

ORDINANCE

(AS AMENDED)

CITY OF NEW ORLEANS

CITY HALL: October 15, 2015

CALENDAR NO. 31,019

NO. 26691 MAYOR COUNCIL SERIES

**BY: COUNCILMEMBER BROSSETT, WILLIAMS, HEAD, GUIDRY, CANTRELL,
RAMSEY AND GRAY**

AN ORDINANCE calling an election for November 8, 2016, at which shall be submitted to the electors of the City of New Orleans a certain proposal to amend Article IX, Chapter 4 of the Home Rule Charter of the City of New Orleans by amending Sections 9-401 and 9-402 and enacting new Sections 9-403, 9-404 and 9-405 all in order to provide for the proper apportionment of dedicated funding among the Office of Inspector General, Office of Independent Police Monitor, and Ethics Review Board; to provide for operational and financial independence of the Office of Independent Police Monitor; to establish independent external evaluation procedures for the Office of Inspector General, Office of Independent Police Monitor, and Ethics Review Board; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY

ORDAINS, That an election is hereby called, in conformity with Section 9-202 of the Home Rule Charter of the City of New Orleans and Article VI, Section 4 of the Louisiana Constitution of 1974, at which election there shall be submitted to the qualified electors of the City of New Orleans, for their approval or rejection, a proposal to amend Article IX, Chapter 4 of the Home Rule Charter of the City of New Orleans by adding certain new Sections and by amending or

8 **Section 9-401. Office of Inspector General.**

9 (1) The Council shall by ordinance create an Office of Inspector General (OIG) and
10 otherwise provide with respect thereto.

11 (2) The OIG shall provide for a full-time program of investigation, audit, inspections, and
12 performance review to provide increased accountability and oversight of entities of city
13 government or entities receiving funds through the city, and to assist in improving agency
14 operations and deterring and identifying, fraud, waste, abuse, and illegal acts. The OIG is
15 specifically authorized to conduct audits of City entities.

16 (3) The OIG may retain special counsel notwithstanding the provisions of Section 4-403 of
17 this Charter.

18 **Section 9-402. Ethics Review Board.**

19 (1) The Council shall by ordinance establish an Ethics Review Board and shall authorize it to
20 enforce the provisions of the Code of Ethics. Six members of the Board, all of whom are
21 domiciled in and electors of the City, shall be appointed by the Mayor from lists of three
22 nominees each submitted by the presidents or chancellors of the public and private
23 universities located within the City of New Orleans, and one additional member shall be
24 appointed by the Mayor, all appointments subject to approval by a majority of the
25 members of the City Council. No member of the Ethics Review Board may hold any
26 elective or appointed position with the city nor any other government or political party
27 office. A vacancy on the Board shall be filled in the same manner as the original
28 appointment. A member of the Board may be removed by the Mayor only for cause in
29 accordance with the procedures established in Section 9-104 of the Charter and by the

30 council in accordance with the procedures and for the reasons established in Section 3-
31 125 of this Charter. The City Council shall authorize the Ethics Review Board to
32 establish additional recommendations for the Code of Ethics, to issue advisory opinions,
33 to promulgate rules regarding the interpretation and enforcement of the Code of Ethics, to
34 refer cases for investigation on referral or complaint, to retain counsel, and to impose
35 fines.

36 (2) The City Council, upon recommendation from the Ethics Review Board, shall by
37 ordinance establish ethical rules governing the conduct of City employees, elected
38 officials, contractors, and other persons who are the recipients of public funds, who are
39 engaged in the performance of a governmental function, or who are in a position to
40 influence the conduct of City employees or officials. The Code of Ethics shall incorporate
41 by reference and adopt the provisions of the Louisiana Code of Governmental Ethics and
42 shall provide for such other, more stringent provisions as the Council may deem
43 appropriate. The Code of Ethics shall prohibit the Ethics Review Board from hearing any
44 alleged violation that constitutes a violation of the State Code of Governmental Ethics if
45 the Ethics Review Board ascertains that the entity designated by the State to enforce said
46 State Code has considered or is considering the alleged violation.

47 (3) Once adopted, the ordinances referenced in this section may be amended only by an
48 ordinance receiving a two-thirds favorable vote of the entire membership of the Council.

49 **Section 9-403. Office of Independent Police Monitor.**

50 (1) The Council shall by ordinance create an Office of Independent Police Monitor (OIPM)
51 and otherwise provide with respect thereto.

