



Board of Commissioners Meeting Minutes

Monday, 11 July 2021
Le Petit Theatre du Vieux Carré
616 Saint Peter Street
New Orleans, Louisiana
2:02 – 4:21 pm

Via Teleconference:

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

Video:

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

Audio:

Meeting ID: 204 758 9217

+1 (469) 445 0100

Commissioners Present:

Christian Pendleton
Steve Caputo
Bob Simms

Susan Klein
Heidi Raines
David Bilbe
Robert Watters

Jane Cooper
Gail Cavett
Frank Zumbo

Commissioners Absent: Jeremy DeBlieux, Matthew Emory, Mamie Gasperez

Executive Director: Karley Frankic

Guests:

Glade Bilby, FQC
Erin Holmes, VCPORA
Erin Holmes, VCPORA
Beverly Faulk, Resident

Brittany Mulla McGovern, FQBA
Eric Smith, CNO, CAO, FQIF
Bridget Neal, FQ

- I. **CALL TO ORDER: ROLL CALL: INTRODUCTION OF ATTENDEES** –Chairman Pendleton called the meeting to order at 2:00 pm. Ms. Frankic read the Agenda as noticed and Ms. Klein called the roll.
- II. **PUBLIC COMMENT:** The Public Comment Policy can be found at <https://www.fqmd.org/public-comment-policy>. Written public comment may be submitted electronically via email to publiccomments@fqmd.org. Live comment requests should be registered on comment cards and submitted to the Board Chair.
 - a. Pre-meeting public comments received were read by Mr. Pendleton and are found in **ANNEX I**.
 - b. Meeting Public Comment – Mr. Glade Bilbe. French Quarter Citizens (FQC) President: He noted FQC advocated for passage of the FQEDDD sales tax and they were assured that the tax would

Be collected on July 1st. FQMD put FQC leadership in a difficult situation with their membership for future support. He understood the difficulties in implementing this tax collection but noted it has been done for five years; and feels with respect to businesses, guests would not object to payment of 25 cents on a \$100.00 purchase if it meant better security. He is a volunteer on SEC but wonders why FQMD is here, if it couldn't accomplish this task which is crucial to public safety with all the other French Quarter challenges, versus having a small group of people subvert democracy and go against what people voted on.

AMMENDED ORDER OF AGENDA: Ms. Klein motioned (**M1**) to “amend the Agenda to allow presentation of the Security and Enforcement Committee and Livability Committee Reports before the Chairman’s Report...”, seconded by Ms. Cooper and unanimously approved.

III. JUNE REGULAR BOARD MEETING MINUTES APPROVAL: Ms. Klein

Mr. Watters motioned (**M2**) to “approve the June 14, 2021, Board Minutes as submitted with spelling corrections...”, seconded by Mr. Zumbo and unanimously approved.

IV. PRESENTATION & APPROVAL OF JUNE 2021 TREASURER’S REPORT – Ms. Frankic reporting for Mr. DeBlieux

a. Financials - The Balance Sheet shows the SPPP account at \$4,202.82, the General Operating account at \$158,321.80 and the FQMA account at \$4,457.07 for a total of \$166,972.69. There is a zero balance in Account Receivables, and Total Liabilities and Equity is \$176,294.64. The Accounts Payable is current at \$3,819.30 which is primarily audit fees. The Profit and Loss is -\$14,530.22. Mr. Simms questioned whether the \$4,000.00 for Travelers Aid should be listed as a liability. Ms. Frankic noted she has not received an invoice for this but will query the CPA. Ms. Raines motioned (**M3**) to “approve the June 2021 Treasurer Reports as submitted...”, seconded Mr. Watters and unanimously approved. *The Treasurer’s Report is posted to the FQMD website.*

VII. REPORT BY CHAIR, SECURITY and ENFORCEMENT COMMITTEE – Ms. Cooper for Mr. Emory noted New Orleans Police Department (NOPD) 8th District Captain Walls attended the SEC meeting. Also, Ms. Angela Owczarek has begun the Travelers Aid homeless survey and shall report on this at the August to the SEC.

a. Dusk to Dawn – Keep it On Campaign – This program and flyer was presented and requested Board approval. It was noted the Downtown Development District (DDD) logo was included since they are partners for Canal and the adjacent French Quarter 100 blocks. Board and stakeholder organization assistance was requested for flyer distribution and program promotion. Volunteers are being sought for French Quarter distribution, as well as social media blasts. Mr. Caputo motioned (**M4**) to “approve the FQMD Dusk to Dawn - Keep It On program”, seconded by Ms. Cavett and unanimously approved. *The flyer is posted to the FQMD website.*

IX. REPORT BY CHAIR, LIVABILITY COMMITTEE – Ms. Frankic for Ms. Gasperecz on Sanitation

a. Request for Proposal response evaluation for Lowest Qualified Bidder to include a weighted review matrix to establish terms beyond cost.
i. Past Performance – including performance in other municipal contracts
ii. Local ownership
iii. Disadvantaged Business certification
b. Collection

