

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CIVIL ACTION NO.</b>
		<b>12-CV-01924</b>
<b>VERSUS</b>	<b>:</b>	<b>SECTION E</b>
		<b>JUDGE SUSIE MORGAN</b>
<b>CITY OF NEW ORLEANS</b>	<b>:</b>	<b>DIVISION 2</b>
		<b>MAGISTRATE WILKINSON</b>

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**MOTION FOR STAY PENDING APPEAL**

The Defendant, the City of New Orleans (“City”), moves this Honorable Court for an Order staying the implementation and enforcement of the Consent Decree entered by this Court on January 11, 2013. The City appealed the Court’s January 11, 2013 Order. Nonetheless, pursuant to this Court’s order, the City and the United States Department of Justice (“DOJ”) are participating in a process to select a Consent Decree Monitor, which Monitor will cost the City at least \$7 million. The City should not be forced to enter into such a costly contract while its appeal is pending. To allow otherwise would prejudice the City and cause the City irreparable injury.

Respectfully submitted,

/s/ Sharonda R. Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading has been served on all counsel of record through the Court's CM/ECF electronic filing system this 23<sup>rd</sup> day of May, 2013.

/s/ Sharonda R. Williams  
SHARONDA R. WILLIAMS

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA** : **ACTION NO.**  
 : **12-CV-01924**  
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 : **DIVISION 2**  
 : **MAGISTRATE WILKINSON**

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**MEMORANDUM IN SUPPORT OF MOTION TO STAY**  
**PENDING APPEAL**

The Defendant, the City of New Orleans (“City”), moves this Honorable Court for an order staying the implementation and enforcement of the Consent Decree entered by the Court on January 11, 2013. This Court denied the City’s first request to stay the implementation and enforcement of the proposed Consent Decree on February 8, 2013. *See* Rec. Doc. 179. Since the Court denied the City’s first Motion to Stay, the City has complied with the Court’s order to participate in the selection process for a Consent Decree Monitor. Now that the City and the United States Department of Justice (“DOJ”) have narrowed the list of twelve potential Monitor candidates to two, the City’s basis for a stay is even more acute. If a stay is not granted, the City will be required to enter into a multi-million dollar contract for a Consent Decree Monitor while the City’s financial exposure in *Jones v. Gusman* (the Orleans Parish Prison “OPP” litigation), which this Court has recognized is financially related to this case, is still uncertain.<sup>1</sup>

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<sup>1</sup> In its reasons for denying the City’s first Motion to Stay, the Court “express[ed] no opinion as to the likelihood of the City’s ultimate success on the Merits of its Motion to Vacate.” *See* Rec. Doc. 179 at footnote 25. The Court, however, noted that it “anticipated ruling... in a timely manner so that, in the event the motion is denied, the Parties will not be prevented from moving forward with selecting the Court Monitor and executing the professional services agreement with same.” *Id.*

The DOJ has refused to provide one penny for the Monitor in this matter. In fact, during the Monitor selection process, the DOJ filed a motion seeking to modify the Consent Decree Monitor selection process by precluding the City from negotiating “the cost of the monitoring” contract with the potential candidates. *See* Rec. Doc. 212. This blatant indifference to the City’s financial situation is astonishing in light of the DOJ’s awareness of the ongoing litigation in *Jones* and the City’s concern for meeting all its potential financial obligations.<sup>2</sup> Even more astonishing is the DOJ’s recent assertion that the “significant” costs of traveling from Washington, D.C. to New Orleans to participate in the Monitor selection committee meeting served as a basis for canceling the meeting. *See* Rec. Doc. 252-1. If nominal travel costs warrant the cancellation of a selection committee meeting, certainly executing a monitoring contract for a minimum of \$7.1 million dollars while the City’s obligation to fund the OPP consent decree remains undecided warrants a stay of these proceedings.

The City is re-urging its request for stay to prevent irreparable injury to the City and its residents. If the City is required to hire a Monitor while the City’s potential financial obligation in *Jones* is un-determined, the City will suffer irreparable injury. The financial impact to City departments will be devastating. The City could be required to furlough City employees for 30 days (including all NOPD officers), which would result in a 17.7% pay cut for all City employees; layoff almost 800 City employees (including 308 NOPD officers); cut 45% of the City’s operating budget, leaving most departments unable to function. *See* attached Exhibit “B,” Presentation at Emergency Budget Meeting. If this Court requires the City to enter into a multi-million dollar monitoring contract before the Fifth Circuit rules upon the City’s appeal, the City,

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<sup>2</sup> Recently, \$17.5 million judgment was rendered against the City in litigation related to the firefighters’ pension fund. *See* NOLA.com article dated 4/10/13 attached hereto as Exhibit “A”.

and indeed New Orleans residents, will be irreparably injured and effectively denied its appellate remedy.

