

RULES AND REGULATIONS
OF THE
COUNCIL
OF THE
CITY OF NEW ORLEANS



EFFECTIVE APRIL 25, 2019
AS AMENDED THROUGH MAY 9, 2019

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REGULAR MEETINGS OF COUNCIL – SCHEDULE

Rule 1. As provided in Section 3-107 (5) of the Charter, the Council of the City of New Orleans shall hold two regular meetings each month, to occur on a Thursday in the Council Chamber at City Hall, which shall commence at 10:00 A.M. If properly noticed, the Council may schedule a later time in the day to commence the meeting.

The Council may call additional regular meetings to occur on any day during the months of November and December, but any additional regular meetings that occurs in these months shall be noticed at least seventy-two (72) hours in advance of the meeting.

MEETINGS OF COMMITTEE OF WHOLE

Rule 2. Meetings of the Committee of the Whole Council may be held in the Council Chamber at City Hall, which shall occur at a date and time publicly noticed at least twenty-four (24) hours prior to the meeting. Five members of the Committee shall constitute a quorum at a Committee of the Whole.

SPECIAL MEETINGS OF THE COUNCIL

Rule 3. Special meetings of the Council may be called as provided in Section 3-107 (5) of the Home Rule Charter. Special meetings of the Council shall be publicly noticed at least twenty-four (24) hours in advance of the special meeting.

PRESIDING OFFICERS

Rule 4. The President of the Council shall be the presiding officer of the Council. The Vice President of the Council shall preside in the absence of the President. If both the President and Vice President will be absent for the entirety of a Council

meeting, then the Council shall nominate and then elect an “acting chairperson” that will temporarily serve as the presiding officer of the Council for that Council meeting, and any ministerial duties relative thereto.

When the Vice President is presiding in the President’s absence and temporarily cannot act as the presiding officer for a discrete period during a Council meeting, he or she shall temporarily designate an “acting chairperson” from the other members present to serve as the presiding officer; but such substitution shall only continue until the Vice President or President returns, and in no event shall it continue beyond the conclusion of the presiding officer’s duties at the conclusion of a council meeting.

PRESIDING OFFICER/COMMITTEE CHAIRS SHALL VOTE

Rule 5. The presiding officer of the Council and the Chair of any Council Committee shall vote on all questions upon which a vote is taken.

DUTIES OF THE PRESIDING OFFICER AT COUNCIL MEETINGS

Rule 6A. The presiding officer shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order, subject to an appeal by other members of the Council.

Rule 6B. The presiding officer may, at any time, during debate or otherwise, declare a recess, provided there are no objections.

Rule 6C. In addition to the duties in Rule 38A, chairs of Council Committees shall adhere to Rules A and B herein while chairing such meetings.

ORDER OF VOTING

Rule 7. The votes of all councilmembers at final passage shall be taken by yeas and nays, and registered on the voting machine, or in the absence of a voting machine by voice vote, without order of precedence, and the names of the Councilmembers voting for or against each proposed motion, resolution, ordinance or amendment shall be entered upon the Journal of Proceedings.

No vote registered on the voting machine shall be announced or entered upon the Journal of Proceedings unless the Council Member for whom the vote is registered is present in the Council Chamber, or an adjacent room in the Clerk of Council's Office. No person other than another member of the Council shall vote another Member's voting machine and such occurrence shall only occur if that Member has authorized the vote, and is present in the Chamber or an adjacent room. If a member must leave a meeting after roll-call and is not present on the dais or in an adjacent room, that member shall inform the Clerk of Council.

ELECTION OF COUNCIL PRESIDENT AND VICE PRESIDENT

Rule 8. At its organizational meeting, the Council shall elect a President and Vice-President, which shall thereafter be rotated annually between the two Councilmembers-at-Large.

JOURNAL OF PROCEEDINGS

Rule 9. The Journal of Proceedings shall record all the transactions of the Council as required by Section 3-112 (9) of the Home Rule Charter.

**QUORUM: AGENDA, ORDER OF BUSINESS, PUBLIC HEARINGS –
REGULAR COUNCIL MEETINGS**

Rule 10. A quorum of the City Council for the transaction of business shall consist of five members. Notwithstanding this provision, the Council may provide for the issuance of proclamations and/or other ceremonial and special recognitions on the day of a regular Council meeting, prior to convening the regular meeting, between 9:00 A.M. and 9:55 A.M. or at another designated time, to ensure that the Council’s regular meeting begins promptly at 10:00 A.M. A quorum is not required for the purpose of issuing proclamations, special recognitions, and other non-legislative, ceremonial matters. In the event of a meeting beginning at a later time in the day as provided in Rule 1, such non-legislative and/or ceremonial proceedings shall commence one hour prior to the scheduled meeting time, and end no later than five (5) minutes before the scheduled beginning time.

Once a quorum is present, the regular Council meeting shall be called to order and the Council shall proceed to the business before it, which shall be conducted in the following order:

1. Mayor and/or Presiding Officer’s Call - Roll Call – Invocation – Pledge of Allegiance to the Flag - Playing of the National Anthem.
2. Approval of Minutes.
3. Communications.
4. Special Orders Of Business (See Note A).
5. Consent Agenda (See Note B).
6. Regular Agenda (See Note C).
7. Adjournment.

Note A. Special Orders of Business - Special Orders of Business are intended to provide a brief opportunity for Council members to address areas of specific concern.

- Special Orders of Business are limited to 3 per council meeting.
- Special Orders of Business are limited to 15 minutes in total, inclusive of presentation, discussion, and questions and comments from Council members.
- Presentations shall not exceed 10 minutes with the remaining time allotted for Councilmember questions or comments.
- Council members requesting a Special Order of Business shall forward their request to the Council Research Officer with a copy to the Clerk of Council.
- Special Orders of Business are placed on the agenda on a first come, first served basis, but the request must be complete, with a description of the presentation and anticipated speaker names provided.
- Cancellation of a Special Order of Business and substitution with a new topic after publication of the agenda is prohibited.
- Topics and presentations that require more than fifteen (15) minutes should be heard by the appropriate committee of the Council at a regular or special meeting of the committee.
- No public comment shall be accepted for Special Orders of Business.
- In no event shall Special Orders of Business conclude later than 11:00 a.m.
- Each councilmember is limited to three Special Orders of Business per quarter. *(M-19-171, Adopted 5/9/2019)*

Note B. Consent Agenda - The consent agenda is intended to promote the efficiency of Council proceedings by allowing for the adoption of routine or non-controversial matters with one vote, thus saving the time of Council Members, other Government employees, and citizens attending Council Meetings. Matters

which may be placed on the consent agenda shall include, but not be limited to:

- reports or communications on which no action is required by the Council other than receipt;
- the setting of hearing dates, zoning ordinances which have previously been heard and approved by a unanimous vote of the Council;
- and ordinances or motions that have received the unanimous approval of the appropriate committee.

