

**RULES AND REGULATIONS**

**OF THE**

**COUNCIL**

**OF THE**

**CITY OF NEW ORLEANS**



**EFFECTIVE MAY 1, 1956**  
**Amended and Restated through June 6, 2024**



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## **Rule 1 Regular Meetings of the Council – Schedule**

The Council shall hold two regular meetings each month, to occur on a Thursday in the Council chamber at City Hall. Unless otherwise noticed, all regular meetings shall commence at 10:00 a.m.

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

## **Rule 2 Special Meetings of the Council**

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 24 hours in advance of the special meeting.

## **Rule 3 Quorum**

A quorum of the Council at a regular or special meeting shall consist of five members. A quorum shall not be required to issue proclamations or special recognitions, to entertain purely informational matters not requiring a vote, or to perform other non-legislative or ceremonial matters.

A quorum of a standing or special committee of the Council shall consist of a majority of the membership of the committee, except as otherwise provided in the instrument establishing the committee or, in the case of a joint committee, as provided in Rule 38.C.

## **Rule 4 Presiding Officers**

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.

## **Rule 5        Presiding Officer/Committee Chairs Shall Vote**

The presiding officer of the Council and the chair of any Council committee shall vote on all questions upon which a vote is taken.

## **Rule 6        Duties of the Presiding Officer at Council Meetings**

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.

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

In addition to the duties in Rule 38.A, chairs of Council committees shall adhere to this Rule 6 while chairing such meetings.

## **Rule 7        Order of Voting**

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 councilmember 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.

## **Rule 8 Election of Council President and Vice President**

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.

## **Rule 9 Journal of Proceedings**

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

## **Rule 10 Order of Business at a Regular Council Meeting**

### ***10.A. Ceremonial Matters.***

The Council may issue proclamations and perform purely ceremonial matters before any regular or special meeting, provided that all such matters conclude at least five minutes before the scheduled commencement of the meeting.

### ***10.B. Order of Proceedings.***

All regular Council meetings shall be called to order promptly at the appointed hour and shall proceed to the business reflected on the agenda, which shall be addressed 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. Special Orders of Business
4. Consent Agenda
5. Regular Agenda
6. Adjournment

### ***10.C. Special Orders of Business.***

Special orders of business are intended to provide a brief opportunity for councilmembers to address areas of specific concern.

1. Special orders of business are limited to three per council meeting.
2. Special orders of business are limited to 15 minutes in total, inclusive of presentation, discussion, and questions and comments from councilmembers.
3. Presentations shall not exceed 10 minutes with the remaining time allotted for councilmember questions or comments.
4. Councilmembers requesting a special order of business shall forward their request to the Council Research Officer with a copy to the Clerk of Council.
5. Special orders of business are placed on the agenda on a first come, first serve basis, but the request must be complete, with a description of the presentation and anticipated speaker names provided.
6. Cancellation of a special order of business and substitution with a new topic after publication of the agenda is prohibited.
7. Topics and presentations that require more than 15 minutes should be heard by the appropriate committee of the Council at a regular or special meeting of the committee.
8. No public comment shall be accepted for special orders of business.
9. Each councilmember is limited to six special orders of business per quarter.

***M-23-47, adopted 2/2/23 (expanding limit of special orders of business per quarter from three to six)***

#### *10.D. 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 councilmembers, other government employees, and citizens attending Council meetings. Matters that may be placed on the consent agenda shall include, but are not limited to:

1. Reports or communications on which no action is required by the Council other than receipt;
2. The setting of hearing dates;
3. Zoning ordinances that have previously been heard and approved in the form of a motion by unanimous vote of the Council; and
4. Ordinances, motions, and resolutions that have been unanimously approved by a Council committee.

Judgments 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 any 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 such request shall be deemed granted without a vote thereon.

If the agenda contains more than 50 items, the Council may take action on items listed on the consent agenda without reading the description of each item aloud. However, before any action is taken on items listed on the consent agenda, the Council shall allow a public comment period.

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.

