

French Quarter MANAGEMENT DISTRICT

Board of Commissioners Meeting Minutes

Monday, 23, November 2020

2:30 pm – 4:50 pm

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

Commissioners Present:

Susan Klein

Heidi Raines

David Bilbe (Arv. 2:40)

Robert Watters

Juliet Laughlin

Jeremy DeBlieux

Christian Pendleton

Frank Zumbo (Lv. 4:30)

Jane Cooper (Lv. 4:30)

Gail Cavett

Mamie Gasperecz

Matthew Emory

Commissioners Absent: Steve Caputo

Executive Director: Karley Frankic

Guests:

Chris Young, FQBL

Mike Glasser, PANO

Erin Holmes, VCPORA

David Piscola, Hilton Hotel

Walt Leger, NO & Co.

Stan Harris, LRA

Michael Ince, Lt. Gov. Office

Paul Rioux, BGR Research analyst

Eric Smith, CNO, FQIF

Ross Bourgeois, CNO, NOHSEP

Kelly Schulz, NO & Co.

Clifton Davis, Legal Aid to the Mayor

WWL TV reporter, unknown

Bob Simms, FQTF

Brittany McGovern, FQBA

Andrew Sullivan, CM Palmer, Chief of Staff

Ethan Ellestad, MACNO

Julio Guichard, Sr. Advisor to Lt. Gov.

Bridget Neal, Lt. Gov. Office, FQ Special Projects

Leslie Alley, FMC

Captain Caprera, NOPD 8th District

Joshua Cox, CNO, Director of Strategic Initiatives

Christine Bondio with Dickie Brennan

Allison Cormier, CNO, ONE

Jeff Adelson, New Orleans Advocate

- I. CALL TO ORDER: ROLL CALL: INTRODUCTION OF ATTENDEES at 3:10 pm. Ms. Frankic read the Agenda as noticed.
- II. PUBLIC COMMENT: Chairman 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. Mr. Pendleton introduced Councilmember Palmer for her presentation.

III. PRESENTATION BY COUNCILMEMBER KRISTIN GISLESON PALMER REGARDING THE FRENCH QUARTER ECONOMIC DISTRICT DEVELOPMENT TAX: Councilmember Palmer noted the efforts of the FQMD on this issue and thanked everyone for their work and the trust placed in her. As requested, she brought the FQMD CEA draft to the Administration for negotiation. She referenced the compromises resulting from the collaborative work. Originally FQMD's position had 100% of the funds allocated for the French Quarter Task Force (FQTF) and that was reduced to a 70/30% split with 30% going to the City. Also, the FQMD funded Security Study highlighted the need for a unified security force with one central command, housed in the 8th District with a NOPD sergeant, approved by the 8th District Captain and the Chief of Police to supervise the SPPP. This would make it open and accountable. Keep performance criteria was also included for data-driven efficiency. The New Orleans Homeland Security and Emergency Preparedness (NOHSEP) would be in control of the grounds patrol to be housed in the City of New Orleans Real Time Crime Center (RTCC). Additionally, no entity could end the agreement without first going through City Council arbitration with a high level of transparency and accountability. She felt this would have been one of the best security districts in the City. The FQMD CEA was submitted on October 30, 2020 to both Mayor Cantrell and her legal aid Mr. Clifton Davis and was told it was received favorably. They met again on November 6, 2020 to verify all the details and some City concerns. A 75/25 % split at this time was reduced to 70/30% to cover the NOPD supervision. Councilmember Palmer asked for any amendments they may have to the FQMD CEA. Instead they amended their own and the 70/30 split was removed when received on November 17, 2020. She queried Mr. Davis and was told they would not put any split in writing. She verified this with Mayor Cantrell on November 20, 2020. Councilmember Palmer explained as a signatory, she would not sign a document that did not include that split since it is what all the collaborators agreed upon.

