

**CITY OF NEW ORLEANS
CIVIL SERVICE FORM
EXTRAORDINARY OR SUPERIOR QUALIFICATIONS, EXPERIENCE, CREDENTIALS**

Please complete this form and attach the posted job announcement and verifiable documentation of extraordinary qualifications, experience, and/or credentials. If it is a provisional employee, please submit a prior announcement. Make sure you have vetted the candidate pool to determine how many candidates possessed extraordinary qualifications. Please keep a copy for your records and send a copy of the form to the Civil Service department for the employee's official personnel file. Do not enter this increase in ADP until you have filled out this form.

Appointing Authority Name: David S. Gavlinski
Appointing Authority Department: Council
Appointing Authority Phone Number: 658-1101
Appointing Authority E-mail: dsgavlinski@nola.gov

EMPLOYEE INFORMATION

Name of Employee with Extraordinary Qualifications:

Current Class (if current employee): **U0162** **Proposed Class:** **0269 – Council Utilities Reg. Office, Deputy COS**

Is this a promotion or a new hire? Transfer from unclassified to classified. **What is the new job class?**

JOB POSTING & APPOINTMENT

Duration of job posting: 2+ weeks **How position was advertised:** nola.gov – gov jobs
Date of appointment: July 2 **Type of appointment** (provisional, etc.): probationary
Detailed position description:

This is a professional classified position reporting to the City Council of New Orleans (Council), the Utilities, Cable Telecom and Technology Committee, and the Chief of Council Utility Regulatory Staff. The position entails organizing, directing and actively participating in the activities of the Council Utilities Regulatory Office, which is the office responsible for administering the Council's constitutional and City Charter authority in the Council's supervision, regulation and control of public utilities in Orleans Parish in addition to the review, granting and monitoring of franchise permits for the use to public rights of way.

QUALIFICATIONS

1. How many applicants were on the eligible list? How many of them possessed this extraordinary qualification (described below)?

There were 11 people on the eligible list. Eleven qualified in banded rank 1. The Council is in need of experienced personnel capable of assuming the responsibilities of the position and "hitting the ground running." The candidate selected will begin during a Council investigation into Entergy New Orleans and the hiring of paid actors to participate in public meeting regarding the construction of the New Orleans Power Station (NOPS) and as a utility rate case docket is opened. Additionally, the Council Utilities Regulatory Office (CURO) is responsible for managing franchise agreements, monitoring federal proceedings at FERC, managing the integration of Entergy into MISO, tracking constituent complaints related to Entergy, Sewerage and Water Board, and Cox. Currently, CURO has a two full time staffers to manage this portfolio with a combined three years of regulatory experience. As the Council takes on these critical issues (investigation and rate case), there is a dire need to ensure that the deputy chief of staff is someone who has experience with the Council's regulatory responsibilities as well as the upcoming dockets and pending issues.

Of the 11 eligible candidates, only five respondents have the requisite minimum related experience and only Ms. Mason has any experience working for the Council or even working with the Council in the last decade.

Experience with the Council is so important because the Council is uniquely positioned as the city's utility regulator. The Council regulatory authority is governed by laws codified in the City Code in addition to federal law. Unlike other cities in Louisiana where utilities are regulated by the Louisiana Public Service Commission, the Council is the regulator. Moreover, as stated above, CURO is responsible for more than regulating Entergy.

CURO is also responsible for telecommunications oversight. Ms. Mason is the only respondent with experience drafting and enforcing franchise agreements. The Council has added a subcommittee on Smart and Sustainable Cities. This committee will be responsible for leading the City's smart cities initiative of which telecommunications is a crucial element. Negotiations with telecommunication companies pursuing franchise agreement ordinances is part of the Council's legislative authority and will be important to securing the proper infrastructure to support smart technology needed to support the initiative. Additionally, Ms. Mason has lead an audit of existing franchise agreements and has secured past due payments totaling more than \$800,000.

Though other candidates stated they would accept the position at the minimum rate, their inexperience with New Orleans-specific laws, scope of work, and advisors put them at a distinct disadvantage as compared to Ms. Mason. As compared to hiring another candidate at the minimum, the increased hiring rate for Ms. Mason would provide a manifest financial advantage to the City and the Council in that her experience auditing and negotiating franchise agreements and previous work with the Council's utility advisors will manifest in increased revenue to the City as well as decreased reliance on the advisors. The Office of the Inspector General released a report in 2015 noting that more than 97% of the Council's utility regulatory budget has been performed by outside consultants. The report recommended bringing well-trained staff in-house to reduce the amount spent on outside consultants. Ms. Mason's experience working for one of the advisors and her experience with the City's law department will allow CURO to reduce expenses for outside counsel by allowing the office to draft legislative instruments and answer questions of the Council without relying on the advisors for these day-to-day matters. Because the other candidates have not worked for the Council and lack experience working with the City in its regulatory capacity, that the office would continue to rely on the advisors for drafting and advice on day-to-day matters and for training of staff in this area. The short term cost for hiring Ms. Mason above the minimum will be offset by increased revenue from franchise agreements and a decrease in the amount of work performed by the advisors.

