

14 (a) It shall be unlawful for the mayor, the president of the city council, or any designee of
15 either the mayor or the president, to execute a contract or cooperative endeavor agreement
16 with any person, corporation, or entity which owes delinquent taxes to the city. Prior to the
17 execution of any contract or cooperative endeavor agreement, the director of finance shall
18 review such agreement and shall attest by signature on a form to be provided by the chief
19 administrative officer that the person or entity with whom the agreement is to be executed
20 is not delinquent in any taxes owed to the city. No payment shall be made under any
21 contract or cooperative endeavor agreement if the recipient owes delinquent taxes to the
22 city.

23 (b) It shall be unlawful for the city or any agent thereof to award any grant to a recipient which
24 owes delinquent taxes to the city. Prior to final approval of any grant award, the agency
25 administering the grant(s) shall obtain assurances that the recipient is current on all taxes
26 owed to the city. No payment shall be made under any grant if the recipient owes delinquent
27 taxes to the city.

28 (c) It shall be unlawful for the mayor, the president of the city council, or any designee of
29 either the mayor or the president, to execute a contract or cooperative endeavor agreement
30 with, or award any grant to, any person, corporation, or entity, whose principal(s),
31 member(s) and/or officer(s) have within the preceding five years been convicted of, or pled
32 guilty to, a felony under state or federal statutes for embezzlement, theft of public funds,
33 bribery, falsification or destruction of public records. All contracts, cooperative endeavor
34 agreements and grant agreements shall contain a sworn statement and requirement that the
35 person or entity responsible for performing the contract, cooperative endeavor or grant, or
36 providing the service provided for therein, is compliant with the provisions of this section.

37 (d) In addition to the prohibition provided in subsection (c), it shall also be unlawful for the
38 mayor, the president of the city council, or any designee of either the mayor or the president
39 to execute a contract or cooperative endeavor agreement with, or award any grant to, any
40 person, corporation, or entity that fails to indicate compliance with the hiring practices
41 provided in section 2-13(a)—(f) of this Code, or provide written reasons why deviation
42 from section 2-13(a)—(f) is necessary. All contracts, cooperative endeavor agreements,
43 and grant agreements shall provide a sworn statement relative to the requirement that the
44 person, corporation, or entity responsible for executing the contract or agreement, or
45 providing the service provided for therein, is compliant with the provisions of this
46 subsection. No payment shall be made under any new or renewal contract, cooperative
47 endeavor agreement, or grant unless the recipient is compliant with this subsection. This
48 subsection shall apply to any agreements executed on or after March 1, 2019. This
49 subsection shall not apply to any agreements executed before March 1, 2019. The
50 provisions of this subsection shall not apply to the New Orleans Police Department, New
51 Orleans Fire Department, New Orleans Aviation Board, the New Orleans Office of
52 Homeland Security and Emergency Preparedness, or the Youth Study Center (Department
53 of Human Services).

54 (e) If a contract is awarded and is found to be in violation of this section, said contract shall be
55 voidable.

56 (f) The chief administrative office shall produce a report annually of all city contracts,
57 cooperative endeavor agreements, and grants executed or renewed from the previous year
58 confirming that they are in compliance with this section. This report must be submitted

16 (c) The rest break required by this section shall be in an area protected from direct sunlight
17 and shall be deemed to constitute part of the employee's paid duties.

18 (d) Deviations from this requirement may be allowed in circumstances involving an
19 emergency or critical event where strict compliance with this requirement is not
20 practicable or would compromise the city's ability to respond to the situation. In such
21 circumstances, the appointing authority shall nevertheless take available steps to ensure
22 that personnel are provided reasonable relief from extreme heat."

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:

ENGROSSED VERSION:

In accordance with City Code Sec. 2-812, the following engrossed version shows how the proposed law modifies the Code. Additions are **underlined**. Deletions are shown as ~~strikethroughs~~.

“Chapter 2 – ADMINISTRATION

ARTICLE I. – IN GENERAL

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Sec. 2-8 – Contracts, cooperative endeavor agreements, and grants ~~not to be awarded to parties owing delinquent taxes to the city who have a felony conviction, or who fail to comply with section 2-13(a)–(f).~~

Except with regards to (i) donations to the city; (ii) immovable property transactions which are conducted at public auction, not including leases of property; (iii) agreements with federal or state governmental entities and/or the various agencies/political subdivisions thereof; (iv) legal claims resolutions; or (v) contracts to satisfy emergency needs during a declared state of emergency, the provisions of this section shall apply to city contracts, professional services agreements, cooperative endeavor agreements and grants.