Mr. Pendleton thanked Councilmember Palmer and her staff for all their efforts on this. He noted that District C and FQMD had been working with the City since May on this. Replying to Mr. Pendleton, Councilmember Palmer said all the French Quarter groups were unified regarding the FQMD CEA draft. She stated FQMD has a proven record of success for the SPPP/FQTF in its service to the community. She noted Mr. Simms who has been instrumental as a volunteer manager for the FQTF with a high level of accountability. Responding to another question, Councilmember Palmer verified that verbally the City looked favorably upon a split of the revenue, with 70% going to POST certified FQMD FQTF patrols using the app and 30% going to the NOHSEP to develop grounds patrol for quality of life enforcement. She also confirmed the City is aware that FQMD's plan would put more POST certified officers on the street with the 30% to going to the City for the continuation of the NOHSEP Grounds Patrol within the FQMD footprint which includes Armstrong Park. Mr. Sullivan verified the Grounds Patrol does not have enforcement capability to write citations or arrest. City Administration sent some ordinance language to the City Council, but there were several questions raised and the document was returned to the City Attorney for discussion and clarification. The District C office has not vetted the Police Association of New Orleans (PANO) on the City CEA, but Councilmember Palmer requested that the Administration do so. Knowing we have been negotiating since the spring and with unified

stakeholder support and research of the existing Lakeview and Mid-City Security Districts, the City's position is that the FQMD EDD is a sales tax and not a property tax and so they feel that warrants control of the proposed tax revenue. Also, the City sees the French Quarter as the economic engine of the City with more visitors than other neighborhoods, so their control must be greater. Councilmember Palmer saw the final FQMD CEA as an outstanding model that could be utilized throughout the City because of its high level of transparency and accountability with NOPD officers that are constitutionally trained. Also, the current FQTF app creates a level of accountability that no other City patrol has in addition to the 8th District NOPD supervisor as noted earlier. Mr. Pendleton noted that the 8th District officer count was low and was reduced more with the furlough order. He is gravely concerned that there would not be a maximization of POST certified in the FQMD as public safety concerns are rising.

Responding to Mr. DeBlieux, Councilmember Palmer did not hear of any objection to the 70/30% split until she read the City's final draft CEA on November 27, 2020. She said this was disappointing because this change was not noted verbally, and she asked for the City to work from the FQMD CEA draft for transparency. She felt she should not respond for the City as to why they believe their unproven program will function better than the proven success of the five-to-six year FQTF program.

Responding to Mr. Emory, Councilmember Palmer that she has done everything she was asked to do, but that does not mean this is the end of the conversation. She is updating the FQMD Board of the past weeks deliberations on this issue; the decision on how to proceed rests with FQMD and the City Administration not her.

Mr. Watters noted the community remains in an unfortunate position, since early voting has begun. He felt Bourbon Street needs more patrols and that a City administered patrol would give more emphasis to that corridor. He hopes the residents will vote for the FQ EDD tax and trusts the details can be worked out after the vote.

Mr. Joshua Cox noted the City's main objectives regarding French Quarter public safety were:

1. Solidify the supplement security in the French Quarter
2. Unify security control
3. Do not risk or expose the City's fund in this time of pandemic

Further, the City does not want to blow up negotiations and that their process started in January 2020 including stakeholder residential and business concerns. Some of which include code enforcement and POST certified officers. Addressing Councilmember Palmer's statements, he stated:

1. The City redlined the FQMD CEA for negotiations and can make that available to the Commissioners. The City did make amendments. Mr. Sullivan interjected the confusion resulted because the document sent to the City Attorney already had sections of the FQMD document removed which made it difficult to track. Once this was realized by Mr. Sullivan, Mr. Eric Smith sent the document showing what had been removed from the original. He feels the way the document was handled was not within the complete transparency requested. Mr. Cox replied that once this was discovered, the correct document was sent the same day.
2. The 70/30 % split is after the \$1,400,000.00 division. Approximately \$700,000.00 goes to grounds patrol and the other \$700,000.00 goes to the POST certified officer patrol. If due to COVID the tax generated revenue falls below the goal of \$1,400,000.00 the City

plan will not work because it would leave the grounds patrol underfunded. Therefore, the City is against an unconditional 70/30 % split that would not allow for tax generated short falls. The City is willing on a monthly pro rata basis to distribute funds first to the FQMD FQTF, with the second distribution to the NOHS EP Grounds Patrol and then any taxes collected above the \$1,400,000.00 would be split 70/30. Allocations would involve a budget process.