**I. Procedural Background**

On January 11, 2013 a status conference was held in this matter. During that status conference, the City informed the Court that it would be forced to withdraw from the consent decree for numerous reasons. *See* Ralph Capitelli Affidavit, attached as Exhibit B to Rec. Doc. No. 202. On that same date, shortly after the parties left the status conference, the Court entered an Order and Reasons (“Order”) granting the motion for approval and entry of the Consent Decree. *See* Rec. Doc. 159. The Court ordered that the City file any motions seeking relief from its Order by January 31, 2013. *Id.* On January 31, 2013, the City filed a Motion to Vacate the Court's Order entering the Consent Decree. *See* Rec. Doc 167 and 175. On February 15, 2013 the DOJ filed an opposition to the City’s Motion to Vacate. *See* Rec. Doc. 184. The City then filed a reply memorandum on February 22, 2013 in further support of its Motion to Vacate the Entry of the Consent Decree. *See* Rec. Doc. 202. The Court ruled upon the City’s Motion to Vacate on the date of the filing of this Motion to Stay—more than three months after the Motion to Vacate was filed and fully briefed to the Court.

Conversely, this Court quickly denied the City’s first request for a stay of the January 11, 2013 Order approving the Consent Decree. *See* Rec. Doc. 179. On February 4, 2013, the City filed a motion to stay the implementation and enforcement of the Consent Decree, and the DOJ opposed the City’s motion on February 6, 2013. *See* Rec. Docs. 172 and 177. A mere two days later, on February 8, 2012, this Court denied the City’s motion to stay the implementation and enforcement of the Consent Decree, in spite of the City’s financial condition. *See* Rec. Doc. 179.

The City's first motion for stay was fully supported by the facts and circumstances. Now, in light of the upcoming May 31, 2013 final public meeting of the Consent Decree Monitor selection committee, the City's reasons for a stay are even stronger. The cost of the proposed OPP Consent Decree is the subject of hearings scheduled for June 10, 2013 and August 5, 2013. The City's potential funding obligation under the proposed OPP Consent Decree will not be determined until at least August 5, 2013. If the City is forced to execute a contract with an NOPD Consent Decree Monitor within a few months before that determination, the City will not be able to meet all those funding obligations while ensuring that critical City services continue to be provided to citizens. Indeed, in its Order and Reasons for Judgment denying the City's Motion to Vacate, this Court recognized that the "OPP Consent Decree is relevant to this case in a general sense because the City has finite resources."<sup>3</sup> The City will suffer irreparable injury if forced to proceed in this matter while the OPP Consent Decree is undecided, and the City's Motion to Stay should be granted.

## **II. Law**

Federal Rule of Appellate Procedure 8(a)(1)(A) requires a party to move in the district court for a stay of the judgment pending appeal prior to seeking such relief in the appellate court.<sup>4</sup> Federal Rule of Civil Procedure 62 allows the Court to stay the execution of a judgment, or any proceedings to enforce it, while an appeal is pending.<sup>5</sup> *See* FRCP 62. The City filed its

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<sup>3</sup> *See* Rec. Doc. No. 256, p. 26.

<sup>4</sup> The City filed its initial motion to stay pursuant to Rule 62(b) while its Motion to Vacate was pending. Now that the Court has ruled on the City's Motion to Vacate, the City re-urges its request for stay pursuant to FRAP 8(a)(1)(A).

<sup>5</sup> The basis underlying the City's Motion to Stay is the City's financial limitations. The City submits that it is not required to submit a bond to obtain a stay. Should the Court, however, determine otherwise, any alleged bond requirement should be waived. *See, e.g., Arban v. West Pub. Corp.*, 345 F.3d 390, 409 (6<sup>th</sup> Cir. 2003) (in absence of a bond, a court has the discretion to issue a stay).

appeal of this Court's January 11, 2013 Order approving and entering the proposed Consent Decree; accordingly, this Court has authority to stay enforcement of its January 11, 2013 Order. *See* Rec. Doc. 175. *See Nicol v. Gulf Fleet Supply Vessels, Inc.*, 743 F.2d 298, 299 n.2 (5<sup>th</sup> Cir. 1984).

