



## Board of Commissioners Meeting Minutes

Monday, 21, September 2020

2:10 pm – 4:15 pm

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Via Teleconference:

<https://meetings.ringcentral.com/j/2047589217>

Meeting ID: 204 758 9217

Video:

<https://meetings.ringcentral.com/personallink.html>

Audio:

+1 (469) 445 0100

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### Commissioners Present:

Susan Klein  
Heidi Raines  
David Bilbe  
Robert Watters

Juliet Laughlin  
Jeremy DeBlieux  
Christian Pendleton  
Frank Zumbo

Jane Cooper  
Gail Cavett  
Mamie Gasperez  
Matthew Emory

**Commissioners Absent:** Steve Caputo

**Executive Director:** Karley Frankic

### Guests:

Chris Young, FQBL  
Brittany McGovern, FQBA  
Sherry Cannon, Gov. Affairs Comm.; VCPORA  
Glade Bilby, FQC, SEC  
Danielle Leger  
Walt Leger, NO&Co  
Jodi Poretto, FQC

Bob Simms, FQTF  
Erin Holmes, VCPORA  
Allison Cormier, Dist. C- Neighborhood Engagement  
Dave Jorgenson, Livability Comm.  
Leslie Alley, FMC  
Michael Stein, The Lens  
Bridget Neal, Lt. Gov. Office, FQ Special Projects

- I. CALL TO ORDER: ROLL CALL: INTRODUCTION OF ATTENDEES at 2:11 pm. Mr. Frankic read the Agenda as noticed.
  
- II. PUBLIC COMMENT: Mr. Pendleton noted anyone who wishes to comment on actionable items must announce their name for the recording and indicate the item(s) on which s/he wishes to comment. It was announced all signed in via the RingCentral teleconferencing application. Everyone was asked to mute their phone when not speaking, and do not speak over anyone. Also, to the best of our knowledge, FQMD is in full compliance of the Governor's COVID-19 directive regarding teleconferencing as it applies to Louisiana Open Meetings Law.

- III. APPROVAL OF JULY & AUGUST 2020 BOARD MINUTES – Following discussion for a requested change in the manner votes are recorded, this was deferred to the October Board Meeting.
- IV. TREASURER’S REPORT: JULY & AUGUST - Chairperson DeBlieux reviewed the reports distributed via email.
- a. JULY – The Balance of the SPPP account is \$ 330,979.10, the General Operating account is \$ 292,541.28, and the FQMA account is \$8,985.64 for a total of \$ 632,506.02. There is nothing aging in Accounts Receivable and normal items aging in Accounts Payable. The Total Liabilities and Equity is \$647,258.02. The Expenses show the audit fee of \$8,000.00. All expenditures are acceptable with no odd or irregular entries. For January through July due to a lack of funding, our contract revenue is down with no unexplained expenditures, with our loss at \$123,514.74. For January – July Administration and Contract Fees are down substantially; Police patrols, administration and maintenance are down substantially to trim expenses wherever possible.
  - b. AUGUST - The Balance of the SPPP account is \$ 283,598.00, the General Operating account is \$ 276,361.53, and the FQMA account is \$8,985.64 for a total of \$ 568,945.17. There is nothing aging in Accounts Receivable and normal items aging in Accounts Payable. Mr. DeBlieux noted that John Wyatt Foard is FQMD’s outside accountant. The Total Liabilities and Equity is \$583,697.17. There are no odd or irregular entries. Our contract revenue is down with no unexplained expenditures, with our loss at \$55,199.33. For the year, there has been a loss of \$178,714.07. The Operating Budget to Actual shows a deficit of \$6,955.96 which is the best that can be expected under the circumstances. The SPPP Budget to Actual shows the budgeted amount at \$19,133.36 with the actual at \$170,808.32. Patrols, administration and maintenance is down. The budgeted purchase of a vehicle was not made.
  - c. Ms. Cooper motioned ( **M1**), to “ approved the July and August Treasurer Reports...”, seconded by Ms. Gasperecz and unanimously approved.

