

TOTAL \$168,216

TO: ECONOMIC DEVELOPMENT TRUST FUND-GROUP XIII

MISCELLANEOUS PROGRAMS

Mayor's Office of Tourism, Arts, & Entertainment

1000-Personal Services \$168,216

TOTAL \$168,216

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS JUNE 06, 1996

JAMES M. SINGLETON

PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON JUNE 07, 1996

APPROVED: JUNE 10, 1996

MARC H. MORIAL

MAYOR

RETURNED BY THE MAYOR ON JUNE 18, 1996 AT 9:05 A.M.

EMMA J. WILLIAMS

CLERK OF COUNCIL

ROLL CALL VOTE

YEAS: CARTER, GLAPION, HAZEUR, SINGLETON, TERRELL, WILSON - 6

NAYS: 0

ABSENT: THOMAS (TEMPORARILY OUT OF CHAMBER) - 1

ORDINANCE

(AS AMENDED)

CITY OF NEW ORLEANS

CITY HALL: MAY 16, 1996

CALENDAR NO: 20,636

NO: 17611 MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS WILSON AND SINGLETON

AN ORDINANCE to amend the Code of the City of New Orleans by adding thereto a new subsection to be designated as Section 2-1000, Article XI. Regulations, relative to the promulgation of departmental regulations; to provide the process for the adoption of such regulation; and otherwise to provide with respect thereto.

WHEREAS, Section 4-107(3) (Power and Duties of Officers and Department Heads) of the City Charter requires the Mayor or each officer or department head, with the consent of the Mayor, to submit to the Council for its approval any regulations affecting the public and necessary to the functions of such office or department; and

WHEREAS, the Council is required to adopt an ordinance, prior to July 1, 1996, providing for public notice and comment on proposed regulations affecting the public; and

WHEREAS, said ordinance must also set forth an emergency regulations adoption procedure; now therefore

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That the Code of the City of New Orleans, Louisiana is hereby amended by adding a section to be numbered as Section 2-1000, Article XI. Regulations, which said section shall read as follows:

"Section 2-1000. Article XI. Regulations, Departmental regulations.

This section sets forth procedures for approval of regulations affecting the public and necessary to the functions of municipal entities.

A. Definitions.

(1) "Municipal entity" includes any city board, commission, department, officer, or other unit of city government, including but not limited to public benefit corporations, authorized by law or otherwise permitted to enact regulations.

(2) "Person" includes an individual, partnership, corporation, association, limited liability company, joint stock association, or organization but does not include any public entity of any kind.

(3) "Regulation" means each statement, guide, or requirement of conduct or action of a municipal entity, which affects the public and which has general applicability and the effect of implementing or interpreting substantive law or policy or which prescribes the procedure or practice requirements of a municipal entity but does not include:

(a) any statement concerning only the internal management or discipline of municipal entity;

(b) any intra-municipal entity memoranda;

(c) standards of administrative practice prescribed by the Chief Administrative Officer concerning only the internal management or discipline of the executive branch.

(d) rules of the Civil Service Commission; or

(e) Requirements otherwise meeting the definition of regulation as defined hereinabove that have been established by ordinance.

A regulation may be of general applicability even though it may not apply to the entire city, provided its form is general and it is capable of being applied to every member of an identifiable class. The term includes the amendment or repeal of an existing regulation.

(4) "Regulation making" means the process for adopting or promulgating, amending, or repealing a regulation.

B. An interested person may petition a municipal entity requesting the promulgation, amendment, or repeal of a regulation. The Chief Administrative Officer shall prescribe the form for petitions and the procedure for their submission, consideration, and disposition. Within sixty (60) days after submission of a petition, the municipal entity shall either deny the petition in writing, stating its reasons for the denial, or shall initiate the regulation making proceedings in accordance with this Section.

C. Any municipal entity proposing regulations shall arrange for public notice, consisting of at least one advertisement in the official journal indicating intent to adopt such regulations, and a public hearing to be held by the municipal entity to provide the opportunity for comments on the proposed regulations. The public notice shall provide the time, place, and date for the public hearing; a statement describing the subjects and issues involved; the general fiscal impact; and name, title and telephone number of the person to be contacted for additional information. The public hearing shall be scheduled no sooner than seventy-two (72) hours and no later than thirty (30) days after publication of the last public notice. Any and all comments and suggestions written or oral, made at or as a result of the aforesaid public hearing shall be considered by the municipal entity in formulating the version of proposed regulations to be submitted for consideration by the Council.

