

City Council February 5, 2009  
Regular Meeting Summary

News Release

February 5, 2009

Contact:  
Ronald J. Pursell  
Council Chief of Staff  
Ph: (504) 658-1082  
[rjpursell@cityofno.com](mailto:rjpursell@cityofno.com)

[New Orleans  
City Council](#)

Join Our Mailing List!

**New Orleans, LA - February 5, 2009** - Today the New Orleans City Council passed a Motion and an Ordinance requiring that the City's competitive selection process for professional services contracts comply with the Louisiana Open Meetings law, and a Motion requesting that the Administration come into compliance with the law on the Executive Branch's number of take-home vehicles.

The Council also introduced an Ordinance to reconcile the conflicting ordinances related to the domicile of City employees and take-home vehicles, and voted to override the Mayor's veto of an Ordinance pertaining to the 2009 Budget funding allocation for the Youth Study Center.

Additionally, the Council passed legislation urging the extension of the Disaster Housing Assistance Program, requesting a report on the cost and feasibility of the implementation of wireless internet services in the Council Chamber, and expediting the construction of five libraries throughout the City.

Councilmembers also addressed Mardi Gras presentations by the Krewe of Zulu, Krewe of Muses, and Krewe of Choctaw.

## *Supported Transparent Competitive Selection Process*



*Leonard Odom, Interim Inspector General; Michael Cowan, Ethics Review Board; Bob Brown, Business Council; Janet Howard, Bureau of Governmental Research; David Marcello, The Public Law Center; Greg Rusovich, Business Council*

The Council passed Ordinance Calendar No. 27,069 and Motion M-08-380, authored by Councilmember Fielkow, requiring that both the Executive and Legislative branches of City Government, in their professional service contracting processes, comply with the Louisiana Open Meetings Law.

Councilmember Arnie Fielkow said, "This legislation calls for further openness and transparency by both the Executive and Legislative branches of City Government when dealing with professional service contracts and the awarding of public dollars. It is critical that this is done in a totally open process to the public."

The Louisiana Attorney General rendered an advisory opinion that meetings involving the awarding of professional services contracts are subject to the Louisiana Open Meetings Law. See the Attorney General's advisory opinion in full [here](#).

Mayor Nagin's Administration requested a reconsideration by the Attorney General of his advisory opinion and the Attorney General reaffirmed its original opinion. See the Attorney General's reaffirmed opinion in full [here](#).

Interim Inspector General Leonard Odom, along with representatives from the Bureau of Governmental Research (BGR), the New Orleans Business Council, the Ethics Review Board, the Public Law Center, and other good government and citizen groups came before the Council to give their opinions and recommendations on the matter.

Click [here](#) to view an additional News Release on these legislative instruments.

## *Addressed Take-Home Cars Compliance*

The Council passed Motion M-09-49, co-authored by Councilmembers Midura and Head, requesting that the Mayor present on or before March 13th a plan for compliance with the City Code mandating that the executive branch assign no more than 50 take-home cars to employees.

The Motion also states that the plan must: designate which of the current take-home vehicles should be considered the 50 take-home vehicles permitted by the City Code, provide protocol for the disposition of the vehicles in excess of the quota, and establish an official policy to determine which posts within City government will be permitted the use of take-home vehicles.



*Julie Schwam Harris,  
Intergovernmental Relations*

Julie Schwam Harris of the Mayor's Office of Intergovernmental Relations presented the Administration's opinion on the matter, stating that the Administration is taking a systematic approach to evaluating whether or not 50 take-home vehicles is an adequate number to meet the needs of the Executive Branch.

Adherence to the 50 car rule would allow take-home vehicles for the approximately 15 administrative department heads as well as additional vehicles for the Mayor's own use.

Councilmembers Midura and Head also introduced Ordinance Calendar No. 27,254 to reconcile the conflicting ordinances related to the domicile of City employees and take-home vehicles.

In a January 30, 2009 response to the Inspector General's vehicle report, the administration cited ordinance "contradict[ion]" as a reason for failing to comply with the City ordinances prohibiting more than the administration's 50 take-home cars.

District "B" Councilmember Stacy Head stated, "This Ordinance should remove any argument that take-home vehicles are appropriate for administration employees residing outside of Orleans Parish. This is intended to ensure that administrative executives who choose to live outside of our Parish do not subject the City to liability, maintenance or gas costs based on that lifestyle decision."