Judgmental decisions as to which items are appropriate for inclusion on the consent agenda shall be made by the Clerk of Council in consultation with the Council President.

A legislative instrument that appears on the consent agenda may be removed from the consent agenda and placed on the regular agenda for individual consideration upon the request of a Councilmember to the Clerk of Council. The Clerk of Council shall publicly alert the Council during the Council meeting of the request to move the item to the regular agenda, and absent objection from another Councilmember, the item shall be placed on the regular agenda for full Council consideration without the need for a vote on the move to the regular agenda.

For items on the Consent Agenda, the Clerk shall read the number or the title of each Consent Agenda item and its annotation, if applicable, but shall not be required to read the description or brief of such item.

Any person wishing to address the Council on a matter contained on the consent agenda shall be permitted to do so in accordance with Rule 47.

A vote cast in the affirmative for the consent agenda shall constitute a vote in the affirmative for each ordinance, motion, or resolution on the consent agenda,

or as a vote to receive any report or communication appearing on the consent agenda.

Note C. Regular Agenda – The Regular Agenda may include Reports, Land Use matters (zoning and planning matters and appeals relating to land use or property), Ordinances on Final Passage, Unfinished Business, New Business, Motions and Resolutions, and Ordinances on First Reading. Land Use matters shall not be considered prior to 11:00 a.m. The Clerk of Council shall group ordinances, motions, resolutions, reports, or communications relating to a specific land use item.

COUNCIL'S CONSIDERATION OF LAND USE ITEMS AT REGULAR COUNCIL MEETINGS

Rule 10.1A. – SETTING OF LAND USE HEARINGS. Upon receipt by the Clerk of Council of a land use matter, including appeals (e.g. - VCC/HDLC) and reports from the City Planning Commission, the Council shall set a hearing date for the Council's consideration of the matter.

The hearing shall be scheduled at least one Council meeting prior to the last regularly scheduled Council meeting in advance of any applicable deadline. Upon the land use matter being set for hearing, the Clerk shall, prior to the Council's hearing, mail notice of said hearing to the applicant, and anyone who appeared and properly signed in to speak, providing their mailing address at a previous public hearing on the matter.

Rule 10.1B. – PUBLIC SPEAKERS. At the land-use hearing, the following public speaking rules shall apply:

- Each land use matter shall not exceed 20 minutes of public comment,

absent a suspension of the rules.

- Each public speaker shall be limited to two minutes to address the Council.
- No ceding of time to another public speaker absent suspension of the rules.
- Any accompanying written documentation shall be formally submitted by the public speaker to the Clerk, along with eight copies, for incorporation into the record.
- No video or audio recordings shall be utilized.

Rule 10.1C. – DEFERRAL OF CONSIDERATION. With regards to all land use matters, prior to the initial hearing, or following a public hearing on the land use matter, the matter may be deferred to another regular or special Council meeting for a decision. Deferrals may be at the request of the District Councilmember whereby the land-use matter exists to the Clerk of Council. The Clerk of Council shall publicly alert the Council during the Council meeting of the deferral request and the date the consideration is deferred until. Absent objection from another Councilmember on the dais, the item shall be deferred without the need for a vote thereon. If an objection is made and seconded, the Council shall vote to entertain the deferral request, and the matter shall be deferred unless overruled by 2/3 vote of the Council.

Specifically relative to City Planning Commission received zoning matters (e.g. - zoning changes, conditional uses, text amendments), in addition to the forgoing, in the event the Council defers its decision on a zoning matter to another regular or special Council meeting as provided herein above, or passes a zoning docket motion due to a deadline or otherwise to afford additional time to review a zoning matter, the time intervening is intended to allow all parties, individual Members of the Council, Council

staff, the City Planning Commission Staff, and the Law Department to discuss and resolve issues relating to the zoning docket, including but not limited to the design of the project or provisos relating to the Zoning Docket. Attempts to resolve outstanding issues relating to a Zoning Docket may be accomplished through formal or informal means including private meetings between individual Council Members and staff, and the affected parties.

But in no event is any such deferral or adoption of a motion relative to a zoning matter in any way confer a final approval by the Council unless an ordinance is introduced and adopted by the majority of the City Council at a regular Council meeting. A motion approving a zoning matter and directing the Law Department or other entity to prepare an ordinance on behalf of the Council shall not be construed as an approval of a zoning matter unless and until an ordinance is introduced *and* adopted in accordance with the Charter. The introduction of an ordinance in furtherance of a motion without subsequent adoption by the Council shall not be construed to indicate the Council's intent to approve or pass favorably on any zoning matter.

Rule 10.1D. Ordinances relating to zoning matters that are unanimously passed may be placed on the consent agenda and shall be considered in accordance with the Rules of the Council and the City Charter.

GERMANE AMENDMENTS

Rule 11. No amendment to an ordinance, motion or resolution shall be discussed or considered at a Council meeting until an explanation of the proposed amendment has been made by the lead author of the legislative instrument or a person or

persons designated by the lead author.

At the discretion of the presiding officer, co-authors of the Legislative instrument may be allowed to speak on the instruments as introduced prior to consideration of proposed amendments to the legislation.

No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment.

REDUNDANT ACTS AND WITHDRAWAL OF LEGISLATIVE INSTRUMENTS

Rule 11A. Any ordinance, motion or resolution which accomplishes the same purpose as a previously adopted legislative instrument or instruments may be ruled out of order by the presiding officer. This rule shall not apply to instruments ratifying, confirming or re-adopting previously adopted acts of the Council upon the recommendation of legal counsel.

