

# French Quarter MANAGEMENT DISTRICT

## Board of Commissioners Meeting Minutes

Wednesday, 21, October 2020

3:10 pm – 4:10 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 (Arv. 3:25)  
Frank Zumbo

Jane Cooper  
Gail Cavett  
Mamie Gasperecz  
Steve Caputo

**Commissioners Absent:** Matthew Emory

**Executive Director:** Karley Frankic

### Guests:

Bob Simms, FQTF  
David Speights, NRMSI  
Bridget Neal, Lt. Gov. Office, FQ Special Projects  
Paul Rioux, BGR Research Analyst  
Eric Smith, CNO, CAO, FQIF  
Joshua Cox, CNO, Director of Strategic Initiatives

Erin Holmes, VCPOA  
Michael Issac Stein, The Lens Reporter  
Allen Johnson, FMC  
Leslie Alley, FMC  
Allison Cormier, District C, ONE

- I. **CALL TO ORDER: ROLL CALL: INTRODUCTION OF ATTENDEES** at 3:10 pm. Ms. Frankic read the Agenda as noticed.
- II. **PUBLIC COMMENT:** Presiding Vice-Chair Raines 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. **REPORT BY CHAIR, GOVERNMENT AFFAIRS COMMITTEE:** Mr. DeBlieux noted the Commissioners received the final draft of the FQMD French Quarter Economic Development District

(FQ EDD) Cooperative Endeavor Agreement (CEA) draft. He was assisted by Ms. Frankic, Commissioner Cooper, and outside counsel for this draft. FQMD also received Mayor Cantrell's CEA. Ms. Frankic crafted a summary comparison of these two CEAs which Mr. DeBlieux presented and shall be posted to the FQMD. The major difference has FQMD's CEA controlling the fund with allocations assigned following public stakeholder input with complete administrative transparency, monthly financial disclosure, and an annual audit. The Mayor's plan has final and complete discretion over the fund and its allocations; the FQMD would act in an advisory capacity only, with a 5% administrative fee; the FQMD would have no recourse over any complaint; termination could be without any cause. In the FQMD plan, there must be cause for termination and any services provided must be supplemental. In the Mayor's plan a significant portion of the funds would be spent for Armstrong Park security with parts of the French Market Corporation (FMC) footprint included. For the FQMD supplemental patrol an 8<sup>th</sup> District NOPD officer would supervise versus Homeland Security in the Mayor's plan which utilizes post-certified and non-certified ground officers for patrols versus all-post-certified officers in FQMD's plan. The Mayor's plan would monitor the District for City code compliance and issue municipal citations for violators. The FQMD CEA incorporated key items from the City Council which is the governing authority on these tax issues. Mr. DeBlieux noted the support letters FQMD received from various FQ stakeholder organizations and asked for adoption of the FQMD CEA.

Mr. Joshua Cox stated the City's position regarding the FQ EDD tax with the following:

- Resources would be confined to the FQMD footprint because, the ballot language and CEA Article IV, Section A. 8. prohibits any use of funds outside of FQMD boundaries.
- The City recognizes the Interfor FQMD Security Study's recommendation of a consolidated police patrol and believes this should be the New Orleans Department of Homeland Security and Emergency Preparedness (NOHSEP). There would be forty-eight NOPD 8<sup>th</sup> District post-certified officers working overtime, plus 36 grounds patrol officers that can deal with minor ordinance infractions, as well as Quality of Life (QOL) issues and code enforcement violations. He noted the City and FQMD has less resources; the \$2,7000,000 FQ Improvement Fund is gone, and the \$1,000,000.00 from the Convention Center He stated the goal is not to replace post-certified officers with security agents. This would be 48 hours of post-certified coverage so this would be remain the same.
- It is a misconception that the City wants to use these funds to remove their obligation to staff the NOPD 8<sup>th</sup> District. He noted the ballot language prohibits using this police force to replace District 8 staff by the ballot language and the CEA. He noted that security in Armstrong Park is paid by NOHSEP.
- He recognizes the major point of contention is control. The City believes they are obligated to control any tax revenues versus an unelected, unaccountable body, even though other Districts receive these funds without City pass-throughs. He said the City does want a collaborative relationship that involves oversight from the FQMD. He would like to hear what FQMD feels would accurately work.
- Article C, Section 8 states the FQMD can report any complaints or acts or omission. He said the City would be open to hearing any workable suggestions to "beef-up" the requirements which the City has not received to date.
- The City's procedure shall be presenting two instruments at the next City Council Meeting; an agreed upon CEA with FQMD, and an ordinance to recreate some of this draft CEA structure, but instead of FQMD being the entity, it will be a conglomerate of entities within the French Quarter. This is the last opportunity for the City to show how the funds would be bound before the December ballot.