- i. Provide option for smaller garbage carts that will fit in narrow spaces available in the District
- ii. Provide option for larger residential properties and businesses to opt into City contract with competitive pricing
- iii. Reduce times for collection i.e., hours carts and garbage bags can be on curb, 4:30 pm - 8:30 am (*Committee members to discuss proposed times with the four private haulers operating within the French Quarter as to the necessary window of time for them to complete their contracted pickups.*)
- iv. Require manual sweeping behind garbage collection trucks
- c. Require nighttime manual sweeping and emptying of public trash cans in heavily trafficked commercial areas, including Bourbon Street
- d. Include weight limits on garbage trucks and create incentive for appropriately sized garbage trucks
- e. Require administrative costs for fulltime coverage of Sanitation Ranger(s) in the French Quarter and Downtown
- f. Include accountability performance standards
 - i. Measurable and trackable
 - Standards for pressure washing technique
 - Water temperature for street washers
 - Biodegradable cleansers for street washing
 - Deodorizer for street washing
 - Include weed killer in pressure washing cleanser
 - Consistent litter abatement and public can emptying
 - Maintain locks on public trash cans
 - ii. Procedure for public feedback
 - iii. Enforceable penalties for non-performance
- g. Existing Laws
 - i. Residential Garbage
 - Place garbage in an approved, closed, roll cart, or in at least .8 mil black bags in front of your property. White plastic or paper bags and boxes are prohibited. Garbage in unauthorized containers will not be collected. §138-38,39,42,43,47
 - Provide an option for residents and small businesses to elect to switch from garbage carts to heavy mil. bags**
 - Properties containing more than 4 units must hire private service. §138-45
 - Create the opportunity for larger residential properties and businesses to opt into public collection with a charge back to user.**
 - ii. Commercial Garbage
 - Hotels, restaurants & bars; and businesses generating more than 35 gal per pick up must hire private service. §138-45
 - Create an opportunity for larger businesses to opt into the public collection with a charge back to user.**
 - Haulers must pick up 4-8am and/or 4-6pm. §138-42(b)
 - Revise hours to 5-8 am* and/or 4-6pm**
 - iii. Garbage Placement

- No garbage carts on public property 9am–3:30pm. Carts must be stored on private property. §138-42(a) **Revise times to 8:30am – 4:00 pm**
- h. New Laws Related to Sanitation
 - i. Establish weight limits within the oversized vehicle ordinance.
 - ii. Activate location for garbage transfer on City owned property close to the French Quarter & Downtown to accommodate smaller garbage trucks. Locations under consider with early conversation with surrounding neighbors.
 - i. Department of Sanitation Coordination
 - i. Increase Sanitation Ranger capacity in the French Quarter & DDD for fulltime coverage. (The current Ranger also covers the Westbank which is too large an area for proper enforcement).
 - ii. Provide Sanitation Ranger with citation writing authority.

A Committee Member shall meet with the private haulers to make sure they can meet the terms of the recommended changes.

DISCUSSION:

Mr. Bilbe referenced the Disney model of a garbage can needed every thirty feet to encourage proper public use. This also required proper monitoring and emptying. With French Quarter blocks at three hundred feet, Mr. Watters noted this would require two – three times the number of receptacles currently in use. Mr. Simms noted both commercial and residential trucks should be smaller and have a lower gross vehicular weight. There was agreement that bag usage of the proper mil was better and cart prohibition would greatly improve the sanitation and ambiance of the District. Mr. Bilbe noted the Committee’s recommendations recognize current City ordinances and the rationale for some ordinance changes to facilitate these best practices. Mr. Watters noted based on the thirty foot rule, more cans are needed on Bourbon Street. Mr. Caputo stated more cans are needed throughout the French Quarter.

Ms. Cooper asked if a FQMD representative would be in the contractor vetting? Ms. Frankic replies this is unknown at this point, but the City did request we produce this information for their contractor selection process. Ms. Cooper also asked what the selection time frame and process would be since the current contract expires at the end of the year.

Mr. Simms requested more enforcement for human and animal organic waste. Ms. Frankic noted the current contract requires vendor clean-up within one hour of notification. There was a concern of lag time between 311 notification and vendor notification. Ms. Cavett noted contract enforcement is most important. Ms. Raines suggested the new contract could require a “Keep the Quarter Clean” QR code on a specific URL site for direct reporting to improve efficiency. She explained this would time-stamp the notification time. Ms. Frankic said this would be possible. Ms. Cooper suggested the contract should include the consequences for a lack of contract fulfillment and the information should be consistent. The recorded analytics noted by Ms. Raines would support enforcement. It was felt there should be full-time (twenty-four/seven) removal of organic waste. Removal and enforcement are two separate contracts. Mr. Bilbe noted the vendor is in violation of the current contract because the required daily sidewalk washing does not occur. Lack of response to proof of non-compliance is a current issue and should be rectified.

Ms. Frankic shall request more cans throughout the French Quarter and the number of tons of trash collected by truck, to facilitate truck reduction utilizing data analytics that are manageable and trackable. Also, follow-up on chemicals used and lack of pressure washing. She also shall add permanent staff for twenty-four/seven daily removal of organic waste, a reporting system with trackable analytics, and penalties for lack of contract compliance to the recommendations.*

It was noted the sanitation contract has two separate RFP's, removal and monitoring.

Mr. Bilbe motioned (**M5**) to “approve the Livability Committee’s Sanitation Contract recommendations as amended in this meeting*...”, seconded by Ms. Raines and unanimously approved.