In denying the City's first motion to stay, this Court considered Fifth Circuit case law to decide the City's first motion to stay. *See* Rec. Doc. 179 at pp. 5-6. In particular, the Court relied upon the factors set forth in *Moore v. Tangipahoa Parish Sch. Bd.*, 2013 WL 141791 at \*2 (5<sup>th</sup> Cir. Jan. 14, 2013): "'1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; 2) whether the applicant will be irreparably injured absent a stay; 3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and, 4) where the public interest lies.'" *Moore v. Tangipahoa Parish Sch. Bd.*, 2013 WL 141791 at \*2 (5<sup>th</sup> Cir. 2013) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)); *Nat'l Treasury Emp. Union v. Von Raab*, 808 F. 2d 1057, 1059 (5<sup>th</sup> Cir. 1987). Each of these factors is satisfied, and the Court should grant this Motion to Stay.<sup>6</sup> If the Court refuses to stay enforcement of its January 11, 2013 Order, the City will suffer irreparable injury, and the City will be deprived of any meaningful appellate review.

### **III. Argument**

From the outset, the City made it abundantly clear that its finances and budget are limited, and any funds required for both NOPD and OPP reforms under the proposed Consent Decrees would lead to cuts in other City departments. Time and again, the City requested

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<sup>6</sup> Although this Court denied the City's Motion to Vacate, the City has appealed the Court's January 11, 2013 Order. In denying the City's first request for stay, this Court declined to comment on likelihood of the City's ultimate success on the merits of the Motion to Vacate. Similarly, the City submits that the Court should not comment on the likelihood of the City's success on the appeal by finding that the first factor of the *Moore* test is not satisfied.

assistance with funding from the DOJ to implement the reforms. These requests fell on deaf ears. Although fully cognizant of the City's financial limitations, the DOJ did not provide its initial estimate of the OPP Consent Decree costs until after the purported NOPD Consent Decree was presented to the Court.<sup>7</sup> One month after the proposed NOPD Consent Decree was signed, the DOJ, for the first time, stated that it believed the City would be required to pay \$34.5 million dollars to fund the OPP consent decree.

In accordance with this Court's order, the City and the DOJ have engaged in a process to select a Consent Decree Monitor. In spite of the City's limited financial resources, the City has engaged in the Consent Decree Monitor selection process, and the parties have narrowed the list of potential candidates to two. Consistent with its pattern of indifference to the City's financial plight, the DOJ recently filed a motion arguing that the City should not be allowed to unilaterally negotiate the Monitor contract price. *See* Rec. Doc. 212. Such a position is incomprehensible in light of the price proposals submitted by the two candidates--\$7.1 million and \$8.9 million. *See* attached Exhibit "C". With full knowledge of the ongoing OPP litigation and its potential costs to the City, the DOJ expects the City to "pay the full freight" and not seek the best available price for the Monitor in this matter. Such a position is proof of the DOJ's cavalier attitude toward the City's financial dilemma. Staying this matter would, at the least, allow the City to manage potential funding obligations of multiple consent decrees and to prevent drastic consequences to City services.

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<sup>7</sup> This Court stated in its Reasons for denying the City's Motion to Vacate that the City was aware that Sheriff Marlin Gusman requested \$22.5 million prior to the signing of the proposed NOPD Consent Decree. It is important to note, however, that the DOJ—the party that has signed other consent decrees related to jail conditions and that was involved in the negotiation of both the NOPD and OPP consent decrees—did not provide its own estimate of the cost of the proposed OPP Consent Decree until after it signed the proposed NOPD Consent Decree. Further, the Sheriff's \$22.5 million request was unsupported by any data, and in fact, the Sheriff still maintains that he is not certain of the cost of the proposed OPP Consent Decree.



Further, denial of the City's Motion to Stay would arbitrarily deprive the City of any opportunity for meaningful appellate review. The City will be forced to enter into a multi-million dollar monitoring contract without the opportunity to obtain appellate review of the entry of the Consent Decree requiring those very contracts.

