



Board of Commissioners Special Meeting Minutes

Monday, August 23, 2021

New Orleans, Louisiana

4:04 – 4:47 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
Matthew Emory

Susan Klein
Heidi Raines
David Bilbe
Mamie Gasperecz
Brittany Mulla McGovern

Jane Cooper
Gail Cavett
Frank Zumbo
Robert Watters

Commissioners Absent:

Executive Director: Karley Frankic

Guests:

Glade Bilby, II, FQC
Erin Holmes, VCPORA
Bridget Neal, FQ Resident
Beverly Faulk, Resident
Zach Monroe, Chief of Staff
Greg LaRose WDSU

Paul Roux, BRG
Eric Smith, CNO, CAO, FQIF
Austin Wilty, CNO, Legal Department
Courtney Story, CNO, CAO
Stan Harris, LRA
Chris Young, FQBL

- I. CALL TO ORDER: ROLL CALL: INTRODUCTION OF ATTENDEES –Chairman Pendleton called the meeting to order at 4:04 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. For in-person meetings live comment requests are registered on comment cards and submitted to the Board Chair. Pre-meeting public comments received were read by Chairman Pendleton. ANNEX I
- III. BOARD CHAIR’S COMMENTS: Mr. Pendleton
 - a. Travelers Aid Study: The draft has been received and the results will be presented at the September Regular Commission Meeting.

- b. Sunset Tax: Taxes are still being collected and assigned late fees for the previous FQEDD tax. FQMD reached out to Councilmember Palmer who in turn contacted the City for the appropriate action.
- d. FQEDD: Mr. Pendleton thanked all efforts for the CEA and with special thanks to Government Committee and its former Chair Mr. DeBlieux and Vice-Chair Cavett, and the Security and Enforcement Working Group (Ms. Cavett, Mr. Caputo, Mr. Simms, and Mr. Watters. FQMD has been working on the for eighteen months along with.
- e. New Commissioner: The French Quarter Business Association (FQMD) has appointed Ms. Brittany Mulla-McGovern to serve out Mr. DeBlieux's 2021 term of office.

IV. NOMINATIONS – Mr. Pendleton stated nominations shall be accepted for a Board vote at the September meeting. For this current cycle they are to both be business representatives.

- a. Board of Commissioners Treasurer
- b. Government Affairs Committee Chair

V. FQEDD CEA AGREEMENT - Mr. Caputo motioned (M1) to “defer the vote on FQEDD CEA approval until a Special Board Meeting on September 2, 2021 to allow the stakeholders and the public further review”, seconded by Mr. Zumbo and unanimously approved.

Pre-vote Discussion:

- Mr. Caputo requested a vote deferral for himself and his businesses attorneys to clear the document.
- Ms. Cavett noted the FQMD attorney has signed off on the document and she is comfortable the current draft and that FQMD should move forward.
- Ms. Klein asked and confirmed that a quorum of Commissioners would be available on September 2, 2021.
- Mr. Simms agreed with Steve's motion since it will also allow public review of the document. He shared that the hotel exemption has not been well received by the public feedback he has received due to the amount of revenue involved and what it could provide for additional patrol staffing.
- Ms. Gasperecz shared she is disappointed this could not be voted on today, but in support of her fellow Commissioners will support a very brief delay.

Mr. Pendleton confirmed with Ms. Cavett that a Government Affairs Committee meeting can be hold before the September 2, 2021 Special Board Meeting. Ms. Frankic shall confirm with legal counsel if once information is distributed in the Board Packet it becomes public record and may be posted on the FQMD website. Mr. Pendleton also charged Ms. Frankic with contacting the City and District C for any objections to the posting of the document.

Ms. Cavett was concerned with posting an incomplete document that has not been Board approved. She feels a better avenue for review would be the Government Affairs Committee (GAC) open meeting. She recommended the document be posted only after Board approval, especially since it has taken this long to

get to this point. Mr. Pendleton suggested that following the GQC open meeting and approval, the CEA be posted as a draft.