*10.E. 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, motions and resolutions, and ordinances on first reading. The Clerk of Council shall group ordinances, motions, resolutions, reports, or communications relating to a specific land use item.

*10.F. Special Settings.*

Any councilmember may request that an agenda item be considered at a specific time. A request for a special setting shall be made to the City Council president's office who shall assign times in the order that a request is received.

*10.G. Scheduling of Land Use Hearings*

For purposes of these rules, a "land use item" shall consist of a zoning docket received from the City Planning Commission or an appeal of a decision by the Vieux Carré Commission, the Historic District Landmarks Commission, or a similar body.

The Clerk of Council shall provide initial notice of a pending land use item by placing that item on the consent agenda and assigning a hearing date for the Council's consideration of the matter. The hearing on a land use item shall be scheduled at least two Council meetings before the applicable deadline for Council action. Once a land use item has been set for hearing, the Clerk shall mail notice of the hearing (i) to the applicant who initiated the zoning docket or, in the case of an appeal, to the appellant; and (ii) to the owner of the property, unless the land use items involve a zoning text amendment or similar issue of widespread applicability.

No land use item shall be considered before 11:00 a.m.

## Rule 11 Germaneness, Redundancy, Withdrawal

### *11.A. Germane Amendments*

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.

### *11.B. Redundant Acts*

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.

### *11.C. Withdrawal of Legislative Instruments*

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.

## Rule 12 Roll Call Votes; Recusal

### *12.A. Roll Call Votes*

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

### *12.B. Recusal*

Every member present when a question is stated 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.

### *12.C. Questions of Recusal*

Questions of recusal or non-recusal may be raised by any member as a point of order and shall be decided in the first instance by the presiding officer or committee chair. A decision regarding recusal may be appealed to the body and overruled by a majority vote of the members.

## Rule 13 Recognition of Members by Presiding Officer or Chair

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 or 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.



## Rule 14 Chair to Designate Speaker in Certain Cases

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.

## Rule 15 Approval of Appointments

### *15.A. Required Motion*

Except as otherwise provided in this rule, any appointment to a board, commission, or public agency requiring Council approval shall be made by motion, which shall be referred automatically to the Governmental Affairs Committee for initial consideration before approval by the full Council. In accordance with City Code Section 2-87.1, no appointment motion may be considered until a nominee has submitted a completed and notarized questionnaire on forms provided by the Council Research Office.

No vote on a motion to approve a new appointee to any board, commission, or public agency may be taken by Council unless the outgoing board, commission, or public agency member is notified in writing of the termination of his or her appointment, and a copy of said notice is provided to the Council Research Office along with the other necessary documents for a new appointment.

Any person whose appointment has been referred to the Governmental Affairs Committee pursuant to this subpart shall personally appear before the committee to answer questions germane to the appointment before any vote is taken on said appointment. The Governmental Affairs Committee may, at the election of the chair or by a majority vote of the committee members present, excuse any nominee from appearing personally when good cause exists; provided that the nominee has requested a waiver of this rule, in writing on a form provided by the Council Research Office, and submitted such waiver request to both the councilmember sponsoring the motion to appoint the nominee, and the chair,

no less than 48 hours before the committee meeting at which it will be heard. The sponsoring councilmember also must approve the waiver in writing and transmit such approval to the chair via email.

*M-23-189, adopted 6/9/23 (requiring notification to member of termination of appointment); M-23-313, adopted 7/27/23 (requiring personal appearance of nominee, and procedure to waive appearance)*

### *15.B. Appointments Requiring Council Approval*

When the law requires the full Council to approve an appointee, the Council Chief of Staff shall advise all councilmembers in writing of the necessary appointment. Thereafter, any councilmember seeking to offer a nominee shall have 30 days to submit a fully completed and notarized questionnaire to the Council Research Office for consideration, unless circumstances require a shorter nomination period. Only one nomination may be submitted per councilmember.