Rule 11B. The Clerk of Council shall publicly alert the Council during a Council meeting of an authoring Councilmember's request to withdraw a legislative instrument that appears on the Council's agenda, removing it from Council consideration. Absent objection from another Councilmember, the item shall be withdrawn without the need for a vote thereon. If an objection is made and seconded, the Council shall vote to entertain the withdrawal request.

ROLL CALL VOTES: RECUSAL

Rule 12A. While a councilmember is calling a question for vote, all members present shall not leave his or her seat until the vote is completed.

Rule 12B. Every member who shall be present when a question is stated from the Presiding Officer at a Council Meeting, or a Chair of a Committee meeting, shall vote unless the member asks to be recused because of a personal interest in the question or otherwise as required by state law, in which case the member shall not vote. That member is not prohibited from participating in discussion and debate concerning the matter, provided that disclosure of the conflict or potential conflict is made part of the record in public prior to participation in the discussion or debate, and prior to the vote that is the subject of discussion or debate. Any Council Member may suggest that another Council Member should recuse himself or herself and the Council shall be the first judge as to whether recusal is appropriate.

RECOGNITION OF MEMBERS BY PRESIDING OFFICER OR CHAIR

Rule 13. Every member prior to speaking, making a motion, or seconding the same, shall enter said request into the electronic voting system for recognition by the Presiding Officer at a Council Meeting, or the Chair of a Committee Meeting. In the event that the electronic voting system is not operational, the member should address himself or herself to the presiding officer or Chair, and shall not proceed with his or her remarks until recognized. The member shall confine remarks to the question under debate, avoiding personalities and refrain from impugning the motives of any other member's argument or vote.

CHAIR TO DESIGNATE SPEAKER IN CERTAIN CASES

Rule 14. When two or more members request the floor at the same time, the presiding officer or chair shall name the member who is first to speak.

APPROVAL OF CERTAIN APPOINTMENTS RECOMMENDED BY A COUNCILMEMBER

Rule 15. When the law calls on an individual councilmember to nominate an appointment to be made by the full Council, the Council shall not consider the appointment until the nominee's qualifications have been submitted to the Council on forms provided by the Council, which shall include a notarized questionnaire.

Upon receipt of the notarized questionnaire, the Governmental Affairs Committee shall review the documentation. Following review by the Governmental Affairs Committee, its recommendation shall be forwarded to the Council for its consideration. The requirements of this section shall not apply to appointments of elected officials or ex officio members.

Communications informing the Council as to appointments which do not require approval or confirmation by the Council shall be received and placed on file, unless other action is taken thereon.

APPROVAL OF CERTAIN APPOINTMENTS BY THE FULL COUNCIL

Rule 15.1. When the law call on the full Council to nominate an appointment, the Council Chief of Staff shall advise all Councilmembers of the need for appointments to be made, and each Councilmember may invite one person to submit a notarized questionnaire to the Governmental Affairs Committee for consideration for a particular post on a board or commission. The requirements of this section shall not apply to elected officials or ex officio members.

After a period of not less than seven (7) and not more than thirty (30) days from the date that the Councilmembers are advised that a vacancy exists and an appointment is

to be made by the full Council, the questionnaires received by the Governmental Affairs Committee staff constitutes the pool of nominees. The list of nominations along with the completed questionnaires shall be provided to all seven councilmembers.

All nominations will receive customary review and vetting by the Governmental Affairs staff before being referred to a meeting of the Committee of the Whole, being the full Council. The Committee of the Whole shall convene in open session for the purpose of discussing the personal qualifications of the nominees. As members of the Committee of the Whole, all councilmembers may participate in the discussion. When there is only one nominee, the nominee shall be the nominee of the Council and the Committee of the Whole shall not be required to convene.

Following discussion, a motion may be made to nominate one of the candidates to fill the appointment. If, after a second and discussion on the motion, that person receives a minimum of four (4) votes, he/she is confirmed for appointment. If the motion fails to receive a minimum of four (4) votes, a new motion to approve an alternate candidate, who has been put forth following the above process, may be entertained.

ROBERT'S RULES OF ORDER

Rule 16. The rules of parliamentary procedure comprised in the latest published edition of "Robert's Rules of Order Revised" shall govern the Council and its committees in all cases to which they are applicable, when not inconsistent with the rules of this Council.

SUSPENSION OF COUNCIL RULES; ADDING ITEMS TO THE AGENDA

Rule 17. Unless otherwise precluded by law, these rules and regulations may be temporarily suspended by a vote of two-thirds of all Council Members present at a Council or Committee meeting. Before a vote is taken on whether these rules shall be suspended, the presiding officer or chair shall state the purpose for which these rules are to be suspended.

If said purpose is to take up a matter not on the agenda, a unanimous vote of the Councilmembers present shall be required for each separate additional item, and this rule cannot be suspended pursuant to La. R.S. 42:19(b)(ii). Any such matter to be added shall be identified in the motion with reasonable specificity, including the purpose for the addition to the agenda.

RIGHT OF COUNCIL MEMBERS TO SPEAK; TIME LIMIT

Rule 18. Other than for the purpose of asking a question, no member shall speak more than once on the same question, except as provided by the presiding officer or chair, subject to appeal, and then not until every other member desiring to speak has an opportunity to do so, provided however, that the proponent of the matter under consideration, or the Chairperson of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate.

All members shall keep comments germane and brief when commenting on the matter under consideration.

While a member is speaking, no member should hold any private discourse.

Rule 18A. The presiding officer at a council meeting, or the chair of a committee meeting, as the case may be, may, prior to commencement of consideration of any issue, establish uniform time limits for members of the Council on the time allotted to members of the Council for asking questions and receiving responses to those questions. In specifying such time limits, the presiding officer or chair should consider the hour of the day, the number and nature of matters which remain on the agenda, whether or not the matter under discussion constitutes final action by the Council, and other relevant factors. In no event, however, shall the time limit imposed by the presiding officer or chair for asking questions and receiving responses be less than ten (10) minutes per Councilmember.

CALL OF MEMBER TO ORDER

Rule 19. A member when called to order by the presiding officer or chair, as the case may be, shall immediately comply with the ruling, subject only to the right of appeals.