Ms. Mason is the ideal candidate for the position as compared to the other candidates, and she exceeds the minimum qualifications as posted (see below).

Finally, though the political separation from classified employee selection is critical, Ms. Mason is the stated preferred candidate of the Council, the CURO Chief of Staff, and the Council Chief of Staff.

2. Minimum qualification(s) exceeded and description of credential(s) (experience, education, certifications, etc.) that exceed(s) the minimum qualification(s):

Minimum Qualification (from job announcement)	Employee's Qualification that exceeds the minimum	Details (university, location, relevance, etc.)
1. Juris Doctorate from an accredited college or university	1. Ms. Mason has a juris doctorate from Loyola University. Additionally, Ms. Mason is licensed to practice law in Louisiana.	Ms. Mason received her license to practice law in Louisiana in 2001. She has remained a member of the bar in good standing.
2. Seven (7) years of related professional experience including conducting analyses of utility expenses, revenues and services for an electric or gas utility, law firm, telecommunications provider, utility consulting firm, or state/federal or local regulatory commission.	2. Ms. Mason has nearly 10 years of experience in specific to New Orleans; this exceeds the minimum requirement.	As noted earlier, the Council's unique combination of adding well-trained staff while addressing complex issues and adding to their portfolio a smart cities initiative and increased oversight of SWBNO. Moreover, the Council has five new members with new staffs and a CURO staff with very limited experience and personnel. Candidates, like Ms. Mason, with City experience are more attractive. Ms. Mason's city experience will give the new

		Councilmembers and their staffs as well as CURO a foundational source of knowledge of City systems, rules, laws, codes and regulatory authority. Rule IV, Section 2.7 (a) says that the additional pay shall be "justified based on objective analysis of the additional financial advantage the increased hiring rate will provide the City." In this regard, Ms. Mason's advantages are clear. The other tier 1 candidates consist are out-of-parish applicants (which the incoming council has indicated is not a preference). Regardless of the experience of the other applicants, there would be an associated cost with their employ with the City as they are brought up to speed on the New Orleans Municipal Code, open dockets, and pending issues. Ms. Mason, has, over the years, assisted in the development of these laws and participating in these dockets, and is a primary knowledge source of them. Moreover, though domicile is not an eliminating factor on its face, the Council's preference should be observed.

3. Description of how similar qualifications are not readily available in the labor market at minimum entrance rate:

One need look no further than Ms. Mason's own current salary for evidence that similar qualifications are not available in the labor market. The minimum base salary for the position would actually impose a pay cut on Ms. Mason. Moreover, Ms. Mason not only meets, but exceeds the minimum qualifications. The incoming Council has a tremendous need for highly experienced professionals familiar with their responsibilities as both regulator and legislator. Accordingly, CURO needs a centrally accessible attorney on its staff. Though attorneys are readily available on the labor market, those with the municipal experience of the job posting, and who have worked directly in the New Orleans environment of rules, laws and codes, are few and far between at the minimum rate. Ms. Mason's current salary in the Law Department is evidence of that.

4. How are the duties of the position relevant to the advanced qualification?

As touched upon earlier, this position will serve as a primary staffer working on utility dockets and franchise agreements, as well as the deputy chief of staff for a Council Utilities Regulatory Office with growing responsibilities, and an unofficial counsel for councilmembers and staff.

The candidate's advanced qualifications of a law license and experience providing legal advice to Council offices and staffs tie directly to the demands of the office given the unique position of the Council as the utility regulator.

5. How will hiring this person at the rate specified below be a financial advantage to the City? Please provide an objective financial analysis.

Hiring a candidate with Ms. Mason's experience will embed a principled and responsible professional in the regulatory process within City Hall rather than Washington, D.C. Someone of her experience in this position can earn the City millions of dollars. For example, she is currently negotiating with franchisees to pay past due fees and negotiating competitive terms with the applicants. Providing a staffer who can assist with drafting legislation, participate in the

hearing process, and advise the Council in crafting defensible regulatory laws and policies could save the city significantly over time (particularly in advisor bills).

Also, as compared to the other candidates on Tier 1, there will be no cost to the organization in lost time for training or learning. Ms. Mason will hit the ground running, providing a seasoned professional to serve as a guide, teacher and mentor for the newly seated Council. Additionally, since the CURO office will seek reimbursement from Entergy to the general fund for Ms. Mason's regulatory work, the increase, in fact her whole salary, will be offset by this reimbursement.

And finally, in the coming year plus, the Council will be endeavoring to implement a franchise management software system. This system will have tremendous impact city wide. As a member of the implementation team, Ms. Mason's familiarity with the Council will allow for the successful launching of the software, saving costly attempts at configuration and recalibration.

6. List other departmental employees in this classification. Do they also possess the exceeded qualification and is it job related? Please attach copies of this form for people with the same or equivalent extraordinary qualifications.

Rate granted (in steps; % must be in increments of 1.25): 14 steps, or 17.5%

Appointing Authority Signature:  _____