



## Minutes from the BioDistrict New Orleans

### Board of Commissioners Meeting

November 14, 2022

Location: NOLABA 1250 Poydras St. Suite 2150 New Orleans, LA 70113

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#### I. Call to Order

The fourth quarter BioDistrict Board Meeting of 2022 was called to order by Chairperson, Andy Kopplin at 2:07 pm.

#### II. Roll Call

##### a. Board members present

Commissioners Present: Levon Bostanian, Sharon Courtney, Judith Dangerfield, Harold Gaspard, Michael Hecht, Nicole Honoree, Andrew Kopplin, Brad Lambert, Blake Stanfill, Michelle Craig, Emily Arata

Commissioner(s) Present via Zoom: Charlotte Parent (not in quorum)

Commissioners Absent: Lowry Curley, Roger Ogden

Quorum: Present

##### b. Adoption of Agenda for Board Meeting

Mr. Kopplin noted that the BioDistrict counsel suggested amending agenda item VIII from “executive session (to discuss legal or personal matters)” to “executive session to discuss matters as allowed by LA RS 42:18:8.” Mr. Gaspard moved approval and Ms. Honoree seconded the motion. The chair called for discussion and public comment, followed by a vote on the motion which was unanimously approved. Next, Mr. Gaspard moved to adopt the agenda as amended, Dr. Bostanian seconded the motion. The chair called for discussion and public comment, followed by a vote on the motion which was unanimously approved.

##### c. Adoption of previous board meeting minutes

Mr. Kopplin requested approval of the previous board meeting’s minutes from August 15<sup>th</sup>, 2022. Ms. Courtney motioned for approval and Mr. Lambert seconded. The chair called for discussion and public comment, followed by a vote on the motion which was unanimously approved.

#### III. Introduction of Guest(s)

NOLABA attendees: Norman Barnum (CEO & President), Jeanette Weiland (SVP of Bio, Innovation, & Special Projects), Marco Melero (Business Development Associate), Mila Vasquez (Intern)



Others present: Sharonda Williams (General Counsel & Director of Government Affairs at Loyola University New Orleans College of Law, and outside counsel to the BioDistrict), Henry “Tut” Kinney (lawyer), Courtney Barnes (VP of Communication & Public Affairs at Greater New Orleans Foundation)

#### **IV. Call for Public Input Cards on Agenda Items**

Mr. Kopplin asked that members of the public could make public comments at this time or on any agenda items where a vote was to occur. Mr. Kinney stated he had nothing to say at that time but would speak when appropriate and that it was unclear which agenda items would be voted on. Mr. Kopplin stated that public comments can be made after each of the agenda items on which a vote would be taken. He also noted that the Board has voted to adopt the previous meeting’s minutes, that they had just voted on the amending and adoption of the agenda, and would also be voting on whether to approve the CEA with the City of New Orleans, as indicated in agenda item VI a described as “Board Approval of CEA with the City of New Orleans.” Mr. Kopplin asked Ms. Williams if the board needed to amend the agenda to further clarify that agenda item VI a specified a vote would be taken, and she indicated that the item clearly specified a vote because a vote is the only way the BioDistrict board could approve a CEA, and that there was no need to further amend the agenda.

#### **V. Financial Report by NOLABA**

Mr. Barnum reported that there was no activity since August 15<sup>th</sup>, 2022, and a bank balance of \$5,195.57. Mr. Kopplin noted there will be an end-of-the-year Request for Contributions from the institutions represented by Board members.

#### **VI. Chairperson’s Report**

##### **a. Board Approval of CEA with the City of New Orleans (CNO)**

Mr. Kopplin said that the CEA between the BioDistrict and the City of New Orleans had been unanimously approved by the City Council on October 20. Revenue sharing with the City will be effective November 1, 2022, and the City is supposed to collect and remit money quarterly within twenty days after the second month following the end of the previous quarter. The Board cannot receive or spend any of that money absent approval of a budget by ordinance by the New Orleans City Council and signed by the Mayor. Mr. Kopplin thanked BioDistrict members for their help and advocacy, Mayor Cantrell and her administration for their support, and the six City Council members who voted in favor of the BioDistrict CEA.

Mr. Kopplin also addressed two proposed corrections for the CEA, the first of which is changing “Xavier University” to “Xavier University of Louisiana” and the NOLABA address zip code from “70112” to “70113.” Ms. Williams said the changes are technical, not substantive, and that she believed the City had the ability to make those technical changes and would request that the city make them.