3. The City believes that the revenue streams for other local security districts cannot be compared to the FQMD EDD since those are self-imposed property tax assessments versus the FQMD EDD sales tax.

He feels there is much common ground, recognizes the importance of POST certified officers to the community and negotiations end only when people stop talking. Communicating has been frustrating and he feels like the City has not been totally heard; he acknowledged FQMD and Councilmember Palmer's frustration. He shared he is always open to more conversation. Mr. Pendleton appreciated his time and efforts but wants to stress that POST certified officers are more important than grounds patrol.

Councilmember Palmer said she negotiated with Mayor Cantrell and Mr. Cliff Davis, not Mr. Cox.

Ms. Cooper noted it seems unlikely that the current grounds patrol that locks up Cabrini Park could be transformed into a security force that would keep the French Quarter safe. Replying to her question, Mr. Cox noted if the monthly budget were \$100, \$50 would be given first to FQMD to fund the FQTF and then \$50 would be used by the City to fund the grounds patrol. If \$120 were collected, after the aforementioned \$100 50/50 split, the remaining \$20 would be split at 70% to FQMD and 30% to the City and go through the joint budgeting process. If only \$80 were collected, both FQMD and the City would receive \$40. The money would come to the FQEDD which would disperse it to the two entities which would place it into secure accounts. Also, good collaboration is important, so splits can be adjusted to current needs. Ms. Cooper said it was unfortunate these conversations did not occur back in August given the voting calendar. Mr. Sullivan expressed frustration since he felt he presented this option and was told last week it was not a possibility that is, having the base level in place, and then addressing handling of revenue past the base. He was told there would be no levels of splits in the CEA. Mr. Cox feels this is an example of a miscommunication.

Ms. Klein shared her experience this morning regarding a violent incident involving a weapon across from her home with the weapon being thrown over her fence into her courtyard landing five feet from her. She used the FQTF app and an officer responded quickly to take the report and secure the weapon. She noted only a POST certified officer would be able to handle that situation, not grounds patrol. Mr. Cox noted that the City plan would increase POST certified officers to the pre-COVID level of 48 hours. Also, that grounds patrol would be used to free up the POST certified officers to respond to more serious issues. Mr. Pendleton noted that the FQMD plan allows for more than 48 hours of POST certified officers.

Captain Glasser, President of PANO spoke next in full support of how the FQTF operates now. He does not understand why grounds patrol is a priority. He said most of the language being used for the City CEA mirrors the former NOLA Patrol which was discontinued because it was a failure and some of the officer responsibilities were illegal such as writing citations, handling minor traffic incidents, and directing traffic. There are no police officers that direct traffic and State law demands that citations are written by POST certified officers. Grounds patrol was put under Homeland Security as a "work-

around” to avoid LA POST certification and civil service. Grounds patrol can only be commissioned as “special officers” through Homeland Security because they could not do it through LA POST. He has been told the grounds patrol will free up NOPD for the serious crime; this did not happen with NOLA Patrol. He has also been told the NOHSEP Grounds Patrol will be the eyes and ears for NOPD. Captain Glasser feels there are plenty of eyes and ears from everyone who has a cell phone, to the FQTF app, and security cameras. “We have plenty of eyes and ears, what we don’t have are people to respond to the crime.” The French Quarter is losing thirty-two Louisiana State Police (LSP) on January 1, 2021. Even sixty hours of FQTF officers will not offset the loss of the POST certified LSP. He feels grounds patrol for code enforcement is not the best allocation of funds. There has been a 10% loss of the NOPD due to furloughs. We need more action, not more reporting. Our problem is not code enforcement, it is security as homicides city-wide are up 94% and climbing. NOPD is losing officers due to the furlough, the Federal Consent Decree, and the national trend. The City lost \$1,000,000.00 on the NOLA Patrol for the one year it operated. He agreed there are quality of life problems, but the police know what they are; he has not heard how they will be addressed, only reported. He said the bottom line is we have crime, and we need POST certified officers to deal with it, that grounds patrol officers are a luxury we cannot afford.

