



Ethics Review Board for the City of New Orleans

Board Meeting of March 13, 2023, at 12:00 P.M. in New Orleans City Council Chambers

Minutes

1. *Call to Order.*
 - 1.1. The chair called the meeting to order at 12:09 p.m.
 - 1.2. ERB members present:
 - 1.2.1. Holly Callia, Chair.
 - 1.2.2. Elizabeth Livingston de Calderon.
 - 1.2.3. Michael A. Cowan.
 - 1.2.4. Monique G. Doucette
 - 1.2.5. Tyrone G. Jefferson, Jr.
 - 1.3. ERB members absent:
 - 1.3.1. Wanda A. Brooks.
 - 1.3.2. SUNO appointee (position is vacant).
 - 1.4. Staff members present:
 - 1.4.1. Dane S. Ciolino, Executive Administrator and General Counsel.
 - 1.4.2. Jordy Stiggs, Ethics Trainer
 - 1.5. Staff members absent:
 - 1.5.1. None.

- 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 January 30, 2023.
3. *Monthly Report of the Office of the Inspector General.*
 - 3.1. Ed Michel appeared on behalf of the Office of the Inspector General. He was accompanied by his general counsel, chief evaluator, chief auditor, and office manager.
 - 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. Discussed work of audit division and reports soon to be released.
 - 3.4. Discussed work of the investigation division.
 - 3.5. Discussed billing errors by the SWB that have been piling up for many years. Despite that, the SWB wants a rate hike. Recent report recommended that rate increases be deferred until the SWB collects outstanding bills.
 - 3.6. Discussed the progress of mitigating homestead exemption fraud. Many deceased homeowners are on the tax rolls. He is coordinating with state officials in this regard.
 - 3.7. Discussed investigation into employee of the city who was improperly employed full time by a non-City entity.
 - 3.8. Discussed investigation into payments improperly made (\$1.46 MM dollars) to nonprofit group.
 - 3.9. Ms. Doucette noted that the challenge to SWB collections stems from billing inaccuracies. Consumers get large bills and believe the bills are wrong, and they cannot afford to pay. Why are bills not right? Mr. Michel stated that the problems arise from estimating problems; the SWB does not have the staff to go out and record usage on a monthly basis. In addition, the SWB software is old and outdated. Apparently, "smart meters" will soon be installed to automatically report actual usage at consumer's locations. The estimated installation date is next year (2024). Also, there are a lot of bills that are simply unpaid even though no disputes have been filed.
 - 3.10. Ms. Calderon asked Mr. Michel to update his monthly report to include his budget and projections regarding his annual report. Ms. Calderon asked for a new column on the report to show expected expenditures vs. actual expenditures. Mr. Michel said that he can add that column to his monthly report.

- 3.11. The OIG Audit and Review, Inspections & Evaluations and Investigations departments presented a slide show on their functions and operations (attached).
- 3.12. Mr. Cowan asked what the word “evaluator” meant? OIG staff responded, “someone who is evaluating programs.”
- 3.13. Ms. Callia thanked Mr. Michel and his staff for the presentations.
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. Lawyer Sharonda Williams also appeared with the IPM.
 - 4.2. Ms. Cziment discussed the monthly report (attached).
 - 4.3. Ms. Cziment discussed her office’s work regarding the NOPD Office of Secondary Employment and related issues. Among other things, new changes will ensure no double billing by officers performing details.
 - 4.3.1. Mr. Cowan thanked the IPM for the report on secondary employment and related issues.
 - 4.3.2. Mr. Cowan asked, “where are we on the federal consent decree” and “your role going forward.”
 - 4.3.2.1. She responded, the city is not in “full and effective compliance.” The monitors’ new annual report reflected some “backsliding.” She is working with NOPD and the monitors to put in place technical and operational changes to avoid any additional backsliding. The city must reach full and effective compliance, then the judge will put the city into a sustainment period. The federal monitors will be in charge of the sustainment monitoring; however, they will do less work and the OIPM will take more work.
 - 4.3.2.2. The IPM also noted that the mayor’s office has moved the federal court to dissolve the consent decree. This motion will be ruled on in the next three months. Ms. Calderon asked what the federal government’s position was on this motion. The IPM responded that they object to dissolution.
 - 4.3.2.3. Ms. Callia asked how many people are currently performing this function for the federal monitor? The IPM responded that 10-15 people work for the federal monitor team; there are only 5 people in her office currently. She noted that her office is working on a sustainment strategy that will involve a lot of triage and prioritization.