- He would like a quick and robust dialogue to hammer out the terms of the CEA.

#### DISCUSSION:

- Mr. DeBlieux noted that he, Ms. Frankic and Ms. Cooper were involved in many meetings with him any others, including Mr. John Pourciau, Mayor Cantrell's Chief of Staff, and several things the Administration was unwilling to bend on, including control of the funds. He stated that FQMD is not asking for anything different from other City neighborhood groups when it comes to security in the neighborhood. The City believes any sales tax should go to the City versus neighbor property tax assessments for security.
- Ms. Klein asked for clarity on his statement of bringing various FQ entities into an advisory committee to administer the FQ EDD tax in lieu of FQMD. Mr. Cox reiterated that the non-FQMD advisory committee would be utilized only if FQMD and the City could not come into agreement on the CEA and they had to go the ordinance route which is not preferred, but necessary, without an agreed upon CEA with FQMD. Their stated goal is public trust for management, oversight, and reporting.
- Ms. Cooper asked, and Mr. Cox stated the reason for the City to maintain control of the funds is a matter of policy. This stems from money that previously had been given to unelected bodies that held the City hostage over joint-goal collaborations. He further stated that he seeks resolution to ensure "deep collaboration" for oversight should FQMD feel the City is not upholding their end of the CEA.
- Mr. Pendleton noted it was the FQMD intent to be transparent as possible and for the City not to feel we were misrepresenting their views because, at the end of the day the voters need a very clear understanding of the issue on the ballot. He noted that Mr. Cox a number of times today spoke of the FQMD "managing". However, it does not seem we get to manage anything if ultimately the Mayor gets to decide how the fund is administered. Mr. Cox said what he meant by "managed" would be FQMD's obligations as sited in Article II of the CEA. This would entail the City reporting to the FQMD and asking the FQMD to review various unified patrol strategies. He asked Mr. Pendleton to give him what he thinks will work, but the two non-starters are control of the program and the money. He said the City is open to language that would give the FQMD real oversight teeth. Mr. Pendleton believes the FQMD CEA will address those items and he knows the City will not agree with everything, but there is a workable path forward if there is a wiliness to bend. Mr. Cox feels the City has bent and sighted the 5% management fee and that the FQMD would be a great oversight board. He looks forward to working with him on the CEA.
- Mr. Caputo asked about Article VI, C regarding termination without cause as troubling. Mr. Cox feels the City is open to changing that clause, since this is the City's attorney's first pass on the CEA.
- Ms. Laughlin thanked Mr. Cox for being available today and wished the Board had his input sooner. She asked what he envisioned if the voters did not approve the FQ EDD tax? He said NOPD would continue to provide security, but there would be no supplemental patrols.
- Mr. Watters said he sees value in Mr. Cox's comments and FQMD should not be drafting our own CEA but take the Mayor's dissect it and work from that.
- Ms. Klein asked for clarification on his statement of Armstrong Park security funding coming from Homeland Security and not the FQ EDD tax. Ms. Cox stated that before this CEA, the Mayor was hoping to supplant the \$225,000.00 contract for Armstrong Park security that the

City was paying for. He noted that Armstrong Park falls within the FQMD footprint.

- Mr. Simms wanted to reaffirm that currently the FQ Task Force (FQTF) operates at 36 hours per day. Before the COVID cut back, it operated at 50 hours per day. Mr. Cox said they are open to increasing the hours past 48 per day as the tax revenues increase. He referred this to Mr. Smith for analysis. He recognized Mr. Pendleton's concern of being saddled with a grounds patrol that is ineffective and asked what would be the mechanism for FQMD to have input regarding a restructure to foster improvement? He stated the current tax is projected to generate about \$1,800,000.00 this year versus previous years of about \$3,000,000.00. And, in even better times add another \$3,100,000.00 from the Convention Center. Mr. Smith noted that one of the primary ideas as revenues improve, security hours could increase. As he discussed with Mr. Ross Bourgeois there would be no reason we could not adjust grounds patrol hours to increase officers for quality of life and enforcement issues. They want to create a mechanism to shift NOPD overtime and ground patrol as needed.
- Mr. Smith noted the \$225,000.00 the City currently pays for Armstrong Park security will continue at the same amount even if the FQ EDD tax is renewed. Therefore, this would be a supplement.
- Ms. Cavett noted that since Mr. Cox stated he was open suggestions regarding the CEA negotiations, if the following would be considered. That is, if a City decision were made that the Commission felt was detrimental to the District, could a unanimous vote of the Commission override that City decision? She pointed out that the public would want to be assured there is total accountability to vote on a tax issue.
- Ms. Cooper shared as circumstances and administrations change, FQMD's intent is to structure a CEA that will best serve the community during its life. Mr. Cox agreed that institutional continuity is important.
- Mr. DeBlieux asked, and Mr. Cox verified that under no circumstances would the City cede control of the money for the FQ EDD tax.