APPEALS FROM DECISIONS OF THE CHAIR

Rule 20. Any member may appeal to the entire Council or committee a ruling of the presiding officer or chair, and if the appeal is seconded, the member making the appeal may briefly state the reason for the appeal, and the presiding officer or chair may briefly explain his or her ruling, but, there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer or chair shall then put the question, "Shall the decision of the Presiding Officer/Chair be sustained?" If a majority of the members present vote "No", the decision shall be overruled, otherwise, it

shall be sustained.

POINTS OF PERSONAL PRIVILEGE

Rule 21. The right of a member to address the Council on matters of personal privilege that require no formal action may be considered, absent objection, at any point in the meeting, but shall be limited to matters that impact the Council member in his or her capacity as a representative of the City of New Orleans, or that impact the citizens of New Orleans. Points of personal privilege shall not be recorded in the official proceedings.

ITEMS WITHIN HEADINGS

Rule 22. In accordance with Rule 10, whereby the regular Council meetings shall proceed in the order provided therein, any item contained within the individual headings can be rearranged by request of a councilmember to the presiding officer without a vote thereon.

NUMBER OF VOTES REQUIRED TO ADOPT ORDINANCES, MOTIONS OR RESOLUTIONS

Rule 23. No proposed ordinance, motion or resolution shall be adopted except by the affirmative vote of a majority of all members of the Council at a Council meeting. If a greater majority is required by applicable law, then the majority stipulated by the applicable law shall be required for adoption.

MAKING MOTIONS, SECONDING OF MOTIONS REQUIRED: WRITTEN MOTIONS

Rule 24. Any member of the Council or Council committee may make a

motion, including the Presiding Officer or committee Chair. No motion shall be put or debated in the Council or in a committee unless it is seconded. When a motion is seconded, it shall be stated by the presiding officer or committee chair before debate, and every motion, except motions of procedure, shall be reduced to writing, and the proposer of the motion shall be entitled to the floor.

DIVISION OF MULTIPLE QUESTIONS

Rule 25. If any motion or question under consideration proposes several different actions, each of which can stand alone as a separate motion, the Council, by a majority vote of the members present, may divide each question for separate vote. If division is voted for an ordinance, the resulting ordinances shall lie over as provided in the Charter for newly-introduced ordinances.

RECORD OF MOTIONS

Rule 26. In all cases where a motion is made, the name of the member moving, the name of the member seconding, and the ultimate vote shall be formally recorded in the journal of proceedings.

TAKING AND ENTERING OF VOTES: EXPLANATIONS OF VOTES NOT PERMITTED

Rule 27. The yeas and nays upon any question shall be taken and entered into the journal of proceedings.

When the roll has been called on a vote, all debate on the question shall be deemed concluded.

PRECEDENCE OF PROCEDURAL MOTIONS

Rule 28. When a question is under debate, the following procedural motions shall be in order, and shall have precedence over each other, in the following order – a motion to:

1. adjourn to a day certain;
2. adjourn;
3. take a recess;
4. temporarily set aside consideration;
5. end debate;
6. refer;
7. amend; and
8. defer or postpone.

MOTION TO ADJOURN

Rule 29. A motion to adjourn shall always be in order, except when:

- 1) a member is in possession of the floor;
- 2) the members are voting;
- 3) adjournment was the last preceding motion; or
- 4) it has been decided that the previous question shall be taken.

AUTOMATIC RECESS OF COUNCIL MEETINGS

Rule 30. If the Council has not concluded its business at a Council Meeting by 10:00 P.M. of the day on which the meeting was convened, the Council Meeting shall

be recessed until 9:00 A.M. the following morning provided that a matter under consideration at 10:00 P.M. shall be concluded prior to the recess.

MOTION TO END DEBATE

Rule 31. When a motion is made by a member to end debate on a pending proposal and that motion is seconded, and if such a motion is carried by 2/3 vote, all debate on the item must cease. A motion to end debate cannot be amended, is not debatable, but can be reconsidered.

TEMPORARILY SETTING ASIDE ACTION ON A PENDING MOTION

Rule 32. A member can make a motion to temporarily set aside consideration of a pending motion if a separate matter of urgency arises. This motion to temporarily set aside is not regarding the instant matter being discussed; rather, this motion is to temporarily set aside the pending motion on an agenda item to permit another more immediate matter to be addressed or accomplished. This motion must be seconded and is not debatable or amendable; and requires a majority vote. This motion is formally referred to laying a matter on the table.

At the same meeting, after conclusion of the business that required the temporary set aside, to re-initiate debate and consideration of the original matter, a member simply moves to continue consideration of the matter that was temporarily set aside. This can be done by unanimous consent, absent objection.

DEFERRAL OF ORDINANCES, MOTIONS, OR RESOLUTIONS

Rule 33. An authoring member of an ordinance, motion, or resolution can request to postpone or defer consideration. Deferrals are made at the request of the appropriate member to the Clerk of Council. The Clerk of Council shall publicly alert the Council during the meeting of the deferral request, and the date to which the consideration is deferred. Absent objection from another Councilmember, the item shall be deferred without the need to vote thereon. If an objection to the deferral is made and seconded, the Council shall vote to entertain the deferral request, and the matter shall be deferred unless overruled by 2/3 of the Council.

AUTOMATIC POSTPONEMENT OF ORDINANCES, MOTIONS, OR RESOLUTIONS

Rule 34. If the Council has not acted on any ordinance, motion, or resolution at a council meeting within one hundred and twenty (120) days following its introduction, the ordinance, motion, or resolution shall be postponed indefinitely unless specifically set for hearing at the request of a member. The date of automatic postponement for all instruments that lie-over shall be referenced on the council agenda.

Matters which have been postponed indefinitely may be considered at any regular or special meeting of the Council provided that the matter appears on the agenda for the meeting. Any member of the Council may request that a matter continued indefinitely be placed on the Council agenda, and the Clerk of Council shall place the matter on the agenda.

MOTION TO AMEND

Rule 35A. A motion to amend any motion, resolution, or ordinance shall be permitted. A motion to amend an amendment to any motion, resolution, or ordinance shall be permitted, but in no event shall an amendment to an amendment to an amendment be entertained. All amendments shall be considered individually, after the adoption of each amendment, the motion, resolution, or ordinance, as amended, shall then be adopted.

Rule 35B. Amendments cannot alter or nullify the original purpose of the motion, resolution, or ordinance; and all amendments must be germane to the instrument's original purpose.