Responding to Ms. Gasperecz, Mr. Cox noted the City believes sales tax revenue should not be directly given to an unelected Commission. This is why the City Council would be the governing body.

Mr. DeBlieux noted that we have been fixed on the money. However, in the last City CEA draft, FQMD would receive money for 48 hours of FQTF patrol and then turn right around and give the money back to the City to pay for those officers. Also, the City CEA only allows a one-time arbitration, even if additional problems occur. The City CEA is very one-sided document which gives all control to the City with insufficient transparency and accountability.

Mr. Simms noted that he and Mr. Sidney Torres developed the FQTF and its app before it was transitioned to FQMD for use with the FQMD patrol. Since then about \$700,000.00 of time and money has been donated by them to keep the FQTF going. He agrees with Captain Glasser of PANO that POST certified officers are more needed than grounds patrol. He wants the FQTF to keep going without interruption, so he supports a yes vote on FQ EDD tax on December 5, 2020.

Ms. Cooper said without a CEA signed by the relevant parties, the French Quarter electors are being asked to vote on an unknown, and that is a problem.

Mr. DeBlieux motioned that “...FQMD to continue negotiations with the City, but at this time to reject the current CEA proposal as sent to FQMD by the City, and to encourage voters in the FQ to vote no on the FQ EDD tax renewal”, seconded by Ms. Cooper.

DISCUSSION:

Ms. Klein asked how can we vote on a document that appears to not be final, since Councilmember Palmer and Mr. Cox noted there is still room for negotiation? Mr. Pendleton felt the FQMD must make a decision based on the information we have right now. However, that does not preclude Mr. Cox to continue negotiations for the Administration with Councilmember Palmer.

Mr. DeBlieux stated has been in negotiations with the City since March and has consistently heard from them they would not give money or control to the FQMD, so it has been non-changing. Mr. Pendleton noted in fairness to the City, they have agreed to changes on some of the lessor priorities. He expressed to the City that our discussions would always be clear and accurate to the best of our knowledge.

Mr. Emory felt it would be detrimental at this point to take a stand if negotiations are ongoing, revenue would be hard to come by in this environment and urged electors to vote for the FQEDD. Mr. Pendleton urged him as the Mayoral business appointee and someone who has asked for more POST certified officers himself, to use his influence to that end. Mr. Pendleton noted the City has repeatedly stated they have exceeded the required number of POST certified officers on the street. However, he feels that number should be more aligned with pre-COVID numbers. Mr. Emory stated since the weight of this tax burden falls on the businesses, at least the residents could do is vote for it. Ms. Klein objected to Mr. Emory repeatedly discounting any residential financial contribution to this sales tax. Mr. Emory said Ms. Klein was correct, but that businesses outside of the District sell their venues by saying their taxes are less, even if it is just 0.2495% on the dollar. He encouraged everyone to vote for the FQEDD tax.

Mr. Watters noted that nine years ago he and Councilmember Palmer discussed the “Hospitality Zone” as proposed by then Mayor Mitch Landrieu. FQMD took the position that they would not agree to a Board that was completely controlled by the Mayor and the initiative failed. This resulted in lost revenue of about \$60,000,000.00 from the Convention Center, a source of revenue from the hotel industry, and left the French Quarter suffering with continuing crime for about two and one half years. Therefore, he felt taking a hardline vote currently is destructive. Mr. Emory agreed.