**Complete Treasurer’s Reports were submitted with the Board Packets and shall be posted along with the minutes on the FQMD website.**

- V. CHAIRMAN’S COMMENTS – Mr. Pendleton noted that he appreciated everyone’s cooperation in meeting a second time this month. Also, that as we have robust conversations on sensitive topics, we continue to be respectful in our comments to achieve consensus by focusing on what is best for the entire French Quarter and leave it a better place than how we found it.
- VI. EXECUTIVE DIRECTOR’S REPORT – Ms. Frankic
- a. Executive Summary of FQ Security Study –  
The Summary was made public on August 28, 2020. Ms. Frankic and Chairman Pendleton presented the Summary on the Newell Norman Radio show on September 1, 2020 and it re-aired on September 4<sup>th</sup>. The Executive Summary is on the FQMD website and has only received positive comments.
  - b. FQ ECONOMIC DEVELOPMENT DISTRICT (FQ EDD) TAX – On August 20<sup>th</sup>, the City Council (governing authority for the FQ EDD) approved the following:

1. The renewal of the 2015 ballot language.
2. Authorization of Councilmember Palmer to be the signatory on all legal documents, including a Cooperative Endeavor Agreement (CEA).
3. The intent of the FQ EDD Governing Authority to enter into a CEA with the FQMD to administrate the remittances into the FQ EDD Trust Fund for the purpose of funding public safety, notably, the FQMD's Supplemental Police Patrol Program (SPPP) using post-certified officers and the FQTF App.

Directly following the City Council action, FQMD began a stakeholder campaign to assess how the Trust Fund revenues should be allocated, should the District voters elect to renew the 2015 .2495% sales tax at the December 2020 election. Ms. Frankic explained the format and demographics used to validate the questionnaire used.

1. Questions used:
  - Contact information of the respondent for demographic verification and future stakeholder engagement
  - What demographic best described the respondent
  - An open-ended question to allow free response to stakeholder priorities for the funding enhanced and supplemental public safety services
3. Stakeholder priorities: Multiple indicators emboldened.
  - Trust Fund Administration
    - **Cannot be terminated after the election**
    - **Cannot be altered by elected officials**
    - **Revenues cannot be used to replace City resources**
    - **Transparent and Accountable financial management**
    - Audited financials
    - Public budget process
  - Security
    - **Post-certified officers**
    - **NOPD District 8 command and supervision**
    - De-escalation technique training and use
    - Working relationship with City's Department of Health
    - Coordination with New Orleans Homeland Security & Emergency Preparedness (NOHSEP)
    - FQMD SPPP maintained and expanded staffing levels, strategies, and patrol routes
    - Utilize technology
    - Monthly reporting
    - Use small vehicles for patrolling vs. foot patrol
    - **Maintain FQ Task Force App functionality**
    - Prioritize worker & residential safety
    - Address drug dealing & prostitution
    - Illegal street peddling
  - Quality of Life - **Enforce laws that relate to QOL**
    - Sound violation enforcement by City Health Department
    - Traffic, oversize vehicles & speeding violations
    - Disorderly conduct
    - Public urination & defecation
    - **Homeless resource services**

- Livability issues that may fall outside of FQ EDD ballot language:
  - **Sanitation & Graffiti violations**
  - **Sidewalk repairs**
  - Obstructing right-of-way
  - Flooding mitigation
  - Improve lighting
  - Bicycle safety
  - Support local businesses
  - Musician loading & unloading

Mr. Frankic noted that these issues shall be vetted to see what qualifies as “safety” pursuant to the FQ EDD legislation. Talks are ongoing with NOPD and NOSHEP to determine what a unified police force would look like, and to be transparent and accountable. FQMD shall work with the City and the City Council to negotiate CEA details for the FQ EDD tax components.