Mr. DeBlieux motioned that "the Board accept the FQMD's CEA as drafted by Ms. Williams to be presented to the Councilmember Palmer for approval by the City Council, which is the governing authority...", seconded by Mr. Pendleton. Discussion followed. Mr. Watters felt FQMD would be better served to work with the City on their CEA draft to narrow the differences, since there are many things that can be changed. Mr. Pendleton respectfully disagreed, in that FQMD should present their position which will demonstrate to their stakeholders that every opportunity was sought to address their concerns; then, both CEAs are available for melding into a final, workable document. Mr. Caputo asked if the motion is passed as currently stated, what would the City's reaction be? Mr. Cox viewed it as a total rejection of the City CEA. Ms. Laughlin asked the intent of the current motion. Mr. DeBlieux stated the intent of the motion is not to bypass the Mayor. It is to deliver the FQMD CEA to District C Councilmember Palmer, as part of the governing body for all EDD taxes. This would allow her to engage the City in the final negotiation, knowing what the FQMD requests are, since this is a three-part CEA. Therefore, he proposes that the FQMD CEA be the basis for negotiation. Mr. Cox believes once the FQMD approves its CEA, it is a public document and can be used for negotiation. He noted there is not extensive time for negotiation, and something must be offered for first reading at the City Council next week. He stated, "there is no such thing as amending a CEA", so what the City offers, they must be willing to live with. Ms. Klein asked if Mr. DeBlieux would agree to amending his motion and he agreed to state the FQMD CEA is a tool for Councilmember Palmer and the FQMD to negotiate with the City for final resolution. Mr. Zumbo stated there were a lot of organizations that based their support of a

FQ EDD tax on specific criteria to be met. If the final CEA veers away from those specific criteria, the tax may not pass at the ballot. Mr. Simms asked how a CEA could be moved to the City when the final has not been reviewed in detail by the stakeholders? Mr. DeBlieux motioned (M 1) that "...the Board accepts the FQMD CEA version to submit to Councilmember Palmer of the governing authority to use as a tool to negotiate with the City for the final FQ EDD tax CEA...", seconded by Mr. Pendleton and approved by eight Commissioners with the following exceptions: Ms. Gasperecz and Ms. Raines abstained, and Mr. Watters and Ms. Laughlin voted no. Mr. Emory was not present. The motion passed.

IV. OFFICER NOMINATIONS RECEIVED FOR YEAR 2021 *(To be voted on at November Board Meeting)*

a.. Board Officers

1. Chairman: Mr. Pendleton and Ms. Raines (withdrew)
2. Vice-Chairman: Ms. Raines and Mr. Caputo (withdrew)
3. Secretary: Ms. Klein
4. Treasurer: Mr. DeBlieux

b. Committee Officers

1. Finance and Development
  - a. Chair: Mr. Zumbo, Mr. Gasperecz (withdrew), Mr. Caputo (withdrew)
  - b. Vice-Chair: Mr. Zumbo and Ms. Raines
2. Government Affairs
  - a. Chair: Mr. DeBlieux
  - b. Vice-Chair: Ms. Cavett
3. Livability
  - a. Chair: Ms. Gasperecz
  - b. Vice-Chair: Mr. Bilbe and Mr. Jorgensen
4. Security and Enforcement
  - a. Chair: Ms. Cooper and Mr. Emory
  - b. Vice-Chair: Mr. Emory and Mr. Caputo

V. NEXT MEETING DATE: 9 November 2020

VI. ADJOURNMENT: Mr. DeBlieux motioned (M2) to "adjourn the meeting..." at 4:10 pm, seconded by Mr. Caputo and unanimously approved.

Respectfully submitted,

Susan Klein (signed original available)

Susan Klein, Secretary