Once the nomination period has closed, the Council Research Office shall prepare a separate appointment motion for each nominee that shall be placed on the regular agenda of the next regular Council meeting. Although each appointment motion prepared by the Council Research Office shall list all seven councilmembers as the authors of the instrument, the councilmember who originally nominated a particular appointee shall be deemed the authoring member of the motion appointing that nominee for purposes of withdrawal pursuant to Rule 11.C. or deferral pursuant to Rule 33.

### *15.C. Exclusions*

This rule shall not apply to the appointment of elected officials, ex officio appointments, or any other appointment for which Council approval is not required.

## **Rule 16 Robert's Rules of Order**

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.

## **Rule 17      Suspension of Council Rules; Adding Items to the Agenda**

Unless otherwise precluded by law, these rules and regulations may be temporarily suspended by a vote of two-thirds of all councilmembers 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. Rev. Stat. § 42:19A(1)(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.

## **Rule 18      Right of Councilmembers to Speak; Time Limit**

### ***18.A. Councilmembers Limited to Speaking Once per Question***

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.

### ***18.B. Chair May Establish Uniform Time Limits***

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 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 minutes per councilmember.

#### **Rule 19      Call of Member to Order**

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.

#### **Rule 20      Appeals from Decisions of the Chair**

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.

#### **Rule 21      Points of Personal Privilege**

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 councilmember 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.

## **Rule 22      Items within Headings**

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.

## **Rule 23      Number of Votes Required to Adopt Ordinances, Motions or Resolutions**

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.

## **Rule 24      Making Motions, Seconding of Motions Required; Written Motions**

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.

## **Rule 25      Division of Multiple Questions**

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.

## Rule 26 Record of Motions

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.

## Rule 27 Taking and Entering of Votes; Explanations of Votes Not Permitted

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.

## Rule 28 Precedence of Procedural Motions

When a main motion is under debate, the following procedural motions shall have precedence over the main motion and shall be addressed in the order of precedence set forth below:

1. Adjourn.
2. Recess.
3. Withdraw the motion.
4. Temporarily set aside or table consideration.
5. End debate.
6. Limit or extend debate.
7. Defer to a definite time.
8. Motion to disclose a germane privileged document.
9. Refer to committee.
10. Amend an amendment.
11. Amend.
12. Defer indefinitely.

*M-24-141, adopted 4/18/24 (adding motion to disclose germane privileged document to list of procedural motions)*

## Rule 29 Motion to Adjourn

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.

## **Rule 30      Automatic Recess of Council Meetings**

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 the following day or at such other date and time as the Council may approve provided that a matter under consideration at 10:00 p.m. shall be concluded prior to the recess.

## **Rule 31      Motion to End Debate**

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 two-thirds vote, all debate on the item must cease. A motion to end debate cannot be amended, is not debatable, but can be reconsidered.

## **Rule 32      Temporarily Setting Aside Action on a Pending Motion**

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.

## **Rule 33      Deferral of Ordinances, Motions, or Resolutions**

### ***33.A. Deferral Requires Four Votes***

A motion to defer consideration of a legislative instrument shall require four votes, except as otherwise provided in Rule 33.B.

### ***33.B. Request for Deferral; No Public Comment***

The sponsor of a legislative instrument may defer consideration of that item by making a request to the Clerk of Council at any time before the vote on that instrument. The requested deferral shall be deemed to occur automatically without need for a vote. The Clerk of Council shall publicly alert the Council of the deferral request during the meeting, as well as the date to which consideration of the instrument will be deferred. If any councilmember objects to a deferral under this Rule 33.B, a vote shall be taken, and five votes shall be required to overrule the deferral request.

There shall be no public comment on deferral under this Rule 33.B unless the deferral extends a land use item past a legal deadline and, therefore, operates as a denial.

### ***33.C. Deferral in Agenda is Tentative***

Any reference to a deferral contained in a Council agenda shall be tentative only and may be overruled in accordance with this rule.

## **Rule 34      Automatic Postponement of Ordinances, Motions, or Resolutions**

If the Council has not acted on any ordinance, motion, or resolution at a Council meeting within one hundred 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 layover 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.

