is nominally a creature of the State of Louisiana under the auspices of the Department of Culture, Recreation and Tourism. However, the CPIA was delegated the authority to manage the Park by a City Council ordinance in 1891. In that ordinance the Council reserved the City of New Orleans' right to approve any development of the Park.

The Park itself is owned by the City of New Orleans. A history of the City's ownership and governance is set forth in the Louisiana Supreme Court case of *City of New Orleans v. State of Louisiana*, 443 So.2d 562 (La. 1984), a litigation involved the State's unsuccessful attempt to assert control over Audubon Park, the history of which is quite similar to that of City Park. In its 1891 ordinance the Council asserted "it is understood that nothing herein shall be so construed in any manner to change the destination of the park as a place of public resort, the use and enjoyment of which shall be open to all."

While the golf proposal contemplates eventual "execution by all responsible authorities," inquiries of the City of New Orleans' departments of Parkways and Parks and Property Management and the City Planning Commission, which exercise Home Rule Charter responsibilities for municipal parks and properties, reveal that these agencies are generally uninvolved with Park affairs, and specifically uninvolved in the golf course proposal.

The State Department of Culture, Recreation and Tourism has had little to say about this project. The State Division of Administration has not addressed the applicability of the State's public bid and public lease laws, which would appear to apply under earlier legal decisions. The Division of Administration has authorized a contract to develop the proposal now being considered by the CPIA.

On the federal level there has occurred no public discussion on the propriety of using FEMA funds to expand, rather than replace, the golf courses which existed before Hurricane Katrina. Further, at a recent public hearing conducted by the CPIA, it was acknowledged that no environmental assessment or impact statement has been conducted, as may be required by the National Environmental Protection Act since federal funds are involved. Further, there has occurred no real study of the hydrological impact of this development on the Park's existing lagoon system and Bayou St. John.

While the CPIA argues that the golf course is required to raise revenue for the Park, the CPIA has apparently made no effort to explore other revenue measures or to activate the legislatively authorized but currently moribund New Orleans City Park Taxing District (R.S. 33:9038.59) an entity authorized to raise finances for the Park through bond issuances and tax increment financing.

This proposal has largely been avoided by the media save for some Times Picayune coverage on the possibility of higher fees for local golfers and the possible poaching of the Zurich Classic from its current West Bank location. Letters to the Editor run three to one against the proposal. There is active debate on neighborhood List Serve postings. A good documentary history of this otherwise hidden debate may be found at <http://www.cityparknola.org/web/> .

The author of the site has this to say about the development:

In August of 2005, Katrina's floodwaters shut down the golf courses in City Park that had claimed more than half of the available land in the park. Yet the disaster had an unexpected silver lining: areas of the park to which the non-golfing public had been denied access since the 1950's were discovered, welcomed, and enjoyed.

Now, rather than recognize the changing desires of the community for more passive green space, less development, and more affordable recreational options, City Park management is proposing to use \$46 million dollars of public and private money to build brand new and expanded "PGA-quality" golf courses and a new clubhouse.

A recurring theme during the development of the 2005 City Park Master Plan was the desire of many park users for more passive green space and areas of undeveloped natural habitat— basically, to allow more "park" in City Park—and the desire of many users for more varied recreational options, all of which required space. The 2005 plan attempted to balance some of these desires with the ever-present need for revenue.

The 2007 revision of the Master Plan and the expensive proposals for the new golf complex represent a major step backward for City Park and for the citizens who worked so hard to bring about improvements that could benefit all park users. Is a \$46 million "PGA-quality" golf complex, with all its associated high maintenance and management expenses, really the best way to provide an affordable golfing experience for New Orleans' public course golfers?

It is time for the City of New Orleans to enter this debate. The City Council delegated its authority to the CPIA by ordinance in 1981. It is time for the Council to review that grant of authority and to see to it that the departments of Parkways and Parks and Property Management and the City Planning Commission exercise their Home Rule Charter responsibilities over City Park. At the very least, the Council should hold public hearings on this issue.

Sincerely,

Michael W. Tift