Mr. Gaspard asked about any pending lawsuits or settlements. Mr. Kopplin addressed outstanding judgment against the BioDistrict from its former executive director, Mr. Jim McNamara, and explained that final judgments against a state agency like the BioDistrict are to be paid by the legislature. He



further noted that the City of New Orleans requested Section 7, #27 of the CEA, which specifies that no money from the “Monthly Pledged City Increment” included in the CEA can be used to pay judgements.

Mr. Kopplin requested a motion to approve the CEA with the requested technical changes from earlier and authorization that he be able to sign it as BioDistrict chair. Mr. Gaspard made the motion, which was seconded by Ms. Courtney. Mr. Kopplin asked for discussion and public comment, and there was one public comment from Mr. Kinney.

Mr. Kinney advised to write future agendas more clearly so that the public knows when a vote will take place and for which items, and further advised that the Louisiana constitution prohibits the use of public money for the benefit of private non-public entities, including the college and university institutional partners of the BioDistrict and the New Orleans BioInnovation Center. Mr. Kinney told the board he did not want to sue the BioDistrict, but would if necessary. He said the Board should consider hiring outside legal counsel to obtain legal opinion as to whether future projects as outlined under their statutory authority and the CEA could be done legally by the BioDistrict without violating the Louisiana constitution’s prohibition on the donation of public property.

Mr. Kopplin noted that a motion had been made and seconded and called for the vote to approve the CEA with the City of New Orleans, including requesting technical changes, and authorizing the BioDistrict Chair to sign it. The motion was approved unanimously.

#### **b. Next Steps on CEA with State of Louisiana**

Mr. Kopplin reminded Commissioners that Louisiana Economic Development offered to match up to \$25 million from the local CEA with a state CEA. He said that next steps will be to work with LED and legislators to seek approval for such a CEA between the BioDistrict and the State of Louisiana.

#### **c. Next Steps on Updating the BioDistrict’s Strategic Plan**

Mr. Kopplin highlighted Section 4 #9 of the CEA, which requires the BioDistrict to create or update its strategic plan and submit it to the Mayor, Council, and City Planning Commission for approval within one year of the effective date of the CEA. Mr. Kopplin noted that would be November 1<sup>st</sup>, 2023. He further noted that the strategic plan must be updated for approval every fifth year. Mr. Kopplin said that he had asked Mr. Stanfill, the BioDistrict’s vice chair, to lead the strategic planning effort.

Because of the significant amount of work that the BioDistrict must now complete since the CEA has been approved, Mr. Kopplin suggested that the BioDistrict begin meeting monthly.

#### **d. Conflict of Interest Forms**

Mr. Kopplin noted that the BioDistrict does not have any conflict-of-interest forms and that he had obtained a draft form from NOLABA and would ask Ms. Williams to update it for our next meeting.



## **VII. Partner Updates**

Ms. Weiland reported on the status of two NOLABA EDA grant activities relevant to growing the bio industry in the region.

Ms. Dangerfield updated Commissioners that the state has committed \$40 million to the Claiborne Corridor restoration which could include removing some on and off ramps.

Ms. Honoree said that Tulane, LSU Health, and NOLABA had successfully hosted Bio On The Bayou.

Ms. Weiland added that NOLABA is pushing to position New Orleans as a Gulf South hub for life-sciences activity.

## **VIII. Executive Session to discuss matters as allowed by LA RS 42:18:8.**

Mr. Kopplin asked for a motion to enter executive session. Ms. Honoree made the motion to move to executive session pursuant to Louisiana RS 42:18:8, Mr. Stanfill seconded the motion. Mr. Kopplin asked for discussion and public comment, and then called for a vote, which was unanimously approved.

Mr. Kopplin explained that they have their attorney to keep them in compliance with the laws of the state and that nothing will be discussed in executive session that is not permitted and that no action or votes will be taken in executive session as that is prohibited.

The Commission entered into executive session.

After inviting staff and members of the public back into the meeting room, Mr. Kopplin requested a motion to come out of executive session. Mr. Lambert made the motion, which was seconded by Ms. Honoree. There was no discussion or public comment, and the vote to exit executive session was approved unanimously.

## **IX. Public Comment(s)**

Mr. Kinney said there was no response to his request to secure an outside legal opinion. Asks the Board to ask a lawyer whether the 35 projects allowed under the BioDistrict's statute are legal, contending that many of them violate the Louisiana Constitution's prohibition on the donation of public property. He further questioned the legality of the board having held an executive session.

## **X. Adjournment**

Dr. Bostanian moved to adjourn the meeting, which was seconded by Mr. Hecht. There was no discussion or public comment, and the motion passed unanimously. The meeting was adjourned at 3:46 pm CST.

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