



BOARD OF COMMISSIONERS
Regular Meeting of Monday, May 1, 2017

MINUTES

(Approved as Amended by the Board of Commissioners July 10, 2017)

Commissioners Present:

Darryl Berger (Arr. 2:15)	Sue Klein	Kimberly Rosenberg
Steve Caputo	Nicholas Musso	David Speights
Brian Furness	Jim Oliver	Robert Watters

Absent: Jeremy DeBlieux, Duke LoCicero, Dennis Pearse, Ted Young

Committee Co-Chairs and Staff:

Bob Simms, Security and Enforcement Committee	Emily Remington, Executive Director
Gail Cavett, Infrastructure Committee	

Guests¹ (Affiliation if listed)

B. McGovern, French Quarter Business Association	Mary Hewes, VCC Foundation
Susan Guillot, French Quarter Citizens	Albin Guillot, French Quarter Citizens
Beverly Fulk, FQMD Committees	Ann Kesler
Christine Bondio, Dickie Brennan & Co.	Meg Lousteau, VCPOA
Louise Saenz, French Quarter Citizens	B. McGovern, French Quarter Business Association

I. Call to Order, Roll Call, Introduction of Attendees

Chair Jim Oliver called the meeting to order at 2:06 pm. The Secretary called the roll and stated that a quorum was present.

II. Executive Session for consideration of legal matters

The Board voted unanimously (M1) to go into Executive Session to discuss legal issues. (Regular session resumed at approximately 2:20 PM.)

¹ From sign-in sheets. Spelling is not guaranteed. Undecipherable names not included.

III. Public Comment

Chair Jim Oliver reminded members of the public wishing to address particular items to record their interest on the sign-up sheet and requested that members of the public limit themselves to one intervention of not more than two minutes.

The agenda (Att. 1) was noted.

IV. Approval of March 6 and March 20, 2017 Minutes

Commissioner Watter's Motion (M2) to approve the Minutes (Att. 2 and 3, as approved) of the March 6, 2017 regular meeting and March 20, 2017 Special Meeting was approved unanimously.

V. Chair's Comments

Chair Oliver welcomed Sue Klein, the appointee of North Rampart Street Main Street, Inc.

- a. Update on the Status of the CEA (FQMD-City-Convention and Visitors Bureau Cooperative Endeavor Agreement).

Chair Oliver reported that FQMD's outside legal counsel had recommended changes to Section 12(10) to address the issue of possible FQMD supervisory responsibility for French Quarter Task Force (FQTF) operations that could leave FQMD open to legal action. The specific recommendations were as follows (deletions struck through, additions underlined):

FQMD representatives, including the FQMD's Administrator, the FQMD Agreement Monitor and the Officers of the Security and Enforcement Committee, shall not have any supervision or authority over the manner in which the Detail Officers perform their police or Detail Officer duties. The FQMD's Administrator shall monitor ~~the work performance of the Detail Officers,~~ and their adherence to Post Instructions, the location of the Detail Officers and/or that of the vehicle used by the Detail Officers, and all App calls received; coordinate the Detail Officers' clocking in and out, assignment of Post instructions, assignments of a vehicle and other equipment for their shift; and monitor ~~coordinate~~ Detail Officer response time to App calls. The FQMD Executive Director and FQMD Administrator are to work with the 8th District Commander regarding deployment ~~and supervisory~~ decisions.

Chair Oliver stated that FQMD would not sign the CEA until the changes were made. Commissioners Watters and Rosenberg suggested the possibility of making the changes during Council consideration. Chair Oliver stated that he would coordinate with Deputy Mayor Ryan Berni.

Commissioner Speights' Motion (M3) to approve making the changes was approved unanimously.

- b. Ratify additional legal fees associated with the RFP process

Chair Oliver set out the need for additional legal review of the FQTF-monitoring Request for Proposals (RFP) and asked that the Board approve the necessary expenditure. Commissioner Speights' Motion (M5) that the expenditure be approved, provided that the expenditure not exceed \$3000, was approved unanimously.

- c. Ratify legal fees for determining FQMD's liability re the CEA

Commissioner Rosenberg's Motion (M4) to ratify approval of the payment of \$3,917 for additional legal fees in connection with the review of FQMD legal liability issues in the FQMD-CVB-City CEA was approved unanimously.