Click [here](#) to view an additional News Release on these legislative instruments.

## *Supports Funding for the Youth Study Center*



*Bill Chrisman,  
Director of Capital Projects*

The Council voted to override the Mayor's veto of Ordinance Calendar No. 27,303, authored by Councilmember Midura, requiring that prior to expenditure of the 2009 Budget funds appropriated for the Youth Study Center, Capital Projects and Human Services present the conceptual design submission of the Youth Study Center to the Criminal Justice Committee for approval prior to entering into the construction document phase of the project.

Councilmember Shelley Midura said, "We should exercise our responsibility as legislators over the redevelopment of this very important facility. We must collaborate with national experts to implement national best practices in the redevelopment of this facility to ensure that we have all the necessary tools to improve the lives of youth while advancing the interests of public safety."

Director of Capital Projects Bill Chrisman came before the Council to reaffirm his support of the Ordinance and the incorporation of best practices into the Youth Study Center, and to emphasize the need for additional funding to properly rebuild the facility.

## *Urged Extension of Recovery Housing Program*



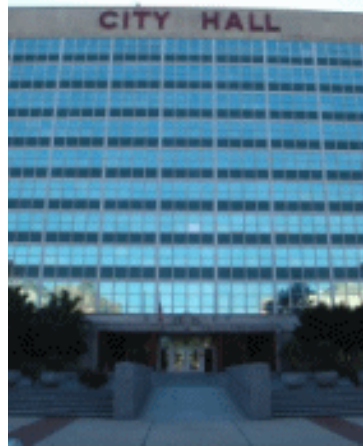
The Council passed Resolution R-09-50, co-authored by Councilmembers Fielkow and Midura, urging the U. S. Department of Housing and Urban Development (HUD) and FEMA take immediate action to extend for one year the Disaster Housing Assistance Program (DHAP).

The program, administered by HUD and FEMA, assists Louisiana residents still in need after Hurricanes Katrina and Rita. The rental assistance provided under DHAP has been instrumental in allowing Louisiana families to remain in their local communities while the state and federal governments work to stabilize the affordable housing market.

Council Vice President Arnie Fielkow said, "DHAP is currently scheduled to end on February 28th, potentially placing thousands of high-risk families including elderly, disabled and families with children, at risk of homelessness. The short-term extension of this program will allow the state to work with the federal government to assess the needs of the remaining

households, assist the transition of families out of the program, and develop a plan to support those with outstanding needs."

### ***Explored Implementation of Wireless Internet in Council Chamber***



The Council passed Resolution R-09-51, coauthored by Councilmembers Fielkow and Midura, to assess the feasibility of implementation of wireless internet services in the Council Chamber.

The Resolution requests that the Director of the Council Utilities Regulatory Office investigate the cost and any related issues regarding implementation of wireless internet in the Chamber and report back to the Council's Cable & Telecommunications Committee within 45 days with a report on these items.

### ***Expedited the Construction of Five Libraries***



*Councilmember-at-Large  
Clarkson*

The Council passed Ordinance Calendar No. 27,324, authored by Councilmember Clarkson, to add five additional projects to the list of approved projects to permit design-build procedures to be implemented, all of them public libraries.

The City of New Orleans previously passed Ordinance Calendar No. 27,059 authorizing 21 projects to be developed through design-build procedures.

The five libraries are Algiers Regional Library, Nora Navra Library, Norman Mayer Library, Robert E. Smith Library and New Orleans East Regional Library.

Director of Capital Projects Bill Chrisman came before the Council to give an explanation of the design-build method which expedites the City's recovery projects by streamlining the contracting process, making it possible for one company to get a combined contract for both the design and build of a project. Chrisman also gave brief updates on the construction of these five new libraries and timelines for completion.

Council President Jacquelyn Brechtel Clarkson said, "The construction of these libraries is a true testament to recovery in New Orleans. Through the design-build method teams of architects and contractors work together to expedite the completion of rebuilding projects throughout the City."

## *Supported New Orleans Mardi Gras Krewes*

As the three Special Orders of Business, the Council welcomed three Mardi Gras Krewes to the chamber.