Ms. Cooper asked about public safety and enforcement. Currently the SPPP enforces security and public safety. The City of New Orleans Department of Safety and Permits enforces building codes. Ms. Raines noted that the Board did approve by vote the expansion of the SPPP from strictly vehicle enforcement to other public safety issues regarding quality of experience categories. This expansion of enforcement (aggressive solicitation, improper signage, sanitation, vehicular/pedestrian/bicycle/oversize vehicle violations, and obstruction of a public passage and right-of-way) was first vetted in the Finance and Development Committee and coordinated with the Security and Enforcement Committee and the NOPD District 8 Commander. Ms. Cooper noted that this enforcement expansion should be included in the CEA development. Mr. Pendleton noted that NOPD does have the authority to ticket violations beyond security issues, like sanitation. Mr. DeBlieux reminded everyone the FQ EDD legislation specifies funding of public safety issues only. Ms. Klein shared that she had been researching what constitutes public safety. According to various national and international governmental and institutional sources, public health issues as well as public security are subcategories of public safety. She also shared that unlike the FQ Improvement Fund which was a hotel industry self-imposed revenue assessment, the FQ EDD is strictly public funds which widens the scope of accountability. Mr. Pendleton noted these details can be addressed by Ms. Williams who was retained by FQMD to advise on the FQ EDD tax CEA. He further stated SPPP services are impacted due to the COVID-19 financial impact and program services shall expand with revenue growth, but he feels FQ security is the primary concern now.

c. Additional items shall be reported by the Committees and her schedule was in the Board packet.

VII. FINANCE & DEVELOPMENT COMMITTEE – Reported by Ms. Raines at the September 14, 2020 Board Meeting.

VIII. GOVERNMENT AFFAIRS COMMITTEE – Mr. Deblieux reported that the Committee shall meet on Wednesday, September 23 to discuss two items:

- a. Items for inclusion at the FQ EDD CEA meeting with retained attorney Ms. Sharonda Williams for development of the first CEA draft.
- b. The \$1,000,000.00 State Katrina relief grant application to allocate allowable project(s) to be funded.

IX. LIVABILITY COMMITTEE – Mr. Pendleton

- a. 5G Tower Update - Commissioner Gasperecz, also Vieux Carré Commission VCC) Chairman

reported this past year the VCC has had a 50% Commissioner turnover and the cyber attack wiped out their contact list; anyone not receiving notices should contact the VCC for inclusion. All VCC meetings are open to the public via teleconference and comments are received in advance of the meetings. The VCC attempts to balance preservation with commerce. She is proud of the ongoing synergy with FQMD, FQBA, VCC Foundation and all the residential organizations, especially on the matter of 5G. She shared the VCC is considering a non-binding resolution on 5G Tower placement in the French Quarter. VCC Director Mr. Bryan Block is on both Internal Tiger Teams for Pedestrianization and 5G. If pending receipt of answers to all their questions and the prototype presented is not acceptable, they shall recommend denial within their legislative scope. Other cities have lost at the Federal Supreme Court level on 5G placement. Pending the State Office of Historic Preservation's (SHPO) recommendation, the placement of French Quarter 5G Towers has been suspended.

- c. Pedestrianization – ongoing.
- d. Sidewalks and Lighting - FQMD has requested the contract details for the bidding process and what vendor accountability measures are in place, since there are repeated delays for lighting and sidewalk projects. Additionally, we requested confirmation that warranties exist, and their scope to include time-frames and what City employee monitors these projects for accountability.

#### X. SECURITY AND ENFORCEMENT COMMITTEE- Chairperson Emory

- a. Report on Supplemental Police Patrol Program by Robert Simms – Lt. Rhodes the long-time supervisor has been transferred to another District. Sgt. Blackmon is the new supervisor. There have been no issues so far from G4S elimination. The vehicles are getting old. Both of Mr. Torres' (vehicles 1&2) are no longer in service. Vehicles 4,5,6 have continuing repairs. There are staffing problems whenever a Hurricane emergency or protest coverage is ordered. July was a 5-week month, so therefore some figures show higher. Also, the NOPD statistics are not segregated for the French Quarter, so it covers the entire 8<sup>th</sup> District. Crime is down due to COVID-19 lockdown. Shootings in near proximity to the French Quarter are at an all-time high. These statistics are from the daily NOPD log.

