

City Council April 23, 2009
Regular Meeting Summary

News Release

April 23, 2009

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City Council](#)

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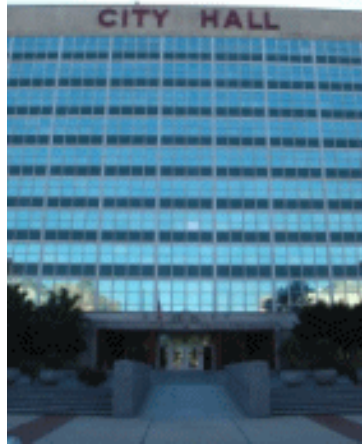
New Orleans, LA - April 23, 2009 - Today, the New Orleans City Council passed Resolutions supporting the Louisiana film industry and requesting an opinion from the Louisiana Attorney General regarding the legality of Senate Bill 75 - which may be in conflict with the City Charter, the Louisiana Constitution, and/or other applicable law.

Additionally, the Council passed Ordinances supporting reforms to the rules governing the renewal process and fees for Certificates of Public Necessity and Convenience, and repealing the \$2.00 gasoline surcharge for taxicabs and Disabled Friendly Taxis (DFT).

The Council also heard a presentation from State Senator JP Morrell who presented a check to New Orleans Recreation Department and honored the graduating classes of 2009 from several local universities.

The Council held an Executive Session to discuss recent developments in pending litigation concerning the review and release of the City Council's email correspondence over a three-year period.

Held Executive Session



The City Council held an Executive Session to discuss recent developments in pending litigation concerning the review and release of the City Council's email correspondence over a three-year period. Due to the confidentiality of the issues, they were taken up in a duly noticed Executive Session closed to the public.

Special Counsel for the City Council, Steven J. Lane of Herman, Herman, Katz and Cotlar addressed the Council about the current status of the pending litigation and to discuss that the Council has been recently put in possession of its email correspondence. Lane informed Councilmembers that legal counsel, with assistance from a technology expert, is preparing the emails into a readable format and determining which documents are subject to the Public Records Law. As soon as the review is complete, the documents will be made available for public release.

Lane said, "The Council has always strongly supported the release of records that the public is entitled to. We are moving expeditiously toward release of the documents. Until recently, the Council has simply not had complete access to its emails to review them for release."

Requested Attorney General's Opinion on Proposed State Law



*Councilmember-at-Large
Clarkson*

The Council passed Resolution R-09-177, authored by Councilmember Clarkson, requesting an opinion from the Attorney General of the State of Louisiana, regarding the legality of Senate Bill 75, which may be in conflict with the City Charter, the Louisiana Constitution and/or other applicable law.

District 4 Senator Edwin Murray has filed Senate Bill 75 for the regular 2009 session of the Louisiana legislature, a bill that would require that "any master plan which has the force of law in Orleans parish shall require voter approval prior to implementation of any provisions, policies or strategies contained in the adopted master plan."

The recently voter-approved Master Plan force of law Charter Amendment clearly outlines a multi-step process by which the Master Plan shall acquire the force of law, including that the Council must receive the Master Plan and either adopt it, reject it, or propose modifications.

The Resolution requests that the Attorney General address whether or not the provisions set forth in Senate Bill 75 improperly usurp the City of New

Orleans Home Rule authority and/or whether Senate Bill 75 is violative of the of the City's Home Rule Charter, the Louisiana Constitution, and/or other applicable law.

Council President Jacquelyn Brechtel Clarkson said, "In a city-wide ballot that coincided with the 2008 presidential election - giving us significant voter turn-out - a majority of New Orleans voters approved an amendment to the Home Rule Charter requiring a master plan with the force of law. We must not allow state-wide lawmakers to step in and tamper with that result."

She continued, "Whether we agree or disagree with the outcome of the election, the results are now part of our Charter. Allowing the State to interfere with our Charter would set a dangerous precedent for New Orleans, especially since we are demographically and politically unlike most of Louisiana."

Supported Louisiana Film Industry



The Council passed Resolution R-09-182, authored by Councilmember Fielkow, supporting state legislative efforts to remove the scheduled film incentive tax credit (Motion Picture Investor Tax Credit) reduction slated for early 2010, and stabilizing the existing tax credit at thirty percent.

Under current legislation, the twenty-five percent film incentive tax credit is scheduled to be reduced to twenty percent in early 2010, which would be devastating to the Louisiana film industry and result in a tremendous loss of direct economic impact and industry related jobs.

