



Ethics Review Board for the City of New Orleans

Board Meeting of January 30, 2023, at 3:30 P.M. in New Orleans City Council Chambers

Minutes

1. *Call to Order.*
 - 1.1. The chair called the meeting to order at 12:13 p.m.
 - 1.2. ERB members present:
 - 1.2.1. Holly Callia, Chair.
 - 1.2.2. Elizabeth Livingston de Calderon.
 - 1.2.3. Monique G. Doucette
 - 1.2.4. Tyrone G. Jefferson, Jr.
 - 1.3. ERB members absent:
 - 1.3.1. Wanda A. Brooks.
 - 1.3.2. Michael A. Cowan.
 - 1.4. Staff members present:
 - 1.4.1. Dane S. Ciolino, Executive Administrator and General Counsel.
 - 1.5. Staff members absent:
 - 1.5.1. Jordy Stiggs, Ethics Trainer (ill).
 - 1.6. The agenda for the meeting is attached.
2. *Approval of Minutes.* Upon a duly made and seconded motion, the ERB unanimously approved the minutes of the regular ERB meeting of December 22, 2022.

3. *Monthly Report of the Office of the Inspector General.*
 - 3.1. Ed Michel appeared on behalf of the Office of the Inspector General.
 - 3.2. Mr. Michel presented his office's monthly written report (attached). He also reported orally to the ERB and responded to ERB members' questions.
 - 3.3. The OIG's new website is live and up to date.
 - 3.4. The OIG conducted a swearing-in ceremony for its new employees.
 - 3.5. The OIG now has 19 employees. The office has funds to hire two more. It is difficult to find qualified candidates.
 - 3.6. The OIG evaluations division is looking into EMD fuel issues, NOPD response to crime, and other evaluations.
 - 3.7. The OIG sent a letter to the mayor and council making recommendations on the NOPD search for a new superintendent.
 - 3.8. The OIG sent a letter to the mayor regarding short-term rental violations and lack of enforcement. A large number of fines are not being collected.
 - 3.9. The OIG sent a letter to Safety and Permits regarding possible conflicts involving inspectors who might have conflicts.
 - 3.10. The OIG is looking into S&WB billing processes and will recommend improvements.
 - 3.11. The OIG drafted letter to university presidents in the city informing them of the role and responsibilities of the office. The OIG has prepared a slide show for the university presidents; will share with the board at its next meeting. Ms. Calderon suggested posting the presentation on a video for the board members to watch asynchronously.
 - 3.12. Ms. Calderon asked about the S&WB investigation, more particularly, whether the S&WB is doing anything to prevent fresh, potable water from just running into the streets through leaks and other issues. Mr. Michel responded that the DPW is not communicating and collaborating with S&WB. The S&WB is a large blind spot.
 - 3.13. Mr. Cowan noted that it is critical for the well-being of the city for the S&WB to do an adequate job. How do we go at the S&WB strategically to improve the board? Mr. Michel noted that S&WB has more than 4,000 employees. Also, the S&WB is in danger of losing a lot of grant money because of its failure to spend money. There has been talk of privatizing the board. But Mr. Michel noted that there must be a better way for the office to work and coordinate with other city departments and agencies. The office needs holistic change. Mr. Cowan asked

whether any member of the S&WB board has reached out to the OIG. Mr. Michel reported “no.”

4. *Monthly Report of the Office of Independent Police Monitor.*

- 4.1. Stella Cziment and Boncyle Sukunbi appeared on behalf of the Office of the Independent Police Monitor.
- 4.2. Ms. Cziment discussed the monthly report (attached).
- 4.3. Discussed a complaint submitted by the family of a suicide victim who wanted to see the surveillance video of the suicide. The OIPM arranged a meeting with the NOPD and the family and a social worker to view the video even though NOPD typically does not share such videos. The office has set up many of these types of meetings.
- 4.4. In January, met with new NOPD leadership, including the chief and deputy chiefs regarding transparency, and working together going forward. OIPM has “high hope” for the leadership.
- 4.5. As to the funding ordinance:
 - 4.5.1. No updates from Mr. Morrell’s office.
 - 4.5.2. Will send over another draft of the ordinance in February. Need to emphasize subpoena power. May remove investigation responsibility from ordinance until funding issues are resolved.
 - 4.5.3. Will keep the ERB posted as to new developments with the ordinance.
 - 4.5.4. Mr. Cowan reported that he and Ms. Callia met with JP Morrell, councilman, last week. It was a long meeting. The case for subpoena power and confidentiality are likely strong. The case for investigatory powers is more questionable.
 - 4.5.5. Ms. Callia reported that the communication and meeting were very good. She looks forward to having more communications about preserving the independence of the office. She noted that there were no real differences between what Mr. Morrell wants for the city and the importance of independence.
 - 4.5.6. Mr. Cowan noted that independence is very important and that Mr. Morrell likely understands that.
 - 4.5.7. Mr. Jefferson asked about the amendments that are being considered. Ms. Cziment responded that there are amendments being considered to the charter regarding funding. Also, discussing amendments to the OIPM

ordinance regarding the types of investigations the office could do. Will likely seek to do administrative investigations only.

