

Ethics Review Board

City of New Orleans

December 13, 2017

8:00 A.M. – 10:30 A.M.

City Council Chambers | 1300 Perdido Street | New Orleans, Louisiana 70112

Minutes

Present: Mr. Allen Miller, Chair; Mr. James Brown, Vice Chair; Dr. Joe Ricks; Rev. Brandon Boutin; Mr. Howard Rodgers; Elizabeth Livingston de Calderon; Dr. Michael Cowan

At 8:33 a.m., a quorum being present, the Chair called the meeting to order. On a motion by Mr. Brown and seconded by Dr. Cowan, the board unanimously approved the minutes of the November 14, 2017 meeting.

Mr. Miller told the board that he would like the Ethics Review Board (ERB) to start with discussions and review the potential candidates for the position of Inspector General (IG).

Mr. Brown, the Chair of the IG Search Panel, told the board that as announced previously, the Panel consists of 3 ERB members and have worked with the ERB's IG Search Consultant to review a large number of applications.

Mr. Brown told the board that the IG Search Panel is prepared to make some recommendations to the board regarding which applicants to interview. He also told the board that it is entirely the Board's decision to interview the applicants recommended or not.

Mr. Brown told the board it's appropriate to take public comment on the 5 applicants that the IG Search Panel identified and recommended to the board. He also told the board that Mr. Richard Holmgren withdrew his name over the weekend; The Board currently has 4 applicants that have been recommended to review.

Mr. Brown told the board that the 4 applicants will be interviewed today in Executive Session to discuss issues of character and competence.

Mr. Brown told the board that all current Office of Inspector General (OIG) employees were offered an opportunity to speak with the ERB in Executive Session concerning the IG Search process and their positions on all of the available candidates.

Mr. Miller told the board that he believed it was important that the Board allowed the OIG employees to weigh in on the IG Search process.

Mr. Brown told the board that the 5 applicants the IG Search Panel reviewed and recommended are: Mr. Richard Holmgren (withdrew), Mr. David Harper, Mr. Derry Harper, Mr. Howard Schwartz and Mr. Patrick Sullivan. He also told the board that the names, resumes and cover letters of all 5 candidates have been available on the ERB website since December 1, 2017.

Mr. Miller told the board that the 5 applicants pursuant to the Open Meetings Law were given the opportunity to determine whether they wanted their evaluations of their character and fitness to be done in a public meeting or in executive session. He also told the board that all 5 applicants decided to be evaluated in executive session.

Agenda Item #2 Receipt of Public comment on IG Applicants.

Mr. Brown moved to interview the 4 applicants that the IG Search Panel recommended. Mr. Rodgers seconded the motion and the motion passed unanimously.

Ms. Livingston de Calderon thanked the commenters and told the board that she is particularly interested in the suggestion of giving the public an opportunity to meet and interview the candidates. She also told the board that she would like to move to consider extending the search process for the IG.

Dr. Cowan told board that in order for a motion to be introduced, the board should vote to accept that a motion be considered.

Dr. Cowan told the board that he is open to the idea of a public meeting, but he does not believe the board should constraint themselves to interviewing the 4 candidates publicly. He suggests that the public meetings be kept to a minimum.

Mr. Brown told the board that he agrees that the public plays an important role in helping the ERB vet the candidates. He also told the board that the ordinance and charter gives the ERB the authority to make the selection with as much public input feasible and consistent with the issues of character and fitness of the 4 applicants.

Mr. Brown told the board that he agrees with Dr. Cowan to continue with the interviews being completed privately during Executive Session with respect to issues of character and fitness as requested by the applicants.

Ms. Livingston de Calderon moved to take up something that was not on the agenda. Mr. Brown seconded the motion and the motion passed unanimously.

Ms. Livingston de Calderon moved to modify the procedure for the ERB's hiring process. That the ERB includes the opportunity for the public to meet and speak during a public session with the candidates that the ERB recommends after the Executive Session. Mr. Brown seconded the motion and the motion passed unanimously.

Dr. Cowan told the board that when the public and the candidates meet it's an opportunity for the candidates to share a vision about the job and to respond to questions from the public. He also told the board that he agrees that this is a good suggestion.

Mr. Miller told the board that there should be an agenda item for the ERB's December 20, 2017 meeting that identifies that there will be a question and answer session with the public.

Dr. Ricks told the board that he is uncomfortable with trying to identify a date during the current meeting without knowing the availability of the candidates.

Mr. Brown told the board if there are candidates that cannot make the ERB's December 20, 2017 meeting, that the ERB would accommodate the candidates.

In response to Mr. Rodgers, Mr. Miller told the board that the ERB is not under constraints nor is there an official deadline to select the IG but for the good of the OIG, the ERB would like to see the new IG in place going into 2018.

Rev. Boutin told the board that he agrees that the public has a voice, but he believes that the ERB should set perimeters and guidelines for the candidates being interviewed.

Mr. Miller told the board he has concerns about the press the current Interim IG has received.

Ms. Livingston de Calderon suggested to the board that it be an opportunity for candidates to present during the public meeting.

Dr. Cowan told the board that during the process of selecting the 1st Independent Police Monitor, presentations were done followed by questions and answers.

Mr. Miller suggested the ERB's Consultant should give the board a skeleton before the actual public comments on December 20, 2017.

Ms. Livingston de Calderon moved to bring the candidates that are recommended after the Executive Session back to present to the public their positions and take questions on their presentations at a date to be determined. Mr. Brown seconded the motion and the motion passed unanimously.

The chair called for a vote to adjourn to executive session pursuant to Louisiana Revised Statute sections 42:17(A) (1) to discuss the character and professional competence of Inspector General Applicants. Mr. Brown moved and a second was offered by Dr. Ricks at 9:09 A.M. and the motion passed.

The board, by an affirmative vote of all members present, held an executive session.

At the conclusion of the executive session, the board reconvened its public meeting at 5:59 P.M. Dr. Cowan moved to reconvene and resume the open session and a second was offered by Dr. Ricks and the motion passed.

Mr. Miller told the board that the ERB has deliberated the character and fitness of the 4 candidates and the board has received comments from members of the OIG.

Mr. Brown moved to identify Mr. Derry Harper and Mr. Howard Schwartz to proceed to the next stage, which includes a presentation to the public and answer questions from the public. Dr. Ricks seconded the motion and the motion passed 6 yays and 1 nay.

Mr. Brown told the board that all 4 applicants that were interviewed were highly qualified and he appreciates them all for participating in the interview process. He also told the board that he believed Mr. Harper and Mr. Schwartz stood out from the other applicants.

Mr. Brown told the board that he found Mr. Harper and Mr. Schwartz to both be very articulate and experienced.

Mr. Miller told the board that he thanks all of the candidates and thanks the board members for their participation with the IG selection process.

Ms. Livingston de Calderon told the board that she agrees that all of the candidates are highly qualified and her first choice of two applicants to move forward was not the same as the choice of two that the board voted to move forward in the application process.

At 6:03 p.m., Mr. Miller moved that the meeting adjourn, Dr. Ricks seconded. The motion carried unanimously and the meeting adjourned.