D. Within thirty (30) days after the aforesaid public hearing, each municipal entity shall submit to the Chief Administrative Officer and the Council the proposed regulations and a report detailing the comments and suggestions made at the municipal entity's public hearing, any other comments and suggestions received, the fiscal impact, and a draft resolution which, if adopted by the Council, would implement the regulations.

E. Coincidental with submission of any proposed regulations to the Council, the municipal entity shall make copies of same available upon its premises for review by members of the public and shall furnish a copy of same to the Main Library of the New Orleans Public Library for public review.

F. The Council shall then proceed to consider the proposed regulations by means of a resolution approving or disapproving same.

G. Effective date of regulations. In accordance with Section 4-107(3)(d) of the Home Rule Charter, in the event the Council adopts the resolution approving the proposed regulation, they shall become effective and shall become legally enforceable at 12:01 a.m. on the twenty-second day beginning on the day following approval by the Council unless a later date is

required by statute or specified in the regulation. If a later date is required, the later date shall be the effective date and shall become the date on which the regulation becomes legally enforceable. If the Council neither approves nor disapproves regulations submitted to it within forty-five (45) days of submittal, the regulations shall become legally effective at 12:01 a.m. on the day following expiration of such forty-five day period.

H. Pursuant to Section 4-107 (3)(c) of the Home Rule Charter, every regulation shall be published once in the official journal or in a register approved by the Council in accordance with Section 3-122 of the Home Rule Charter unless deemed too lengthy for publication by the municipal entity, which shall in such case publish a summary of its contents and notice of its availability to the public.

I. Pursuant to Section 4-107(3)(d) of the Home Rule Charter, all regulations heretofore adopted by the City of New Orleans are hereby ratified and continued in existence until modified in accordance with the procedures established in this Section.

J. Emergency Adoption Procedure.

(1) If a municipal entity finds that an imminent peril to public health, safety or welfare requires immediate implementation of new or amended regulations and the municipal entity determines that there is not sufficient time to complete the procedures set forth hereinabove, the municipal entity may immediately promulgate in writing and implement such emergency regulations, and they shall become effective immediately upon their promulgation or at a specified date not more than 30 days thereafter.

(2) Within twenty-four (24) hours of promulgation of the emergency regulations, the municipal entity shall provide a written report to the Chief Administrative Officer and the City Council, detailing the emergency regulations in their entirety; the reasons why immediate implementation is necessary in order to avoid imminent peril to the public health, safety or welfare; the date upon which the emergency regulations will expire, not to exceed ninety (90) days; and the general fiscal impact of the emergency regulations. If not so submitted within 24 hours, the emergency regulations shall become null and void immediately.

(3) In order to invalidate emergency regulations implemented by a municipal entity prior to the end of the ninety (90) days period, the Council may adopt a resolution nullifying the emergency regulations or the Chief Administrative Officer may issue a written directive nullifying the emergency regulations.

The emergency regulations shall become invalid and null at noon the day following:

- (a) Council action nullifying the emergency regulations; or
- (b) The date of the Chief Administrative Officer's directive.

(4) Emergency regulations may be renewed by the municipal entity once for a period not exceeding an additional ninety (90) days provided that the municipal entity has initiated permanent non-emergency regulation making within 60 days following emergency promulgation and provided that the municipal entity notifies the Chief Administrative Officer and the City

Council in writing of the need to renew at least ten (10) days prior to the end of the initial ninety (90) day period.

(5) In the event the Council disapproves a resolution seeking to implement permanently the emergency regulations during either the initial ninety (90) day period or the ninety (90) day renewal period, the emergency regulations shall become invalid and ineffective at noon on the day following such Council action.

(6) The municipal entity shall maintain upon its premises for public review copies of such emergency regulations and shall furnish a copy of same to the Main Library of the New Orleans Public Library for public review.

K. Any amendments to this ordinance governing promulgation of regulations may only be approved by two-thirds vote of the entire membership of the Council pursuant to Section 4-107(3)(d) of the Home Rule Charter."

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS JUNE 20, 1996

JAMES M. SINGLETON

PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON JUNE 21, 1996

APPROVED: JUNE 28, 1996

MARC H. MORIAL

MAYOR

RETURNED BY THE MAYOR ON JULY 01, 1996 AT 2:55 P.M.

EMMA J. WILLIAMS

CLERK OF COUNCIL

YEAS: Carter, Glapion, Hazeur, Singleton, Terrell, Thomas, Wilson - 7

NAYS: 0

ABSENT: 0

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: MAY 16, 1996

CALENDAR NO: 20,660

NO: 17612 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER SINGLETON