- 4.4. Ms. Calderon and Ms. Callia both noted the opportunity to engage local universities to assist with the work of the OIPM.
- 4.5. Discussed the concerns presented by the same lawyers representing a city leader and the internal investigations unit of NOPD. Ms. Callia confirmed that the IPM is not investigating any allegations regarding any city officials. Her offices only monitors the NOPD's investigations.
- 4.6. Discussed her office's regular reports to the Council's Criminal Justice Committee.
- 4.7. Noted that her office participated in a public forum in Central City regarding the consent decree with the federal monitors.
- 4.8. Mr. Cowan asked what is causing noncompliance with the consent decree. The IPM noted that the policies have been created, but the problem lies in following the policies. There is no clear definition of "noncompliance." As to "backsliding" categories, there is no clarity as to what exactly the problem is. A number of areas of concern have been identified but it remains unclear which, if any, will be "moved" into a "backsliding" into "yellow" category from "green." Ms. Doucette clarified that "compliance" is defined as "hitting 95." If NOPD does not "hit" that mark, it is in "noncompliance." But it is a different issue as to how the NOPD can "fall out" of "green" compliance. That is not well defined. All of this "lack of clarity" is addressed in the City's motion to dissolve the consent decree.
- 4.9. Ms. Callia asked for an update on the IPM's effort to change the code of ordinances. The IPM said that there are no new developments. She believes that it has been "backburnered" to the May 2023 council meeting. Ms. Callia asked for an update at the next ERB meeting. Ms. Calderon noted that there are two issues raised by the IPM's efforts; they should separate the two. The IPM agreed.
- 4.10. Ms. Callia suggested that the OIPM consider hiring a third-party to study the needs for restructuring the OIPM and altering funding once the federal consent decree terminates.
5. *Discussion and vote on board resolution to require OIG and OIPM to share with ERB all correspondence with mayor and members of the city council regarding (1) funding requests, and (2) proposed amendments to the City Code of Ordinances and City Home Rule Charter.*
 - 5.1. Motion to adopt resolution by Ms. Calderon; seconded by Mr. Cowan.
 - 5.2. Mr. Ciolino reported on the history of this resolution.
 - 5.3. Mr. Michel noted that his office has no objection to the adoption of this resolution. Noted that he believes that this resolution will not interfere with the independence of his office.

- 5.4. Ms. Cziment noted that her office has no objection to the adoption of this resolution. Noted that she believes that this resolution will not interfere with the independence of her office. Any action taken thereafter might, but that is not the issue.
- 5.5. The ERB discussed the motion.
- 5.6. The ERB invited public comment; none received.
- 5.7. The ERB voted on the resolution. The resolution passed unanimously.
6. *Monthly Report of Ethics Trainer.*
 - 6.1. Mr. Jordy Stiggs presented his monthly written report (attached).
 - 6.2. Mr. Stiggs reminded the board members to submit their financial reports to the state board by May 15, 2023.
 - 6.3. Mr. Stiggs reported that he will assist Ms. Callia to prepare an onboarding packet for new ERB members. Mr. Stiggs asked for information from Mr. Cowan and Mr. Ciolino regarding the history of the ERB and its structure and operations. He will also get information from the OIPM and OIG regarding their operations.
 - 6.4. Mr. Stiggs share copies of his new training posters and information.
7. *Report of the Executive Administrator and General Counsel.*
 - 7.1. Mr. Ciolino presented his oral report.
 - 7.2. Mr. Ciolino reported on the potential conflict notice provided by Ms. Cziment relating to her brother's relationship with Ring (security camera provider).
 - 7.3. Mr. Ciolino noted that he provided a draft of the annual report for 2022 to Ms. Callia.
 - 7.4. Mr. Ciolino reported on staff, offices, phone, website, and mailing address. Ms. Callia asked what would happen if Mr. Ciolino disappeared. He reported that he will set up a legacy contact in GoDaddy. She also asked Mr. Ciolino to forward all "chair" emails to Ms. Callia.
 - 7.5. Mr. Ciolino discussed the ERB budget for 2023, attached as Item 1 to the agenda.
 - 7.6. Mr. Ciolino reported that the ERB has received no new complaints.
8. *Report on QARAC Appointments.*
 - 8.1. Mr. Ciolino reported that the ERB is awaiting QARAC nominations from the mayor and city council.

- 8.2. Mr. Ciolino also reported that the ERB is awaiting a nomination from the mayor as to the Loyola, SUNO, and Dillard ERB positions. He reported that the Loyola position should be filled in the next 4-6 weeks.
9. *Discussion of Onboarding Plans for New ERB Members.*
 - 9.1. Already covered in other discussions.
10. *Discussion of Strategic Plan for ERB.*
 - 10.1. Already covered in other discussions.
11. *Comments by Mr. Cowan.*
 - 11.1. Mr. Cowan noted that he has attended at least 134 ERB meetings. He has been working since 2005 on creating the ERB, OIPM, and OIG. He has studied corruption and ethics regulation and racial tensions and insider dealing; all go together, unfortunately. Broadening economic activity requires “going after corruption.” So too for reducing racial tension. This is what is required for positive social change.
 - 11.2. The ERB, OIPM, and OIG are precious creations in the life of this city. They did not exist 20 years ago. ERB members, “this is all in your hands.” These organizations are responsible for running their own organizations; we should consult and advise, but they are autonomous. The ERB must oversee without interfering in the offices’ operations.
 - 11.3. Mr. Cowan’s final challenge to the board: the board has monthly plans and reports in writing and live during meetings. Members must read the offices’ reports and raise questions and comments. That is the ERB’s opportunity to review, evaluate, and advise those offices.
 - 11.4. Mr. Cowan thank everyone for the opportunity to serve. Everyone thanked Dr. Cowan.
12. *Call for Agenda Items for Future ERB Meetings.*
 - 12.1. None.
13. *Adjournment.*
 - 13.1. A motion was made to adjourn the ERB meeting.
 - 13.2. The motion was seconded.
 - 13.3. The ERB unanimously voted to adjourn. The meeting was adjourned at 2:07 p.m.

* END *