V. CHAIRMAN’S COMMENTS – Mr. Pendleton

- a. French Quarter Economic Development District (FQEDD) Cooperative Endeavor Agreement (CEA): Chairman Pendleton shared the multiple attempts by FQMD to move the negotiations to completion holding firm to the non-negotiable requirement of POST certified patrols and not “rangers” as being pushed by the City. Mr. Simms interceded with the Mayor’s staff and FQMD finally received a call back. Mr. Pendleton gave a chronological briefing on the efforts put forth by FQMD to move forward for a completed CEA, overcoming numerous hurdles in the corrected fall ballot language for the community preferred language on the spring ballot to make the French Quarter safer. In May both parties agreed to a majority of the terms with only a few legal technicalities to be worked out. The City then changed the terms they agreed to in the meeting and on a term sheet produced by them. The necessary administrative fee on the term sheet was removed but has been reinstated. However, budget development is still an issue and Commissioner Cavett discovered the City had removed the patrol plans from the document, in addition to the post-\$2,000,000.00 revenue split, all previously agreed upon. For its part, FQMD shall continue working with the City on this issue. The recommendation of the FQMD attorney, formerly the City Attorney is to not sign the current CEA since it violates the ballot language and has the City over-reaching its authority. The current CEA is closer to what it needs to be, but it is not there yet. He shared he is very frustrated and concerned by a few community individuals that are knowingly spreading false information regarding this process; FQMD’s agenda is very transparent, but apparently others are not. Every time FQMD comes to agreement with the City, the City introduces new terms. As one Commissioner put it, “It’s hard to score a touchdown when the goal line keeps getting moved”. The last City change erased the revenue cap and percentage fee for designated services, using these funds as they see as “reasonable and necessary”. The FQMD attorney and the City Council’s attorney both said this must be changed. The City is having these same issues with other entities. FQMD is simply trying to be a good steward of how this tax revenue is collected, allocated and administered for the good of the community and for the purpose for which it was intended. He was sorry this initiative was taking so long, but the fault does not lie with FQMD.
- b. French Quarter Economic Development District Sales Tax Levy: Chairman Pendleton noted regarding the tax collection deferral FQMD was given last minute options, none of them being what he would have preferred.
 - i. Public Meetings: A public meeting must have proper notice, which was less than the notice given us. FQMD makes every attempt to be transparent. Emergency meetings have been held when FQMD had enough time to meet the seventy-two hour legal mandate. Neither the City nor the City Council has held public meetings regarding this French Quarter safety issue; FQMD has raised this issue at monthly Board and SEC meetings. Additionally, in public meetings the rationale for the continuation of the hotel room sales tax exemption for the FQEDD tax was discussed and passed unanimously by the Board; other hotel sales are not exempted.
 - ii. Patrols: There is money to continue the patrols. An extension of the existing CEA was approved and executed. FQMD had to request an accounting from the City regarding an

the patrol expenses. When this was received it showed the fund had a higher balance than when the City started it. This is due to the previous tax collection not ending in January 2020, and there were expenses for app costs or vehicle maintenance. \$100,000.00 was spent on officers. Also, FQMD did not add a \$400,000.00 expense liability. Therefore, he believes the accounting presented is not accurate.

- iii. Hotel Room Sales Tax Exemption: FQMD was told this would be enacted prior to July 1, 2021 by the City Council it was not. Further explanation is listed above in V.b.ii.
- iv. \$300,000.00 Donation: FQMD has been given this money for additional foot patrols in the French Quarter. This is for additional security until the FQEDD sales tax CEA is finalized.
- v. City Charter: Taxes can only be levied at the beginning of a quarter, which FQMD was unaware of.

DISCUSSION:

Mr. Simms asked why the June 25, 2021 CEA letter to Mayor Cantrell indicating CEA signage by the end of June did not happen? Mr. Pendleton shared this was due to the Mayor changing the agreed upon terms; changing fund collection, uncapping the percentage of what they could collect, adding ambiguous terms to allowed allocations, changing how the budget would be developed, and removing patrol terms, along with minimum standard officer hours. An agreement cannot be realized if the terms keep changing.

Mr. Watters noted there is a fear if this becomes a failed initiative, the City is in control of these escrowed funds on any collected FQEDD taxes. He shared the businesses feel they should not be burdened with tax collection if there is no enacted CEA and be at risk for potential litigation. Without a signed CEA, FQMD sees no money for patrols and has no control on the account where the money is accumulating. He asked is there some way for the parties attorneys to work this out?

Ms. Frankic noted when FQMD met with the Mayor on May 17, 2021 our attorney was not allowed in the room, but there were two City employee attorney's (not Legal Department) and her personal attorney present. FQMD has pressed for negotiations between our attorney and the City Attorney, but every time, the Administration routes it to the Mayor's personal attorney and Mr. Joshua Cox. To another point, businesses did not receive a notice to cease the tax collection on January 1, 2021 or receive a notice to collect the new tax on July 1, 2021. Therefore, the practicality of collecting the taxes on July 1 did not exist since there should be a thirty day lead time for businesses to update their point of sales.