Mr. Emory noted that world-wide conditions have created more tension and violence. Ms. Klein noted the volume of “street partiers” and questioned why would they buy goods from legitimate businesses once Bourbon Street is fully functional, after they have been carrying their own product in? Ms. Cavett agreed, and this non-business related activity includes illegal errant behavior including motorcycle and car racing, and other illegal activities. Perhaps this is an opportunity for FQMD to decide what initiatives to take on, so that when the FQ totally opens we will have an impact on safety, cleanliness, and other quality of experience categories. NOPD had to create a Canal Street Unit to mitigate violence on that corridor. Currently, the Louisiana State Police (LSP) and the FQMD SPPP mitigates the violence on the FQ side of Canal Street.

It is noteworthy that illegal activities including the unlicensed sale of food and alcohol is not being addressed by the City. Mr. Emory stated this is not the first time the City chose to police by discretion. This has been done and continues to be done because of the processes required to book certain illegal activities. Mr. Watters noted we should ask the City to have the NOPD enforce excessive gathering without masks, illegal selling of alcohol and food on the street, illegal glass bottle sales and the illegal sound systems. His concern is that non-enforcement

promotes bad social habits that will continue and be exacerbated when the French Quarter is totally opened, especially on Bourbon Street. He suggested this could be the time to take positive action, previously not acted upon. That being, one-way pedestrian traffic on Bourbon Street with middle of the road dividers, two police officers per block with two police officers walking the corridor. Ms. Cooper agreed that this is the time for positive action. She was unsure of one-way pedestrian traffic, but laws that are now blatantly being ignored should be addressed.

Chairman Pendleton charged Ms. Frankic and Mr. Emory to meet with Capt. Caprera to discuss this problem. He shared that he and Ms. Frankic met with Capt. Caprera and Lt. Blackman to introduce themselves and offer FQMD's support in her new position. Capt. Caprera was told the police is struggling with these errant crowds because he was informed, they have the right to assemble. Mr. Watters found it interesting that there have been two separate lawsuits brought by Louisiana bar owners and the Federal District judge ruled that in times of emergency, your federal rights are suspended. Therefore, if federal rights of businesses are suspended, why not individuals? This question should be answered.

Ms. Klein recommended to move this along, that Capt. Caprera be briefed prior to attending the next SEC meeting to attempt some resolution of this serious issue, and to be reported at the next Commission Meeting. A follow-up meeting with the NOPD Superintendent may be required. Ms. Cavett noted this is the perfect opportunity to show why FQMD is necessary for the survival and prosperity of our community. Mr. DeBlieux suggested that Ms. Frankic contact Councilmember Palmers office to apprise her of these business & resident observations, and to see if she can bring some pressure to bear on the City, NOPD, and Safety and Permits to stop these illegal activities. Ms. Klein noted that Ms. Cormier, District C Office of Neighborhood Engagement representative is attending this meeting. She asked Ms. Cormier if she would query the City Attorney to determine whether constitutional rights are suspended during a proclaimed emergency, given the recent ruling by the Western District of Louisiana Federal Court.

Mr. Simms noted that NOPD staffing has remained the same since 2015, with an additional three hundred and thirty (330) extra officer hours per day primarily provided by the LSP. Therefore, when LSP Troop N leaves there will be no officers to fill that void. In 2019, LSP responded to sixty calls per day and that burden will fall back on the understaffed NOPD. Mr. Emory felt therefore the FQ EDD tax should concentrate on security. Ms. Klein felt the CEA should not be limited to security, since the tax is for a five year period and our allocation options should be broader in the public safety spectrum.

Ms. Cavett reiterated the need for FQMD to encourage the City to move on the enforcement of errant behavior and illegal activities that will cripple our businesses.

- b. Review of Supplemental Police Patrol Program deployment plan as per Board Motion on June 15, 2020 - Deferred

## XI. DISCUSSION OF BOARD PARITY

- a. Board Parity Recommendation - Mr. Bilbe noted the Parity Team (David Bilbe, Sue Klein, Steve Caputo and Jane Cooper) met a couple of times to discuss business and residential Board parity.

