



Board of Commissioners Meeting Minutes

Monday, 13 September 2021

2:05 – 3:00 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:

Susan Klein

Heidi Raines

Robert Watters

Matthew Emory (arr. 2:45)

Jane Cooper

Gail Cavett

Frank Zumbo

Christian Pendleton

Steve Caputo

Bob Simms

Brittany Mulla-McGovern

Mamie Gasperecz

Commissioners Absent: David Bilbe

Executive Director: Karley Frankic

Guests:

Eric Smith, CNO, CAO, FQIF

Beverly Faulk

Michael Stein, The Lens

Paul Roux, BGR

Allen Johnson, FMC & FMIA

Erin Holmes, VCPORA

Stan Harris, LRA

Anthony (full name request unresponsive)

Zach Monroe, District C

Austin Wilty, CNO,

- I. **CALL TO ORDER: ROLL CALL: INTRODUCTION OF ATTENDEES** – Vice-Chairman Raines 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. There was only one comment found in ANNEX I.
- III. **JULY and AUGUST BOARD MEETING MINUTES APPROVAL:** Ms. Klein noted the July and August Minutes were circulated to the Board on August 6, 2021 and received no corrections. Ms. Gasperecz motioned (**M1**) to “approve the July 11, 2021 Regular Board Minutes as submitted...”, seconded by Ms. Cooper and unanimously approved. Ms. Raines motioned (**M2**) to “approve the August 23, 2021 Special Board Minutes as submitted...”, seconded by Mr. Zumbo and approved by all

with the exception of Mr. Watters abstaining, since he had not had the opportunity to review them.

IV. PRESENTATION & APPROVAL OF August 2021 TREASURER’S REPORT – Ms. Frankic

- a. July Financials - The Balance Sheet shows the SPPP account at \$4,202.82, the General Operating account at \$117,529.99 and the FQMA account at \$9,062.61 for a total of \$130795.36. There is a zero balance in Account Receivables, and Total Liabilities and Equity is \$135,541.28. The Accounts Payable is current at \$345.00. Profit and Loss is -\$15,930.61.
- b. August Financials - The Balance Sheet shows the SPPP account at \$4,455.11, the General Operating account at \$107,861.29 and the FQMA account at \$8, for a total of \$130795.36. There is a zero balance in Account Receivables, and Total Liabilities and Equity is \$123,786.06. The Accounts Payable is current at \$4,099.28.00. Profit and Loss is -\$10,546.48.

Ms. Frankic also presented the Budget to Actual Reports.

Ms. Cooper motioned (**M3**) to “approve the July and August Treasurer Reports as submitted...”, seconded by Ms. Gasperecz and unanimously approved. *The Treasurer’s Report is posted to the FQMD website.*

V. CHAIRMAN’S COMMENTS –Mr. Pendleton hoped everyone sustained minimal hurricane damage, thanked everyone for their attendance, and expressed his gratitude to the NOPD and all the City agencies that operated and kept the City safe during the storm. He also thanked the workers statewide working to restore electricity.

- a. Update on the French Quarter Economic Development District (FQEDD) Sales Tax Election - less than three hours ago he received an email from the City with Cooperative Endeavor Agreement (CEA) changes even though he and the City Council was assured this document was signature-ready. The FQMD has negotiated in good faith for eighteen months. He felt last minute submittals are unreasonable and unacceptable because of public meeting law and transparency, therefore questions how these submitted changes could be accepted for Board approval today. These changes have been sent to our attorney and she is reviewing them. FQMD is on a time-line to get this CEA done and this delay is on the City.
- b. City of New Orleans Sanitation Contract - There is a performance failure by the current contractor. He has charged Ms. Frankic and Ms. Gasperecz, Livability Chair to be involved as possible in the new contractor selection process.
- c. 5G – Mr. Pendleton noted that this Livability Committee item must also be monitored, as project activity ramps up post-storm.

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 – She thanked the Commissioners that remained in touch throughout this recent emergency to assure that our necessary business continued. With the redundancies that FQMD has built out with our third-party financial services companies and our digital backups there was no losses or interruptions to our accounting responsibilities. We have a community volunteer that has offered to help in the office to catalog the historic files and prepare to archive appropriate materials.