VI. NEW BUSINESS: Mr. Simms believes that since the FQEDD ballot language did not include a hotel room sales tax the exemption should not be permitted. Ms. Cooper noted this has come up repeatedly at previous meeting and at this juncture in the process it should not be a topic of discussion. Ms. Klein noted if not exempted, this would be a triple tax on FQMD hotel rooms, make them less competitive with the increasing hotel room inventory and exacerbate a decline in District sales taxes if less people are in rooms to make other “in-house” purchases. Mr. Simms felt it might an issue of legality. Ms. Cavett noted the hotel room sales tax exemption is a matter between the hotels, the City, and the City Council. Also, the tax revenue projections were based on the old data. This is not a new exemption and is for hotel room sales only and does not exempt every other hotel sales tax.

VII. NEXT SCHEDULED MEETING: 13 September 2021

VIII. ADJOURNMENT: Ms. Cooper motioned (M2) to “adjourn the August 23, 2021 Special Meeting the FQMD at 4:47 pm.”, seconded by Mr. Bilbe and unanimously approved.

Respectfully submitted,

(signed original available)

Susan Klein, Secretary

ANNEX I – (Pages 3-5) Pre-meeting Public Comments Received:

- LARRY LANE <larrylane@aol.com> Mon, Aug 23, 2021 at 12:06 AM
Reply-To: LARRY LANE <larrylane@aol.com>
To: publiccomments@fqmd.org

Re agenda Item 5 on the August 23 agenda -- the CEA

The time has come to stop play politics with public safety.

Approve the CEA.

Collect the tax.

Start building a Task Force war chest.

The voter message was clear in April: Collect the tax and collect it from all parties.

The ballot measure wasn't slightly vague.

Neither was the 3 to 1 approval.

But five months later – and after national story after national story about French Quarter crime -- we're still waiting to see the promised tripling of the blue light patrols. Instead, you've drawn us into the tug-of-war between the mayor's office and Councilwoman Palmer.

Enough!

We've already missed the original tax collection startup date.

It's time to stop dawdling.

My neighbors are incensed. They are asking if patrols have been cut.

“It’s become the French Quarter Mismanagement District,” fumes an 84-year-old neighbor who is afraid to walk his dog after dark. “I shouldn’t be terrified to step outside my home.”

My neighbors don’t quite understand why regular NOPD units are being used for the Task Force. They ask repeatedly: “Where are the regular blue light vehicles?”

The answer: falling apart. Then again, so is the high-tech equipment used to keep Task Force operations up and running.

“I thought we voted for a tax to fix all this,” another neighbor said to me this weekend.

We did.

Now we’re waiting for you.

Larry Lane

925 Ursulines

I am not being paid for my comments

- [Ken Caron](mailto:kcaron4218@gmail.com) <kcaron4218@gmail.com> Mon, Aug 23, 2021 at 1:24 AM
To: publiccomments@fqmd.org
August 22, 2021

To: Publiccoments@FQMD.org

Re: Public Comment regarding FQMD Board Meeting on Monday, August 23, 2021, specifically the motion to consider approval authorizing the Board Chair to enter into an agreement that shall govern the collection and disposition of the .245% French Quarter Economic Development District special sales tax.

“Dear French Quarter Management District Commissioners:

The last time I was privileged to write your board was on July 11, 2021, at which time I shared with you the frustrations and opinions as of myself and those of French Quarter regarding the slow pace of negotiations and executing a Cooperative Endeavor Agreement. It’s simply disgraceful how long this process has taken. Two elections, numerous drafts, inaccurate statements, and mudslinging on both sides of the issue for months with little or no sign of progress the political theater just continued. For months finding common ground to continuing the French Quarter patrols which benefits every French Quarter Business, Resident, Industry, and the City as a was stalled and because it was stalled the dedicated funding was not collected and what should put additional officers on the streets did not. In fact, we have fewer task force officers on the street than we’ve had in the past. Since the last time I wrote, we continue to a rise in violent crimes and in fact, almost a dozen people were shot in the French Quarter. Had the funding been in place and the CEA signed would that have happened we may never know. We do know that having the boots on the ground patrolling our streets is a much-needed deterrent and gives all a sense of security and safety. We also know that in the months that this dragged on the FQMD lost hundreds of thousands of dollars in potential revenue as well of the increased patrols. As you are well aware the start of the new CEA started in January and by law is for five years. Because of that almost nine months are essentially gone and cannot be recouped. Gone is the funding and gone are the additional police man-hours. I’m pleased to hear that FQMD and the City have seemed too worked out many of their differences regarding a CEA. I’ve seen drafts of the document and although not thrilled with it can accept it for the most part. I however strongly disagree that an exemption to the hotel industry for rooms for the tax. This exemption was not part of the ballot to which I read and voted upon. My vote was my intent on what my expectations are and should and be followed through to the letter of the ballot. Period. For your Board or any board that is heavily stacked with hospitality industry members to interpret what the voter’s intent is both morally and ethically wrong. The voters have spoken on the

