

**Ethics Review Board
City of New Orleans**

**Wednesday ~ November 20, 2013
2:30 p.m.**

**Bureau of Purchasing Conference Room
City Hall/ Room 4W-05 (4th Floor)
1300 Perdido Street, New Orleans, LA 70112**

Minutes

Present: Dr. Michael Cowan, Chair; James Brown, Vice Chair; Allen Miller, Secretary;
Dr. Joe Ricks, Jr., Elizabeth Nalty
Absent: Howard Rodgers, III
Staff: Steve Scheckman, General Counsel
Felicia R. Brown, Executive Director
Guest(s): Edouard R. Quatrevaux, Inspector General
Susan Hutson, Independent Police Monitor

A quorum being present the chair called the meeting to order at 2:32pm. Mr. Brown moved to approve the minutes of October 20; Ms. Nalty offered a second. The motion passed unanimously. The chair recognized Mr. Quatrevaux.

The Inspector General detailed the findings of the two most recent OIG reports, regarding the French Market Corporation's use of funds and the misclassification of crime statistics by the 8th District. He noted the following his outreach: the Metro Leadership Forum, Ukrainian delegation, Metro Crime Commission, UNO CFE masters students, Society of American Military Engineers. Mr. Quatrevaux also testified before the city council regarding the budget, along with the ERB chair, as well as the Supreme Court Commission and Joint Legislative Committee regarding the judicial reform and consolidation. He noted the annual training conference of the Association of Inspectors General, which convened in New Orleans November 5th-8th, and further noted the New Orleans OIG served as the local program coordinator. He referenced the topics covered and the participation of Dr. Cowan as a speaker. In response to Mr. Brown's inquiry, Mr. Quatrevaux indicated the leadership had been responsive to the report's findings. He particularly noted the Edison Park lease would be competitively bid. Responding to inquires by board members, Mr. Quatrevaux acknowledged the interfaced established with the current U.S. Attorney Kenneth Polite and expressed that the office would continue to address public corruption, noting the creation of a public integrity team within the U.S. Attorney's office. Regarding the letter sent by Judge Shea, the IG maintained the position expressed in his testimony; he clarified that the statements were provided as introductory remarks, in response to Dr. Rick's question. Responding to Mr. Miller, he explained the methodology used in the data collection for the OIG's report of Traffic Court

The chair recognized Ms. Susan Hutson, Independent Police Monitor. Following introductions of new board members, Ms. Hutson reported the following with respect to the OIPM: to date the office has received 107 complaints; participated in 26 disciplinary hearings; responded to 11 critical incidents; 32 outreach events for the year; served as liaison in 7 open cases. The OIPM will participate in training with the Public Integrity Bureau in December and January. Ms. Hutson indicated the staff position for the community police mediation project has been approved by Civil Service. She further noted the hiring of an office manager within the OIPM. In response to Mr. Brown's question, she clarified the role of the OIPM in the mediation process in minor cases and that participation would be voluntary.

The chair recognized Ms. Lorraine Washington who offered public comments on the independence and autonomy of the OIG and OIPM. The chair recommended that the board consider this issue at another time. Mr. Brown referenced the ordinance and its creation of the structure for the OIG and OIPM but indicated his agreement that the ERB consider this matter in the future.

A discussion ensued regarding the OIG-ERB Information Technology Policy. Mr. Scheckman expressed concern regarding provisions of the policy and its challenges, noting he no longer uses any technology at the ERB office. Dr. Ricks moved to adopt the ERB-OIG Information Technology Policy; a second was offered by Mr. Brown. The motion passed unanimously.

A discussion ensued with regard to the 2nd amendment to the professional services contract with Judith S. Nadler. The chair indicated the need for the extension of time through August 15, 2014, to accommodate changes in leadership on the Sewerage & Water Board, an entity identified for participation in ethics training with the consultant. The executive director inquired of the chair whether training would be completed during the week of January 27, 2014, as indicated in an email exchange between the consultant and chair. The chair indicated he could not confirm that is the case. Mr. Brown commented on the training and the value of the exchange among participants. Mr. Brown moved to extend the contract with Judith S. Nadler from February 16, 2014, through August 15, 2014. Ms. Nalty offered a second; all were in favor and the motion passed unanimously.