Rule 35C. An amendment to "Strike out and insert" language shall be read in full, and include the words proposed to be deleted or struck out, then those to be inserted.

Rule 35D. Any amendment may be referred to a committee.

MOTION FOR RECONSIDERATION

Rule 36A. A vote or question may be reconsidered at any time during the same meeting, or at the first regular or special meeting held thereafter. A motion for reconsideration, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered.

Rule 36B. A motion to reconsider must be made and seconded by members who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law. Where a motion has received a majority vote in the affirmative, but is

declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

SPECIAL COMMITTEES

Rule 37. The Council by a majority vote, or the President with the approval of a majority of the Council Members, may, by motion, authorize the appointment of Special Committees. In so authorizing, the following information shall be specified:

- The name the Council Member who is to act as Chairperson;
- Membership of the committee;
- The term (if silent, the special committee shall remain in existence until abolished by the majority of the council); and
- The special purpose for which it is created.

The Clerk of Council shall provide copies of the motion to each Council Member, Council Research, Council Fiscal, Council Utilities, the Chief Administrative Officer, and any affected departments or agencies.

STANDING COMMITTEES

Rule 38. The following standing committees shall be appointed by the President of the Council, subject to Council confirmation by motion:

1. Budget, Audit, and Board of Review Committee
2. Community Development Committee
3. Criminal Justice Committee

4. Economic Development and Special Projects Committee
5. Governmental Affairs Committee
6. Public Works, Sanitation and Environment Committee
7. Transportation and Airport Committee
8. Utility, Cable, Telecommunications and Technology Committee
9. Smart and Sustainable Cities Committee
10. Quality of Life Committee

Except as otherwise provided by this rule, each committee shall consist of five members.

Rule 38A. The following rules shall apply to Standing Committees:

1. **COMMITTEE ASSIGNMENTS.** Designation of Council committees, responsibilities, committee chairpersons and members, shall be accomplished, if necessary, no later than the first regular meeting of June each year. The President of the Council shall make all such designations, subject to Council confirmation by Motion, provided, however, that a majority vote of the members of the Council may, at any regular or special meeting of the Council, redesignate or change any or all such designations.
2. **DUTIES OF COMMITTEES.** The committees shall acquaint themselves with the interests of the City specifically represented by the Committee, and may make recommendations to the full Council on Council Ordinances, Motions, Resolutions, other matters, and such other reports as in their judgment will advance the interests and promote the welfare of the people of the City of New Orleans.

3. **REFERRAL OF MATTERS TO COMMITTEES.** Proposed Ordinances, Motions, Resolutions, or other matters may be referred to the appropriate Council committee in any of the following ways:
- a. Prior to or during any Regular or Special Council meeting, the presiding officer, in his/her discretion, or the Council by vote, may refer any proposed ordinances, motions, resolutions, or other matters, to the appropriate Standing Committee or Special Committee for further review.
 - b. In the interest of efficiency, draft Ordinances, Motions, Resolutions, or other matters may be considered by the appropriate Standing or Special Committee upon request of the author or authors of such matters, or upon request of the committee chairperson.
4. **DUTIES OF THE CHAIRPERSON.** In addition to the duties provided elsewhere in these Rules, the Chairperson of a standing committee shall have the following additional duties:
- a. Schedule and call the meeting after consultation with other committee members; cause an agenda to be prepared after soliciting input from other committee members who may wish to include items on the committee agenda; publish an agenda no later than twenty-four (24) hours prior to the date and time of the scheduled meeting; call the meeting to order at the appropriate time; and cause minutes

of the meeting to be prepared and distributed within a reasonable time period.

- b. Determine and state the amount of time allowed for speakers, and announce instructions to the speakers at the start of the meeting.
- c. Recognize Councilmembers and others who wish to speak.
- d. Keep to the time schedule.
- e. Stop testimony when repetitive or irrelevant.
- f. Suspend the rules upon concurrence of a majority of committee members.
- g. Preserve order and decorum.

5. **COMMITTEE REPORTS.** Formal reports of committees shall be forwarded to the Clerk of Council and each member of the Council. A committee is not authorized to adopt legislative instruments or amendments thereto at a committee meeting. All changes recommended in committee shall be adopted by the Council in a regular or special meeting as provided by law. A committee only makes recommendations to the full Council.

6. **DIVIDED REPORTS.** A divided report is when there is not unanimity on a recommendation on a matter before a Committee. Any recommendation that is divided, if subsequent Council action is required, shall be placed only on the regular Council agenda. The item on the regular agenda shall note the different positions of the committee members; meaning that the Clerk of

Council shall provide, via annotation on any regular or special Council Agenda, the roll call of any action taken at a committee regarding a legislative instrument if the committee's roll call on the item is not unanimous.

7. **ACTION REQUIRED.** The Clerk of Council shall place on the Regular Council Agenda any Ordinance, Motion, Resolution, or other matter not reported out of a committee within forty-five (45) days from the date of assignment to the committee or a date specified and the Council may then act upon the matter.
8. **ASSIGNMENT TO ENTIRE COUNCIL.** The President or a majority of the Councilmembers may assign any matter which otherwise would be assigned to a committee to the full Council for appropriate review and action when the subject to be considered contains many items and related to diverse subjects, or is of significant concern to all the Councilmembers.

Rule 38B. When practical or in the interest of improving efficiency, matters coming before the Council may be referred to the appropriate committee for review prior to consideration by the full Council.

Rule 38C. When determined by the chairs of the respective committees, or by recommendation of the Council, two or more committees may convene a joint committee meeting. A joint committee meeting shall be noticed as such. A quorum shall be established for the joint committee if either/any committee has a quorum present, at least one member is present from the other committee(s), and the total membership present constitutes a majority of the membership of the combined membership of the two or more committees comprising the joint committee. For purposes of determining the total

number of members of the combined membership, if one councilmember serves on more than one participating committee that councilmember shall only be counted once. In the event of such a joint committee meeting, each member of each committee, or each alternate serving in the absence of any committee member, shall be entitled to a single vote on any recommendation to the full Council. The vote shall be a combined vote of the membership of the joint committees and shall be recorded as such.

COUNCIL AGENDA DEADLINE

Rule 39. Any item that is to be included on the Council's regular agenda shall be delivered to the Clerk of Council by 12:00 noon, three working days prior to the date of the Council meeting. This includes, but is not limited to:

- Ordinances;
- Motions;
- Resolutions; and
- reports or communications.