Councilmember-at-Large Arnie Fielkow said, "Louisiana's film industry is truly thriving, and the economic impact of this industry on the state is significant. It is important that we ensure that this tax credit is increased to thirty percent and stabilized at that level, and continue efforts to attract film industry investors and stakeholders to our state."

Councilmember Fielkow worked with Jennifer Day, Director of the New Orleans Office of Film & Video, to craft this Resolution.

Repealed Gas Surcharge for Taxicabs and DFTs



Councilmember Willard-Lewis

The Council unanimously passed Ordinance Calendar No. 27,435, authored by Councilmember Willard-Lewis, to repeal the \$2.00 gasoline surcharge per each completed trip for taxicabs and Disabled Friendly Taxis (DFT).

The surcharge was originally imposed by Ordinance No. 23,148 M.C.S., adopted in response to the economic hardships that many drivers experienced as a result of high gasoline prices in 2008.

District "E" Councilmember Willard-Lewis said, "Now that gasoline prices have decreased to a more reasonable price, we feel it is appropriate to repeal the \$2.00 surcharge. We understand the importance of assisting our citizens in hard times and we will continue to do so."

Addressed Reforms to Renewal Rules and Fees for Certificates of Public Necessity and Convenience



Deputy Director Sidney Bournes and Michael Lentz of the Taxicab Bureau

The Council passed Ordinance Calendar No. 27,384 and No. 27,385 supporting reforms to the rules governing the renewal process and fees for Certificates of Public Necessity and Convenience (CPNC).

Taxicab Bureau Deputy Director Sidney Bournes and representative Michael Lentz

were present to answer questions from Councilmembers and community members.

Ordinance Calendar No. 27,384 designates an "Extended Renewal Period and Fee" to extend the renewal period until December 31, 2009 for any Certificate of Public Necessity and Convenience that expired between December 31, 2005 and December 31, 2008.

This Ordinance aims to give those taxicab drivers who were forced to live outside of the City after Hurricane Katrina additional time to renew their CPNCs.

Ordinance Calendar No. 27,385 adds a "Delinquency Penalty", a "Revocation of Certificates of Public Necessity and Convenience", and an "Extension for Acquiring a Vehicle and Fee" to the CPNC rules.

CPNCs expire on December 31 of each year and must be renewed within the month following expiration (January). The "Delinquency Penalty" provision establishes a \$150 late fee for each delinquent month for CPNCs renewed after January.

The "Revocation of Certificates of Public Necessity and Convenience" provision states that any CPNC not renewed by March 31 is suspended. The "Extension for Acquiring a Vehicle and Fee" provision establishes that compliance with the requirement that a CPNC holder must have a vehicle in service may be extended for good cause for a period of time by the Director of the Department of Safety and Permits.

Presentation of Check to NORD



*Senator JP Morrell and
NORD Director Larry Barabino, Jr.*

State Senator JP Morrell appeared before the Council today to present New Orleans Recreation Department Director Larry Barabino, Jr. with a \$50,000 check from the Greater New Orleans Expressway Commission.

Each year, the Commission generates a surplus which is divided among all of

Louisiana's parishes. Until 1995, New Orleans did not receive any of those funds. In 1995, Act 1227 was passed, which established that a recurring amount of \$50,000 of the surplus would be given to the New Orleans Recreation Department (NORD) until the year 2017.

The \$50,000 check presented today by Senator Morrell represents the surplus fund allocations from 2008 and 2009.

Last year, the state legislature passed a bill allowing for half of the surplus funds (\$25,000) given to NORD each year to be given to the New Orleans Police Department (NOPD) for equipment including bulletproof vests.

The NOPD previously relied on private funds to purchase bulletproof vests and other equipment. However, the legislature wanted to ensure a more stable source of funding for the department's equipment.

Honored Local University Graduating Classes of 2009



University presidents, administration officials and students from local universities honored in the Council Chamber

The Council honored in a proclamation presentation the graduating classes of 2009 from seven local universities: Tulane, Dillard, Xavier, UNO, SUNO, Our Lady of Holy Cross, and Loyola.

University presidents, administration officials

and student government representatives were present to introduce themselves and address the Council on behalf of their schools.

These students' freshmen orientations were interrupted by the evacuation for Hurricane Katrina; yet they chose to return to the City following the storm to continue their studies and help in the rebuilding efforts.

Councilmember-at-Large Arnie Fielkow said, "We are honored to acknowledge the 2009 graduating classes of these local universities. These students began their education at these institutions in the fall of 2005, just as Hurricane Katrina devastated the City, but they returned as a result of their faith in New Orleans. We commend you for your bravery in the wake of a national disaster and your dedication to our great City."

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.