Mr. Raines read the agreed upon terms of the 5/17/2021 meeting with the Mayor and sent by Mr. Cox:

- Presuming proper language can be agreed upon that will comport with the ballot measure, any funds, including those dedicated to POST-certified officer patrols, not expended during any calendar year will be made available to be budgeted for other public safety programs (including homeless assistance) in the following calendar year. The City will make its best efforts to spend \$2M on POST-certified officers in a calendar year.
- The administrative fee will be assessed as 7% of monthly FQEDD sales tax collections and remitted to the FQMD on a monthly basis with a maximum amount of \$150,000 in any calendar year.
- The KPI authors and monitors will be:
 - Designee of the Mayor,
 - The commander of the NOPD 8th District or her designee,
 - The chair of the FQMD,
 - The vice-chair of the FQMD,

- The City Council representative for District C or her designee,
- The president of the City Council or her designee.
- Termination - preference is to remove the language for termination for convenience all together, if termination for convenience cannot be removed then it will apply equally to all CEA parties.
- Annual budgets will be authored by the CAO office in close collaboration with the FQMD, its Finance Committee, and its Security and Enforcement Committee (with the CAO office participating in at least one official meeting of each of the aforementioned committees during the budget drafting process). The annual budget will be then presented to the FQMD for approval. In the event the FQMD does not approve the budget it will be returned to the CAO office with suggested revisions. After the annual budget has received FQMD board approval it will be submitted to the full FQEDD for final approval. The CAO will present a budget to the FQMD no later than October 15 each calendar year.
- The selection of the supervising Sergeant(s) over the anticipated programs will be at the sole discretion of NOPD. FQMD will be notified of any changes in supervising personnel within 14 days of those changes.
- FQMD will be provided with direct access to the FQEDD Trust Fund account showing all deposits, details of all expenses, and other reasonably expected information. Additionally, because of this access, the need for the reimbursement of invoices is null.
- Funds deposited into the FQEDD Trust Fund will remain in the FQEDD Trust Fund and the fund will serve as the operating account for all anticipated programs agreed to within the CEA.

Responding to Mr. Watters question, Ms. Frankic stated per Mr. Cox, in February there was a Trust Fund \$372,000.00 and as of June 30th there is \$347,548.00 with \$126,000.00 spent since February 28th, which an increase of \$174,000.00 in the Trust Fund. The expenditures are about \$126,000.00 over fourteen weeks. Mr. Watters noted there is a requirement in the law that if any business collects a tax they are obligated to remit it and it is nonrefundable.

Mr. Eric Smith asked if there are any concerns over City generated financial reports coming directly to him for clarification. He noted the \$347,000.00 is the December 31, 2020 year end figure and includes the legally collected funds that are remitted thirty days later. He further clarified those taxes received by the City that were collected past a tax sunset cannot be put into the designated fund; “the City cannot do anything with that money”. These funds are segregated out of the Trust Fund and are a liability because the money belongs to the customers that were charged that tax. Therefore, any funds collected after January 1, 2021 will not go into the Trust Fund. However, he did not address what happens to the segregated post-December 31,2020 taxes revenue. The monthly burn rate on the patrol is \$35,000.00 to \$37,000.00 depending on events and holidays. He stated the current CEA obligates the City to pay maintenance, tires, fuel, et cetera for these vehicles but does not require these costs to be paid out of the FQEDD Trust Fund. The City does not break out the minute fuel costs as it is less complex to just pay for it. The act of donation for the iPads and other materials was mis-routed and should be done this week. He shall look into the app accounting issue since it would now be at 120 days with the first payment remitted last week due to a purchase order delay. He verified the financial reports have been sent every two weeks to Councilmember Palmer’s office and shall now also come directly to FQMD as they are generated. He recognized that the information forwarded to FQMD could be seen as inaccurate and believes any future concerns can be cleared up with a call or email directly to him. He also verified pursuant to the terms agreement, once a long-term contract is in place, FQMD shall have live access to the bank accounts.

Mr. Pendleton asked why there are no app charges on the financials from February through June 2021? Mr. Smith replied the first payment for the March purchase order was remitted this past week. Mr. Pendleton questioned the missing patrol information for May 23 – June 6. Mr. Smith noted when the

report in question was sent to Councilmember Palmer it included an explanatory email that must not have been shared with FQMD. Mr. Smith said he would send FQMD the updated cumulative report sent to District C this morning. Mr. Pendleton shared he appreciates Mr. Smith's efforts and does not want a contentious relationship with the City. Since Mr. Smith attends many FQMD committee meetings, he can be added to the agenda, if updates from him are available.

Mr. Watters asked Mr. Smith how could the few outstanding terms be resolved? He replied the June 25th CEA and cover letter was sent to the City Council Attorney and most of the term changes made by the City Council Attorney have been accepted by the City; some are tiny language issues remain. He assumes a new CEA version will be sent to FQMD within the week; progress is being made towards CEA completion.

Ms. Cavett asked for line-item costs to be included in the Trust Fund reporting. Mr. Smith stated that FQMD was given was the Cumulative Data Report.. However, some of the incidental costs and fuel costs came out of the NOPD budget to date. Once a long-term contract is in place, these line-item costs will be included and FQMD shall have live access to bank accounts along with the City generated reports. The Department of Revenue is ready to implement these procedures upon tax collection..