At least thirty-five (35) hard copies, and an identical electronic copy, of every proposed ordinance, motion or resolution shall be timely furnished to the Clerk of Council.

ORDINANCES DISAPPROVED BY MAYOR

Rule 40. Ordinances returned with the disapproval of the Mayor shall immediately stand as reconsidered. The Clerk shall enter the objections of the Mayor and the Council shall proceed to consider the question:

"Shall the Ordinance pass, the objection of the Mayor thereto notwithstanding?"

The vote shall be taken by yeas and nays and entered upon the Journal. If two-thirds of

all the members vote to pass the ordinance, the presiding officer shall certify this over his or her signature.

“BY REQUEST” MOTIONS, RESOLUTIONS AND ORDINANCES

Rule 41. Any legislative instrument presented to the Council for introduction or consideration that is not initiated by a councilmember on his or her own initiative is “by request”. Any legislative instrument “by request” shall be accompanied by a summary document on forms provided by the Council, which shall indicate the party, entity or department responsible for initiating and drafting the legislative instrument, along with contact information, an overall summary of the measure, necessary background, and the need for the measure.

The process for submitting a “by request” legislative instrument shall be as follows:

- The requesting department, agency, or entity (hereafter “requestor”) provides a copy of the legislative instrument and a completed summary form to a councilmember for consideration.
- If a councilmember agrees to introduce the legislative instrument, the councilmember initials the summary form **and** the legislative instrument to acknowledge sponsorship.
- The requestor is responsible for contacting the Clerk of Council and the sponsoring Council office to provide an electronic copy of the legislative instrument, in word form, and a copy of the Councilmember’s initialed summary form, once completed. The Clerk of Council then will provide a correlating instrument number for the legislative instrument.

Upon the requestor receiving the return of the legislative instrument from the Clerk with the instrument number, the requester shall submit 35 copies of the Councilmember initialed legislative instrument, and 8 copies of the initialed summary form back to the Clerk.

- **Failure to complete the process as provided herein, which requires a Councilmember signed summary form and legislative instrument, will result in the Clerk holding the “by request” legislative instrument and not formally receiving it for inclusion on a Council agenda until proper completion of this requirement.**

**COMPETITIVE SELECTION PROCESS FOR
PROFESSIONAL SERVICES CONTRACTS**

Rule 42. Pursuant to Section 6-308 (5) (c) of the City Charter, contracts for professional services to be administered by the Council shall include but not be limited to the following professions:

Accountants

Appraisers

Architects

Auditors

Attorneys

Economists

Management Consultants

Public Relations/Media Consultants

Real Estate Consultants

Telecommunications Consultants

Utilities Regulatory Consultants

The following process shall be followed for retention of consultants with expertise in a field as required by the Council for all contracts at or above the threshold amount established by Section 2-7 of the City Code:

- 1) Upon determination by a majority vote of the entire membership of the City

Council that the services of a professional are needed, a Request for Qualifications (RFQ) or Request for Proposals (RFP), as appropriate based on the scope of work to be performed, shall be issued. The Request shall include the deadline for submission of responses. The RFQ or RFP shall additionally require that the person or entity responding to the RFP or RFQ (the respondent) provide the following information:

- A sworn affidavit listing all persons with an ownership interest in the respondent. An “ownership interest” shall not be deemed to include ownership of stock in a publicly traded corporation or ownership of an interest in a mutual fund or trust that holds an interest in a publicly traded corporation. This affidavit is a public record.
- A sworn affidavit stating that no other person holds an ownership interest in the respondent via a counter letter.
- A list of all persons, natural or artificial, who are retained by the respondent at the time of the application and who are expected to perform work as sub-contractors in connection with the respondent’s work for the City Council. The Council may require information on employees or sub-contractors of or ownership interests in the sub-contractor. This list is a public record.
- A sworn affidavit stating that the affiant is in compliance with Section 2-8(c) of the City Code and that no principal, member and/or officer of the contracting entity has within the preceding five (5) years been convicted of or plead guilty to, a felony under state or federal statutes for embezzlement, theft of public fund, bribery, and/or falsification or destruction of public records. This affidavit shall not be required for contracts or cooperative endeavor agreements between the city and the state(s), the city and the federal government, parishes/counties of the state(s), municipalities, and/or the various agencies/political subdivisions of the above.
- A comprehensive narrative detailing the respondent’s plan to comply with the provisions of Article IV of Chapter 70 of the Code of the City of New Orleans pertaining to local and disadvantaged business enterprises (DBE) goals for the City of New Orleans.

The RFQ or RFP shall additionally advise the respondent that the contract with

the City Council shall contain a provision that in regard to any sub-contractor proposed to be retained by the respondent to perform work on the contract with the City Council, the respondent must provide notice to the appropriate Council Committee within thirty (30) days of retaining said sub-contractor. The Council may require information on ownership interests in the sub-contractor.

- 2) The **Request for Qualifications or Request for Proposals** shall be published at least three times in a 5 day period in the Official Journal by the Clerk of Council. The publication may be in brief, if the Request is lengthy, and may be supplemented by letters of inquiry and/or placement of the request in appropriate additional publications.
- 3) Interested professionals who respond by the deadline date shall be evaluated by the **Selection Review Committee**. If more than five (5) responses are received, the Selection Review Committee shall review all responses but is authorized to eliminate from consideration, if it deems doing so appropriate, all but the five (5) most qualified and responsive respondents.
- 4) The committee shall establish appropriate evaluation criteria, which may include but not be limited to the following:
 - a) Training and experience with type of task required;
 - b) Appropriateness of plan submitted;
 - c) Capability of contractor to provide staffing and support;
 - d) Knowledge of local conditions;
 - e) Ability to provide the work in the time period required, as evidenced by past performance and current workload;

- f) Involvement of members of disadvantaged groups at the professional level;
- g) Participation by persons living and/or working in New Orleans at a professional level;
- h) The need for continuity of services and/or specialized and institutional experience and knowledge; and
- i) For RFP's, the cost of services to be provided.