(a) It shall be unlawful for the mayor, the president of the city council, or any designee of either the mayor or the president, to execute a contract or cooperative endeavor agreement with any person, corporation, or entity which owes delinquent taxes to the city. Prior to the execution of any contract or cooperative endeavor agreement, the director of finance shall review such agreement and shall attest by signature on a form to be provided by the chief administrative officer that the person or entity with whom the agreement is to be executed is not delinquent in any taxes owed to the city. No payment shall be made under any contract or cooperative endeavor agreement if the recipient owes delinquent taxes to the city.

(b) It shall be unlawful for the city or any agent thereof to award any grant to a recipient which owes delinquent taxes to the city. Prior to final approval of any grant award, the agency administering the grant(s) shall obtain assurances that the recipient is current on all taxes owed to the city. No payment shall be made under any grant if the recipient owes delinquent taxes to the city.

(c) It shall be unlawful for the mayor, the president of the city council, or any designee of either the mayor or the president, to execute a contract or cooperative endeavor agreement with, or award any grant to, any person, corporation, or entity, whose principal(s), member(s) and/or officer(s) have within the preceding five years been convicted of, or pled guilty to, a felony under state or federal statutes for embezzlement, theft of public funds, bribery, falsification or

destruction of public records. All contracts, cooperative endeavor agreements and grant agreements shall contain a sworn statement and requirement that the person or entity responsible for performing the contract, cooperative endeavor or grant, or providing the service provided for therein, is compliant with the provisions of this section.

(d) In addition to the prohibition provided in subsection (c), it shall also be unlawful for the mayor, the president of the city council, or any designee of either the mayor or the president to execute a contract or cooperative endeavor agreement with, or award any grant to, any person, corporation, or entity that fails to indicate compliance with the hiring practices provided in section 2-13(a)—(f) of this Code, or provide written reasons why deviation from section 2-13(a)—(f) is necessary. All contracts, cooperative endeavor agreements, and grant agreements shall provide a sworn statement relative to the requirement that the person, corporation, or entity responsible for executing the contract or agreement, or providing the service provided for therein, is compliant with the provisions of this subsection. No payment shall be made under any new or renewal contract, cooperative endeavor agreement, or grant unless the recipient is compliant with this subsection. This subsection shall apply to any agreements executed on or after March 1, 2019. This subsection shall not apply to any agreements executed before March 1, 2019. The provisions of this subsection shall not apply to the New Orleans Police Department, New Orleans Fire Department, New Orleans Aviation Board, the New Orleans Office of Homeland Security and Emergency Preparedness, or the Youth Study Center (Department of Human Services).

(e) If a contract is awarded and is found to be in violation of this section, said contract shall be voidable.

(f) The chief administrative office shall produce a report annually of all city contracts, cooperative endeavor agreements, and grants executed or renewed from the previous year confirming that they are in compliance with this section. This report must be submitted annually by March 31 to the chair of the city council governmental affairs committee for review.

(g) **Every contractor, vendor, or supplier that is a party to a contract, professional services agreement, cooperative endeavor agreement, or grant agreement with the city shall protect its employees from the hazards of extreme heat with regular rest breaks in an area protected from direct sunlight. Such protection shall include at a minimum one 10-minute rest break, or one 15-minute rest break, for every two hours spent working outdoors or in an un-airconditioned work location, when the heat index measures 80-89 degrees Fahrenheit, or 90 degrees Fahrenheit or more, respectively.** ~~Exceptions. The provisions of this section shall not apply to:~~

~~(1) Donations to the city;~~

~~(2) Immovable property transactions which are conducted at public auction, not including leases of property;~~

- ~~(3) Agreements with federal or state governmental entities and/or the various agencies/political subdivisions thereof;~~
- ~~(4) Legal claims resolutions; or~~
- ~~(5) Contracts to satisfy emergency needs during a declared state of emergency.”~~

“Chapter 114 - PERSONNEL

ARTICLE I – IN GENERAL

* * *

Sec. 114-4. – Heat hazard protection.

A city employee’s appointing authority shall ensure a rest break to protect the employee from the hazards of extreme heat, in accordance with the following standards:

- (a) Every city employee shall receive one 10-minute rest break for every two hours spent working outdoors or in an un-airconditioned work location when the heat index measures 80 to 89 degrees Fahrenheit.**
- (b) Every city employee shall receive one 15-minute rest break for every two hours spent working outdoors or in an un-air-conditioned work location when the heat index measures 90 degrees Fahrenheit or more.**
- (c) The rest break required by this section shall be in an area protected from direct sunlight and shall be deemed to constitute part of the employee’s paid duties.**
- (d) Deviations from this requirement may be allowed in circumstances involving an emergency or critical event where strict compliance with this requirement is not practicable or would compromise the city’s ability to respond to the situation. In such circumstances, the appointing authority shall nevertheless take available steps to ensure that personnel are provided reasonable relief from extreme heat.”**