Mr. Simms noted every Tuesday there is a MAX Meeting, 2 pm at the 8th District NOPD Station and Lt. Columbo also streams it on Facebook. Ms. Raines noted the police updates in question earlier were specifically regarding the Supplemental Police Patrol Program (SPPP). Mr. Simms noted the SPPP current weekly patrol is the same one that has been operating with 200 hours (5 officers). Had the tax been collected in a months' time that could have increased by 15 more officers in August. The Mayor shared in the afore mentioned meeting that she did not have the officers available for currently approved overtime. Mr. Simms said he saw no problem filling these additional hours with POST certified officers. Mr. Pendleton noted the Mayor wanted only NOPD officers utilized for the SPPP. The CEA should call for 840 hours per week of POST certified officers broken down into four hour shifts. Mr. Simms thought staffing that would be feasible, excluding events like festivals, holidays. Mr. Simms noted the real problem is once the \$2,000,000.00 threshold is exceeded. Ms. Raines noted the current CEA states the 840 hours is a recommendation and the City has no obligation to staff that. If those 840 hours are not staffed then the money rolls over to meet and exceed the \$2,000,000.00; then these funds can be used for programs other than security. The current language gives FQMD no authority to change those programs and must be resolved in the budgeting process language. The current language says the FQMD has an "opportunity" to input how they would like a change, there is no authority or obligation for FQMD to make these changes. Ms. Cavett noted this in part is why line-item costs are so important to record. Mr. Pendleton reiterated if more patrols are needed now, Mr. Smith stated there was enough money to double the officer hours over the next 90 days. Councilmember Palmer requested expanding patrols for parking enforcement and that was begun week before last. Capt. Walls has also requested additional officers. The CEA in force now dictates SPPP expansion at their request. They and the City shall be meeting this Friday with SPPP expansion on the agenda. Mr. Smith felt the current Trust Fund balance would probably allow the SPPP a one third increase. If sales tax is approved October 1, 2021 the first collection will be November 20, 2021. Therefore, the current fund needs to last through November. There has been increased Friday and Saturday night staffing by NOPD coordinating with DPW for a parking patrol. In two weeks on four hour shifts 494 tickets were issued. Ms. Cavett said last week or the tone has improved. She has felt safer and thanked Capt. Walls. Mr. Pendleton noted the Louisiana Office of Alcohol and Tobacco Control (LAATC) has also been active in the French Quarter.

VI. EXECUTIVE DIRECTORS REPORT – Ms. Frankic

Ms. Frankic noted the Committee Chairs shall report on the work product from the past month and her report details progress that is separate and apart from those reports.

- a. Administrative - The FQMD Board of Commissioners' auditor, Ericksen Krentel, has completed the 2020 audit with approval of all administrative and financial reporting as complete and accurate. As she reported last month FQMD was advised by the auditor to adopt a Disaster Recovery Plan and Sexual Harassment Plan in this year. This will be directed to the Finance & Development Committee to be completed this year.
- b. Public Safety
 - i. The Act of Donation for the SPPP automotive parts and materials which the Board of Commissioners declared surplus at the April meeting has still not been signed by the Mayor. I received an email from Eric Smith on Thursday, July 8th, that it had not been correctly routed for review and signature. He initiated a new request last week and he is hopeful we will have everything sorted in the next few days.
 - ii. The Cooperative Endeavor Agreement with the Travelers Aid Society of Greater New Orleans for the Needs Assessment of Street Homelessness was executed, and work began with kickoff meetings by the staff and the NOPD Quality of Life Team. They attended the June Security & Enforcement Committee meeting. Field survey began last week.
- d. Preservation - The French Quarter Museum Association (FQMA) Cooperative Endeavor Agreement Addendum for a one-year extension has been completed and signed. Mr. Daniel Hammer, CEO of the Historic New Orleans Collection and FQMA Chairman asked to share that that he is thrilled about this extension of their CEA and to please let Chair Christian Pendleton and the rest of the FQMD Board know they are truly grateful for the opportunity to continue the FQMA-FQMD relationship.
- e. Quality of Life
 - i. Commercial & Residential Vitality – FQMD has received a sample Economic Impact Study Request for Proposals (RFP) from GNO, Inc. and we will be working across several committees to craft an RFP and secure financing to proceed with a study of the French Quarter's economic impact on the City, State, and Region.
- f. Meetings attended:
 - 6/15 NOPD 8th District MAX Meeting
 - 6/15 FQBA Quality of Life Committee meeting
 - 6/17 FQBA Lunch Forum
 - 6/18 TASGNO Kickoff meeting with FQMD
 - 6/21 Security & Enforcement Committee Meeting
 - 6/21 TASGNO Kickoff Meeting with NOPD 8th District Quality of Life Officers
 - 6/22 NOPD 8th District MAX Meeting
 - 6/23 Government Affairs Committee Meeting
 - 6/28 Virtual Meeting with District C legislative & City Council attorney
 - 6/29 Virtual Meeting with Louisiana Department of Revenue
 - 6/29 NOPD 8th District MAX Meeting
 - 6/30 Livability Committee Chair Check-in Meeting
 - 7/6 NOPD 8th District MAX Meeting
 - 7/7 Livability Committee Meeting
 - 7/8 Security & Enforcement Committee Chair & Vice-Chair Check-in Meeting

VIII. REPORT BY CHAIR, GOVERNMENT AFFAIRS COMMITTEE – Both items listed below were reported and discussed under the Chairman’s Comments, agenda items V. a. and b., pages 5-8.

