

The Ethics Review Board
City of New Orleans

Tuesday, April 3, 2012
2:30 p.m.

City Council Chambers Conference Room
City of New Orleans
1300 Perdido Street
New Orleans, Louisiana 70112

Minutes

Present: Rev. Cornelius Tilton, Chair; Elizabeth Nalty, Vice Chair; Okyeame Haley, Secretary; Dr. Don Frampton

Absent: Dr. Laura Rouzan; Dr. Michael Cowan

Staff Present: Steven Scheckman, General Counsel
Felicia R. Brown, Executive Director

Guest(s): Edouard R. Quatrevaux, Inspector General
Terence Barrett, OIG, Senior Investigator
Susan Hutson, Independent Police Monitor
Suzanne Wisdom, General Counsel, Office of the Inspector General

A quorum being present the chair called the meeting to order at 2:30 p.m. Dr. Frampton moved that the minutes of February 7, 2012, be approved; Ms. Nalty offered a second. The motion passed unanimously. Ms. Nalty moved for approval of the special meeting minutes from February 28, 2012; Mr. Haley offered a second and all were in favor. Rev. Tilton remarked that no actions were taken during the March, 8, 2012, strategic planning retreat. The minutes of the retreat were unanimously approved.

The chair recognized Inspector General Edouard Quatrevaux.

Inspector General Report:

Mr. Quatrevaux introduced Mr. Terry Barrett, who recently joined the OIG's investigative division as a senior criminal investigator. He referenced reports that were issued and forwarded to the board since its last meeting: the New Orleans Aviation Board's Credit Card Activity and Follow-Up Letter Regarding the board's Cost and Management of Passenger Type Vehicles; Follow-up reports with regard to the Department of Sanitation's Contract Oversight, Travel and Business Expense Reimbursement and Credit Card Issuance and Usage as well as reporting with respect to the city's administrative fleet.

The IG then explained the current fiscal circumstances, noting a deficit of \$56,000 due in part to the failure of the administration to credit the account with its full appropriation as well as unanticipated expenses related to server warranties. With respect to the credit, Mr.

Quatrevaux indicated he's been working with the administration to resolve the issue; however, he has had no success in reconciling the matter. The city is currently analyzing the situation but has provided no feedback in this regard. The budget deficit has required that the OIG limit its hiring and cut its training budget (which has implications with regard to maintaining the professional credentialing of the staff). Mr. Quatrevaux also noted that \$30,000 had been reserved for the ERB for its survey efforts.

Board members expressed concern about the budget forecast, given that funds have been returned to the city in previous years. Dr. Frampton inquired about the basis against which the .75 of 1% is multiplied in order to produce the annual allocation for the OIG and ERB. Mr. Quatrevaux reiterated that the administration has not been forthcoming in its analysis. It was noted that a meeting between the ERB and OIG would clarify the current financial condition.

Rev. Tilton recognized Independent Police Monitor Susan Hutson

Independent Police Monitor Report:

Ms. Hutson reported the following:

1. IPM strategic planning was conducted in mid-February – the IPM has determined that based on its resources and staffing, the office can only do the following:
 - a. Take complaints;
 - b. Respond to officer involved shooting scenes, monitor and review these investigations; and
 - c. Complete one report regarding NOPD practices as resources permit and with assistance from other OIG divisions.
2. Stops and Frisks Report – the IPM will issue this report by the beginning of May. In order to provide more detailed statistical analysis, the issuance date has been delayed. The IM will present the report to the ERB.
3. Annual Report – The report has been delayed due to the IPM's monitoring of the Sipp and Allen Officer Involved Shooting investigations and to allow the IPM to gather statistics for inclusion in the annual report. The anticipated release date is April 16, 2012. The 2011 report will contain more statistics (IPM stats as well as PIB stats) and analysis than reports issued in previous years. The annual report will be presented to the ERB at a future date.
4. The IPM has produced a new quarterly newsletter which details the office's complaint intake and OIS (officer involved shooting) activities. The newsletter was distributed to ERB members.
5. Outreach Activities – IPM observed the Mardi Gras Indians Super Sunday and St. Joseph's Night, as well as the most recent march against police brutality on Saturday, March 31.
6. The new IPM website will launch on April 9th.

Ms. Nalty questioned whether there was clarity with regard to the IPM's monitoring process. Ms. Hutson explained the process for monitoring complaints as well as the classification for complaints (i.e., D1 (most serious) D2, and D3 (least serious)). Ms. Hutson noted that a flowchart has been developed to clearly reflect the complaint process.

In response to questions raised by Mr. Haley with regard to the IPM's effectiveness and value, Ms. Hutson indicated she will detail for the ERB how the lack of resources affects the IPM's ability to fulfill its duties as provided by the IPM ordinance.

Executive Director's Report

Survey: At the chair's request, Ms. Brown provided an overview of the process for soliciting costs proposals and identified the various entities and/or individuals with whom she spoke and/or from whom submissions received. Additionally, she referenced earlier discussions from last fall in this regard and noted the value of and insight that polling might yield, including creating awareness both throughout the community as well as within city government. Dr. Frampton indicated his support for surveying but expressed concern about the budget. An exchange ensued about the budget implications and availability of resources for such an undertaking and the need for further consideration of the matter. Through consensus, the board chose to defer this matter.

