

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

Policy Memorandum NO. 3 (R)

December 31, 1995

TO: All Departments, Boards, Agencies and Commissions

FROM: Marlin N. Gusman, Chief Administrative Officer

Subject: **PREPARATION OF ORDINANCES, NOTIONS, AND RESOLUTIONS**

I. PURPOSE.

Policy Memorandum NO. 3 is revised and reissued in its entirety to agree with the provisions of the City Code of 1995. The wording has changed for ordinances that make changes to the City Code. The city Code of 1995 and the provisions for this policy memorandum are effective December 31, 1995.

II. GENERAL INFORMATION.

- A. Chapter 1 of the City Code of 1995 gives general information about the Code. Section 1-10 gives specific instructions for amendments, additions, and deletions to the Code.
- B. An ordinance represents a legislative act of the City Council that becomes law after adoption. All ordinances of general application shall be adopted as amendments to the City Code and shall indicate the section numbers to be assigned to the text of such ordinances in the Code.
- C. A motion is a legislative document that gives Council authorization or approval to a certain act.
- D. A resolution is a legislative document that expresses the wishes or intent of the City Council.

III. GENERAL GUIDELINES FOR PREPARATION.

- A. If possible, use "pica" or "courier 10" typeface, so it can be accepted by optical character reader. Use the computer word processing program Word Perfect.
- B. Preambles and titles to ordinances should be as short as possible. Eliminate any unnecessary elements.
- C. When writing ordinances to change the Code be sure to use City Code of 1995 section numbers. Chapter and section numbers have been changed. Do not refer to Mayor/Council series number.
- D. Section 1-2 of the City Code of 1995 mandates that:

1. The word "city" means that the City of New Orleans is the Parish of Orleans, State of Louisiana...
2. The word "Code" shall mean and refer to the "Code of the City of New Orleans, 1995."
3. The words "council" or "city council" shall mean the city council of the City of New Orleans, Louisiana.
4. The masculine pronoun shall include the feminine and the neuter.

Use these shorter versions when drafting legislation.

- E. Section 1-10 of the Code, entitled Amendments to the Code, contains language for changing the Code. Sample ordinances for amendments, repeals, and adding sections are attached to the memorandum.
- F. Section 1-12 of the Code, Severability of parts of Code, mandates that if any provision or item of the Code is held invalid, the invalidity does not affect the applicability of the remainder. Language pertaining to severability does not need to be included in every ordinance.

IV. SAMPLES OF LEGISLATIVE FORMAT.

Sample copies of the format for ordinances, motions, and resolutions are attached to this memorandum. Included are sample formats to add a new section, amend a provision and repeal a section of the code. Certain specialized types of ordinances are primarily used by particular departments. For a sample of a zoning ordinance, contact City Planning. For a sample of a budget of the ordinance, contact Budget, Chief Administrative Office. Some text of the ordinance must be included on the page containing the signatures of the Council President, the Mayor, and the Clerk of Council. By ordinance, all ordinances, motions, and resolutions must include space for recording the roll call vote.

V. SUBMISSION OF ITEMS OF THE CLERK OF COUNCIL.

By Council Motion M-91-313, items for the council agenda must be delivered to the Clerk of Council by noon, three days prior to the day of the Council meeting (noon, Monday for a Thursday meeting). Items for the

agenda include, but are not limited to, ordinances, motions, resolutions, reports, and communications.

The clerk of Council issues calendar numbers for proposed ordinances, motions, and resolutions.

At least thirty-five (35) copies, with calendar number, of proposed legislative documents must be furnished to the Clerk of Council. A computer disk with the proposed text in Word Perfect should be submitted with the paper copies.

Departments should make every effort to meet the agenda deadline and avoid introduction of legislation by suspension of the rules.

VI. MEMORANDUM OF EPLANATION – BACKGROUND AND JUSTIFICATION.

- A. A detailed cover memorandum of explanation concerning any proposed ordinance, motion or resolution must be prepared by the City department initiating such ordinance, motion or resolution and attached to the check sheet.
- B. The memorandum of explanation must include detailed background on the problem or condition and a thorough explanation as to why the proposed ordinance, motion or resolution is needed and its effects if adopted by the City Council. The memorandum must also include the name and phone number of the individual who can provide further information should the need arise.

VII. CHECK SHEET FOR ROUTING PROPOSED LEGISLATION.

- A. Attached is a copy of the check sheet for departments to use for routing proposed ordinances, motions, and resolutions. Departments must make their own photocopies or obtain a computer disk copy from Special Projects, Chief Administrative Office. The department head must sign the check sheet signifying approval of the documents being submitted. The proposed ordinance, motion, or resolution must be reviewed by the Department of Law and the Chief Administrative officer. The Mayor's Executive Assistant for Intergovernmental Relations will obtain the initials of the sponsoring Council member.
- B. If one of the reviewing agents on the check sheet disapproves the proposed legislation, a memorandum explaining the disapproval shall be sent to the Chief Administrative Officer.

- C. All proposed legislation initiated by the executive branch of government and introduced by suspension of Council rules must still have a completed check sheet.
- D. All reviewing agents on the check sheet shall designate one employee in the department to track proposed legislation being routed by check sheet.

VIII. FISCAL NOTE FOR ITEMS WITH BUDGETARY IMPACT.

- A. The Code requires that every ordinance that affects the receipt, expenditure, or allocation of funds have a fiscal note prepared by the initiating department. A fiscal note form is attached and computer disk copies may be obtained from the Chief Administrative Office. The Assistant Chief Administrative Officer for Budget, Operations and Planning must receive a copy of the completed fiscal note before introduction of the ordinance in the Council.
- B. The Budget Office shall deliver copies of the fiscal note, approved by the Chief Administrative Office, to all Council members, the Clerk of Council, and the Council Fiscal officer during the layover period of the ordinance.
- C. By the Code, the Council shall not adopt legislation that requires a fiscal note without receiving the fiscal note from the Chief Administrative Office or waiving the requirement by a two-thirds vote of the Council.

IX. INQUIRIES.

Questions concerning procedures for submission of Council legislation should be directed to the Clerk of Council. Questions concerning format of legislation should be directed to the Law Department. Questions of a general nature should be referred to the Administrative Office.

Marlin N. Gusman
Chief Administrative Officer

MNG/LRF/itb

Attachments

INDEX OF ATTACHMENTS

ATTACHMENTS	DESCRIPTION
Sample 1	Format for adding a new section, article or chapter to the City Code.
Sample 2	Format for an amendment to a provision of the City Code.
Sample 3	Format for repealing sections, articles, chapters, or provisions of the City Code.
Sample 4	Format to add a new subject to the City Code.
Sample 5	General format for a motion.
Sample 6	General format for a resolution.
Number 7	Fiscal Note form
Number 8	Check Sheet