- a. FQEDD CEA Status Update – **ANNEX II**
- b. FQEDD Trust Fund Status Update

X. NEW BUSINESS

- a. Mr. Simms says meeting documents should be posted before the public meetings and wondered if we were violating Public Meeting Law? Mr. Pendleton said he did not know if we could post anything to our website before it was approved by the Board. Ms. Frankic said FQMD is not in violation of Public Meeting Law and if some person or organization wanted to fund a technology interaction like this for FQMD they should come forward. Mr. Pendleton said he would verify that we are not violating Public Meeting Law, that FQMD continues to practice transparency and would notify the Board if there is anyway to change the agenda posting within our resources.
- b. Mr. Bible thanked the Commissioners for all their time and continuing effort for the last year and a half on the FQEDD and for the five years that FQMD with much help from Mr. Simms ran the FQTF very successfully and without any major concerns or complications. FQMD proved the success, transparency, and viability of the SPPP. And the constant terms of agreement changes keep moving the goal line.
- c. Ms. Cavett stated the FQEDD Hotel Room Sales Tax exemption exists because the hotels already charge a room occupancy tax, the current CEA therefore includes that exemption, and all the revenue projections used to draft the new CEA took into account the exemption would continue. Also, the community is frustrated because they voted for taxes to be collected beginning July 1st and appreciated Mr. Pendleton’s explanation today that FQMD did not know a City Council tax deferral would move the vote to November 1st at the earliest. She said in a perfect world the tax collection vote would have occurred on July 1st and the revenue could have been escrowed because the CEA and the tax collection are two different issues, and the timing did not allow for a board meeting presentation or vote, or to hear community feedback. The FQMD acted on the best information they had, and we learn as we go. Moving forward and time permitting she hoped FQMD would call a Special Board Meeting particularly on ballot matters. She reiterated that the FQMD Commissioners volunteer their time and abilities and thanked Mr. Pendleton for his honesty.

XI. NEXT MEETING DATE: 13 September 2021

XII. ADJOURNMENT: Ms. Cooper motioned (**M 6**) to “adjourn the July 11, 2021 Regular Meeting of the FQMD Commission at 4:21p.m.”, seconded by Mr. Zumbo and unanimously approved.

Respectfully submitted,

(signed original available)

Susan Klein, Secretary

ANNEXES: Pages 11-16

ANNEX I – Pre-meeting Public Comments Received:

LARRY LANE <llarrylane@aol.com>

Sun, Jul 11, 2021 at 3:51 PM

Reply-To: LARRY LANE <llarrylane@aol.com>

To: publiccomments@fqmd.org

From Larry Lane

925 Ursulines

I am not a paid consultant

Agenda item: Update on the French Quarter Economic Development District Cooperative Endeavor Agreement

FQMD, where is our intensified blue light police presence?

It's been 11 weeks since we overwhelmingly approved a new Quarter for the Quarter tax to triple Task Force manpower.

- The number of added patrols? Zero.
- We were told the tax would probably generate \$2 million for more cops. Yet not a penny has been collected. Zero. In fact, tax collection will not start until fall – six months after voter approval. A six-week startup means we will not see triple the blue light patrol hours until nearly Thanksgiving or beyond. Until then? Zero.

Bewildering! The ballot measure set July 1 as the start of a five-year collection period. By pushing the date back to Oct. 1, you missed a chance to piggy bank \$500,000. Your excuse for this delay: "Outstanding procedural issues." Bizarre. Three days before the April vote, FQMD board chairman Christian Pendleton told Fox 8: "You know exactly how those funds are going to be spent." Did we? Did you? Apparently, one "outstanding procedural issue" is your effort to divert up to \$150,000 a year in tax revenue for your administrative services. For what?

The Task Force is overseen by an NOPD sergeant, and the day-to-day scheduling is done by an unpaid volunteer. It's a question for me and, apparently, for the state Attorney General, who opined: "Any administrative expenses incurred as general operating expenses ... cannot be paid out" to FQMD. Stop quibbling with the city. Hammer this out. Fix this. Our streets are not safe. You walked away from negotiations a week before the first vote last December– urging citizen groups to oppose the measure. It was defeated. That delayed the tax once. Now you're doing it again. While you dawdle, street crimes are overwhelming NOPD's Eighth District. There were 16 shootings alone (compared to three last year) in the first six months of 2021. NOPD is deluged with complaints about open drug sales, street noise, raucous throngs and the homeless.

Where is your sense of urgency? Do you have any higher mission than helping to keep our streets safe? Major festivals are returning. The Saints are welcoming fans. So are the Pelicans. Major tour groups are beginning to book. Tourists need to feel safe. Workers need to feel safe. We need to feel safe.

Sadly, because of "outstanding procedural issues," which you didn't share with the public until the day the new tax should have started, we will be missing the equivalent of 15 police officers. As a long-time NOPD volunteer, as well as being co-creator of one your most ballyhooed achievements, the Safecams8 security camera registration program, I am dispirited. You have let petty politics override public safety.

Ken Caron <kcaron4218@gmail.com>

Sun, Jul 11, 2021 at 11:07 PM

To: publiccomments@fqmd.org

I am not an individual who takes lightly the opportunity to express my frustration and opinions and therefore seldom express these publically until I've reached a level where so many others are experiencing the same emotions and beliefs that I am holding. So many share the same opinion that I have, and that is the Task Force worked well, and it's something we could all count on every day. Now we are concerned that the significantly increased Task Force that we voted for is being held, hostage. As each day passes, there is no signed CEA or tax being collected.

Months have passed, and yet there seems to be no light at the end of the tunnel. FQMD is now recommending deferring the tax collection for three months, so the enhanced staffing levels cannot start until after the tax is collected. Lost is tax collections during that period which relates to funding. Valuable time continues to be lost as we face another sunset on this legislation and lose an opportunity to support the 8th District police officers at a time they need it more than ever as crime continues to climb. We are at record low staffing, and the voters are losing faith that the process is failing them as they voted for the tax collection to increase FQTF staffing and thereby assist the NOPD in making the historic French Quarter a safe place to live, work and play. Most importantly, we are at serious risk of losing a program that essentially costs taxpayers nothing and now puts every business, tourist, hospitality worker, and New Orleans resident at risk because the parties cannot work out the CEA interpretation and language.

