

The Ethics Review Board
City of New Orleans

Tuesday
August 20, 2013
2:30 p.m.
3001 Gentilly Boulevard
Norman Mayer Library
New Orleans, Louisiana 70122

Minutes

Present: Dr. Michael Cowan, Chair; Elizabeth Nalty, Vice Chair, Dr. Joe Ricks, Jr., Allen Miller, James Brown
Staff: Steven Scheckman, General Counsel
Felicia R. Brown, Executive Director

A quorum being present the meeting was called to order at 2:30pm by the chair. Mr. Brown moved for approval of the minutes of May 20, 2013, and July 29, 2013; the motion passed unanimously.

On a motion by Ms. Nalty, Mr. Allen Miller was nominated as secretary of the Ethics Review Board; with a second offered by Dr. Cowan. All were in favor and the motion passed unanimously.

On a motion by Ms. Nalty, Mr. James Brown was nominated as vice chair of the Ethics Review Board; second offered by Mr. Miller. All were in favor and the motion passed unanimously.

On a motion by Ms. Nalty, Dr. Cowan was nominated as chair of the Ethics Review Board; second offered by Mr. Brown. All were in favor and the motion passed unanimously.

The chair referenced the credentials and background of Judy Nadler, the ERB's ethics education consultant, noting two documents sent to board members. In response to Mr. Brown's inquiry about the progress of the consultancy, the chair indicated Ms. Nadler has completed the first two phases. Mr. Brown stated his preference for the integration of a case study model in development of ethics education. Ms. Nalty proposed the possibility of Ms. Nadler visiting with board members during her future visit to the city.

The executive director offered background with regard to the OIG's request for funding to offset the current deficit; Mr. Scheckman explained the return of monies unspent from the ERB-OIG appropriation. A discussion ensued with respect to the amount the ERB might transfer to the OIG and its impact on ERB operations. Board members Brown, Nalty and Ricks expressed their support for the transfer of ERB funds to the OIG. Mr. Brown moved that the ERB cede \$28,000 to the OIG to offset the FY 2013 budget deficit; the motion was seconded by Dr. Ricks. Following additional exchange between Mr. Brown and Dr. Ricks, the motion was amended as follows:

On motion by Mr. Brown, the ERB will cede up to \$28,000 to the OIG and any funds remaining and not used by the OIG will be returned to the ERB; second by Dr. Ricks. All were in favor and the motion passed unanimously.

Mr. Scheckman presented the two advisory opinion requests, noting the following:

ADV 2013-0001 Leni Sumich: Mr. Scheckman explained the school board is not subject to the city's ethics code. Counsel further advised the board's correspondence should refer the requestor to the Louisiana State Ethics Administration also indicating elected members of the school board are not subject to the Code of Ethics for the City of New Orleans.

Ms. Nalty moved that the ERB should accept the recommendation of the general counsel in this matter, with a second by Mr. Miller. The motion passed unanimously.

ADV 2013-0002 City Council President Jacquelyn Brechtel Clarkson: Mr. Scheckman noted the request as stated is not within the scope and jurisdiction of the Ethics Review Board, commenting that the councilmember may be subject to the state ethics provisions. An exchange ensued between counsel and board members Miller, Ricks, Cowan, and Brown with regard to the ERB's authority, request for additional information, specific wording for the ERB's response and its implications.

Mr. Miller moved that the ERB accept the general counsel's recommendation that the consular appointment is not inconsistent with the City of New Orleans Code of Ethics; the ERB has limited authority and jurisdiction in this matter and recommends that the requestor seek an advisory opinion from the Louisiana State Ethics Administration. A second was offered by Mr. Brown. The motion passed unanimously.

At 3:05pm, Ms. Nalty moved that the board enter executive session; Mr. Brown offered a second. The motion passed unanimously.

At 3:43pm, Mr. Brown moved that the board resume the open meeting with a second from Mr. Miller. The motion passed unanimously.

Mr. Brown moved to approve a pay increase of 3.5% for Inspector General Edouard Quatrevaux. A second was offered by Ms. Nalty. The motion was passed with three members (Cowan, Nalty and Brown) voting in favor of the motion, and board members Ricks and Miller voting against.

The meeting adjourned at 3:46pm on a motion by Mr. Miller; a second by Ms. Nalty. The motion passed unanimously.