



## **Ethics Review Board for the City of New Orleans**

**Board Meeting of April 12, 2021 at 3:30 P.M.**

**Conducted via Zoom Teleconference Due to COVID-19 Emergency**

### **Minutes**

1. *Call to Order.*
  - 1.1. The chair called the meeting to order at 3:32 p.m.
  - 1.2. Board members present:
    - 1.2.1. Elizabeth Livingston de Calderon.
    - 1.2.2. Michael A. Cowan (Chair).
    - 1.2.3. Holly Callia.
    - 1.2.4. Monique G. Doucette.
    - 1.2.5. Torin T. Sanders.
  - 1.3. Board members absent: Wanda A. Brooks; Tyrone G. Jefferson, Jr.
  - 1.4. Staff member present: Dane S. Ciolino, Executive Administrator and General Counsel.
  - 1.5. The Chair declared that a quorum of the board was present and commenced the meeting via Zoom videoconference and teleconference.
  - 1.6. The agenda for the meeting is attached.
2. *Ratification of Prior Written Certification of Emergency Need for Video Conference Meeting.* Pursuant to [State of Louisiana Executive Department Proclamation No. JBE 2020-30 Section 4 \(March 16, 2020\)](#) and subsequent orders and legislation addressing the COVID-19 state of emergency, the ERB unanimously agreed to conduct this meeting by

video conference and audio conference after certifying that the ERB would not otherwise have been able to operate due to quorum requirements due to the ongoing COVID-19 emergency.

3. *Approval of the Minutes.* The Board unanimously approved the minutes of the March 8, 2020, Board meeting.
4. *Meeting with Councilmember Giarrusso.* Mr. Cowan reported on a meeting with Mr. Ciolino and Councilmember Joseph I. Giarrusso, III.
  - 4.1. During that meeting, the councilman expressed his interest in proposing ordinances addressing whistleblower protections and permitting fines and restitution as remedies in city ethics enforcement actions.
  - 4.2. The councilman will consult with the Board regarding its views on these topics.
5. *Quality Assurance Review Advisory Committee Appointments.*
  - 5.1. By a unanimous vote, the Board appointed Bill Banta to the QARAC Committee for the OIG after Mr. Banta was duly nominated and his nomination was seconded.
  - 5.2. By a unanimous vote, the Board appointed Marcus Kondkar to the QARAC Committee for the OIPM after Prof. Kondkar was duly nominated and his nomination was seconded.
6. *Report of the Office of Inspector General.*
  - 6.1. The Office of the Inspector General was represented by Interim IG Ed Michel. Other OIG staff members also were in attendance, including Erica Smith and Larry Douglass.
  - 6.2. Mr. Smith discussed the budget for the OIG using the attached slides.
  - 6.3. Mr. Michel discussed the office's efforts to protect the integrity and confidentiality of the office's data.
  - 6.4. Mr. Michel discussed the annual report of the office, which he submitted on March 31, 2021.
    - 6.4.1. Ms. Callia followed up on problems with S&WB billing. Mr. Michel noted that his office has had conferences with S&WB management, and that it is making efforts to improve.
    - 6.4.2. Ms. Callia asked about the status of reforms at the Audubon Commission. Ms. Smith reported that the commission is reworking its cooperative endeavor agreement in response to the OIG's recommendations.