- d. Authorize the Executive Director to take actions necessary to ensure the operation of the French Quarter Task Force (FQTF)

In response to Commissioner Berger's questioning of the need to authorize what the Executive Director is supposed to do, Commissioner Rosenberg stated that a formal motion would underline the Executive Director's responsibilities. Commissioner Furness underlined that the scope of the Executive Directors actions would have to be as set forth in the FQMD-CVB-City Cooperative Endeavor Agreement, Louisiana law and city regulation, and the FQMD Bylaws. Mr. Simms stated the Executive Director would need to return to the Board for guidance in case of problems.

Commissioner Musso's motion (M6) that the Executive Director be authorized to take necessary actions to ensure the FQMD's FQTF operations was approved unanimously.

- e. Authorize the Executive Director to receive and control administrative access to the FQTF App.

Chair Oliver explained that the Executive Director has currently no role in the app, which FQMD does not own or control. The sole purpose of a motion is to address the need for a defined administrative process for access and, noting the problems

attendant upon Pinnacle's sudden departure, for the Executive Director to have administrative control to remove access. Some questioned whether the definition of "control" required additional context to ensure that the authority would be clearly limited to administrative issues.

Mr. Simms observed that he has App access on SDT's behalf, and that some App data belong to the NOPD and is protected by confidentiality understandings. He reminded the Board of SDT's involvement and sensitivity to (perceived) encroachments. SDT's current position is "things are fine now."

Chair Oliver confirmed that Mr. Simms does indeed have App access, which is due to his SDT connection that gives him higher level access. Thus, the Executive Director would have to go Mr. Simms to remove access in case of problems. The objective of the Motion is to clarify that FQMD's employee would have administrative access to the App.

Commissioner Rosenberg's motion (M7) that the Executive Director be authorized to receive and have control of administrative access to the FQTF App on behalf of the FQMD was approved unanimously.

f. Ratify motions of Executive Session of March 6, 2017

Chair Oliver stated further review of Louisiana law called for the Board to ratify in regular session motions considered and approved in Executive Session. Thus, the Board need to ratify motions (Att. 4) considered on March 6, as follow:

(1) Personal Time Off

Executive Director Remington stated that the conclusions and recommendations were inequitable and contrary to her understanding with then-Chair Steve Pettus at the time she was hired. She noted further that the personal time off policies of other bodies, including in the City's Civil Service. She urged that the Board reconsider the policies and how they would affect staff recruitment and retention (Statement at Attachment 5).

Commissioner Berger observed that Board had decided on the policies after full discussion in Executive Session, and suggested that Commissioner Watters withdraw the Motion pending further discussion. Commissioner Watters withdrew the Motion (M8).

(2) Executive Director Compensation

Commissioner Watters' motion that the Motion (M9) regarding Executive Director compensation considered in Executive Session be approved was approved unanimously.

VI. Executive Director's Report

Executive Director Remington reported that:

1. The audit should be submitted to us by the end of the month, well in advance of the June 30 deadline to submit to the State;
2. Financial disclosure forms are due to the Louisiana Board of Ethics by May 15;
3. Bourbon Street repairs and closures have been announced, with a schedule produced;
4. The City's much anticipated traffic study will be published this month, with implications for traffic patterns in the French Quarter;
5. VCPORA will host its annual Mother's Day concert on May 14;
6. GiveNOLA Day, May 2, is a citywide day of philanthropy that will benefit several French Quarter nonprofits; and
7. French Quarter Business Association (FQBA)'s graffiti abatement program is scheduled for May 13.

VII. Treasurer's Reports: March, 2017

In the absence of Treasurer DeBlieux, discussion and action on the March, 2017 Treasurer's report (Att. 6) were deferred.

VIII. Items relating to FQMD's 2016 Audit

Noting that the Audit Questionnaire responses submission (Att. 7) must be formally approved, the Board approved Commissioner Rosenberg's motion (M10) to approve the Louisiana Compliance Questionnaire for Audit Engagements of Governmental Agencies responses unanimously.

IX. Report by Co-Chair, Infrastructure Committee

- a. Discussion (Bike-Share Plan)

Co-Chair Gail Cavett reported that fixed bike stations are unnecessary for Bike-Share Program operations; all the necessary technology is built into the bicycles. Thus, public bike corrals are suitable. The proposed bike stations are to provide advertising under the guise of “tourist information.” Advertising, however, which the City states funds private company participation, is recommended for bike stations on the periphery of the French Quarter as shown on the Map (Att. 8) of recommended bike stations.

Public opinion is being solicited on bike station locations. However, voting is worldwide, diluting the influence of local organizations, some of which oppose bike stations in the interior of the French Quarter. Ms. Cavett proposed that the FQMD reiterate its opposition to bike station locations, docks, hubs, kiosks, and Bike Share bike parking and all advertising in the interior of the French Quarter, and approve bike station locations as recommended by the Infrastructure Committee (see Map at Att. 8).