Outreach & Engagement: The executive director reported that meetings have been held with four city council members. The chair and/or the vice chair have participated in those exchanges. She commented that council members seemed supportive of the ERB's efforts and the need for ethics training and awareness and offered thoughtful feedback in this regard.

In referencing the groups identified in the board memorandum, Ms. Brown indicated that groups can be added to the listing and she requested that members identify additional groups as well as indicate if there are particular groups with whom ERB members wish to speak and/or can facilitate the executive director's introduction. The following groups were identified: Hurstville Association, Irish Channel Neighborhood Association and Audubon Riverside Neighborhood Association. Meetings have been held with the local NAACP Branch and the Urban League of Greater New Orleans. There were additional groups identified by Mr. Rollins (of the Urban League), especially with respect to young professionals in the city.

The executive director also noted that similar engagement would be conducted throughout city government. In response to Dr. Frampton's question about the link between the survey and engagement, she indicated that they are distinct activities and that the community listening process will yield valuable input separate from the survey process. Rev. Tilton commented that the ERB-OIG pamphlet had also been provided to the city council members and that the 2011 annual report has been submitted to the mayor and city council. Both are available through the ERB website and can be obtained from the office.

Ethics Education, Awareness & Culture: The executive director referenced the link for the case study of the City of Santa Clara noted in the board memorandum; the information provides an overview of the process in which that city engaged in developing its ethics and values code. The executive director also recommended that the board consider retaining Judy Nadler, who has been engaged in working with other jurisdictions in creating an ethical culture and was instrumental in Santa Clara's efforts, as a consultant to the ERB.

The information on the proposed state rules for third party ethics training is provided for informational purposes to board members. The rules have not been approved and they may change.

External Review of the Office of Inspector General-Quality Assurance Review Committee: The city council's governmental affairs committee considered its nominations to the committee on Monday and the full council will determine its designee on Thursday, April 5. Mr. Abbott has been contacted about his selection by the ERB.

Post Strategic Planning Report: The following items that were identified through the strategic planning retreat are in progress: development of evaluation tools for the IG, executive director, and general counsel; outline for ethics education; and planning for community listening sessions.

Board Protocols, Policies, & Procedures

1. Threshold spending level requiring full board and/or chair approval: This matter was deferred for future discussion.
2. Status of Modiphy Design Studio confidentiality agreement: Steve Scheckman, general counsel, explained that the confidentiality terms are being developed with Modiphy and will be provided to the board, per the chair's request.
3. ERB mission statement revision: Ms. Nalty moved that the ERB mission statement be revised and adopted as follows: *The Ethics Review Board seeks to uphold and enforce high ethical standards and promote the public's confidence in the government of the City of New Orleans.* Mr. Haley seconded and all were in favor; the motion passed unanimously.

At 3:34 p.m., Dr. Frampton moved that the board recess into executive session; seconded by Ms. Nalty. The motion passed unanimously.

Ms. Nalty moved that the board resume open session which was seconded by Dr. Frampton. The board resumed open session at 4:02 p.m.

Ms. Nalty moved that the ERB reduce the time and pay from 50% to 25% of the general counsel; a second was offered by Mr. Haley and the motion passed unanimously. The chair directed the executive director to pursue the appropriate administrative steps to effectuate the change in status.

OIG Proposed Legislative Changes:

Suzanne Wisdom, OIG general counsel, briefed the board on the OIG's proposed legislative changes with respect to administrative subpoena power and privilege for confidential documents. The resolution below was also presented to the board in support of the legislative changes being sought by the OIG. Ms. Wisdom indicated that the City Council, Jefferson Parish Business Council and Citizens for 1 Greater New Orleans have

extended their support for the proposed changes. Mr. Haley asked for clarity with regard to the city council's support as well as the added protections that would be afforded confidential documents that would be privileged.

RESOLUTION

WHEREAS, the Ethics Review Board continues to support ethics reform and believes it is a crucial part of good government to provide more effective and efficient services, economic development; and

WHEREAS, the Ethics Review Board believes ethics reform provides the citizens of New Orleans a rejuvenated faith in government agencies; and

WHEREAS, the Ethics Review Board believes that one of the most effective ways of ensuring the integrity of government is through strengthening the independence and increasing protections of local Offices of Inspector General; and

WHEREAS, the Ethics Review Board understands that in order to preserve the integrity of open projects and investigations as well as protecting the individuals involved in providing information to Offices of Inspector General, work papers and information in the OIG's possession should not only be protected from public records requests, but should also be protected from subpoena from tribunals; and

WHEREAS, the Ethics Review Board supports providing the OIG with a more efficient subpoena process and protecting sensitive information during the course of an audit, evaluation, inspection, or investigation; **NOW THEREFORE**,

BE IT RESOLVED THAT the Ethics Review Board requests that the State Legislature and Governor join the City Council of New Orleans and the Ethics Review Board and reinforce their desire for ethics reform by supporting House Bill 334, sponsored by Representative Brossett, and the companion Senate Bill 615, sponsored by Senator Appel, during this Regular Session 2012.

BE IT FURTHER RESOLVED that the Orleans and Jefferson Parish Legislative delegations work together to strengthen the Offices of Inspector General in their respective parishes.

Mr. Haley moved that the ERB adopt the resolution in support of the proposed OIG legislative changes; a second was offered by Dr. Frampton and the motion passed unanimously.

Dr. Frampton moved that the meeting be adjourned and a second was offered by Ms. Nalty. The meeting adjourned at 4:11 p.m.