The chair recognized Mr. Brown and Mr. Miller for a report of the personnel needs assessment. Mr. Brown stated a structural framework was used for conducting the ERB's personnel needs assessment. With regard to the general counsel, it was noted that the value, in terms of expertise and knowledge, was commensurate with the current workload for the position. As regards the executive director, consideration had been given to some combination of responsibilities to include administrative functions (possibly solely) or in addition to training/education tasks, including possibly engaging a contractor specifically for ethics education or to have an interface with the executive director. With regard to ethics education, he noted the need for a high quality and effective program. Mr. Miller concurred with the assessment with regard to the general counsel, specifically highlighting experience and knowledge as well as other intangible qualities. In addressing the position of executive director, he observed the current workload not reflective of the requirements outlined in the position description and the salary. A discussion ensued with comments/questions regarding when ethics training would begin, challenges of engaging a contractor at a distance, and a caution about being enamored with the current consultant.

Dr. Cowan expressed his appreciation for the working group's efforts and indicated his acceptance of the working group's recommendations as reflected in the report but expressed the following: as a matter of stewardship, the board's expenditure of resources for the executive director's administrative responsibilities are not the best value, in particular he estimated, by his calculation, the time spent on administrative functions and compared the rate of compensation paid by his employer, Loyola University, concluding that the ERB was spending above the amount of Loyola and further noted a training professional could be hired for less compensation. He further indicated the executive director's lack of experience in adult education, noting he raised this during the interview process. The general counsel expressed concerns about the chair's management style for the past year, both with regard to the executive director's interface with Judith Nadler, including involvement and planning of ethics education training, as well as general management. Additionally, the appropriate role of the board (governance/policy-making vs. management) and its engagement/interface with staff were questioned.

Remarks were provided by board members regarding the need for high quality training and ethics education for public servants, transitions within the board, and the necessity for clarity of roles as well as proper and constructive evaluation.

The executive director noted the pool of potential public servants to be trained (approximately 4500) and an additional 420 board/commission members and indicated training might take varied formats, depending on whether formal or informal, and possibly the need for additional training staff. With respect to the chair's management style, she reiterated the concerns raised and remarked that the chair had limited her interaction with the consultant and expressly forbidden any communication by the executive director with board members as regards the work of the consultant unless approved by him. With regard to the chair's discussion about the listening session from last year, the executive director noted one email communication by the chair and an integration of a question which he suggested.

A discussion ensued regarding interaction between the executive director and Judith Nadler, as well as remaining work under the current contract, additional work that might be performed and/or fees. Members also discussed engaging in a public bid process for ethics education consultancy. Mr. Brown moved that the executive director interface with Judith Nadler regarding ethics training, to include target audiences, timeframe and evaluation process. A second was offered by Dr. Ricks. The motion passed unanimously.

The board reviewed the evaluation forms for ERB staff. Dr. Ricks will assess the instruments and provide feedback for the board's consideration. Dr. Ricks alluded to the ERB's development of appropriate evaluation criteria/standards in its evaluation processes.

The budget review for FY 2013 reflected monies that would be returned to the city. The executive director indicated there were October expenses that had not been included; additional information would be provided for the December 17th board meeting.

The board considered the meeting schedule for 2014, including frequency, time and place. The consensus was to meet the 1st Tuesdays at 3:30pm in alternating months, with the understanding that a meeting may be called as needed. Meeting in the local libraries was thought to be more inviting.

A discussion ensued regarding the board self-evaluation. The chair requested that members provide information/materials to him in this regard. Mr. Miller offered to share a tool which he uses.

At 4:16pm, Mr. Brown moved that the board recess into executive session; Ms. Nalty offered a second. The motion was approved unanimously.

At 4:19pm, Mr. Brown moved that the board resume the open meeting; Dr. Ricks offered a second; the motion passed unanimously.

At 4:19pm, Mr. Brown moved that the meeting adjourn and Dr. Ricks seconded; all were in favor and the motion passed unanimously.