He noted there is a lot of history and real or perceived, emotions necessitate looking at this with a clean slate. The recommendation is that FQMD add two residential seats, one from VCPORA and FQC. He noted if we revisit recent items such as the pedestrianization, traffic, post-certified offices, we have been almost on 100% agreement. Therefore, it was determined that the additional seats would not cause dissention.

DISCUSSION – Mr. Zumbo asked why this is necessary? Mr. Bilbe said it was centered around a historical background; residents felt their voice was not heard on things that mattered to them. Ms. Cooper noted that the Team was brought together at the recommendation of the FQMD officers, and the residents that live here every day have as much of a vested interest in the future of the French Quarter as the businesses. Ms. Klein noted that if an issue comes up where the business and residential positions would be in opposition, the residential Commissioners do not have a fair shot at the vote, because residential representatives are in the minority. Negotiation to consensus would come from a better process, if both sides of an issue were equally represented. Also, most of the committee work has been done by the residents and therefore, they have earned more seats at the table. Ms. Cavett feels parity would enhance FQMD's future role in this community. FQMD's scope of work has expanded. We are now asking to administer public tax dollars. This brings FQMD to a higher level and to rise to that level we should recognize the contributions made by residents to the community. Her desire is that the voters would have confidence in our organization since FQMD will be administering the public tax revenue we are asking them to vote on, by knowing that their interests will be equitably represented.

Mr. Pendleton noted that FQMD is not an organization, but a State Commission. The original organizers set the number of representatives and any changes would have to be made at the State level. Mr. DeBlieux doesn't believe recently there has been disparity on issues to warrant parity on resident versus business lines. He feels there is consensus, so unless there is an ulterior motive, he does not see the need. Also, the money that has come to the FQMD for its work has come from business retail sales tax or the hotel self-imposed tax. He appreciates that the residents must vote to approve the FQ EDD tax, but he does not see the need to make Commission changes at this time. Ms. Klein clarified that the FQ EDD sales tax is paid for by the person making the purchase and not the business. If a business's sales model is to absorb the .2495% sales tax (25 cents on a \$100.00 purchase), that is their business decision. Also, she believes if a divisive issue comes up without parity, it may not be discussed as long or vetted as thoroughly before a vote is taken. Since we have been in step for 99% of the decisions, she doesn't understand why there is a fear of adding more residential representation, especially since they do most of the volunteer work. Ms. Laughlin noted that Willie's Chicken Shack was an issue where there was not agreement. Mr. Watters said he does not see the need to change. The idea of adding to the Board doesn't offend him, but he would prefer adding someone else from hospitality employees or the music industry. He feels that most of the important work of FQMD is done at the committee level by the residents because they are not employed and have the time to do it, and they are adequately represented on committees. Mr. Pendleton acknowledges various Commissioners passion for the French Quarter and the work they have put into that passion. He reiterated we can have these tough conversations and, in the end, perhaps have to agree to disagree. Ms. Cooper stated that VCPORA would be happy to share a position with FQC. Also, she noted many French Quarter residents work for a living and doesn't think we should get into a situation where we are casting judgement on who has more time to serve on

Committees, which we all agree has needed work to be done. Ms. Cavett said the residents bring value to the hospitality industry; our homes and buildings are marketed throughout the world to bring revenue to the French Quarter and make our community an authentic experience. Further, the residents have put in more volunteer hours, pushed more legislation, and advocated more than any other group. Residents have affected positive results for FQMD through their community participation and passion for their neighborhood. Juliet said the fact that residents must defend their value in the District shows that they are not valued; having to explain residential value is problematic. Ms. Laughlin challenged that the enabling legislation is clear on Commission composition of residential and business, and not other groups or individuals. We are asking for parity of the two groups that the State mandated, and the issue should not be confused with bringing up types of representation.

Mr. Pendleton circled back to Mr. Zumbo's original question of why parity is needed?