The time has come for no further delay to give the voters what was voted on and approved. There should be no more attempts to reinterpret or rewrite the ballot question and no more blame game. Ultimately your responsibility is to the voters and citizens of New Orleans and to execute their wishes both legally and expeditiously. I implore you to do so.

Kenneth J. Caron
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I attest to the fact I am not a paid consultant or have ever been compensated for expressing what are my to be considered my views and opinions.

Ken Caron
Cell Phone 504-250-9353
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Juliet Lau <819821r@gmail.com> Mon, Jul 12, 2021 at 1:45 AM

To: publiccomments@fqmd.org, FreelA@ag.louisiana.gov, "Sudduth, Lauryn" <SudduthL@ag.louisiana.gov>, constituentservices@ag.louisiana.gov, PublicIO@ag.louisiana.gov

Juliet Laughlin 821 Royal Street

I am not a paid consultant.

Agenda item 2 Public Comment, regarding the Update on the French Quarter EDD Cooperative Endeavor Agreement

The current climate of our city is fraught with rising crime. I and so many of my neighbors are victims of crime. This causes us to fear for our lives, both in and out of our homes, which leads to economic instability, and lost revenue, as visitors are repelled, and businesses continue to tread water. Our city is on life support!

In the midst of this, voters overwhelmingly voted for the Quarter for the Quarter Sales tax renewal. I believe that when July 1st came and went without the tax being collected Councilmember Kristin Palmer and FQMD

were acting in an unlawful, imperious, manner. I have copied the Attorney General's office on this letter so that they may weigh in on whether delaying this sales tax collection violates a legal requirement, and whether there are consequences. The ballot language does not allow the start date to be changed, neither does it allow any kind of delay, let alone for three months. What you are doing, I believe, is ILLEGAL, and you are doing it, not only without the vote of all the members of FQMD, but in the midst of a dangerous environment. The public deserves transparency, an answer for why this is happening, and a reversal.

Sincerely,

Juliet Laughlin

Bridget Neal <blneal0907@gmail.com>
To: publiccomments@fqmd.org

Mon, Jul 12, 2021 at 4:00 AM

From: Bridget Neal

939 Iberville

I am not a paid consultant

Agenda item: Update on the French Quarter Economic Development District Sales Tax Levy Discussions

Like many other FQ stakeholders, I have asked Councilperson Jay Banks to do right by the FQ residents, businesses and visitors, and levy the FQEDD tax so that Palmer and FQMD can no longer hostage off the safety and security of me and my children. FQMD does not speak for the FQ residents and has no legal, moral, or ethical right to compromise our safety and security in the hopes of getting more favorable terms from the City. Here is the FQMD email related to their FQEDD tax take-over, hostage plan to be read into the public record:

From: Karley Frankic <kfrankic@fqmd.org>

Date: June 30, 2021 at 5:15:23 PM CDT

To: Karley Frankic <info@fqmd.org>

Subject: FQEDD Meeting

Commissioners,

After discussing with the Executive Committee, today we sent the below message to Councilmember Palmer. Our goal was to work with the members of the City Council and FQEDD to **request a deferral on the approval of this tax implementation at tomorrow's meeting**. This will accomplish several critical items including:

1. This will allow a more reasonable window of time for the legal work to craft an effective tax authorization document for review by all affected parties.
2. On a parallel path, the Administration, FQEDD, and FQMD can conclude its negotiation of the Cooperative Endeavor Agreement that will define the roles, responsibilities, and authorities in line with the voter approved ballot language.
3. As new tax collections can only commence at the beginning of a calendar quarter, this allows enough time with a target completion date of all of the above

by 8/31/2021 which provides an additional 30-day window to businesses who will have to collect this to be informed and update their point of sale systems.

4. Providing adequate notice of this new special sales tax and the remittance process while allowing restaurant, bars and other affected businesses a window of time to re-program their point of sale systems to change their guest transactions. We do not want businesses struggling to recover from the impact of the COVID pandemic to be responsible for remitting a tax they aren't currently able to collect.

Councilmember Palmer,

After conversation with your office, we understand that there remain outstanding procedural issues related to the FQEDD sales tax levy. Those issues coupled with the impracticality of businesses to implement the collection of a new special sales tax on the same day as the FQEDD approving the levy suggest that holding a meeting tomorrow to pass the resolution to levy the sales tax is unrealistic.

We ask that you postpone the FQEDD meeting to a later date to complete the legal evaluation of outstanding issues and allow time for the businesses to implement the tax collection procedures within their establishments' point of sale software. As we continue to work with your office on these issues let's remain focused on completing the cooperative endeavor agreement with the Administration for a transparent deal for all parties involved.

It is best to work out all of the details and get this right before the FQEDD and the stakeholders in the French Quarter commit to five years of levying this new special sales tax.

If you have any questions, please feel free to call Christian directly.

Karley D. Frankic | Executive Director
kfrankic@fqmd.org | 504.323.5801

Bridget Neal <blneal0907@gmail.com>
To: publiccomments@fqmd.org

Mon, Jul 12, 2021 at 5:35 AM

From: Bridget Neal

939 Iberville

I am not a paid consultant

Agenda item: Update on the French Quarter Economic Development District Cooperative Endeavor Agreement (which is different from the FQEDD tax update item) Per the rules, one email per agenda item

Public Comment:

As many of you know, the current supplemental patrol levels are 5 extra people per day, if the FQEDD tax had been levied and then, a CEA signed, the number of extra security officers would have jumped to 20 extra people protecting the FQ per day by mid-August. FQMD and Palmer robbed the FQ of 15 extra people per day, protecting us when they decided to not levy the FQEDD tax.