52 (2) The OIPM shall monitor the New Orleans Police Department, particularly in the areas of:
53 civilian and internally-generated complaints, internal investigations, discipline, uses of
54 force, critical incidents and in-custody deaths. The Office of Independent Police Monitor
55 shall also review and analyze the numbers and types of complaints; assess the quality and
56 timeliness of New Orleans Police Department investigations; review the adequacy of data
57 collection and analysis; review the New Orleans Police Department Public Integrity
58 Bureau's policies, procedures, and resource needs; conduct risk management reviews;
59 review the operations and effectiveness of New Orleans Police Department "early
60 warning system"; review specific issues regarding supervision, training, and discipline;
61 and conduct relevant pattern analysis.

62 (3) The OIPM may retain special counsel notwithstanding the provisions of Section 4-403 of
63 this Charter.

64 **Section 9-404. Shared Funding.**

65 The OIG, the Ethics Review Board, and the Office of the Independent Police Monitor
66 shall receive an annual appropriation from the Council in an amount not less than 0.75%
67 (three-quarters of one percent) of the General Fund operating budget, adopted pursuant
68 to Section 3-115(2), which individual appropriation may not be vetoed by the Mayor,
69 notwithstanding the Mayor's authority pursuant to Section 3-113(4) to disapprove or
70 reduce any item or items of appropriation, and also notwithstanding the Mayor's
71 authority pursuant to Section 3-113(2) to disapprove any ordinance in its entirety. The
72 Council may by ordinance, adopted by unanimous vote of a quorum, provide for
73 deviation from this percentage in cases of natural disaster or other extreme

74 circumstances. Of the budget percentage specified in this paragraph, .04% shall be
75 allocated for the operation of the Ethics Review Board and .16% shall be allocated for
76 the operation of the Office of Independent Police Monitor. The local ethics entities may
77 by memorandum of understanding reallocate these funds between or among themselves
78 as they deem adequate to implement their functions efficiently and effectively.

79 **Section 9-405. Independent External Evaluation.**

80 The Council shall by ordinance establish independent external evaluation procedures that
81 provide separately for review of the operations and performance of the Office of Inspector
82 General, Office of Independent Police Monitor, and Ethics Review Board. The evaluation reports
83 shall be filed with the Clerk of the Council and the City Attorney and shall be public records.”

84 **SECTION 5.** That all officials of the State of Louisiana and City of New Orleans who
85 are charged with the execution of laws and the discharge of duties relative to said election are
86 directed to perform the duties required of them by such laws with regard to said election.

1 **SECTION 6.** That the Council and other municipal and parochial officers shall by
2 proper proceedings provide:

- 3 a) for the taking of all necessary steps for the holding and conducting of said election;
- 4 and
- 5 b) for the supplying of voting machines and furnishing of the official absentee ballots,
- 6 tally sheets, and other necessary election supplies; and
- 7 c) for the selection and publishing of the location of the respective polling places; and
- 8 d) for the issuance of any proclamation and the giving of all notices concerning said
- 9 election as may be necessary; and

10 e) for the taking of all proper and necessary steps to cause the election to be held, the
11 votes compiled, and the results promulgated, as provided by existing laws and the
12 Charter of the City of New Orleans.

13 **SECTION 7.** That the Mayor of the City of New Orleans is hereby authorized
14 and empowered to issue any proclamation and to give all notices concerning said election as may
15 be necessary, and to take all steps necessary and proper to cause said election to be held as herein
16 ordered.

17 Notices of said election in substantially the form attached hereto as “Appendix “A” and
18 incorporated herein by reference as if the same were set forth herein in full, shall be published in
19 the official journal of the City of New Orleans once a week for four consecutive weeks, with the
20 first publication being not less than 45 days, nor more than 90 days prior to the date of the
21 election; said notice to state that the Council of the City of New Orleans shall in open session, at
22 10:00 a.m., in the Council Chamber at its next regular meeting on November 17, 2016 following
23 receipt of the returns, proceed to examine and canvass the returns and declare the results of said
24 election.

1 **SECTION 8.** That the Clerk of Council shall promptly cause this ordinance, which is
2 adopted pursuant to Section 9-201, et seq. of the Home Rule Charter of the City of New Orleans,
3 to be published at length in the official journal of the City of New Orleans the number of times
4 required by law and not less than sixty (60) days prior to said election.

1 **SECTION 9.** That should more than one proposition be voted on at the same time, then
2 in that event, this and all such other proposals shall be consecutively identified on the ballot so
3 that each proposal may be separately voted on.