- 4.5.8. Ms. Calderon asked why subpoena power was necessary. Ms. Cziment responded that her office often needs to get NOPD records; now, it is purely a consensual basis for responding to OIPM requests for information. The subpoena power is not intended for investigations, but it is possible in the future that there may be a need for subpoena power to conduct investigations. Ms. Calderon noted that it is important to think through when subpoena power is appropriate.
- 4.5.9. Ms. Callia noted that the meeting with JP Morrell was at a very high level. They did not get into the drafting of documents and language. The discussion at this point is preliminary. Ms. Calderon thanked Ms. Callia and Dr. Cowan for having that meeting. She also thanked Ms. Cziment for the work of her office.
- 4.5.10. Mr. Cowan noted that all of the work done through the consent decree process will be lost unless the OIPM staffs up to do much of that work. Mr. Cowan further noted that the OIPM has a lot to do and not enough staff at present. Ms. Cziment agreed. Mr. Cowan noted that if all goes as planned, the office will have more responsibilities after the end of the consent decree. He asked, “how will your office do this?” Ms. Cziment responded that it is prioritizing the work product to address the most “impactful” work and deemphasizing other work. Her office is changing the direction of where it is focusing its work. For example, her office no longer summarizes discipline in memos; few people were reading the reports. So, her office has eliminated the disciplinary memos and pivoted to do other things with her office’s limited resources.
- 4.6. Ms. Cziment shared her 2023 Work Plan with the board and discussed the contents (attached). Focused ERB’s attention on major projects set forth in the report. For example, Ms. Cziment noted that her office will release a report in February regarding the Office of Secondary Employment.
- 4.7. Plans to archive lots of information on the website regarding NOPD issues. Will also improve the content of the website.
- 4.8. Ms. Calderon noted that she is impressed with the work plan.
- 4.9. Mr. Cowan asked about how subpoena power was obtained by the OIPM. Ms. Cziment noted that she will work with the city council, but also would consider getting state legislation too. This would make it harder for any responsibilities to be taken away. This would preserve independence of the office.
- 4.10. Mr. Cowan asked how the OIPM started looking at secondary employment issues. Ms. Cziment responded that the Office of Secondary Employment (OSE) is a

product of the federal consent decree (in 2012 or 2013). Thereafter, the OIPM started to oversee the work of the OSE.

- 4.11. Mr. Cowan asked why the OIG would not be involved in overseeing the OSE. Ms. Cziment noted that her office only looks at administrative issues—not criminal issues. The OIG would handle any criminal investigations.
 - 4.12. A dispute arose about the respective roles of OIG and OIPM regarding investigations. Ms. Callia pretermitted the discussion for a future time.
 - 4.13. Ms. Sukunbi presented the “informational tool” regarding the NOPD superintendent selection process (attached). The office wants to facilitate the search process by giving information to the city about the processes used in the past. Also, discussed the role of a search committee in past and present superintendent searches. Mr. Cowan noted that there should not be two search committees. Right now, there is no search committee. There is a search firm. The mayor may change this in the future.
5. *Monthly Report of Ethics Trainer.*
- 5.1. Mr. Jordy Stiggs presented his monthly written report (attached).
 - 5.2. Noted that all board members must do their 2.1 form disclosures regarding finances.
 - 5.3. Noted that every board member took their required sexual-harassment and ethics training for 2022.
 - 5.4. During 2022, Mr. Stiggs trained 571 people during live trainings. He also trained around 30 people through online training. This is a large increase over the number of individuals trained by the Hackett Group during a three-year period.
 - 5.5. Discussed the desire to print out materials and posters to promote his training programs. The board expressed its view that this is a good idea.
 - 5.6. Mr. Stiggs is working with liaisons to develop training and materials.
 - 5.7. Mr. Stiggs would like to establish a more collaborative relationship with the CAO’s office. He believes that this is coming along well.
 - 5.8. As to awards, Mr. Stiggs would like to increase the number of nominations for ethics awards, perhaps by more outreach and by prodding of the liaisons.
 - 5.9. Mr. Stiggs discussed questions regarding training on issues related to collecting money for employees who lose a loved one to death.
 - 5.10. Mr. Stiggs is working on the ERB website to turn it into an online archive or library for training materials.

6. *Report of the Executive Administrator and General Counsel.*
 - 6.1. Mr. Ciolino presented his oral report.
 - 6.2. Mr. Ciolino reported that the ERB has received no new complaints.
7. *Report on QARAC Appointments.*
 - 7.1. Mr. Ciolino reported that the ERB is awaiting QARAC nominations from the city.
 - 7.2. Mr. Ciolino also reported that the ERB is awaiting a nomination from the mayor as to the Loyola, SUNO, and Dillard ERB positions.
8. *Call for Agenda Items for Future ERB Meetings.*
 - 8.1. Discussion of OIPM ordinance and charter amendments.
 - 8.2. Discussion of mayorial and council appointments.
9. *Adjournment.*
 - 9.1. A motion was made to adjourn the ERB meeting.
 - 9.2. The motion was seconded.
 - 9.3. The ERB unanimously voted to adjourn. The meeting was adjourned at 1:43 p.m.

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