- 6.4.3. Mr. Cowan asked why the OIG personnel need to carry firearms. Mr. Michel responded that the investigators often encounter individuals who are criminal suspects.
  - 6.5. Mr. Michel discussed the OIPM monthly report. *See Attached OIG Monthly Report.*
7. *Report of the Office of the Independent Police Monitor.*
  - 7.1. IPM Susan Hutson appeared for the OIPM. Ms. Cziment and Ms. Sokunbi were also in attendance.
  - 7.2. Ms. Hutson discussed her office's monthly report. *See Attached OIPM Monthly Report.*
  - 7.3. Ms. Hutson reported that she will file her annual report next month. She noted that there will be some "data issues" because of the cyberattack last year. Mr. Cowan clarified that the data problem was a technical one—not a political problem or one related to lack of cooperation by the NOPD.
  - 7.4. Mr. Sanders asked what the NOPD was doing with regard to victims' services. Ms. Hutson responded that there are social workers at NOPD and domestic violence support agencies who assist, along with Children's Sexual Assault Center.
8. *Presentation by BGR.*
  - 8.1. The Bureau of Governmental Research (BGR) was invited to attend the meeting by Mr. Cowan.
  - 8.2. Present on behalf of the BGR were Amy Glovinsky, Stephen Stuart, and Jamie Parker.
  - 8.3. The BGR presented using the attached slides.
  - 8.4. Ms. Calderon noted that she generally supports the recommendations in the BGR report, but that she was concerned about the pool of candidates being too limited.
  - 8.5. Dr. Cowan asked whether it would be appropriate to use executive sessions during the search and evaluation process. Ms. Parker responded that the Board must use its best judgment, but that the more open the process is, the better for the public.
  - 8.6. Ms. Doucette noted that the Board must balance its role providing meaningful oversight with avoiding micromanagement of lower-level OIG employees. She suggested that the Board should focus on issues that could result in the removal of the IG for cause.

- 8.7. Ms. Golvinsky noted that the Board needs to encourage upstream reporting of egregious misconduct by the IG, but that it also needs to be mindful of protecting the independence of the office.
- 8.8. Mr. Sanders noted that the Board should provide meaningful feedback to the IG during his tenure rather than just “giving him an F without warning.”
- 8.9. Ms. Glovinsky noted that there is a need to balance independence with oversight.
9. *Vote on Open Meetings Issues.* The Board declined to vote on the extent to which it would use executive sessions during the IG appointment process.
10. *Early Warning Surveys of Staff at the OIG and OIPM.*
  - 10.1. The Board discussed the need to monitor whether the agency head at the OIPM and OIG are performing their duties in a satisfactory manner without intruding on the independence of either agency.
  - 10.2. The Board will consider surveying employees at the offices periodically for “early warning signs” of misconduct.
11. *Officer Selection Process.*
  - 11.1. The Board discussed how it would appoint new officers at the June 2021 Board meeting.
  - 11.2. The Board discussed the possibility of using seniority or nominations. The Board acknowledged that there presently exist no written policies in this regard.
  - 11.3. Ultimately, the Board made no decisions in this regard.
12. *Report of Executive Administrator and General Counsel.*
  - 12.1. Mr. Ciolino reported that the Board had received no new complaints.
  - 12.2. Mr. Ciolino discussed the Board’s upcoming deadlines and events.
  - 12.3. Mr. Ciolino reported on the hiring process for replacing the Inspector General. The matter is in the contracting stage.
  - 12.4. Mr. Ciolino reported on the process of hiring a full-time ethics trainer. The Civil Service Department has approved a classified position and the city personnel department has forwarded applications to Mr. Ciolino for review.
  - 12.5. Mr. Ciolino reported that a peer review committee to evaluate the Ethics Review Board has been formed. The committee will meet in early May to discuss the peer review process.

13. *Miscellaneous.*

- 13.1. Dr. Cowan noted that Board members need to review the monthly reports of the OIG and OIPM very carefully, as well as the annual reports of those agencies.
- 13.2. Dr. Cowan suggested that a Board member should be responsible for leading the discussion of one of these reports at each meeting, and that this position should rotate each month.
- 13.3. There was a consensus among the Board that this would be a good regular practice.

14. *Adjournment.*

- 14.1. A motion was made to adjourn the Board meeting. The motion was seconded.
- 14.2. The Board unanimously voted to adjourn.
- 14.3. The meeting was adjourned at 5:48 p.m.

\* END \*