## **Rule 35      Motion to Amend**

### ***35.A. First and Second Amendments Only Permitted***

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.

### ***35.B. Germaneness Required***

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.

### ***35.C. Written Amendments Only***

A motion to amend language in an instrument under consideration shall be in writing, shall be read in full before a vote is taken, and shall clearly state the language to be deleted or inserted. Said amendment shall be accompanied by "redline" version of the instrument to be amended so that councilmembers and the public can more clearly visualize how the proposed amendment alters the legislation, with proposed additions to the instrument underlined and proposed deletions shown as strikethroughs.

### ***35.D. Committee Referral Permitted***

Any amendment may be referred to a committee.

## Rule 36 Motion for Reconsideration

### *36.A. Same or First Meeting Thereafter Only; Not Renewable or Reconsiderable*

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.

### *36.B. Prevailing Side Only*

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.

## Rule 37 Special Committees

The Council by a majority vote, or the president with the approval of a majority of the councilmembers, may, by motion, authorize the appointment of special committees. In so authorizing, the following information shall be specified:

1. The name the councilmember who is to act as chairperson;
2. Membership of the committee;
3. The term (if silent, the special committee shall remain in existence until abolished by the majority of the council); and
4. The special purpose for which it is created.

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

## Rule 38 Standing Committees

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 Development 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. Climate Change and Sustainability Committee
10. Quality of Life Committee

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

*M 21-422, adopted 11/18/2021 (changing the name of the standing committee "Smart and Sustainable Cities Committee" to "Climate Change and Sustainability Committee")*

### *38.A. Assignments; Duties; Reports; Referring*

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 second regular meeting of January 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 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 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.

### ***38.B. Referral to Committee Permitted***

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.

### ***38.C. Joint Committee Meeting***

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.

## **Rule 39 Council Agenda Deadline**

With the exception of ordinances on first reading, any item that is to be included on the Council's regular agenda shall be delivered to the Clerk of Council by 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 15 hard copies, and an identical electronic copy, of every proposed ordinance, motion, or resolution shall be timely furnished to the Clerk of Council.

The Clerk of Council shall not add any items to the agenda received after the noon deadline.

#### **Rule 40 Ordinances Disapproved by Mayor**

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 of proceedings. If two-thirds of all the members vote to pass the ordinance, the presiding officer shall certify this over his or her signature.

#### **Rule 41 “By Request” Motions, Resolutions, and Ordinances**

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 that is not a restatement of verbiage contained in the legislative instrument itself, necessary background and historical context, and the need for the measure.

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

1. 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.

2. If a councilmember agrees to introduce the legislative instrument, the councilmember initials the summary form and the legislative instrument to acknowledge sponsorship. If a “by request” ordinance provides for multiple sponsors, each named sponsor shall initial the ordinance.
3. The requestor is responsible for contacting the Clerk of Council and the sponsoring councilmember 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.
4. Upon the requestor receiving the return of the legislative instrument from the Clerk with the instrument number, the requester shall submit 15 copies of the councilmember initialed legislative instrument, and eight copies of the initialed summary form back to the Clerk.
5. 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.

## **Rule 42      Competitive Selection Process for Professional Services Contracts**

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) 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.

b) A sworn affidavit stating that no other person holds an ownership interest in the respondent via a counter letter.

c) 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.

d) 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 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.

e) 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 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 five-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 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 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 Review 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 Open Meetings Law, La. Rev. Stat. §§ 42:11 – 42:28.

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. Rev. Stat. § 38:2211A(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.

## **Rule 43      Assignment of Work to Contracted Special Counsel**

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, 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: (i) by Council motion; or (ii) 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 Council's Chief of Staff to the Chief of Staff indicating the nature of the services and the estimated cost. The Chief of Staff shall immediately transmit the form to all councilmembers.

## **Rule 44      Emergency Preparedness**

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 City's Office of Homeland Security and Emergency Preparedness, 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.

## **Rule 45      Comments to be Germane**

All public comments must be germane to the agenda item addressed. The determination of germaneness shall be made by the presiding officer.