Ms. Raines shared she is Chairman of the FQMD Finance and Economic Development Committee and the Committee recommendation which the FQMD Board approved was the significant reduction of FQTF patrols to maximize funding during COVID. Therefore, we should make sure the POST certified patrols meet or exceed what existed before COVID. She proposed an edit to Mr. DeBlieux’s motion to remove asking the residents to vote no on the FQEDD. He would not accept that edit since early voting had already started. Also, he felt FQMD should take a stand and that our appointing bodies expected FQMD to communicate this. Mr. DeBlieux and Ms. Cooper agreed that negotiations could continue even if the motion passes.

Ms. Cavett noted what she has repeatedly heard in this meeting is that everyone wants more POST certified officers than are noted in the current City Plan, and both Councilmember Palmer and Mr. Cox expressed a willingness to go back to the drawing board to work out a plan. Also, there is the concern the current successful program will be altered, and there is not sufficient stakeholder input for decision making processes going forward. Since negotiations is ongoing, she would not be inclined to vote on the recommendation of a ballot no vote but would vote no on approval of the current City CEA. She recommended the negotiations continue and come back to the Board with a different CEA.

Chairman Pendleton asked Councilmember Palmer to meet again with the City. She stated there has been compromises on both sides, but she will go back to the Mayor as specifically instructed by the desires of FQMD. Mr. DeBlieux clarified the specifics would include the 70/30% split and the administration of the program. Ms. Klein also noted the first tier division (50/50% split) of the \$1,400,000.00 and that more money should be allocated for POST certified officers versus grounds patrol. Mr. Sullivan explained that part of the City’s 50% would pay for Post certified officer overtime

salaries as a pass-through, and without the greater FQMD oversight that currently exists. He noted they would need direction from FQMD regarding the 50/50 split also for these negotiations. Mr. Pendleton reiterated that the stakeholders do not want to change the way the SPPP currently operates. Ms. Cavett noted that Councilmember Palmer has been negotiating with Mr. Clifton Davis and the comments made today by Mr. Cox have been very encouraging, but asked who would she be negotiating with? Unfortunately, Mr. Cox had left the meeting at this point. Mr. Emory said he would facilitate Councilmember Palmer meeting with Mr. Cox. Councilmember Palmer said she appreciated Mr. Emory's offer, but does not require assistance to facilitate a meeting with Mr. Cox. She felt she was getting nowhere with him, so she asked and was given permission from the Mayor to meet with Mr. Davis who is her legal counsel. She feels everyone has negotiated in good faith. She did not negotiate further when she was told the 70/30 split was untenable. She is willing to continue negotiations.

Mr. Pendleton wondered if the City could get on the same page and that he does not view this as the FQMD versus the City. Rather, this is French Quarter residents and businesses expressing what they know has worked and what they want continued through transparent, results-driven actions of the FQTF and its administration by the FQMD with more money allocated to POST certified officers, and hopeful that the City will work with FQMD to that end. He added that FQMD's transparency and accountability has been proven through residential and business stakeholder Commissioners including the two Mayoral appointees and the District C appointee Commissioners. Councilmember Palmer said everything the Board has requested is in the FQMD CEA, so she has a working document to negotiate with. Mr. Sullivan asked that they be instructed with non-negotiables to move the process swiftly. Ms. Cavett suggested the City cut the grounds patrol budget in half and shift that to POST certified officers. That would mean of the \$1,400,000.00, FQMD would get \$1,050,000.00 for FQTF POST certified officers and the City would get \$350,000.00 for NOHSEP Grounds Patrol. Then, any revenue over the \$1,400,000.00 would be split 70/30. Also, administration of the FQTF would remain with FQMD.

Mr. Pendleton asked Mr. DeBlieux if he would table his motion to allow Councilmember Palmer and her team to continue negotiating on FQMD's behalf. Mr. DeBlieux said he would not, to be fair to the constituents that we represent. He said he would rather not have the tax through the City and work with the State legislature. Mr. Pendleton asked if FQMD wants the City or the State to be our partner for French Quarter public safety? Ms. Cooper said she was willing to remove her second to Mr. DeBlieux's motion to allow Councilmember Palmer 72 hours to negotiate our desires to the City with anything agreed upon to be in writing. That would necessitate a Board Meeting this Friday.