- 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 returned signed by the mayor.
 - ii. Dusk-to Dawn Campaign - On July 23rd, via nola.com, the Gambit posted a story about FQMD's partnership with the Downtown Development District (DDD) promoting the Dusk to Dawn campaign. It was referenced again in the August 24th nola.com posting of the WWL-TV's story about the DDD Board of Commissioners Meeting. The FQBA, French Quarter Citizens and VCPORA have shared a link in their newsletters, and we have a community volunteer that has offered to help with promoting the campaign at events in the neighborhood. Appointing entities are encouraged to share flyer with their membership and promote the campaign on their social media.
 - iii. The Travelers Aid Society of Greater New Orleans – The French Quarter Homeless Needs Assessment survey and will be presented at the Security & Enforcement Committee (SEC) meeting next week. A four-page summary is planned with infographics to be presented to the public at that meeting. Also, Angela Owczarek is facilitating a meeting between French Market Corporation (FMC) and FQMD to discuss overlap of findings in the two agencies' studies and planning for next steps.
- d. **Quality of Life**
 - i. G5 - AT&T and Verizon continue to submit applications for new small cell towers in the French Quarter. FQMD is collaborating with our partners to assure that the design standards for installations in the French Quarter are adhered to and the commitment for no net gain of poles is maintained. Toro Blanco has come to town to refine the local manufacturing of the approved poles and met with the French Quarter Executive Directors Coalition to provide updates.
- e. **Commercial & Residential Vitality**
 - i. The New Orleans Regional Transit Authority has declined to move forward with the restoration of the Vieux Carre line, downtown circulator, which FQMD was going to fund the purchase of the mini-buses with the CDBG-DR appropriation. FQMD reached out to the Sewerage & Water Board engineer in charge of drainage for the French Quarter to determine the status of their efforts to scope the neighborhood's drainage and what funding they had in place. The majority of the drainage lines on the interior of the French Quarter have been scoped, but the perimeter and the connection through the pumping station remains outstanding and underfunded. A call was made to the Louisiana State Office of Community Development to assure that the scope of project falls within the guidance for the Katrina/Rita funds. More information will be gathered and provided to them for confirmation.
- f. **Meetings attended:**
 - 7/13 NOPD 8th District MAX Meeting
 - 7/14 Virtual Mtg with DDD re: Dusk to Dawn Campaign Release
 - 7/14 Virtual Mtg with Louisiana Attorney General regarding erroneously collected expired FQEDD sales taxes
 - 7/19 Security & Enforcement Committee Meeting
 - 7/20 Livability Committee Chair Check-in Meeting
 - 7/20 FQBA Quality of Life Committee meeting
 - 7/20 NOPD 8th District MAX Meeting

- 7/21 Government Affairs Committee Meeting
- 7/23 Virtual Meeting w/ District C, Chair Pendleton, and Vice-Chair Raines
- 7/27 NOPD 8th District MAX Meeting
- 8/2 Meeting with GNOHLA and SEC Vice-Chair Cooper
- 8/3 NOPD 8th District MAX Meeting
- 8/3 Meeting with HNOC re: FQMA and bd mtg location
- 8/9 Finance & Development Committee Virtual Meeting
- 8/10 NOPD 8th District MAX Meeting
- 8/12 Security & Enforcement Committee Chair & Vice-Chair Check-in Meeting
- 8/12 Mtg w/ FQBA re: expired FQEDD tax collections
- 8/13 Meeting w/ District C and hospitality leaders
- 8/16 Livability Committee Chair Check-in Meeting
- 8/16 Virtual Mtg with Office of Community Development re: CBDG-DR appropriation
- 8/17 FQBA Quality of Life Committee meeting
- 8/17 Virtual Meeting w/ Chair Pendleton and Vice-Chair Raines
- 8/17 NOPD 8th District MAX Meeting
- 8/19 FQEDD Meeting
- 8/19 FQBA Lunch Forum
- 8/23 Special Meeting of the FQMD Board of Commissioners
- 8/24 NOPD 8th District MAX Meeting
- 8/25 Mtg w/ Toro Blanco, VCCF, and FQBA
- 8/26 Virtual Mtg w/ TASGNO and SEC Vice-Chair Cooper
- 8/28 Virtual Meeting for District C Ida Updates
- 8/29 Virtual Meeting for District C Ida Updates
- 8/30 Virtual Meeting for District C Ida Updates
- 8/31 Virtual Meeting for District C Ida Updates
- 9/1 Virtual Meeting for District C Ida Updates
- 9/2 Virtual Meeting for District C Ida Updates
- 9/3 Virtual Meeting for District C Ida Updates
- 9/4 Virtual Meeting for District C Ida Updates
- 9/5 Virtual Meeting for District C Ida Updates
- 9/6 Virtual Meeting for District C Ida Updates
- 9/7 Virtual Meeting for District C Ida Updates