## **Rule 46      Submissions to Clerk of Council**

### ***46.A. Electronic Submissions***

Except as otherwise expressly provided by law or these rules, any communication or other submission to the Clerk of Council may be made electronically by emailing the submission to the Clerk of Council at [clerkofcouncil@nola.gov](mailto:clerkofcouncil@nola.gov).

### ***46.B. Referral of Certain Communications***

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.

### ***46.C. Withdrawal of Land Use Matters***

No land use item appearing on the Council agenda may be withdrawn unless the applicant submits a withdrawal request in writing to the Clerk of Council.

***M-24-225, adopted 6/6/24 (providing for electronic submissions to the Clerk of Council)***

## Rule 47      Public Comment

In accordance with the Louisiana Open Meetings Law, the Council shall provide a reasonable opportunity for public comment before voting on an agenda item. Absent a suspension of the rules, which should occur at the outset of public comment to afford all speakers an equal opportunity to address the Council, the following shall govern public comment on any agenda item before the Council or any committee thereof:

1.        The councilmember who is the lead author of the agenda item on which a vote is to be taken shall preside over the consideration of the item and all related public comment. In the case of a Council committee, the presiding officer shall be the chair of the committee or such other councilmember as the chair may designate.

2.        For land use items, the councilmember whose district encompasses the item at issue or, for matters affecting multiple districts, the councilmember who initiated the land use item at issue shall preside over the consideration of the item and all related public comment.

3.        Each public speaker shall be limited to two minutes per agenda item, although the presiding councilmember on a particular agenda item may grant additional time for a speaker to respond to questions and to address matters of concern.

4.        No item shall exceed 30 minutes of public comment.

5.        No person may cede time to another speaker.

6.        Each public speaker seeking to address the Council on an agenda item shall personally complete and submit a comment card to the Clerk. No person may reserve speaking time or submit a comment card on behalf of another, except on behalf of a person who is present in Council chambers but otherwise incapable of completing and submitting a comment card.

7.        Public comments shall be heard in the order of their submission to the Clerk.



8. Any speaker submitting written documentation shall provide nine copies to the Clerk for their incorporation into the record.

9. No audio or video presentations shall be allowed in connection with any public comment.

*M-20-50, adopted 3/5/2020; M-22-49, adopted 2/3/2022*

## **Rule 48 Disturbances in Council Chambers**

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.

## **Rule 49 Candor to the Council**

All persons who address the Council, including both public commenters and presenters, shall disclose in writing whether they have received anything of value, monetary or otherwise, in exchange for their appearance and testimony. All persons whose appearance or testimony is compensated in any way, including but not limited to all City employees, departments heads, and representatives of any external board, agency, or entity, shall sign a card on forms prepared by the Clerk swearing or affirming their testimony is true and correct to the best of their knowledge, and shall be deemed under oath while providing any testimony or comment.

## **Rule 50 Use of Council Chamber**

Use of the Council chamber shall be reserved exclusively for use by public bodies and non-public agencies or individuals in circumstances where the use of the chamber furthers a legitimate public purpose. Requests to use the chamber shall be made in writing to the Council Chief of Staff who shall have the authority to grant or deny any request upon written notification to all seven councilmembers and appropriate City departments, including the Department of Property Management. Preference in the use of the chamber shall be given to the Council and its committees, councilmembers, and City boards, commissions, and agencies.

## **Rule 51 Flags to be Displayed**

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.

## **Rule 52      Standards for Electronic Coverage**

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.

## **Rule 53      Council Credit Card Usage**

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.

## **Rule 54      Council Travel Policy**

Except as otherwise expressly provided herein, Chief Administrative Office 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.

Individual councilmember travel shall not require Chief Administrative Office 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.

The Council Chief of Staff shall provide a quarterly report of all travel by councilmembers to the Mayor and the Council. Upon request, all details of transportation and lodging for approved travel shall be made available within three business days and all receipts for such travel within 14 business days of the completion of such travel.