Mr. DeBlieux's motion was deferred to Friday.

Mr. Bourgeois wanted to clarify that the salary for a POST certified officer (NOPD overtime) is higher than a grounds patrol officer, so any shift to decrease grounds patrol hours would reflect dollars available and not an even exchange of work hours between the two officer categories.

Councilmember Palmer noted there is also a revenue stream possible from the Downtown Development District (DDD) up to the upriver side of Iberville Street since it is in the FQMD footprint. She will continue to engage the Administration regarding this money to add to the NOHSEP Grounds Patrol and she recognized Mr. Bourgeois and his staff for their good work. However, the DDD collects approximately \$1,000,000.00 for that area and a portion should go to the unified control grounds patrol rather than the DDD rangers.

Mr. Watters suggested that POST certification of grounds patrol officers be accelerated with an accompanying sliding scale of revenue share as part of the negotiation.

Mr. Pendleton thanked Councilmember Palmer expressed his confidence in her negotiation abilities and she thanked the Board for all their work, especially as volunteers.

IV. NEW BUSINESS: Mr. Emory addressed an online publication that quoted Commissioner Laughlin saying she was paying a price for opposing Black Lives Matter. He said he was offended by this personal matter. Comments went back and forth between Mr. Emory and Ms. Laughlin. Mr. Pendleton noted FQMD has no control over how articles are written but apologized to Mr. Emory. He also stated he wanted to move on and stay focused on the FQEDD. Ms. Laughlin replied that the motion made by the Board was quoted verbatim. The article reported her disagreement with the Board decision to support the black lives matter movement. The Board did not vote to support the BLM organization. Her position is there is no distinction between the organization and the movement. She noted Asian-Americans have been discriminated against also. Some more discussion occurred. Ms. Raines recognized the sensitivity of the subject and asked Mr. Emory if he was okey with closing the meeting and if there was any action he was requesting. He agreed to close out the meeting but stressed that we continue to address any inaccuracies to work in collaboration and he encourages everyone to work respectfully even when we disagree; professional and sensitive at the same time. He stated there is nothing he is requesting the Board to do. He just wanted this offense to be recorded and what he felt as inaccuracies in the article regarding the intend of the motion and the discussions surrounding it. He said he would be willing to discuss it offline with Commissioner Laughlin if she so chooses. Ms. Raines thanked Mr. Emory for bringing this up and that FQMD as a body has a motion on the books and that the Commission supports him and his family and other black lives. Ms. Laughlin clarified her position of not supporting BLM due to their organization only supporting blacks that have been killed by whites and not black-on-black deaths, and she cannot support that. Also, she was asked to resign by Councilmember Palmer the day after the Board vote. Ms. Raines said as a Board we come together and work together and we voted to support the black lives matter movement. Therefore, we not saying anything about Mr. Emory or Ms. Laughlin, we are saying as a Board we voted and passed on the motion. Also, that we move on for now, but keep this at the top of our mind. Mr. Emory said the Board was clear that we supported social equity and he does not agree that the article was accurate, saying he will continue to respond if articles come out. Ms. Laughlin felt Mr. Emory was given freedom to speak, but she was being muzzled. There was more discussion between the two Commissioners and again Ms. Raines noted that this was an issue between them and not the Board and this conversation should be taken offline. Mr. Pendleton asked for a motion to adjourn.

V. NEXT REGULAR MEETING DATE: 14 December 2020, unless notified by Ms. Frankic

VI. ADJOURNMENT: Ms. Raines motioned at 4:50 pm (**M1**) that “the meeting be adjourned...”, seconded by Ms. Cavett and unanimously approved.

Respectfully submitted,
Susan Klein (signed original available)
Susan Klein, Secretary