*Members of the Krewe of Zulu*

Krewe of Zulu members, along with the King and Queen of Zulu, thanked the Council for their support and announced a newly opened exhibit in the Lakeside Shopping Mall which displays Zulu kings and Krewe members dating back to the early days of the organization in recognition of the Krewe's centennial year. Zulu members also gave details on the Coronation Ball and recognized the Krewe of Muses for their assistance and support of Zulu after Hurricane Katrina.



*Members of the Krewe of Muses*

Members of the Krewe of Muses appeared before the Council to speak about this year's parade theme and the Krewe's annual Honorary Muse. Councilmembers recognized the Krewe for its creativity and its inclusive membership open to all women over eighteen years old. The Muses representatives thanked the Council for their ongoing support of the Krewe.



*Members of the Krewe of Choctaw*

The Krewe of Choctaw was represented in the Chamber by several Krewe members who spoke about the Krewe's beginnings in Algiers and its upcoming 75th Anniversary. Krewe members highlighted the Krewe's upcoming river parade this Saturday, February 7th, which brings both East Bank and West Bank revelers together to enjoy Carnival festivities.

## New Orleans City Council

The New Orleans City Council is the legislative branch of New Orleans City government. The Council considers and enacts all local laws that govern the City of New Orleans. The Council also approves the operating and capital budgets for the City, as recommended by the mayor, and continually monitors revenues and expenditures for local government operations. The City Council is also the regulatory body for public utilities. It also reviews and has final say on many land use and zoning matters, as well as considers major economic development projects for the City. As a Board of Review for Orleans Parish, the Council examines appeals of property tax assessments for real estate taxes, and certifies tax rolls to the Louisiana Tax Commission. Other responsibilities of the Council include overseeing the operation of the public access television in Orleans Parish.

The City Council is comprised of five districts and two councilmembers-at-large. Council President and Councilmember-at-Large Jacquelyn Brechtel Clarkson; Council Vice-President and Councilmember-at-Large Arnie Fielkow; District "A" Councilmember Shelley Midura; District "B" Councilmember Stacy S. Head; District "C" Councilmember James Carter; District "D" Councilmember Cynthia Hedge-Morrell; and District "E" Councilmember Cynthia Willard-Lewis.

### [Forward email](#)

### **SafeUnsubscribe®**

This email was sent to emily@estopinalgrou.com by [news@estopinalgrou.com](mailto:news@estopinalgrou.com).  
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Email Marketing by



New Orleans City Council | City Hall | 1300 Perdido Street | New Orleans | LA | 70112



JAMES D. "BUDDY" CALDWELL  
ATTORNEY GENERAL

State of Louisiana  
DEPARTMENT OF JUSTICE  
P.O. BOX 94005  
BATON ROUGE  
70804-9005

OCT 15 2006  
OPINION 08-0211

50 - 8 - 4 -- PUBLIC MEETINGS -- State & Local Governing  
Bodies

La Const. Art. XII, §3      La Const. Art. VI, §5(E)  
La. R.S. 42:4.1 et seq.

Mr. Steven J. Lane  
Herman, Herman, Katz & Cotlar  
Legal Counsel, New Orleans City Council  
820 O'Keefe Avenue  
New Orleans, LA 70113-1116

The Selection Review Panel, a committee formed by the Mayor pursuant to Executive Order for evaluating contract proposals for the provision of professional services, must comply with the Open Meetings Law. The New Orleans City Council is authorized to establish standards for open meetings that are equally applicable to the Executive Branch and the Legislative Branch of the City of New Orleans, as long as such standards do not conflict with or supersede the Open Meetings Law.

Dear Mr. Lane:

Our office received an opinion request from you regarding the applicability of Louisiana Open Meetings Law to the competitive selection process for professional service contracts by the Office of the Mayor and the New Orleans City Council (Council). Your letter states that the Mayor of the City of New Orleans, pursuant to Executive Order CRN 08-01, has established Selection Review Panels to evaluate proposed professional service contracts. Your letter also states that the Council proposes to pass a resolution promoting transparency in the awarding of professional service contracts, requiring the Council and the Mayor to comply with Louisiana Open Meetings Law in the process for evaluating and awarding professional service contracts.