*M-23-103, adopted 3/23/23 (implementing reporting requirement per Ord. No. 29,138 M.C.S., adopted 8/4/22)*

## **Rule 55 Council Vehicle Policy**

### *55.A. Purpose.*

Each member of the City Council shall be entitled to the full-time use of one take-home vehicle, contingent upon a budget appropriation by the Council and subject to this rule. Use of a Council vehicle is a privilege that may be terminated, suspended, or modified pursuant to this rule or by motion of the Council.

### *55.B. Authorized Drivers.*

Only councilmembers, their assigned POST-certified executive security personnel or commissioned law enforcement officer, and authorized members of the councilmember's staff shall be permitted to drive a Council vehicle. No person shall operate a Council vehicle without a valid driver's license.

### *55.C. Safe Use and Operation.*

Councilmembers and authorized drivers shall operate Council vehicles in a safe and prudent manner and in accordance with law.

Mobile devices should not be used by any person driving a Council vehicle unless the device is being operated in hands-free mode. This includes, but is not limited to, talking, texting or the use of

applications. Should a mobile device need to be used in a non-emergency situation, the operator of the vehicle must exit the public right of way, find a safe parking location, and place the vehicle in park before operating the mobile device.

No person shall operate a Council vehicle under the influence of drugs or alcohol. Any person charged with operating a Council vehicle under the influence of drugs or alcohol shall immediately forgo driving privileges until the charges are dismissed or until that person is adjudicated not guilty by a court of law. Refusal to submit to a field sobriety test, breathalyzer, or other reasonable request for testing for drugs or alcohol incident to an accident or lawful traffic stop that takes place in a Council vehicle shall result in automatic termination of driving privileges of any Council vehicle.

The operator of a Council vehicle shall be personally responsible for any traffic citation or any uncovered vehicular damage while using a Council vehicle. (See Rule 55.K. Indemnity and Insurance.)

#### *55.D. Incidental Personal Use.*

Council vehicles are provided to assist councilmembers in conducting official business. Because official business frequently occurs outside regular business hours, full-time take-home use of Council vehicles is permissible.

Except as provided in this Rule 55, Council vehicles shall not be used to perform personal business. Council vehicles may be used to travel to and from work in accordance with Internal Revenue Service rules and regulations, including to and from official functions. Council vehicles may also be used to perform incidental, personal errands outside the course and scope of City business, so long as the errands are conducted to and from an official function, do not involve excessive additional mileage, are brief in nature, and do not detract from the driver's activities as a public servant.

Councilmembers shall contribute to the operating costs associated with Council vehicles through the Take-Home Vehicle Use Charge, which shall be imposed and deducted as set forth in Chief Administrative Office Policy Memorandum No. 5(R), or its successor policy document.

Employees or authorized external users with assigned take-home vehicles may be subject to fringe benefit withholding in accordance with Internal Revenue Service rules and regulations.

In accordance with La. Rev. Stat. § 18:1465, no Council vehicle shall be used to urge any elector to vote for or against any candidate or proposition, or be appropriated to a candidate or political organization.

*55.E. Lights.*

Council vehicles may be equipped with emergency sirens and with blue-colored electric emergency lights with sufficient intensity to be visible at 500 feet in normal sunlight.

Emergency lights shall not be activated except in circumstances where the driver of the vehicle is a POST-certified executive security personnel or a commissioned law enforcement officer on official duty. Emergency lights shall never be activated during incidental personal use or by an individual councilmember.

*55.F. Security.*

All Council vehicles shall be locked when not in use, and all equipment or valuables within the vehicle shall be stowed out of sight of passersby. Missing or damaged vehicles shall be reported immediately to the Police Department and the Council Chief of Staff.

No personal weapons may be transported or stored in any Council vehicle, except when in the physical possession of a POST-certified executive security personnel or a commissioned law enforcement officer.

All vehicles released to Equipment Management Division of the Chief Administrative Office, or any third party for transport and repair must be free of weapons and ammunition prior to release.

The City shall have no responsibility for the loss or theft of personal property left in Council vehicles.

