

MOTION
NO. M-13-294

CITY HALL: August 22, 2013

BY: COUNCILMEMBER ^{JBC} CLARKSON

SECONDED BY: COUNCILMEMBER HEAD

WHEREAS, pursuant to Chapter 4 of the Home Rule Charter, the City Attorney provides legal advice to the City Council; and

WHEREAS, the City Attorney's Office routinely provides excellent legal services to the City Council; and

WHEREAS, as a separate branch of city government, the City Council at times confronts legal issues unique to legislative bodies; and

WHEREAS, occasionally issues confronting the Council may present conflicts or potential conflicts between the executive branch and the City Council; and

WHEREAS, recognizing that the Council may encounter such unique legal situations, Section 4-403(2) of the City Charter has provided since 1954 that:

“The Council may, by two-thirds vote of its entire membership, employ special counsel for itself”; and

WHEREAS, it is the desire of this Council to receive the advice and assistance of special counsel in connection with legal and policy matters pertinent to its independent role as a legislative body when the Council, in its sole discretion, determines 1) that there are conflicts or potential conflicts between the executive branch and the City Council and/or 2) the Council's best interest will be served through the Council's receipt of advice and guidance of special counsel pursuant to the following process: upon the request of one or more Councilmembers with the approval of the Council President for budgetary control purposes, subject, however, to veto by a majority of the Council at its next regular or special meeting; and

WHEREAS, consistent with the procedure established by Council Rule 45, the Council now wishes to issue a Request for Qualifications in order to receive statements of qualifications from professionals interested in providing such services to the Council in those situations and pursuant to the processes described hereinabove; and

WHEREAS, the retention of special counsel is in no way intended to interfere with the Home Rule Charter functions of the City Attorney, including but not limited to the issuance of formal legal advice or opinions, the institution and/or prosecution of litigation, the preparation of ordinances, the preparation of and approval of contracts, and/or as serving as the chief legal officer for the City; and

WHEREAS, it is the Council's intention that in no way and/or at any time shall the Council's special

counsel serve as the chief legal officer of the City and/or represent to third parties that he/she serves formally or informally as the legal representative of the City; now, therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That in accordance with paragraph 1 of Rule 45 of the Council Rules, the Council determines that the services of special counsel are required to provide assistance in legal and policy matters that may arise in those situations where the Council, in its sole discretion, determines that 1) there are conflicts or potential conflicts between the executive branch and the City Council and/or 2) the Council's best interests will be served through the Council's receipt of advice and guidance of special counsel pursuant to the following process:

Upon the request of one or more Councilmembers with the approval of the Council President for budgetary control purposes, subject, however to veto by a majority of the Council at its next regular or special meeting; and therefore the Council directs its staff to issue a Request for Qualifications (RFQ) to begin the competitive selection process established by Rule 45.

BE IT FURTHER MOVED That the RFQ shall stipulate that the Council Chief of Staff (COS) shall serve as contract manager for the special counsel, and the COS shall review all bills submitted and ensure that all services reflected in the bills or invoices are authorized as provided herein or otherwise authorized by the Council.

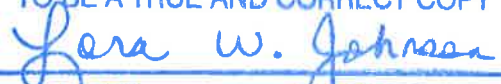
THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Cantrell, Clarkson, Gisleson Palmer, Gray, Guidry, Head
Hedge-Morrell - 7

NAYS: 0

ABSENT: 0

AND THE MOTION WAS ADOPTED.

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY

INTERIM CLERK OF COUNCIL