In particular, your letter asks us to address:

- (1) Whether meetings which are held pursuant to Executive Order CRN 08-01 are subject to Louisiana Open Meetings Law (La. R.S. 42:4.1 through La. R.S. 42:13); and
- (2) Whether the New Orleans City Council is authorized to establish, through Ordinance or Motion, standards for open meetings that are equally applicable to the Executive Branch and the Legislative Branch of the City of New Orleans, consistent with the Home Rule Charter, including Section 6-308?

The right of access to public information is guaranteed by La.Const. Art. XII, § 3, which provides, "[n]o person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law." The Open Meetings Law, which can be found at La. R.S. 42:4.1 et seq., was enacted by the

OPINION 08-0211  
Mr. Steven J. Lane  
Page No. 2

Louisiana Legislature to protect and define the constitutional right of access to observe the deliberations of public bodies. The purpose of this body of law is clearly set forth in La. R.S. 42:4.1(A), which provides:

[i]t is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of R.S. 42:4.1 through R.S. 42:10 shall be construed liberally.

As provided for in La. R.S. 42:5, every meeting of a public body is required to be open to the public, unless closed pursuant to La. R.S. 42:6, R.S. 42:6.1 or R.S. 42:6.2.

A meeting is defined as the convening of a quorum of a public body to deliberate or act on a matter over which the public body has supervision, control, jurisdiction, or advisory power. La. R.S. 42:4.2(A)(1). A "public body" is defined as:

village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, *where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in this paragraph.*

La. R.S. 42:4.2(A)(2) [Emphasis added].

Your first question asks us whether or not the entity that meets pursuant to Executive Order CRN 08-01 is subject to the Open Meetings Law. This requires an analysis of whether or not it qualifies as a "public body" under the definition in La. R.S. 42:4.2(A)(2).

Section 6-308 of the Home Rule Charter for the City of New Orleans gives the Mayor the authority to establish a process for awarding contracts for professional service, which provides, in pertinent part:

(5)(b) Contracts for professional services administered by the offices, departments, boards, and other agencies of the Executive Branch shall be awarded on the basis of a competitive selection process which shall be established by executive order of the Mayor.

Section 9 of Executive Order CRN 08-01, entitled "Selection Review Panels," provides that these Panels are "established for the purpose of conducting an independent, objective evaluation of proposals for the provision of professional services." Depending

OPINION 08-0211  
Mr. Steven J. Lane  
Page No. 3

on the monetary amount of the contract awarded, certain members are designated to participate in the Selection Review Panels. The Executive Order provides that "all discussion and deliberations by the Selection Review Panel in the evaluating and ranking of any proposal shall be deemed confidential, although the completed evaluation forms are available to the public as public records." Executive Order CRN 08-01, Section 9(L).

Black's Law Dictionary (8<sup>th</sup> Ed. 2004) defines a committee as "[a] subordinate group to which a deliberative assembly or other organization refers business for consideration, investigation, oversight, or action" and an advisory committee as "[a] committee formed to make suggestions to some other body or to an official." From the description of the Selection Review Panel in Executive Order CRN 08-01, they are a group to which the Mayor looks to for recommendations or suggestions regarding proposals for professional contracts. They evaluate and consider contract proposals for the provision of professional services submitted to the City of New Orleans, and provide recommendations, which the Mayor can agree with or reject. They clearly qualify as a committee under the definition provided above. The definition of "public bodies" in La. R.S. 42:4.2(A)(2) includes committees created by municipal authorities or city governing authorities.

The City of New Orleans operates under a Home Rule Charter, which provides for a Mayor-Council form of government. Article I, Section 1-102, Home Rule Charter of the City of New Orleans. The Powers and Duties of the Mayor, as described by Article IV, Section 4-206, include, but are not limited to, oversight of the activities of boards and other agencies of City government; enforcement of the provisions of the Home Rule Charter, City ordinances, and all other laws; appointing positions relating to City business, including the Chief Administrative Officer and the City Attorney; submitting an operating budget to the Council for the City; and *signing contracts for the City*. The Selection Review Panels assist with the evaluations of contract proposals for the provision of professional services. Signing contracts for the City is an enumerated power of the Mayor. The Selection Review Panels are committees of a municipal authority under these particular circumstances, where they assist in the exercise of a mayoral function, and are not dissimilar in function from a planning or zoning commission.