VII. PRESENTATION – Report on erroneous collections of expired French Quarter Economic Development District sales taxes by Commissioner Brittany Mulla McGovern. Business owners have received invoices for taxes due past the expiration on the sunset FQEDD tax. The City Finance Department assured the French Quarter Business Association (FQBA) this was a segregated case. However, this tax is still a line item on the City Form 7807. FQBA followed up with three Finance Department employees and they cannot get in writing that the Finance Department will take this incorrect form down from the City website and stop collecting it. Also, Ms. Mulla McGovern’s attempts have not yielded the amount of these erroneous taxes collected by the City. This is of grave concern to the FQBA Board and French Quarter Business owners. FQBA has taken no formal action yet due to Hurricane Ida meeting postponements. To date the City has been pretty evasive and unresponsive and Mr. Michael Stein of The Lens reported on this situation in the August 19, 2021 edition. The City was quoted as saying the City notified businesses in June to stop collecting, however, this was six months following the sunset date. Also, when this City notice was checked it was regarding the newly voted tax to be levied on

October 1, 2021 and not the previous sunset tax.

Mr. Pendleton thanked Ms. Mulla McGovern for all her efforts and requested that FQMD be informed of any communication from the City on this matter.

VIII. MOTION – Consider approval of a Motion regarding the FQEDD sales tax

Ms. Raines moved to **(M4)** “authorize the Board Chair to execute a tripartite cooperative endeavor agreement that shall govern the collection and disposition of the 0.245% French Quarter Economic Development District special sales tax received from the City dated 8/16/21...”, seconded by Ms. Mulla McGovern and approved by nine Commissioners present with Mr. Simms and Mr. Watters voting no.

Pre-Vote Discussion:

- Mr. Watters believed a vote should not be taken since the City requested changes to the 8/16/21 document three hours ago.
- Ms. Raines clarified that the motion on the table is to approve the vetted and posted document. She noted the City at their will may propose changes until the document is signed. However, FQMD should document that properly the negotiated and publicly posted cooperative endeavor agreement (CEA) is Board approved to move the process forward.
- Mr. Pendleton noted the CEA the Board is voting on today is a document the FQMD was told was locked and this stance was only changed by the City three hours ago without public review.
- Mr. Simms agreed Mr. Watters and would prefer to vote on a final matter. He asked if there is there are any comments to the 8/16/2021? No comments were received. He noted the FQ EDD map is incorrect because it includes Basin Street; instead, it should be the correct map on the FQMD website. Also, the area within Armstrong Park should have patrols covered by the tax whether by the City or the French Quarter Task Force Supplemental Police Patrol Program (SPPP). He suggested expansion of one of the exiting zones or as Ms. Klein suggested a separate zone as was done for Bourbon Street. Ms. Frankic reported the map in question is the same map that was used for Troop N of the Louisiana State Police.

Mr. Pendleton shall call a Special Board Meeting later this month if one is required to finalize the CEA.

IX. REPORT BY CHAIR, SECURITY and ENFORCEMENT COMMITTEE – Ms. Cooper reported the next meeting will be held on 9/20/2021.

- a. Travelers Aid Society of Greater New Orleans – Their survey shall be presented at the next SEC meeting.
- b. French Quarter Task Force (FQTF) – The FQTF was shut down right down before Hurricane Ida and Mr. Simms thanked Mr. Bilbe of the Omni Royal Orleans for garaging the vehicles. The FQTF restarted about a week later with a reduced staff. The full schedule was implemented on Sunday 9/12/2021 at 3 am. The City repaired two Smart Cars and the Polaris.
- c. French Quarter Foot Patrol - Mr. Pendleton He asked the SEC to devise a plan staffed by POST certified officers for this patrol that is being funded by a \$100,000.00 grant from New Orleans & Company.
- d. Next Meeting - Monday, September 20, 2021, 2 - 3 pm.

X. REPORT BY CHAIR, LIVABILITY COMMITTEE – Ms. Gasperecz

- a. Hurricane Ida cancelled the 9/1/21 meeting,
- b. Sanitation Position Paper – This is being circulated with additional deliveries to be made. Mr. Pendleton shared Downtown Development District (DDD) information and she will be meeting with some DDD Commissioners on this item.

- c. Keep the Quarter Clean Campaign – Ms. Gasperecz met with Mr. Daniel Hammer (FQMA & HNOC) on partnership opportunities on this and other initiatives.
- d. 5G Towers – Ms. Gasperecz noted the great synergy with the other FQ organizations on this project continues. The design is great and the goal of no net gains on the number of poles in the French Quarter seems to be a given. There were currently one hundred and forty applications for pole locations which did not include Verizon. Verizon has now come to the Vieux Carré Commission (VCC) saying they could not use our design, wanted their own poles, and not co-locate. This was a total surprise and the VCC shall continue this negotiation.
- e. Goals – 2021 goals shall be evaluated and 2022 goals shall be formulated.
- f. Next Meeting shall be Wednesday, October 6, 2021, 2 - 3 pm.