Ms. Cavett stated that currently the seven to five makeup of the Board does not represent equality. Mr. Emory asked about other residential organizations. Ms. Cooper noted FQ Advocates is the only other know residential entity and when she approached someone in their leadership, he confirmed they are not active. She wants to remind everyone that the Parity Team was asked to work on this issue and come up with recommendations which we did. Mr. Emory asked about vetting Patio Planters. Ms. Cooper said the Team can explore that if they meet the qualifications of the FQMD empowering legislation. Ms. Raines felt there are two steps to this: 1) Does inequality exist and 2) How do we go about making the Board equal. Also, we should not ignore that business and residential are both important parts of our fabric. She noted the recent example of when she was nominated to be a FQMD officer. She was told her service was not valued as to what she had developed for FQMD, including new committee development and structure or her skill-set, but that being a resident was a problem. She feels Board parity would be a potential solution to putting things like that to rest. Mr. Watters recommended that the Team should have discussions with individuals that originally formed FMQD to understand the structure put forward, such as Mr. Daryl Berger and Ms. Kim Rosenberg. Mr. Watters feels that if we choose to add two residential seats, it opens up the legislation for any type change in the language. Ms. Laughlin noted the guiding principle and the spirit in the empowering legislation was parity, but it didn't work out that way. Mr. Watters suggested the original Commissioners be questioned on that. Ms. Raines said it seemed Mr. Emory and Mr. Watters were not against adding more Board seats but adding new categories for the additions other than business and residential, . Mr. Watters stated any candidate should promote the best interest of the District. Mr. Pendleton noted that perhaps one of the people who should appoint a seat is the Lt. Governor because of the ties of that office to hospitality and preservation.

- b. Recommendation for Commissioner qualification verification – Ms. Cooper reported that Commissioner qualifications are regulated by legislation and FQMD Bylaws. The Team recommendation came out of a conversation on qualifications for new Board seats and therefore, the current and future Commissioners must meet these qualifications as related to their particular Board representative position. For example, she is a residential representative and the package distributed to the Board in advance of this meeting, lays out that criteria. Chairman Pendleton felt this was as important as monitoring the required annual State Ethics Training and Financial Disclosure submission. Mr. Watters questioned the necessity of this. Mr. Pendleton felt that FQMD should be policing ourselves and not rely on the State for this.



- c. Committee Membership Expectations – Ms. Gasperecz noted that with one employee FQMD needs a robust committee structure. The recommendation is for each committee to have a Chair and a Vice-Chair representing business and residential, that both are invited to external meetings as it relates to their committee, and the Vice-Chair would lead committee meetings, if the Chair is absent.

Mr. Pendleton summarized the Parity Team believes that parity is an issue, if for no other reason than the appearance of inequality as it relates to the Commissioners themselves. The recommendations are:

1. Add two Commissioner seats, one to VCPORA and one to French Quarter Citizens. But, other groups could be considered if requirements are met to diversify the residential component.
2. Current and future Commissioners must meet legislative and Bylaw qualifications for respective Board positions along with our annual obligations to the State.
3. Each committee shall have a Chair and a Vice-Chair that is balance of residential and business leadership. That for any meetings with the City or others, both the Chair and the Vice-Chair shall be invited to attend, so that all sides are represented.

Mr. Pendleton recognized Mr. Simms for a final note. Mr. Simms said with reference to some Commissioners continuing to refer to the FQ EDD tax as a business tax a bad position to take if FQMD wants residents to vote for this tax in December. He as a French Quarter resident, along with other residents spend thousands of dollars a month at FQ businesses. Mr. Pendleton said that even though this tax is a quarter per \$100.00 spent, the other areas of the City market the fact that taxes in the French Quarter are higher, and our businesses lose some clients to this marketing pitch. This topic shall be ongoing.

XII. New Business - None

XIII. Next meeting: 12 October 2020

XIV. ADJOURNMENT – Mr. Watters motioned at 4:22 pm (**M2**) that “the meeting be adjourned...”, seconded by Ms. Cooper and unanimously approved.

Respectfully submitted,

Susan Klein (signed original available)

Susan Klein, Secretary