Commissioner Klein stated that the Bike Share program is a concern for North Rampart Street bicycle rental shops, and that bike station locations should be coordinated with street car stops. Ms. Cavett stated that bike station locations reflect transit stops, and that ways had been worked out to avoid advertising. Meg Lousteau underlined the problems presented by visual clutter.

Commissioner Watters noted that business owners had not been separately consulted.

Commissioner Rosenberg’s Motion (M11) that the FQMD Board of Commissioners oppose Bike-Share station locations, docks, hubs, kiosks, and Bike Share bike parking in the interior of the French Quarter and all advertising on locations within the interior of the French Quarter; and approve public bike corral locations for bike parking as indicated on the map (Att. 8) provided to the Board by the FQMD Infrastructure Committee was approved unanimously.

b. Nominate new Infrastructure Committee member and Co-Chair

Chair Oliver nominated Commissioner Sue Klein to be a member and Co-Chair of the Infrastructure Committee. Commissioner Berger’s Motion (M12) to approve the nomination was approved unanimously.

X. Report by Co-Chairs, Security and Enforcement Committee

Pirates Alley. Co-Chair Simms reviewed Michael Tilbury’s report on quality-of-life problems in Pirates Alley, Jackson Square and adjacent Royal Street, which included excessive noise, litter, vagrants, and street performers. After reviewing a list of

control measures, he noted that the French Market Corporation has hired an off-duty NOPD police detail officer on weekends for Jackson Square

Royal Street. Co-Chair Simms noted similar problems, including loud noise (up to 104 decibels), vagrants, aggressive solicitation, and the Saint Vader show facilitated by portable generators. Businesses in the 100-400 Blocks have hired off-duty Levee Board police to patrol those blocks during Royal Street Mall hours. He also noted that the Health Department has been tasked by NOPD to take sound measurements. Co-Chair Watters informed that Mall hours were 11 am–4 pm on weekdays and 11 am–7 pm on weekends. The FQTF was instructed to patrol in non-Mall hours; Mr. Simms said that the FQTF traffic detail could potentially be utilized to manage the barricade times. Messers. Simms and Watters underlined that merchants want the Mall but want the abuses corrected and laws enforced.

FQTF Daytime Officer. Mr. Simms stated the need for authorization to provide for the additional daytime traffic officer. Chair Oliver stated that no motion was necessary, and pointed to the authority given to the Chair and Treasurer to provide the FQTF with up to \$5,000 without prior Board approval.

FQTF vehicle. Mr. Simms stated that the vehicle purchased by French Quarter Advocates remained in Bryan Drude’s carriageway pending the City’s completion of the necessary paperwork.

Aggressive solicitation. As an indication of the value of aggressive solicitation enforcement, Mr. Simms pointed to the arrest of a suspect wanted for murder that the FQTF encountered while responding to an Aggressive Solicitation App call.

The full Committee report is at Att. 10.

XI. RHI Leadership Summit on Nightlife Economies

Commissioner Rosenberg announced that the Responsible Hospitality Institute (RHI) will be sponsoring a program on managing the nightlife economy in New Orleans in February 2018 (weekend after Mardi Gras). The Saturday session will focus heavily on law enforcement challenges, but will bring in participants from all over the country. Street performers in pedestrian malls will be a topic. The program follows up on a previous major RHI study and event in New Orleans. FQMD may participate; Ms. Rosenberg will be present.

XII. New Business

No new business was brought before the meeting.

XIII. Future Meetings: July 10, 2017

XIV. Adjournment

Adjournment (M13) was approved by acclamation at 4:20 pm.

Respectfully submitted

Brian R. Furness

Brian R. Furness, Secretary
(signed electronically)

Annex 1: Motions approved at the Meeting of May 1, 2017
Annex 2: List of Attachments

ANNEX 1: Motions² – Meeting of May 1, 2017

1. *Executive Session (Agenda II)*. Kim Rosenberg: "...that the Board go into Executive Session to discuss legal issues." Second: Speights. Approved unanimously.
2. *Minutes (Agenda IV)*. Robert Watters: "...that the Minutes for the March 6, 2017 Regular Meeting and the March 20, 2017 Special Meeting be approved." Second: Speights. Approved unanimously.
3. *CEA Changes (Agenda V.a)*. David Speights: "...that as recommended by FQMD's outside legal counsel, the Board approve changes to the FQMD-CVB-City Cooperative Endeavor Agreement Section 12 so that Sec. 12(10) reads as follows (deletions struck through, additions underlined):