ballot. It's clear that the State Attorney General's office as well as the State Bond Commission also agree with the collection of the taxes on the hotel rooms can not be excluded as that was not included in the ballot language. Beyond the legalities of the can the tax be collected or not I'm baffled on why the hotel industry feels that rooms should not be taxed. To be clear this is a pass-through tax paid for by the end-user and not the industry. The cost for someone paying the tax in a hotel room is less than a cup of coffee would be during their stay. Hotels have more to benefit probably than most for the collection on of this tax which would be used for additional public safety for their guests and hotel workers. Seems to me it's easier to sell a hotel room where there's a public safety plan that they're involved in than defend explain rising crime and people being shot in the area where their hotels are doing business. This tax does not affect their bottom lines. What is the exclusion need for? Again it's a pass-through tax to the end-user. No other industry has asked for or given an exclusion. Exclusion of the hotel rooms could potentially add up to more than two million dollars. Money that is sorely needed provides additional protection. Please no further delays in executing the CEA with the City to operate the French Quarter Task Force that is legal and honors the will and intent of the voters. I thank you for the opportunity to address your Board."

1 of 2 8/23/2021, 9:09 AM

Kenneth J. Caron

1020 Esplanade Avenue, #213

New Orleans, LA 70116

Cell Phone 504-250-9353

"I attest to fact that I am not a paid consultant or have ever been compensated to express what are to be considered my opinions."

- Bridget Neal <blneal0907@gmail.com> Mon, Aug 23, 2021 at 3:02 PM

To: publiccomments@fqmd.org

Bridget Neal

939 Iberville Street, NOLA 70115

RE: Not being paid in connection with comments

Agenda item: Motion – Consider approval of a Motion authorizing the Board Chair to execute a tripartite cooperative endeavor agreement that shall govern the collection and disposition of the .245% French Quarter Economic Development District special sales tax

Public Comment:

"Pursuant to La. R.S. 25:799 (C)(11), all meetings of the Board of Commissioners shall be in accordance with the Open Meetings Law. Throughout the CEA negotiations and employed, when convenient, for other contentious issues such as the FQEDD tax, FQMD utilizes a group of City-combative people the FQMD calls its "Executive Committee." This Executive Committee is privy to public documents and public City related discussions, NOT-NOT-NOT distributed nor discussed with the full FQMD board, much less with the public in accordance to Open Meeting Laws. The FQMD Executive Committee, seems to go against public meeting laws because FQMD is prohibited to utilize any manner of proxy voting procedure, secret balloting, or any other means to circumvent the intent of rule, R.S. 42:11, et seq. La. R.S. 42:14(B)." Moreover, public meeting laws clearly prohibit phone voting, (La. Attorney Gen. Op. 93-137). A phone call from the FQMD Chairperson to the FQMD "Executive Committee" was the process deployed for FQMD's formal request to Palmer asking her not to levy the FQEDD tax in July. FQMD does not seem to comprehend nor conform to legal and/or ethical

standards when making significant decisions which impact French Quarter Residents, Businesses and Visitors. FQMD please inform the public where in the FQMD bylaws, they can find the concept of a FQMD “Executive Committee” which you utilized to circumvent presenting documents and discussions to the full board and to the public?

FQMD's unsettling decision-making process must be discussed as Palmer (finally) did levy the FQEDD tax, adding a legally dubious exemption for hotel rooms. Any French Quarter Resident, French Quarter Business or French Quarter Agent could create a lawsuit, have a judge slap an injunction upon the case and stop the City's ability to implement extra security in the French Quarter? This madness must end!”