



Board of Commissioners Meeting Minutes

Friday, 27 November 2020

11:00 am – 11:49 am

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. 2:20)
Robert Watters (Depart 3:46)

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:

Bob Simms, FQTF
Erin Holmes, VCPORA
Walt Leger, NO & Co.
Paul Rioux, BGR Research analyst
Allen Johnson, French Market Corp.
Eric Smith, CNO, GAO
Allison Cormier, CNO, ONE
Sherry Cannon, FQMD, SEC
Sherman Desselle, WDSU
Leslie Alley, FMC
Dustin Wynne

Brittany McGovern, FQBA
Andrew Sullivan, CM Palmer, Chief of Staff
Larry Lane, nola.com
Bridget Neal, Lt. Gov. Office, FQ Special Projects
Kristin Gisleson Palmer, District C Councilmember
Capt. Caprera, NOPD 8th District
Ethan Ellestad, MACNO
Micah Lowenthal
Stephen Stuart, BGR
Nikki Szalwinski, FQC
Kerry Foley Kessler, ULI

- I. CALL TO ORDER: ROLL CALL: INTRODUCTION OF ATTENDEES at 11:04 a.m. 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.

Ms. Frankic read into the minutes the only public comment received which was a letter from the Business Council of New Orleans and the River Region. It stated their Board had originally supported The FQEDD tax but given updated information has serious concerns regarding details within the City of New Orleans CEA and encouraged rejection of the FQEDD unless the following criteria were met:

- “The funds are used for exclusively for public safety and quality of life issues in the French Quarter
- The revenues generated by the tax flow directly to and are administered by the FQMD
- FQMD Supplemental Police Patrol utilizes POST certified officers”

Mr. Pendleton also read into the minutes this morning's email from Mr. Joshua Cox from the Mayor's office to Mr. Andrew Sullivan, Chief of Staff for Councilmember Palmer. Mr. Cox stated there are still core problems to FQMD's approach:

- “During Monday's public meeting, the FQMD stated that their position was wanting a straight 70/30 percent split of the dollars. However, instead of a compromise, this CEA draft proposes an even more hardline split that would render it impossible to deliver Grounds Patrol services at the level promised in our plan or potentially at all.

This is distressing for two reasons. First, to even get close to the levels of POST-Certified officers in the Quarter pre-COVID would require millions and millions more dollars that will not be available in the next two years. Grounds Patrol Officers in uniform supporting over-time officers and addressing quality of life issues would act as a force multiplier and deterrent. It is clear that the FQMD is no fan of the Grounds Patrol, but I haven't heard their plan to create a similar security presence in the Quarter absent an additional \$5M. We believe it's better to have 12 security personnel (4 over-time NOPD officers, which is the same number pre-COVID, and an additional 7-8 members of the Grounds Patrol) than to have only 5 or 6 over-time NOPD officers on patrol in the Quarter.

The CAO's office and NOSHEP began working on the idea of Grounds Patrol on Frenchman Street and in the French Quarter at Councilwoman Palmer's behest in February 2020. It's unfortunate that she hasn't been more active in encouraging the FQMD to support the plan we began working on largely because of her.” (*see below, Section III.)

“The bottom line is that the financial breakdown listed in this CEA would not make the Quarter safer, and we haven't heard any cogent plan from the FQMD for providing similar services with less money. Do you know the FQMD's plan to make up for the lost Louisiana State Police presence in the Quarter next two years with less than \$1.8M? We would be happy to consider that plan if one exists. (**see below, Section III.)

- This CEA also puts the General Fund at risk. We have repeatedly said that City cannot have a

Civil Service employee (NOPD 8th District Supervisor) funded by an outside independent 3rd party. Let's assume that the FQMD doesn't pay an invoice for that Supervisor's services, the City has to eat that cost for at least 90 days under this most recent CEA. Given the fact that the City has experienced a \$100M budget reduction, it cannot afford to expose the general fund to any risk.

Now, I understand that the likely retort will be, "This is how it works in the Mid-City Security District." However, the Mid-City Security District is funded through a property tax, functionally a self-assessment. Property owners in Mid-City are the only individuals paying extra for these services and reaping their benefits, which is why it makes sense for a Security District to control the revenues. Here, we're talking about a sales tax that every New Orleanian or visitor to the Quarter will pay. That tax can't simply be controlled by an unelected body that can't be held accountable by the people of this City. This is especially true when the City's general fund would also be at risk."

"I can see a path to an agreement if the Grounds Patrol plan we've presented to the public could be considered part of the "Hard Costs" mentioned in the CEA Draft. If the FQMD would consider this, please let us know." (***)see below, Section III.)