- 5) **The Selection Review Committee** shall forward to the Council Committee under whose jurisdiction the subject matter of the contract falls, if any, a list of up to five top respondents, with an analysis of each respondent's compliance with each criterion. If there is no such Council Committee, the list shall be forwarded to the entire Council.
- 6) **The Council Committee**, or the Council, if there is no specific committee, may choose one of these respondents and negotiate a proposed contract, including a scope of work to be performed. If a proposed contract cannot be negotiated with the firm/individual initially chosen, one of the other firms/individuals submitted by the Selection Review Committee may be chosen; and a proposed contract negotiated.
- 7) **The Council Committee** may recommend to the City Council its choice of the firm/individual. The Council, by a majority vote of its entire membership and by motion, may accept or reject the Council Committee's recommendation and choose one of the other firms/individuals submitted by the Selection Review Committee to the Council Committee. If the Council does not choose one of the firms/individuals submitted by the Selection Committee, the selection process shall begin again. In the

absence of a Council Committee, this same process shall be followed by the City Council.

8) **The Selection Review Committee** shall consist of the **Council Chief of Staff, the Council Research Officer and either the Council Fiscal Officer or the Chief of Staff of Council Utilities**, depending on the type of professional service to be performed. The Council, responsible committee, or Chief of Staff may invite additional knowledgeable persons to participate as member(s) of the Selection Review Committee when particular expertise would be helpful in the evaluation process. The Selection Review Committee shall conduct its meetings in accordance with the Louisiana Public Meetings Law, R.S. 42:4.1, et seq.

9) **Exceptions** from this Competitive Selection process shall be made for:

- a. Professional services contracts for an individual member's office.
- b. Emergency situations in which a majority of the entire membership of the Council by motions determines that there is an immediate need for a specific contract and that there is not sufficient time to go through the Competitive Selection Process. Emergency situations may include, but are not limited to, legal actions to which action or response is needed or required in 30 days or less or emergency situations as defined in LA. R.S. 38:2211 A (6). In those emergency instances, where there are available at least 10 working days but not the 30-35 days required for an RFQ/RFP process, an informal

process consisting of solicitation of firms/individuals and a shortened review process shall be followed.

The Council, by majority vote of its entire membership, shall determine which contracts are eligible for **exemption** under this sub-paragraph.

10) The Council may by motion authorize the amendment of a contract that was under the monetary threshold for use of the competitive selection process to increase the maximum compensation or modify the scope of services if justified by a need to ensure continuity of services for the performance of work related to the original scope of services if the proposed amendment satisfies one or more of the following criteria:

- a) the increase in scope of work adds a task which can best and most efficiently be performed in a timely and effective manner by a contractor having knowledge and experience gained during performance of the scope of the existing contract;
- b) the increase in scope of work adds a task which is essential to completion of the original scope of work but could not reasonably have been anticipated when the original scope was developed;
- c) the increase in compensation is needed because the time required to complete the original scope of work exceeded the original estimate, which was reasonable based upon the

information available to the Council and its consultant at the time the compensation was agreed upon.

d) the Council may authorize no more than three such amendments to any individual contract.

11) Upon the completion of each professional services contract, an evaluation report for that contract shall be prepared under the supervision of the Council Chief of Staff by the office utilizing those services. All such reports shall be maintained in the Office of the Council Chief of Staff and shall be provided to the selection committees for future related professional services procurements.

ASSIGNMENT OF WORK TO CONTRACTED SPECIAL COUNSEL

Rule 43. This rule applies only to work assigned to special counsel to the Council retained by a professional services contract pursuant to Council Motion M-07-586 and subsequent competitive selection processes, as well as other professional services selection methods as permissible by law.

1. Work of special counsel professional services shall be assigned in accordance with the procedure detailed herein in connection with legal and policy matters pertinent to the Council's independent role as a separate branch of government, when it is determined: a) that there are conflicts or potential conflicts between the executive branch and the City Council, and/or b) the Council's best interest will be served through the Council's receipt of advice and guidance of special counsel. The assignments to special counsel shall not be in conflict with the City Charter.

2. At the direction and under the supervision of the Council's Chief of Staff (COS), the contractor will provide services to the Council as a whole and its Committees. Services of special counsel shall be provided pursuant to the following process: a) by Council motion; or b) upon the request of one or more Councilmembers with the approval of the Council President, or if the Council President makes the request, with the approval of the Council Vice President, subject, however, to disapproval by a majority of all members of the Council at its next regular or special meeting.
3. A Councilmember requesting services from special counsel shall submit a form prepared by the COS to the COS indicating the nature of the services and the estimated cost. The COS shall immediately transmit the form to all Councilmembers.

EMERGENCY PREPAREDNESS

Rule 44. The City Council shall establish an Emergency Preparedness Plan. A draft of such Emergency Preparedness Plan shall be developed by the Council Chief of Staff in coordination with the Office of Emergency Preparedness of the City's Office of Homeland Security, on or before February 1st of each calendar year. The draft Emergency Preparedness Plan shall be submitted by the Council Chief of Staff to the City Council for its review and approval on or before the second meeting in March of each calendar year only in the event that changes to the plan have been recommended.

COMMENTS TO BE GERMANE

Rule 45. All public comments must be germane to the agenda item

addressed. The determination of germaneness shall be made by the presiding officer.

WRITTEN COMMUNICATIONS ON CERTAIN MATTERS

Rule 46. Any written communications submitted to the Clerk of Council that do not pertain to a matter which the Council will decide during the meeting at which the communication is received, shall be referred by the Clerk, after consultation with the Council Chief of Staff, to an appropriate agency, entity, or committee for consideration. In each case, the Clerk shall advise in writing the party submitting the communication of the disposition of his/her request.

If an applicant submits a communication to request the withdrawal of a land-use item that appears on the Council agenda for action, such communication shall be in writing.

TIME LIMITS FOR SPEAKERS – OTHER THAN LAND USE ITEMS GOVERNED BY RULE 10.1

Rule 47. As required by State law, the Council shall provide an opportunity in open meetings for the public to address the Council, or any of its committees, prior to an action on an agenda item whereby a vote is to be taken.

Public comment for each non-land use Council meeting agenda items shall be as follows:

- The Councilmember who is the lead author of the agenda item whereby a vote is to be taken shall preside over the item. Public comment shall proceed as follows:
 - All public speakers who have properly submitted a comment card and are present in chambers are afforded an opportunity to speak.