Our office has previously considered the nature of committees created by mayors, and has required certain committees comply with Open Meetings Law. In Atty. Gen. Op. No. 79-1392, our office opined that a committee established by the mayor of the City of Bastrop was a public body required to comply with Louisiana's Open Meetings Law, where such a committee "is appointed by the chief executive of a political subdivision of the State and has been granted policy making and advisory functions in the extremely important area of public finance." Our office opined that the committee appointed by the mayor, in function, could be classified as a subcommittee of the municipal governing authority.

OPINION 08-0211  
Mr. Steven J Lane  
Page No. 4

A mayoral advisory committee was required to comply with Open Meetings Law in Atty. Gen. Op. No. 05-0424, where the committee was established by the mayor to provide guidance on matters pertaining to the Police Department in Youngsville. Our office stated, for the purposes of the Open Meetings Law, the meaning of "public body" included a municipal authority with advisory functions. Similarly, in Atty. Gen. Op. No. 89-481, our office stated that a committee appointed by the mayor as chief executive officer was a subcommittee of a municipal authority under La. R.S. 42:4.2(A)(2), and a "public body" under the Open Meetings Law. Also, in Atty. Gen. Op. No. 95-313, our office found that a citizen committee established and appointed by the mayor for discussion, research and advice was subject to the Open Meetings Law.

Because there are no Louisiana cases directly on point, we note the position taken by Florida courts dealing with a similar issue. In *Silver Express Company v. District Board of Lower Tribunal Trustees of Miami-Dade Community College*, a contractor had submitted an unsuccessful proposal to provide flight training services and alleged violation of Florida's Open Meetings Law in their proposal consideration process. 691 So.2d 1099 (Fla. 3d DCA 1997). In this case, a committee was appointed, composed of college staff and one outside individual, to meet and evaluate the responses to the request for proposals. Where the committee served to "weed through the various proposals, to determine which were acceptable and to rank them accordingly," the court found they were subject to Florida's Open Meetings Laws. *Id.* at 1100.<sup>1</sup> Similarly, in *Leach-Wells v. City of Bradenton*, a selection committee was appointed to review proposals received by the City in response to a bid for proposals for a construction project. 734 So.2d 1168 (Fla. 2d DCA 1999). The function of the committee was to rank the top three firms, who would then make presentations to the City Council, and the Council would select the firm to construct the project. Where the committee was comprised of the city clerk, a local engineer, the public works director and a city councilman, it was not disputed that the committee was subject to Florida's Sunshine Law [Open Meetings and Public Records Law]. *Id.* at 1169. While this office recognizes the non-binding nature of case law in other jurisdictions, we nevertheless find these cases instructive.

Considering the importance of contracts for professional services awarded by the City of New Orleans, the importance of conducting public business in a transparent and open manner, and in light of previous Attorney General opinions, it is the opinion of this office that the Selection Review Panels described in Executive Order CRN 08-01 are public entities as defined by La. R.S. 42:4.2. Therefore, under the facts you presented in your request, the Selection Review Panels must comply with Open Meetings Law in evaluating proposals for the provision of professional services.

---

<sup>1</sup> Section 286.011(1) Florida Statutes (1995) provides: All meetings of any board or commission of any state agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

OPINION 08-0211  
Mr. Steven J. Lane  
Page No. 5

Notwithstanding our opinion that the Selection Review Panels are subject to the Open Meetings Law, the Panels may conduct portions of their meetings in executive session, if such executive session are conducted in accordance with La. R.S. 42:6.1. We note that the Panels' ability to hold executive session is governed by La. R.S. 42:6.1, and not by any executive order of the mayor.

We note that La. R.S. 42:6.1(A) provides, in pertinent part:

A public body may hold an executive session pursuant to R.S. 42:6 for one or more of the following reasons:

(1) Discussion of the character, professional competence, or physical or mental health of a person, provided that such person is notified in writing at least twenty-four hours before the meeting and that such person may require that such discussion be held at an open meeting, and provided that nothing in this Subsection shall permit an executive session for discussion of the appointment of a person to a public body. In cases of extraordinary emergency, written notice to such person shall not be required; however, the public body shall give such notice as it deems appropriate and circumstances permit.