Here is the story- FQMD's Executive Committee, pushed by one person, its Board Chair, Christian Pendleton, who represents the LRA, pressured Palmer to defer the FQEDD levy vote. (FQMD email should have been read in the previous agenda item.) The levy resolution would have allowed the City to legally start collecting the FQEDD tax funding on July 1, 2021 as it was explicitly written into the City Council approved ballot language. In my opinion, FQMD made this request to Palmer in order to create leverage around its ongoing negotiations with the City- in other words, FQMD made the request to Palmer in order to hold the safety and security of the FQ hostage in the hope of receiving more favorable CEA terms.

Here is my summation of the FQEDD tax situation and the current FQ dynamic, FQMD's Executive Committee is the mastermind, Palmer is FQMD's muscle, FQBA and VCPORA are FQMD's cover-up mechanisms, and most distressingly, the public safety of FQ residents, businesses and visitors are FQMD's collateral damage! What FQMD and Palmer perpetrated upon FQ residents is unconscionable in this high crime climate.

Councilperson Banks voted against the FQEDD language restating the City's position, that an unelected, unaccountable organization (specifically, FQMD) should not be able to impact public safety! The City and Councilperson Banks were, clearly, right. I am asking Councilperson Banks to do right by the FQ and levy the FQEDD tax so that Palmer and FQMD can no longer hostage off the safety and security of me and my family, while the other FQ organizations- VCPORA and FQBA which are supposedly protecting the interest of its members, silently sit by and accept our compromised safety as the price we members must pay to unconditionally, support and shield FQMD's questionable actions from the public. City Council members, please do right by the FQ and levy the FQEDD tax!

ANNEX II: Summary of Recommendations on French Quarter Economic Development District Cooperative Endeavor Agreement with FQEDD Governing Authority (City Council) & Mayor of the City of New Orleans

French Quarter Management District's Government Affairs Committee reviewed the draft CEA received from the Mayor's staff on from June 17th with input from legal counsel in a public meeting on Wednesday, the 23rd of June. The committee accepted the majority of the edits the Mayor's staff made and appreciated the inclusion of the previously submitted revisions to the document including those directly related to patrol zone and vehicle details. Summarized below are the recommendations from the committee and legal counsel:

Article I. Definition 5. Annual Budget: Extend FQMD's Annual Budget review deadline from "15" to "30" days to allow for public committee and board review meetings.

Article I. Definition 18. Net Revenues of Designated Sales Tax: Reject deletion of cap on City Collection Fee to be subtracted from the Monthly Collections.

Article I. Definition 26. Underlying Police Services: Accept deletion of "95 Officers" and add "and reported on that date to FQMD"

Article II. A Service. 1.: Accept language related to administrative fee "to cover all necessary and reasonable expenses incurred as a direct result of the performance of the FQMD's obligations under this Agreement during the preceding month, provided, however, that any administrative expenses incurred as general operating expenses of the FQMD cannot be paid out of dedicated sales and use tax funds." And reject

Article II. A Service. 2-6. Per recommendation from FQMD's and City Council's attorneys.

Attorney for the City Council added: "Not less than annually, and in any event upon the request of the FQEDD, the FQMD shall provide the FQEDD a report detailing its use of the administrative fee so that the FQEDD may evaluate the reasonableness and necessity of expenses."

This may give the City some comfort that all parties are being held to the same standard allowable by the AG and should give the Administration comfort that there is some City-side oversight. Both moreover, placing oversight with the Council seems more consistent with the ballot language.

Article III – FQEDD's Obligations.2.: "Waive its legal right to issue bonds in connection with the District." The City Council's attorney made the comment: Why is the FQEDD waiving its right to issue bonds? Was this negotiated specifically? I don't understand what, if anything, this has to do with the subject matter of this agreement. I recommend deleting.

Article III – FQEDD's Obligations.4.: Reject deletion of "Review the City's monthly accounting of the amount of gross Designated Sales Tax revenues collected and the difference in the amount of the Designated Sales Tax and the Net Revenues of the Designated Sales Tax." per recommendation from FQMD's and City Council's attorneys.

Article IV – The City's Obligations.6.: Delete "in the City's sole judgement"

Article IV – The City's Obligations.9.: Extend FQMD's review of City expenditures deadline from "15" to "30" days.

Article IV – The City's Obligations. D. Obligations of the City through the NOPD 8th District Commander.

1.b.i Request addition after "at a minimum, have at least one SPPP Officer assigned per day to perform traffic and oversized vehicle enforcement" of "during the hours of 7:00 am – 7:00 pm"

ARTICLE VI - DURATION AND TERMINATION. A. Term. Attorney for the City Council provided this comment: How can you extend the agreement past five years pursuant to a multi-year CEA when it is tied to a specific ballot proposition with a five-year sunset? Also, why are we limiting the right to extend to a multi-year CEA? Wouldn't we want to leave open the possibility of a six-month or one-year extension to mop up unspent monies? Given that the Council is the governing authority of the FQEDD, it must already sign off on any extension or modification of this agreement. So I am not sure that the additional requirement of extension pursuant to a multi-year CEA gives any more oversight or transparency, and it does so at the cost of flexibility at the end of the term. It is perhaps of no moment, but the ability to extend or amend a contract is implied in every contract. It is unnecessary for parties to reserve the right to amend their contracts. The committee decided that there should be no Termination for Convenience by any party.