

ORDINANCE
CITY OF NEW ORLEANS

CITY HALL: May 8, 2025

CALENDAR NO. 35,117

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS MORRELL, MORENO, HARRIS AND KING

AN ORDINANCE to amend Ordinance No. 30,140 M.C.S., as amended, entitled “An Ordinance providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2025” to subdivide the “Other Operating” fund allocation for the Department of Sanitation, to de-appropriate monies from certain sub-divided categories, and otherwise to provide with respect thereto.

WHEREAS, the New Orleans Home Rule Charter governs the adoption of the City operating budget and vests the Council with broad control over appropriations; and

WHEREAS, Section 3-115(2) of the Charter states that the Council shall adopt the annual operating budget ordinance in the form submitted by the Mayor and in accordance with Section 6-201(2)(b) of Charter, but may increase, decrease, or delete any item of appropriation recommended by the Mayor; and

WHEREAS, Section 3-115(2) of the Charter further provides that the Council, with the concurrence of two-thirds of its members, may add new items of appropriation or subdivide items of appropriation, provided, however, that all appropriations for personal services shall be made only in lump sum amounts and not by specific positions or rates of pay, except as otherwise provided by applicable law; and

WHEREAS, amendments to the annual operating budget ordinance shall be considered and approved by the Council under the same procedures prescribed for its original adoption; and

WHEREAS, all city contracts contain a provision providing for automatic termination by operation of law, without notice, in the event of non-appropriation of funds sufficient to maintain the agreement without liability to the city beyond those amounts appropriated and encumbered; and

WHEREAS, the Council harbors deep concerns about the adequacy and fairness of the procurement for the professional services contracts in Sanitation Service Area 5 (French Quarter and Downtown Development District), as well as the substantive terms providing (in contravention of CAO Policy) for a five-year term without the possibility of termination without cause; and

WHEREAS, the Council desires to use its plenary budgetary authority to establish funding sub-categories, the express purpose of which is to defund professional services contracts in Sanitation Service Area 5 and thereby terminate any existing agreement; **NOW THEREFORE**

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Ordinance No. 30,140 M.C.S., as amended, be amended and re-ordained to delete the “200-Other Operating” appropriation to the Department of Sanitation (lines 62) and to substitute the following in its place:

“DEPARTMENT OF SANITATION

* * *

200 – Other Operating

200(A) General other operating expenses (including professional services agreements other than for Sanitation Area 5)	\$71,242,723
200(B) Professional service agreements for Sanitation Area 5	\$0”

1 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**
2 **ORDAINS**, That is the intent of this Ordinance, consistent with the Council's authority to
3 subdivide appropriations and to reduce appropriations, to make an express and un-ambiguous de-
4 appropriation of city funds available for professional services agreements in Sanitation Area 5.
5 Any previous appropriation or encumbrance inconsistent with this intent is revoked. The use or re-
6 dedication of funding from departments other than the Department of Sanitation, or from other
7 funding groups within the Department of Sanitation, to pay for professional services agreements
8 for Sanitation Area 5 shall be prohibited.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

RETURNED BY THE MAYOR ON _____ **AT** _____

ASSISTANT CLERK OF COUNCIL

ROLL CALL VOTE:
YEAS:
NAYS:
ABSENT:
RECUSED: