

**DOWNTOWN DEVELOPMENT DISTRICT
BOARD OF COMMISSIONERS MEETING MINUTES
Tuesday, September 14, 2021 – 4:00PM
Zoom Teleconference**

Chair Marsh called the meeting to order at 4:03pm.

Roll was taken and a quorum was present.

Members Present: Leo Marsh, Gregory Curtis, Chris Ross, Cleveland Spears, Coleman Adler, Judy Barrasso, Damon Burns, Jade Brown-Russell, Jim Cook, Carla Major

Members Absent: Michelle Craig

Staff/Counsel Present: Anthony Carter, Sabrina Smith, Devona Dolliole, Leigh Ferguson, Ryan Bordenave, Joshua Vairin, Bill Aaron (Counsel),

Notice: The time, location, and agenda had been adequately and publicly noticed.

Call for Public Input Cards

Public Comments – Made by the following with agenda item # to comment on:

Aaron Jordan, Stakeholder – 8a	John Pourciau, CNO – 8a
Jim Oliver, Ritz Carlton – 8a	Sunni LeBeouf, CNO – 8a
David Piscola, Hilton Riverside N.O. – 8a	Sally Shushan, Resident – 8a
Tod Chambers, Roosevelt Hotel – 8a	Olivier Lau, JW Marriott – 8a

Three speakers spoke on behalf of the appointing of John Pourciau as Interim President and CEO; while five speakers encouraged the Board to sustain the appointment of Anthony Carter to the position.

Action Items

- Approval of Meeting Minutes from August 24, 2021 Board Meeting
- Approval of July 2021 Financial Report
- Approval of 2021 Budget Reforecast
- Motion to Renew Failed Motion to Appoint John Pourciau as Interim-President & CEO of the DDD

Approval of Minutes from August 24, 2021 Special Board Meeting– Action Item – Chair Marsh requested a motion to approve the August 24, 2021 meeting minutes. Moved by Commissioner Cook; Supported by Commissioner Curtis. The motion carried unanimously.

Treasurer’s Report –

Approval of July 2021 Financial Report – Action Item – Anthony Carter presented the July financials to the Board. Items noted for income were Line 72 – City Sources where he explained that collections are 475% of the amount budgeted for July and 110% of the amount budgeted

YTD and 107% of the total amount budgeted for 2021. Items noted in expenses were Line 138- Private Security where additional patrols were implemented in the Warehouse District, 248 – Legal Services where litigation expenses related to lawsuit with CNO continue to be significantly greater than anticipated., Line 176 Economic Development - Vacant Storefront Murals are being funded through the Façade Incentive program, and 281 – District Wide Capital Improvements – Design work on the Andrew Higgins Streetscape has not yet commenced.

After a brief discussion, Chair Marsh called for a motion to approve the July financials. Moved by Commissioner Ross; Supported by Commissioner Curtis; Motion carried unanimously.

Approval of 2021 Budget Reforecast – Action Item - Anthony Carter presented the reforecast notes to the Board.

- 1) Interest Earned (Line 63) – Interest rates on funds on deposit have remained at an historic low.
- 2) Banner Deposits Earned/Misc. (Line 64) – COVID-19 has reduced the demand for banners, due to events being cancelled.
- 3) Total City Sources (Line 72) – Collections of Ad Valorem taxes continue to be more robust than originally estimated.
- 4) Personnel Costs (All Departments) – At the request of the Board Chair to determine a way to recognize the dedicated performance of our staff through the COVID pandemic and the transition in leadership here at the DDD, management is recommending the following actions, to be effective with the first payday in October. That the Public Safety Rangers hourly payrate be increased by \$1.50, so as to achieve the \$15.00 per hour rate goal established four years ago. All salaried staff to receive a 5% increase in pay.
- 5) Personnel Costs Total (Line 86) – Plans to hire a Director of Operations and for the return of the Parks & Open Spaces Program Coordinator by the 4th Quarter 2021.
- 6) Holiday Lighting (Line 100) – Proposal to return to normal lighting display.
- 7) Surveillance Cameras (Line 114) – Additional funding to aid New Orleans Police and Justice Foundation in installing, a target of 6 real time crime cameras throughout the District.
- 8) Police Detail Services (Line 137) – Increase in officer rates to Tier 2 (\$38.25) on all weekdays and Tier 3 (\$50.58) on all weekends in an effort to fill available shifts which currently go unstaffed. Current rates are Tier 1 (\$33.03) for weekday shifts which start between 2am and 10pm, Tier 2 (\$38.25) for all weekday shifts which begin between 10pm and 2am and Tier 2+ (\$41.25) for any shifts on Saturday and Sunday.
- 9) Private Security Services (Line 138) – Increase coverage in the Warehouse District and Lafayette Square Neighborhood to 2pm – 6am, seven days a week.
- 10) Stakeholder Involvement (Line 144) – Funding for Night Out Against Crime and support of NOPJF efforts at recruitment and retention of officers.
- 11) District Wide Development (Line 167) – Investment of \$30,000 alongside GNOF for HR&A funding and organizational proposal for Charity Innovation District.
- 12) Job Development (Line 168) – Working with GNO, Inc. on their Talent Attraction Program (including Remote Worker element).

- 13) Housing (Line 170) -Funding for sponsorship of due diligence regarding a potential development of a 100-unit, mixed-use, unsubsidized, affordable workforce housing project.
- 14) Façade Incentive (Line 175) – \$30,000 in additional funding to support additional lighting the 100 blocks on both sides of Canal Street.
- 15) Holiday Event (Line 189) – Funding for Holiday activities to include Movies on the Mississippi, concert at Harrah’s and a Canal Street lighting ceremony.
- 16) Communications (Line 194) – Funding for creation and implementation of a strategic marketing plan.
- 17) Employee Relocation (Line 241) – Estimated cost of relocating a new President & CEO.
- 18) Legal Services (Line 248) – Costs for continuing litigation with the City regarding Retirement Funds.
- 19) District Wide Capital Improvements (282) – Current year funding for Andrew Higgins Streetscape reduced based on procurement issues related to the project.
- 20) Bond Proceeds (Line 301) – Proceeds from anticipated Bond sale not necessary to fund the DDD Infrastructure Plan for 2021.
- 21) General Fund Cash Reserve Proceeds (Line 302) – Funds from current and prior years which will fund the DDD Infrastructure Plan for 2021.
- 22) General Fund Cash Reserve (Line 313) – Funds anticipated to be available at the end of the year to fund activities in future years.

After a brief discussion, Commissioner Curtis commended Anthony Carter and Leigh Ferguson on the funding for sponsorship of due diligence regarding a potential development of a 100-unit, mixed-use, unsubsidized, affordable workforce housing project. He also noted the assistance of the staff with NOPD after Hurricane Ida. Chair Marsh called for a motion to approve the 2021 Budget Reforecast. Moved by Commissioner Barrasso, Supported by Commissioner Curtis, Motion carried unanimously.

Chair’s Report –

Motion to Renew Failed Motion to Appoint John Pourciau as Interim President & CEO of the DDD – Action Item – Chair Marsh invited Board members to state their thoughts. During that time Counsel stated that his opinion on an approach is usually to advise a client to get an advisory opinion before you make a step. If done after you make the step you have created a rubicon and whatever problems you have then emerge. The issue that has arisen is around Section 1121 of Title 42 of the Ethics Code. This basically says that during the two-year period following the termination of public service as a public employee an individual may not assist another for compensation in a transaction or in an appearance in connection with a transaction involving the agency which the former public employee participated. Translated into simple English. If you worked for the City and you were involved in a transaction, for example, the infrastructure CEA, you can’t take a job with the DDD within two years for compensation meaning you get a salary, and participate in that same transaction. The dilemma is that there are a couple of issues that the Board is aware of and there may be other issues. Commissioner Barasso argued that several items the Mayor mentions in her support letter of Mr. Pourciau may trigger this issue. Counsel also stated that there may be an issue with Mr. Pourciau interacting with the City because of the provisions preventing public servants from participating in transactions with public agencies for which they were employed. Commissioner Curtis stated

that the Section 1121 prevents former public servants from performing these services for “another person” but governmental entities are specifically precluded from the definition of “person” other the Ethics law and governmental employees routinely leave positions to work for other governmental entities while still interacting with their former employer. Everyone knows that with the Ethics rules, if you violate a rule there can be financial consequences to the individual, etc. As Commissioner Barrasso noted, there may also be implications with respect to the validity of transactions that might be entered into. His advice to the Board, and they could take it or not, ask the ethics board for a formal advisory opinion before action is taken in this regard. The candidate has also stated that he wants compensation more than that which was offered to Mr. Carter. Chair Marsh said he never got an answer to the question of to why we are being asked to fill an interim position when we could have a permanent person within six to eight weeks, which again leads him to suspect that there is an attempt afoot to derail the search firm.