XI. REPORT BY CHAIR, GOVERNMENT AFFAIRS COMMITTEE – Ms. Cavett

- a. CEA – Ms. Cavett noted the Committee is focused solely at the moment on completing the FQEDD CEA with the City. It’s goal is a completed and signed CEA reflecting a true partnership and successful collaboration with all parties involved.
- b. Next Meeting – Wednesday, September 22, 2021, 2 -3 pm.

XII. REPORT BY CHAIR, FINANCE & DEVELOPMENT COMMITTEE – Ms. Raines noted the Committee last met on August 9, 2021 with the September meeting cancelled due to Hurricane Ida.

- a. Financial Impact Study – The Committee requested more data which shall be reviewed at the October meeting.
- b. New Policies – Upon audit recommendation, a Disaster Recovery Plan and Sexual Harassment Plan shall be developed for Board approval. Disaster Recovery includes digital file cross-sharing with the appropriate Commissioners.
- c. Personnel - Ms. Frankic was tasked to gather more data regarding information for unclassified employees annual and sick leave. The FAMD Employee Handbook shall be reviewed and updated for include the current Louisiana Civil Service information.
- d. Next Meeting – Monday, October 4, 2021, 4 – 5 p.m.

Chairman Pendleton tasked all committees to make sure their responsibilities are fulfilled pursuant to the current FQEDD CEA. Also, all their upcoming meetings should be mindful of 2022 budget line items, especially as they relate to the CEA.

XIII. MOTION – Consider approval of appointments for vacant officer positions.

- a. Board of Commissioners Treasurer – Ms. Cavett motioned (M1) that “Mr. Frank Zumbo be approved as FQMD Treasurer effective immediately until December 31, 2021...”, seconded by Mr. Emory and unanimously
- b. Government Affairs Committee Chair – Mr. Pendleton received no nominations for this Committee, so Ms. Cavett shall continue leadership as Vice-Chair.

XIV. NEW BUSINESS - To consider and take action upon any other matters that may properly come before the French Quarter Management District Board of Commissioners

Mr. Simms commented the French Quarter is better than other sections of the City on garbage pickup versus the general sanitation which is as bad or worse than before Hurricane Ida. Mr. Pendleton noted everyone’s lack of man-power. However, Empire’s lack of performance prior to storm is worst post-

storm and he doesn't feel the City should pay for services not rendered. At some point Empire needs to do their job again.

Ms. Klein noted that she did not receive the CEA changes sent by the City three hours prior to this meeting and requested that Ms. Frankic distribute them to all the Commissioners. Mr. Caputo requested that the changes be highlighted.

XV. NEXT MEETING DATE: 12 October 2021

XI. ADJOURNMENT – Mr. Caputo motioned (**M5**) to “adjourn the September 13, 2021 Regular Meeting of the FQMD Commission at 3 p.m.”, seconded by Ms. Gasperecz and unanimously approved.

Respectfully submitted,

(signed original available)

Susan Klein, Secretary

ANNEX I – Public Comment

From: Bridget Neal
939 Iberville Street, NOLA 70112
I am not a paid consultant

Agenda item:--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.

Comment:

For weeks now the City has told FQMD that it will not sign a CEA without an indemnification clause related to the legally dubious FQEDD tax levy which included a hotel room exception clause. Meaning, the City has clearly stated that FQMD should be responsible for any litigation costs associated with FQMD's (acknowledged) campaign and call to Palmer to secure the legally dubious FQEDD hotel room exception. The City told FQMD repeatedly in writing that it would not go against the State Bond Committee in order to carve out the hotel room exemption. FQMD based on the feelings of its Board Chair and illegal phone calls only to the "Executive Committee" (not the full Board) acted against the City and against the French Quarter. The CEA presented in this meeting will not get signed by the City without the FQEDD Indemnification Clause- quite rightfully!

FQMD told the Hotel Lobby and its related Board members that the hotel room tax exemption would be added to the

CEA- which was not true. The City's written position has not changed since the State Bond Committee's ruling. Now, FQMD wants the French Quarter residents and businesses to absorb the consequences of its mismanagement of expectations to its Board Members. The lack of basic organizational competency should be an internal FQMD Board issue, yet FQMD continues to make it a very public problem for residents, businesses, and visitors.

I spent the hurricane in the French Quarter where we are plagued with real issues! FQMD is incapable of

offering solutions, hence, its only option is to poke at the City. As evident by the agenda item to address the statistically insignificant, one or two (isolated) French Quarter businesses still collecting the FQEDD tax. I find this position unproductive- I wish that FQMD's Board would too.