### *55.G. Fuel Usage.*

Fueling of Council vehicles shall be governed by the rules set forth in Chief Administrative Office Policy Memorandum No. 5(R), Section XI(A). Councilmembers and authorized operations shall comply with the employee responsibilities set forth in Sections XI(L)-(U).

### *55.H. Maintenance and Repair.*

Maintenance and repair of Council vehicle shall be conducted in accordance with Chief Administrative Office Policy Memorandum No. 5(R), Section XII.

### *55.I. Accidents.*

All incidents or accidents involving a Council vehicle, regardless of severity, shall be promptly reported in writing to the Council Chief of Staff and the City Attorney. In the event of an accident, the operator of a Council vehicle shall call 9-1-1 to request the dispatch of a police officer and, unless otherwise advised, remain at the scene of the accident until police arrive and complete a report.

### *55.J. Suspension of Driving Privileges.*

Any violation of this policy may result in the termination, modification or limitation of City vehicle driving privileges. The termination, modification, or limitation of driving privileges shall be determined by the Council Chief of Staff, in consultation with the City Attorney, and shall be subject to review by the full Council upon request of the excluded councilmember. Notwithstanding the foregoing, the following acts shall result in the immediate suspension of driving privileges:

- Operating a vehicle in excess of 20 mph over the posted speed limit
- Hit and run
- DWI
- Suspended license
- Any event resulting in immediate or automatic termination of driving privileges under Rule 55.C.

### *55.K. Indemnity and Insurance.*

The Council shall defend, hold harmless, and indemnify councilmembers and authorized users from any liability that arises from operation of Council vehicles, including liability that results from ordinary negligence. To the extent available at a reasonable cost, the Chief of Staff shall procure policies of insurance reasonably necessary to protect the Council, councilmembers, and authorized users from loss, including coverage for liability (automotive liability, bodily injury, and property damage), uninsured/underinsured motorist coverage, comprehensive coverage, and collision coverage.

The foregoing indemnity obligation shall not apply to liability incurred as a result of intentional, willful or wanton misconduct, from conduct that would result in the immediate termination of driving privileges, or from liability incurred as a result of conduct that exceeds the allowable incidental personal use set forth in rule 55.D.

### *55.L. Other Council Vehicles.*

Use of vehicles other than the seven vehicles specifically assigned to councilmembers shall be governed by Chief Administrative Office Policy Memorandum No. 5(R).

*M 21-90, adopted 4/8/2021 (adding Council Vehicle Policy)*

## **Rule 56 Confirmation of Executive Branch Appointments**

1. The Clerk of Council shall receive as a communication on the Consent Agenda any written notice from the Chief Administrative Officer advising the Council of an appointment to a position for which Council confirmation is required under the Home Rule Charter, as more fully required by Section 2-476 of the Code of the City of New Orleans.

2. Any notice of an appointment requiring Council confirmation shall be referred to the Governmental Affairs Committee, and each appointment shall be separately noticed as a "Section 4-106 Confirmation Hearing" on the agenda of the next meeting of said committee. The agenda brief shall



identify the individual to be confirmed, the position, and deadline for Council action, which date shall be 120 days from the date of the interim appointment specified in the notice from the Chief Administrative Officer.

3. Each person whose appointment is subject to a Section 4-106 Confirmation Hearing shall provide, not later than three days before the hearing, a notarized appointment questionnaire on forms provided by the Council Research Office, together with all required attachments and a current resume or curriculum vitae. The Governmental Affairs Committee shall not conduct a Section 4-106 Confirmation Hearing for any nominee unless and until a completed appointment questionnaire and all required attachments have been provided, but may, upon a majority vote of committee members, consider the confirmation of a nominee whose materials were provided less than three days before the hearing.

4. Any person subject to confirmation shall personally appear at the Section 4-106 Confirmation Hearing, along with a representative of the Mayor or the Chief Administrative Officer, to answer questions from Councilmembers. The nominee shall be permitted to provide a brief statement of not more than 5 minutes at the outset of the hearing before the commencement of questioning by Councilmembers. Any and all statements made during this hearing shall be governed by Council rule 49.