- Public speakers are limited to two minutes of public comment per agenda item.
- No ceding of time to another person is permitted.
- Any accompanying written documentation shall be formally submitted by the public speaker to the Clerk, along with eight copies, for incorporation into the record.
- No video or audio recordings shall be utilized.
- The Presiding Officer, in consultation with the lead author, may alter these parameters if deemed necessary to afford additional public comment for specific items of importance or concern, subject to appeal and reversal by the majority of the Council. But any revised public speaking rules shall be announced prior to the initiation of public comment for the item to afford all speakers equal opportunity to address the Council.

Public comment for committee meeting agenda items whereby a vote is to be taken shall be as follows:

- The Chair of the Committee shall preside over the item. Public comment shall proceed as follows:
 - All public speakers who have properly submitted a comment card and are present in chambers are afforded an opportunity to speak.
 - Public speakers are limited to two minutes of public comment per agenda item.
 - No ceding of time to another person is permitted.
 - The Chair of the Committee may alter these parameters if deemed necessary, subject to appeal and reversal by the majority of the Committee. But any revised public speaking rules shall be announced prior to the initiation of public comment for the item to afford all speakers equal opportunity to address the Committee.

The provisions of this rule do not apply to public comment for land use matters on the agenda, which are covered by the provisions of Rule 10.1.

DISTURBANCES IN COUNCIL CHAMBER

Rule 48. In case of any disturbance or disorderly conduct, the Presiding Officer of the Council or the Chair at a committee hearing, shall have the power to require the Council Chamber to be cleared and/or to issue orders which shall ensure compliance with the aforesaid rules. Actions that may be considered a disturbance or disorderly conduct shall include but not be limited to conduct as defined in Sec. 54-408 of the Code of the City of New Orleans, which includes:

- Interfering by any spectator with the right of any person to lawfully address the city council.
- Displaying of any signs or placards constructed or supported in whole or part of or by wood or metal or displaying of any signs or placards greater than 18 inches in width or height by a spectator seated in the council chamber or displaying of any signs or placards by a spectator seated in the chamber above the spectator's shoulders or taping, tacking, nailing, or stapling any signs to the walls of the chamber. The restrictions contained in this subsection shall not apply to signs or placards used as demonstrative evidence by a speaker while lawfully addressing the council nor shall the requirements that signs or placards not be displayed at a height above the spectator's shoulders apply to persons seated in the last row of the chamber or to persons standing with their back to the walls of the chamber. The restrictions of this subsection pertaining to the taping, tacking, nailing, or stapling of any signs to the walls of the chamber shall not apply to informational signs installed by the city government nor to demonstrative evidence or other material specifically authorized to be attached to the walls of the chamber by the council.
- Engaging in audible commentary unless having been recognized to speak by the Council.
- Refusing to take a seat or to remain silent when ordered to do so by any authorized official of the council.

SOLICITATION OF SPEAKERS

Rule 49. Any individual who addresses the council shall disclose receipt of anything of value, monetary or otherwise, that influenced the speaker to take a position before the Council.

USE OF COUNCIL CHAMBER

Rule 50. The use of the Council Chamber shall be reserved for the public agencies of the U.S. Government, the State of Louisiana, and the City of New Orleans, and to organizations and associations whose membership consists exclusively of employees of the City of New Orleans. If the Chamber is available at the time requested by any of the above agencies or associations, approval of its use may be granted by the President of the Council, or the Council Chief of Staff.

Any organization listed in the first paragraph of the rule that seeks the use of the Council Chamber and intends to invite a member or members of the City Council to the meeting, shall obtain the prior written approval of at least four members of the City Council. The request shall be in writing and shall contain an explanation of the subject matter of the meeting. Use of the chamber by an individual member shall also require prior written approval of at least four members of the City Council.

In the event that use of the Chamber is requested after regular business hours, or if a meeting is anticipated to extend later than regular business hours, the Clerk of Council shall notify the Director of Property Management and the Director of the Office of Homeland Security so that necessary arrangements for its use after hours can be made.

Any request for use of the Chamber by outside groups, with no affiliation to the

City or other governmental entity, must be approved by the written consent of at least four members of the City Council, and the requesting group must also obtain the consent of the Department of Property Management and the Office of Homeland Security.

FLAGS TO BE DISPLAYED

Rule 51. The only flags to be permanently stationed in the Council Chamber of City Hall shall be the flags of the United States, the State of Louisiana, and the City of New Orleans.

STANDARDS FOR ELECTRONIC COVERAGE

Rule 52. Any individual who intends to make a video or sonic recording or broadcast live the proceedings of the City Council shall not position themselves or any equipment in a manner that results in unreasonable obstruction of the views of Councilmembers, staff, other individuals making video or sonic recording, members of the live audience in attendance at the Council proceedings, or that unreasonably intrudes or blocks any routes of passage located throughout the Council Chamber.

Any person or equipment that unreasonably obstructs views or intrudes/blocks passageways shall be immediately repositioned as directed by Council staff, or be subject to immediate removal.

COUNCIL CREDIT CARD USAGE

Rule 53. The Council and its employees shall fully adhere to and abide by the City Council Procurement Card Policies and Procedures adopted via Council Motion M-18-165 on May 3, 2018, if a procurement card is issued and utilized. This includes but

is not limited to completing the required monthly submittals of the official “Expense Justification Form”, and “Missing Receipt Form”, if appropriate.

In the event a procurement card is utilized for any travel expenses, a “Travel Authorization Form” shall be signed by the appointing authority and submitted to the Council Chief of Staff prior to initiation of any travel. Individual Councilmember travel does not require appointing authority signature, however, a completed “Travel Authorization Form” for that Councilmember’s travel shall be submitted to the Chief of Staff prior to initiation of any travel-related expenditures.

COUNCIL TRAVEL POLICY

Rule 54. Travel for Employees of the Council: CAO Policy Memorandum 9(R) – Travel and Business Expenses - pertaining to travel shall apply to all employees of the Council except in instances where payment for travel is executed through a council issued credit card, in which event Rule 53 shall govern.

Councilmember Travel: Individual Councilmember travel shall not require CAO approval, however, a completed “Travel Authorization Form” shall be submitted to the Council Chief of Staff prior to initiation of any travel-related expenditures via City procurement process.