Chair Marsh mentioned that there was a candidate they were being asked to vote on and the candidate has not seen fit to send in a resume. We are asked to fill a six-figure job with someone who does not feel he needs to send us a resume.

Commissioner Curtis called for a motion to renew the failed motion to appoint John Pourciau as Interim President & CEO of the DDD. For clarification, Counsel stated that if it was worded as motion to reconsider it would have to be made by someone on the prevailing side and it would have to have passed. Under Robert’s Rules of Order, the way you deal with a motion that doesn’t pass is called a motion to renew and it could be made by anybody. Commissioner Brown-Russell asked for clarification on the number of votes needed for the motion to pass. Counsel stated that after doing additional research it is that a majority of the full Board, which is six members, is needed for it to pass. This is designated in the By-Laws of the DDD. Moved by Commissioner Curtis, Supported by Commissioner Brown-Russell.

Commissioner Marsh asked for a roll call vote. A roll call vote was taken and the final vote was as follows: 6 yeas (Commissioners Curtis, Spears, Adler, Burns, Brown-Russell, Major); 3 Nays (Commissioners Marsh, Barrasso, Cook); with one abstaining (Commissioner Ross) and one absent (Commissioner Craig). The motion passed.

Discussion of CEO Search and Update on Progress –

Tina Winner of Winner Partners stated that four finalists in a field of 102 candidates were given to the Board on August 27. Four candidates were presented with their evaluation notes of their experience and their resumes as well as a written questionnaire that was given to each of the candidates to complete.

Chair Marsh opened the floor to the other Commissioners for any questions or thoughts they might have. Chair Marsh wanted confirmation on whether or not it was true that there was only one candidate and the others bowed out. Tina stated that the four candidates reiterated their interest in the position as recent as the day before the meeting. Commissioner Curtis stated that he had the opportunity to read the questionnaires. He was impressed but noted that there were no women in the final group of candidates. He is not impressed with the pool of minorities. He would like to have a meeting to dive deeper into where the Board goes from here.

The Board wanted to have another meeting with Winner Partners to iron out a few issues on how to move forward from this point. Therefore, a special meeting of the Board needed to be called. A special meeting can be called but it must be scheduled at least five days from the date of the current meeting. Counsel stated that the five-day wait can be waived with a roll call vote of the Board.

Motion was made by Commissioner Major to waive the five-day wait for scheduling a special meeting of the Board. Supported by Commissioner Curtis; A roll call vote was taken and the final votes were as follows: 9 yays (Commissioners Marsh, Curtis, Ross, Spears, Barrasso, Burns, Brown-Russell, Cook, Major) 0 Nays, One absent (Commissioner Craig). The motion passed. The meeting was scheduled for Friday, September 17, 2021 at 10:30 am.

It was decided that the first interviews would be done by Zoom and the staff was asked to poll the Board members for their availability on September 23rd, 24th, 27th, or 28th and whether or not they would want to do one or two interviews per day.

President's Report – The Department Directors reviewed their monthly reports which are attached. Commissioner Brown-Russell would like the Department of Safety & Permits with the City of New Orleans to speak on the condition of the Downtown buildings in general, in light of the collapse of the building in the 400 block of S. Rampart during Hurricane Ida.

Old Business – Commissioner Curtis request that the DBE issue be placed on the agenda of the next regularly scheduled board meeting.

New Business – No new business

Executive Session – No Executive Session

Adjournment – Commissioner Marsh requested a motion to adjourn; Moved by Commissioner Curtis; supported by Commissioner Brown-Russell. The meeting adjourned at 6:35 pm.