5. Councilmembers shall keep their questions and remarks germane to the appointment.

6. A motion to approve or disapprove an appointment governed by this rule, or to extend the term of an interim appointment pursuant to Section 4-106(5) of the Home Rule Charter, shall appear on the agenda of the next regular meeting of the Council following consideration by the Governmental Affairs Committee. The committee members voting in the majority with respect to a recommendation of approval or disapproval, or the extension of an interim appointment, shall be listed as sponsors. Motions approving an appointment or extending the term of an interim appointment shall be designated as "by request."

In the event the Governmental Affairs Committee fails to take action on a Section 4-106 Confirmation Hearing or otherwise votes to defer the hearing past the deadline for Council action, the Clerk of Council shall place the Section 4-106 Confirmation Hearing as an item on the agenda for the last scheduled regular meeting before the expiration of the deadline and note on the agenda the lack of action thereon.

*M 21-169, adopted 5/6/2022; M-22-507, adopted 12/1/22 and amended 12/15/22 (replacing rules re COVID with rules re executive branch appointment confirmation)*

## **Rule 57      Contract Approval**

1.      Execution of any contract by the Council President pursuant to Section 70-10 of the Code of the City of New Orleans must be requested in writing through the Clerk of Council and shall be received as a formal communication on the Consent Agenda. Copies of the request must be simultaneously provided to the Council Chief of Staff and Executive Counsel.

2.      A request for Council approval must be accompanied by the copy of the proposed agreement, together with a contract summary on a form prepared by Council central staff, highlighting the purpose, term, and amount of the contract, along with any key substantive details. For contracts resulting from a competitive selection process, the request for Council approval must include copies of the responses received and considered pursuant to that competitive selection process and the corresponding score sheets for each of the evaluation committee members.

3.      The Clerk of Council, in consultation with the Council Chief of Staff, shall refer contract execution requests to the Council committee whose purview includes the stated purpose of the contract or, in all other cases, to the Governmental Affairs Committee.

4.      When circumstances warrant expedited consideration, a contract may be considered by the appropriate committee before the request for execution is formally received through the Council's adoption of the Consent Agenda.

5. If a majority of the committee members votes to recommend approval and execution of the contract, a “by request” motion approving same shall appear on the agenda of the next Council meeting. All committee members voting in favor of the motion shall be listed as sponsors.

6. Contracts governed by this rule may not be modified by a motion, but the Council may grant the President the authority to withhold signature until specified amendments to a proposed contract are agreed to by the requesting department and the other signatories to the contract.

7. Except as otherwise expressly provided in the motion approving the execution, execution of a contract approved by motion of the Council under this rule shall impose a ministerial, non-discretionary duty on the Council President.

***M-22-537, adopted 2/2/23 (implementing rules for Council approval of contracts per Code 70-10(a); M-24-249, adopted 6/6/24 (requiring submission of bid selection committee score sheets with contract approval request)***

## **Rule 58 Attorney Representation and Disclosure of Privileged Documents**

The standards and guidelines governing legal representation of the Council and the disclosure of privileged documents shall be as set forth in the Policy Memorandum captioned “Attorney Representation Guidelines and Disclosure of Privileged Documents” approved pursuant to City Council Motion No. M 24 141.

***M-24-141, adopted 4/18/24 (establishing rule and adopting standards and guidelines governing attorney/client privilege)***

## **Rule 59 Clerk of Council – Absence or Vacancy**

During periods when the Clerk of Council is absent or when the position of Clerk of Council is vacant, the Assistant Clerk of Council may exercise the powers of the Clerk of Council and perform any and all duties assigned by law to the Clerk of Council. The powers and privileges granted by this rule shall not be deemed to constitute either a permanent or interim appointment of the Assistant Clerk of Council as the Clerk of Council during any period of absence or vacancy.

***M-24-226, adopted 5/16/24 (establishing rule to govern the administration of the duties of the Clerk of Council during periods when the Clerk is absent or when the position is vacant)***