- III. PRESENTATION BY COUNCILMEMBER KRISTIN GISLESON PALMER: She thanked everyone for their work in crafting documents for negotiation and for willingness send another CEA to the City to attain a workable compromise. Following FQMD's meeting of November 23, 2020 Ms. Frankic and Mr. Sullivan met and reworked the CEA seeking more balance to present to the City.

Responding to Councilmember Palmer, Ms. Frankic stated the hard costs given by the City were not specific. The FQTF user application license was listed but with no funding for it, as well as the officer iPads and any other technology required also, vehicle purchase, maintenance, tires, and fuel. FQMD attempted to include these in the hard budget and from there go to the 70/30% split for all personal. This would maximize personnel dollars at that level. Mr. Sullivan spoke to Mr. Cox after this CEA was sent and a similar concern was expressed as stated in the email read by Mr. Pendleton. Mr. Sullivan said if the City would agree to a hard 70/30% split, we would have agreement and the costs would be figured out from there; they had something in writing and verbally.

For clarification Councilmember Palmer referring to FQTF expansion* noted that she has supported expansion to Frenchman Street and the French Market utilizing POST certified officers. She embraced the use of grounds patrol for underutilized area's like Crescent Park, Armstrong Park, and for functions such as moving the Bourbon Street bollards. She worked with FQMD to reduce FQTF costs by 30% shifting that to grounds patrol trying to leverage what the Administration was seeking with what has proven to work. She explained how she and her office has repeatedly cited the possible use of utilizing revenue from the City-owned Elysian Fields parking lot and the French Market Corporation (FMC) budget to fund this expansion, not FQMD. Councilmember Palmer is Chairman of the Security Committee of the FMC. An additional possible revenue stream is from the Downtown Development District (DDD) from the downriver side of Canal to the upriver side of Iberville Street.

Councilmember Palmer said with reference to the MidCity argument,** of the type of tax, was not

valid. She could represent that FQMD is governed by LA Open Meeting Law with oversight by the City Council for a much more open and transparent process than other security districts. At the behest of the Administration the FQMD CEA included high levels of accountability. Mr. Sullivan said he and Mr. Cox spoke to sales tax vs property tax issue on November 24, 2020. Mr. Sullivan admitted that there are different funding streams between sales and property taxes. He asked Mr. Cox if is there a mechanism by which the FQMD could provide the salary of the NOPD supervisor, to investigate an area of possibility versus just a policy guideline explanation.

Ms. Frankic noted the City advertised sixty hours of grounds patrol while the CEA lists thirty-six hours of grounds patrol. Additionally, the reason cited for not being able to agree to the 70/30% split was because of sixty hours of grounds patrol.

Councilmember Palmer contacted Mr. Cliff Davis regarding Mr. Cox's last email point*** and confirmed it is the position of the Administration. She reiterated her thanks to the various collaborators of this issue.

Mr. Pendleton thanked Councilmember Palmer and Mr. Sullivan for their dedication and efforts on behalf of this neighborhood in expressing why the City plan did not meet the needs of her constituents. Councilmember Palmer thanked Ms. Frankic for all her work on this.

Mr. Pendleton clarified that POST certified officers are trained, certified and experienced law enforcement officers that meet the Louisiana (LA) requirements to carry a service weapon and administer all details of law enforcement. Grounds patrol officers do not have police powers. They have not received POST training or certification and do not have enforcement or arrest capability; they simply perform assigned tasks by the City (bollard removal and park closures) and report incidents of concern to NOPD. Future POST training and certification for grounds patrol officers may be accomplished in the future, but it is not happening now.

Mr. Pendleton gave a history of the current FQEDD sales tax that was approved by the District voters five years ago. The expiring FQEDD brought additional POST certified officers to the French Quarter because the City was unable to shift more officers to the NOPD 8th District and our neighborhood needed to be as safe as possible. For the last five years all these tax dollars funded the POST certified LA State Police (LSP) presence in the French Quarter. The LSP time has ended and now it is time to decide if this tax will be renewed and under what conditions. The FQMD, is a political subdivision of the State. We are charged with protecting and maintaining the world famous French Quarter. It is our mission to continually work to keep the French Quarter safe, clean, vibrant, and friendly for our residents, businesses, and visitors. We have been meeting since March about the renewal of this tax and how best to spend these tax dollars. FQMD's position and the unified decision of our stakeholders is that 100% of these funds should come to the FQMD so we can use all these tax dollars to maintain and expand our Supplemental Police Patrol Program (SPPP). This FQTF/SPPP/Blue Light Patrol was created and initially funded by Mr. Sidney Torres, but has since been managed and paid for by the FQMD with funds from our hospitality partners for the past several years. FQMD asked the City to use these tax dollars on programing for POST certified officers only. The City is demanding a split of the money for a new grounds patrol which has no police power and pulls funds from POST certified officers. "We are not here to point fingers or place blame. We are here to say this is a serious public safety matter and we need every dollar available to fund POST certified officers patrolling the French Quarter." He shared on November 23, 2020 Captain Mike Glasser, President of the Police Association of New Orleans (PANO) told us that the officer count is down due to furloughs and police leaving NOPD and they do not need more people reporting crime, they need more peopling stopping crime, and