1 **SECTION 10.** That immediately upon the completion of the canvass of the returns of
2 the election at which the aforesaid proposition has been submitted to the duly qualified electors
3 of the City of New Orleans, the Council of the City of New Orleans shall make an order
4 declaring the result of the election upon the proposition and shall show the total number of votes
5 cast upon the proposition and the number of votes cast respectively for and against the
6 proposition. If a majority of votes cast are in favor of the proposition, the effectiveness of the
7 amendments to the Home Rule Charter shall be January 1, 2017.

1 **SECTION 11.** That if the proposition is approved by a majority of the electors of the
2 City voting thereon, the City Attorney is hereby authorized and directed to file authenticated
3 copies thereof in the offices of the Recorder of Mortgages for the Parish of Orleans, the
4 Secretary of State, and any other office required by law within thirty (30) days after said election.

1 **SECTION 12.** That immediately upon this ordinance becoming law, the Council Clerk
2 and the City Attorney shall forthwith transmit certified copies thereof to the Director of the
3 Louisiana Bond Commission.

1 **SECTION 13.** That immediately upon this ordinance becoming law, the Clerk of
2 Council be and she is hereby empowered, authorized and directed to forward certified copies of
3 this ordinance to the Secretary of State, the Commissioner of Elections, the Clerk of Criminal
4 Court and Ex-Officio Custodian of Voting Machines in and for the Parish of Orleans, Louisiana,
5 the Clerk of Civil District Court for the Parish of Orleans, and Registrar of Voters in and for said

6 parish, and such other officials as the Council may desire, as notification of the special election
7 herein called in order that each may prepare for said election and perform respective functions as
8 required by law.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS NOVEMBER 19, 2015

JASON ROGERS WILLIAMS
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON NOVEMBER 20, 2015

APPROVED:
DISAPPROVED: NOVEMBER 24, 2015

MITCHELL J. LANDRIEU
MAYOR

RETURNED BY THE MAYOR ON NOVEMBER 25, 2015 AT 9:15 A.M.

LORA W. JOHNSON
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Brossett, Cantrell, Gray, Guidry, Head, Ramsey, Williams - 7

NAYS: 0

ABSENT: 0

G:\DoCS\NICOLE\As Corrected\31019.doc

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL

Appendix “A”

(AS AMENDED)

Notice of Election

City Hall

New Orleans, Louisiana

Pursuant to the provisions of Ordinance Calendar No. _____ adopted by the Council of the City of New Orleans, Louisiana, the governing authority of the City of New Orleans, Louisiana (“the City”) on _____, 2015, **NOTICE IS HEREBY GIVEN** that a Special Election shall be held in the City of New Orleans on November 8, 2016 between the hours of six o’clock (6:00) A.M. and eight o’clock (8:00) P.M. and that at said election there will be submitted to all registered voters of the City qualified and entitled to vote at said election and under Constitution and laws of the State of Louisiana and the Constitution of the United States, the following proposition:

PROPOSITION

City Charter Amendment – Financial and Operational Independence of the Office of Inspector General, Office of Independent Police Monitor, and Ethics Review Board

Shall Sections 9-401 and 9-402 of the Home Rule Charter of the City of New Orleans be amended and new Sections 9-403, 9-404 and 9-405 be enacted relative to the financial and operational independence of the Office of Inspector General, Office of Independent Police Monitor, and Ethics Review Board, effective January 1, 2017: (1) to apportion funding among the three local ethics entities; (2) to establish each such local ethics entity as financially and operationally independent; and (3) to provide for annual independent external evaluation procedures for each such entity?

The special election shall be held on the said date at the several polling places and precincts throughout the City of New Orleans as shall be designated by due authority and public notice thereof will be given. The special election will be held in accordance with the applicable provisions of the Louisiana Election Code (title 18 of Louisiana Revised Statutes) and other constitutional and statutory authority, and the officers appointed to hold the said election, as provided in this Notice of Special Election, or such substitutes thereof as may be selected and designated in compliance with Section 1287 of Title 18 of the Louisiana Revised Statutes will make due returns thereof to the Council of the City of New Orleans, and notice is hereby given that the Council shall meet at 10:00 A.M. at its regular meeting of November 17, 2016 in the Council Chamber of the City of New Orleans, 1300 Perdido Street, New Orleans, Louisiana, following receipt of the returns, and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the special election. All registered voters in the City are entitles to vote at said special election and voting machines will be used thereat.