FQMD representatives, including the FQMD's Administrator, the FQMD Agreement Monitor and the Officers of the Security and Enforcement Committee, shall not have any supervision or authority over the manner in which the Detail Officers perform their police or Detail Officer duties. The FQMD's Administrator shall monitor ~~the work performance of~~ the Detail Officers,² ~~and their~~ adherence to Post Instructions, the location of the Detail Officers and/or that of the vehicle used by the Detail Officers, and all App calls received; coordinate the Detail Officers' clocking in and out, assignment of Post instructions, assignments of a vehicle and other equipment for their shift; and monitor ~~coordinate~~ Detail Officer response time to App calls. The FQMD Executive Director and FQMD Administrator are to work with the 8th District Commander regarding deployment ~~and supervisory~~ decisions.

Second: Rosenberg. Approved unanimously.

4. *Legal Fees (Agenda IV.c)*. Kim Rosenberg: "...that Board approve payment of additional legal fees of \$3,917.00 in connection with the review of legal liability issues in the FQMD-CVB-City Cooperative Endeavor Agreement." Second: Berger. Approved unanimously.
5. *Legal Fees (Agenda IV.b)*. David Speights: "...that the Board approve expenditures of up to \$3,000 for additional legal fees in connection with the Request for Proposals (for the FQTF Administrator position)." Second: Rosenberg. Approved unanimously.
6. *FQMD Responsibilities re the FQTF (Agenda V.d)*. Kim Rosenberg: "...that the FQMD Executive Director be authorized to take all action as necessary to ensure the operation of the FQTF." Second: Musso. Approved unanimously.
7. *FQTF App Access (Agenda V.e)*. Kim Rosenberg: "...that the FQMD Executive Director be authorized to receive and control administrative access to the FQTF App on behalf of the FQMD." Second: Musso. Approved unanimously.

² "Approved unanimously" means the Motion was approved by all Commissioners present.

8. *Ratification of Executive Session Motions – Personal Time Off (Agenda V.f(1))*. Robert Watters: “...that the Motion regarding Personal Time Off considered in Executive Session be approved.” Withdrawn.
9. *Ratification of Executive Session Motions – Executive Director Compensation (Agenda V.f(2))*. Robert Watters: “...that the Motion regarding Executive Director compensation considered in Executive Session be approved.” Second: Musso. Approved unanimously.
10. *Audit Questionnaire (Agenda VIII)*. Kim Rosenberg: “...that the proposed Louisiana Compliance Questionnaire for Audit Engagements of Governmental Agencies be approved.” Second: Watters. Approved unanimously.
11. *Bike-Share Program issues (Agenda IX.a,d)*. Kim Rosenberg: “...that the FQMD Board of Commissioners (1) *opposes* Bike-Share station locations, docks, hubs, kiosks, and Bike Share bike parking in the interior of the French Quarter bounded by the riverside curb of North Peters Street and Decatur Street, the downriver side of Canal Street, the lakeside curb of North Rampart Street, and the downriver curb of Esplanade Avenue; (2) *opposes* all advertising on locations within the interior of the French Quarter; and (3) *approves* locations for bike parking as indicated on the map (Att. 5) provided to the Board by the FQMD Infrastructure Committee.” Second: Speights. Approved unanimously.
12. *Infrastructure Committee nominations (Agenda IX.b,c)*: Upon recommendation of Chair Jim Oliver, Darryl Berger: “...that Commissioner Sue Klein be approved to be a member and Co-Chair of the Infrastructure Committee.” Second: Rosenberg. Approved unanimously.
13. *Adjournment (Agenda XIV)*. “...that the meeting be adjourned.” Approved by acclamation.

ANNEX 2: Attachments – Meeting of May 1, 2017

1. Agenda — Meeting of May 1, 2017
2. Minutes — Regular Meeting of March 6, 2017
3. Minutes — Special Meeting of March 20, 2017
4. Motions approved in Executive Session March 6, 2017
5. Remarks by Emily Remington (on Agenda V.f)
6. Treasurer’s Report-March, 2017: Operating Account/FQTF Account (action deferred)
7. Audit Submission: “Louisiana Compliance Questionnaire”
8. “Recommend NOLA Bike Share and Public Bike Corral Locations.” (Map prepared by the FQMD Infrastructure Committee) – See Motion 11.
9. Infrastructure Committee Report for the March 6, 2017 Meeting
10. Security and Enforcement Committee Report for the March 6, 2017 Meeting