(2) Strategy sessions or negotiations with respect to collective bargaining, prospective litigation after formal written demand, or litigation when an open meeting would have a detrimental effect on the bargaining or litigating position of the public body.

[...]

(10) Or any other matters now provided for or as may be provided for by the legislature.

Our office has also recognized the obligation to discuss any information which is "confidential" in executive session. As our office stated in Atty. Gen. Op. No. 05-0065, "[i]f the records are subject to a privacy claim or are privileged under the Public Records Act, then La. R.S. 42:6.1(A)(9) [which exception is now 42:6.1(A)(10)] may be interpreted to authorize an executive session to discuss the contents of the privileged records." In Atty. Gen. Op. No. 88-91, our office addressed the applicability of the Public Records Act to information solicited by a state agency through a request for proposal, as provided for by La. R.S. 39:1503. Our office stated that for general purposes, "bids for public contracts are matters of public record and become such upon receipt by the state." *Id.* However, citing Atty. Gen. Op. No. 87-320, our office also noted that "certain financial information must be exempted from disclosure due to

## OPINION 08-0211

Mr. Steven J. Lane

Page No. 6

privacy considerations guaranteed by Article I, § 5 of the Louisiana Constitution of 1974."<sup>2</sup>

Our office addressed proprietary, financial and statistical information which may be protected from disclosure in Atty. Gen. Op. No. 82-860, in which our office stated:

The threshold determination is whether a reasonable expectation of privacy exists against disclosure of information. If so, the public interest in obtaining the document must be weighed against the interest in privacy. *Webb v. City of Shreveport*, 371 So.2d 316 (La.App. 2nd Cir. 1979), writ denied 374 So.2d 657.

Proprietary, financial and statistical information may 'pertain to the business of the private person, firm or corporation' (R.S. 44:4(3)) and may therefore be confidential. If in the exercise of reasonable discretion by the responsible public officer, specific information contained in files in the custody of the Department is classified as confidential in nature, then it is our opinion that such record or the parts thereof so classified come within the scope of R.S. 44:4(3).

However, we note that any discussions in executive session must be limited to what is permitted by the Open Meetings Law. As required by La. R.S. 42:6, "no final or binding action may be taken during an executive session." Therefore, although a person or firm may be properly discussed in executive session for one of the reasons authorized by the Open Meetings Law, any binding action taken with respect to such person or firm must be taken in an open meeting.

Your second question asks us to address whether the New Orleans City Council is authorized to establish, through Ordinance or Motion, standards for open meetings that are equally applicable to the Executive Branch and the Legislative Branch of the City of New Orleans, consistent with the Home Rule Charter, including Section 6-308, pertaining to contracts to which the City is a party. The Louisiana Constitution provides:

A home rule charter adopted under this Section shall provide the structure and organization, powers, and functions of the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, *not denied by general law or inconsistent with this constitution.*

---

<sup>2</sup> This opinion also noted the applicability of La. R.S. 44:4 as the basis for exempted certain financial information, which exempts from the Public Records Act, "...any records...in the custody or control of any officer, employee, agent, or agency of the state whose duties and functions are to investigate...the business of any person, firm or corporation in this state, when the records...pertain to the business of the private person, firm, or corporation and are in their nature confidential."

OPINION 08-0211  
Mr. Steven J. Lane  
Page No. 7

La.Const. Art. VI, §5(E) [Emphasis added].

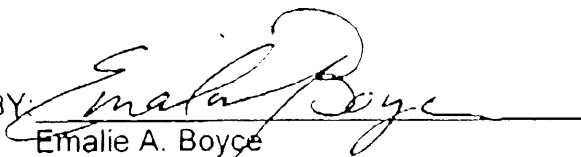
As our office stated in Atty. Gen. Op. No. 02-0258, a Home Rule Charter may impose more stringent requirements than the Louisiana Constitution or general law, but may not conflict with or supersede either.