that is only something POST certified officers can do. He said the FQTF/SPPP/Blue Light Patrol will not go away if the FQEDD vote fails. The FQMD has money to fund the FQTF through February of 2021 and FQMD is working with our partners for gap funding until a vote can be put before the residents that once again uses funding for only POST certified officers. He said he appreciated everyone's time and energy on this matter and is willing to accept a motion at this time.

Ms. Cooper motioned (M1) that "...the Board of FQMD reject the City's offer of a path to agreement and encourage all of the stakeholders and residents to vote no on the ballot for the renewal of the FQEDD tax, because we have not received an agreement in writing from the City Administration that provides for public safety and security of the French Quarter by allocating a minimum of 70% of the tax funds to be spent on staffing supplemental police patrols with POST certified NOPD officers...", seconded by Ms. Klein and passed by a majority with Ms. Gasperecz and Ms. Laughlin abstaining and Mr. Watters and Mr. Emory voting no.

DISCUSSION:

Mr. DeBlieux implored his fellow commissioners to vote in favor of this motion. He noted since his negotiations in March the City has been unwavering in their decision for these funds not to come directly to the FQMD which is what all the constituents have charged us with.

Mr. Pendleton said he appreciated Mr. DeBlieux's efforts and those of the City. He recognizes that some Commissioners want negotiations to continue and every effort has been made by FQMD to come to an agreement, negotiating down from 100% to 70% of the funds for POST certified officers and going back to the City following the November 23, 2020 meeting.

Mr. Emory asked if it were possible to mandate the funds to pay for only POST certified officers; allow them to collect the cost for only POST certified officers and then split the proceeds for grounds patrol after. Mr. Pendleton replied that is a compromise the City has not reached yet, and the motion is only about what is on the table right now, which does not preclude further negotiations. He felt a vote must be taken now as the City has not softened their position. Mr. DeBlieux said FQMD has looked at this 52 ways from Sunday with all different iterations and the City is unwilling for the FQMD to administer any program. Mr. Pendleton said FQMD will always do what it can to partner with the City, but right here and now there is a motion on the table which does not preclude the City from coming back to FQMD with another proposal.

Mr. Watters said he is uncomfortable with a State organization like FQMD issuing a motion that has to do with a sales tax, and by this motion we might preclude further negotiations on this matter. He did not see any benefit for passing this motion.

Ms. Klein stated since lengthy negotiations have not resulted in a final agreement to date, the community confused by all the nuances involved and is seeking direction on this matter that they shortly will vote on. Therefore, all our Board is trying to do is provide to our best ability some guidance to fulfill our mission and inform our stakeholders to the best of our ability from all our negotiations and communications, and that it does not preclude further negotiations or agreement on a final CEA.

Mr. Pendleton concurred.

Ms. Cooper responded to Ms. Cavett's request to reread her motion. Ms. Cavett then asked Ms. Cooper

what our alternate path would be? Mr. Pendleton replied it would be to work with the State legislature where they would collect the tax revenue versus the City, and they could in return give FQMD the money to pay for POST certified officers. The State does have similar agreements in place with other Louisiana entities.

Ms. Laughlin asked if there would be time for public comment. Mr. Pendleton noted that public comment was heard as the second order of business on the agenda earlier in the meeting and all letters and comments were taken then.

Responding to Mr. Emory's question of what the next step would be Ms. Cooper invited Ms. Frankic and Mr. Pendleton to comment. However, she stated the next step would be for the stakeholders to craft a plan to their constituencies about the ballot language. Mr. Pendleton stated the City has an opportunity present a new proposal, but to date they have refused to put into writing how these dollars would be spent.

XIII NEW BUSINESS: *None*

XIV. NEXT MEETING: 14 December 2020

XV. ADJOURNMENT: Mr. Watters motioned at 11:49 a.m. (M2) that "the meeting be adjourned...", seconded by Mr. DeBlieux and unanimously approved.

Respectfully submitted,

Susan Klein (signed original available)

Susan Klein, Secretary