Consistent with the view that the Selection Review Panels are subject to Open Meetings Law, the New Orleans City Council is authorized to establish standards for open meetings that are equally applicable to the Executive Branch and the Legislative Branch of the City of New Orleans, as long as such standards do not conflict with or supersede the Louisiana Constitution or the Open Meetings Law. It is important to note, as previously mentioned, that Section 6-308 of the Home Rule Charter of the City of New Orleans gives the Mayor of New Orleans the authority to establish a competitive selection process by executive order for contracts for professional services administered by the offices, departments, boards, and other agencies of the Executive Branch. The Council's proposals to pass resolutions promoting transparency in the awarding of professional service contracts is permissible because the Louisiana Constitution and the Louisiana Revised Statutes require transparency from any public body falling within the definition of La. R.S. 42:4.2(A)(2), and a committee created pursuant to an executive order authorized by the Home Rule Charter must comply with requirements imposed by Louisiana law.

We hope that this opinion has adequately addressed the legal issues that you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

JAMES D. "BUDDY" CALDWELL  
ATTORNEY GENERAL

BY:   
Emalie A. Boyce  
Assistant Attorney General

JDC: EAB

Councilmembers Head and Midura  
To Introduce Legislation Re: City Take-Home Cars  
At Tomorrow's Regular Council Meeting

News Release

February 4, 2009

Contact:  
Jason Abate  
Office of  
Councilmember  
Stacy Head  
Ph: 504-658-1020

[jabate@cityofno.com](mailto:jabate@cityofno.com)

[New Orleans  
City Council](#)

[Join Our Mailing List!](#)

New Orleans, LA - February 4, 2009 - In a January 30, 2009 response to the Inspector General's vehicle report, the administration cited ordinance "contradict[ion]" as a reason for failing to comply with the City ordinances prohibiting more than the administration's 50 take-home cars (excluding police and fire vehicles).


In an effort to clear any road-blocks to the administration's compliance with City ordinances related to legally-allowed take-home cars, Councilmembers Midura and Head plan to introduce an Ordinance at the City Council meeting on Thursday, February 5, 2009 that will reconcile the conflicting ordinances related to the domicile of City employees and take-home vehicles.

District "B" Councilmember Stacy Head stated, "This Ordinance should remove any argument that take-home vehicles are appropriate for administration employees residing outside of Orleans Parish."

She further stated that "This is not intended to penalize people for living outside the parish, but instead to ensure that administrative executives who choose to live outside of our Parish do not subject the City to liability, maintenance or gas costs based on that lifestyle decision."

Additionally, in order to draw focus on adherence to the 50 car rule, which would allow take-home vehicles for the 15 or so administrative department heads as well as additional vehicles for the Mayor's own use, the Councilmembers will introduce a Motion which calls on the administration to comply with the existing law and to turn over vehicles in excess of the quota by March 13, 2009.

The Fourth Quarter 2008 Take-Home Vehicle Report furnished to the City Council on January 30, 2009 by the Assistant Chief Administrative Officer of the Equipment Maintenance Division supports the findings of the Inspector General in the Interim Report on the Management of the Administrative Vehicle Fleet that the executive branch total of vehicles far exceeds the permitted quota by ordinance.



Councilmember Head continued, "After careful review it may even be possible to restrict the number of take-home vehicles further than 50. The public needs to remember that these actions have no bearing on pool vehicles. Pool vehicles should be available for City employee use including: the Department of Safety and Permits, Historic District Landmarks Commission (HDLC), and the Mayor's communications staff."

### **New Orleans City Council**

The New Orleans City Council is the legislative branch of New Orleans city government. The Council considers and enacts all local laws that govern the City of New Orleans. The Council also approves the operating and capital budgets for the City, as recommended by the mayor, and continually monitors revenues and expenditures for local government operations. The City Council is also the regulatory body for public utilities. It also reviews and has final say on many land use and zoning matters, as well as considers major economic development projects for the City. As a Board of Review for Orleans Parish, the Council examines appeals of property tax assessments for real estate taxes, and certifies tax rolls to the Louisiana Tax Commission. Other responsibilities of the Council include overseeing the operation of the public access television in Orleans Parish.

The City Council is comprised of five districts and two councilmembers-at-large. Council President and Councilmember-at-Large Jacquelyn Brechtel Clarkson; Council Vice-President and Councilmember-at-Large Arnie Fielkow; District "A" Councilmember Shelley Midura; District "B" Councilmember Stacy S. Head; District "C" Councilmember James Carter; District "D" Councilmember Cynthia Hedge-Morrell; and District "E" Councilmember Cynthia Willard-Lewis.