In *Felton v. Dillard Univ.*, 122 Fed. Appx. 726 (5th Cir. 2004) the Fifth Circuit considered attorney sanctions imposed by an Eastern District of Louisiana judge. The sanctions motion was taken under advisement, with no formal ruling issued, but the attorney was simultaneously directed by the Court to perform 100 hours of community service within 60 days. A motion to stay the order to perform the community service was denied by the trial court. After the community service was performed, the court dismissed the motion for sanctions. *Id.* at 727. The trial court's action, ordering that the community service be performed within 60 days while taking the actual sanctions motion under advisement, was vacated by the Fifth Circuit. The Fifth Circuit found two significant errors:

The judge erred in two significant ways. First, he effectively barred meaningful appellate review by withholding the formal disposition of the motion for sanctions until the community service (which is functionally irreversible) had been completed. Second, he made the question of whether sanctions should be imposed contingent upon whether those very sanctions had been completed.

*Id.* at 728.

Other courts have similarly held that a lower court erred when it refused to issue a ruling necessary to allow appellate review. For example, the Texas Court of Criminal Appeals considered a situation in which the trial court substantively ruled on the motions to suppress before it, but refused to issue findings of fact and conclusions of law, thereby precluding review. That court found that such action precluded effective appellate review and ordered the trial court

to issue the necessary findings of fact and conclusions of law. *State v. Cullen*, 195 S.W.3d 696 (Crim. App. Tex. 2006).

Similarly, in *EMC Mortgage Corp. v. Davis*, 26 P.3d 185 (2001), the plaintiff obtained a judgment for forcible entry and detainer of the premises at issue, which judgment was valid for 60 days subject to extension. The defendant appealed, and the trial court refused to exercise its discretion to extend the order so that the property would remain seized while the appeal could be heard. The Oregon Court of Appeals found that the trial court's action was an abuse of discretion. *Id.* at 188. The *EMC* court looked to one of its earlier decisions in which definitive trial court action acted to preclude appellate review. In *State v. Hewitt*, 985 P.2d 884 (Or. App. 1999), the state sought a postponement to seek appellate review of a significant issue of law, and rather than allow the postponement, the trial court simply dismissed the charges with prejudice. The appellate court held that the dismissal was an abuse of discretion. *Id.* at 888-89.

Further, there are numerous cases in which an incomplete record has prevented appellate review. These cases, with reversals for an incomplete record, serve to emphasize the importance of a trial court acting in a manner that allows for appellate review and comports with the notion that appellate review is a critical component of our judicial system. *See, e.g., Cockrham v. South Central Bell Telephone Co.*, 695 F.2d 143 (5th Cir. 1983) (missing trial transcript for last half of trial before magistrate judge required retrial of Title VII case as it precluded review); *Liptak v. United States*, 748 F.2d 154 (8th Cir. 1984) (absence of transcript of special master proceeding which precluded review in taxpayer challenge to delinquent taxes precluded appellate review.); *State v. Pinion*, 968 So.2d 131 (La. 2007) (reversal of murder conviction when bench conferences containing jury selection were largely inaudible.); *State v. Ladson*, 644 S.E.2d 271 (S.C. App. 2007) (burglary conviction reversed due to missing transcript.); *State v. Barber*, 391

S.W.3d 2 (Mo. App. 2012) (significant transcript omissions required reversal of witness tampering.).

The Supreme Court has considered the requirements of Due Process and civil appeals. Due Process does not require that a civil litigant get an appeal in all procedural contexts; "[w]hen an appeal is afforded, however, it cannot be granted to some litigants and capriciously or arbitrarily denied to others without violating the Equal Protection clause." *Lindsey v. Normet*, 405 U.S. 56, 77, 92 S.Ct. 862, 876 (1972). Denial of the City's Motion to Stay will effectively preclude appellate review for the City. Absent a stay, the City will be required to enter into a multi-million dollar contract for a Monitor. The Court should not impose significant financial burdens on the City before the City is allowed the opportunity to obtain its full appellate remedies.

#### **IV. Conclusion**

The uncertainty of the City's potential financial obligations warrants a stay of this matter. All residents would be affected by the cuts to basic City services should the City be required to fund this Consent Decree and provide additional funds to Sheriff Gusman. *See* attached Exhibit "B." Finally, without a stay of this Court's January 11, 2013 Order, the City would be deprived of any meaningful appellate opportunities.

WHEREFORE, for the reasons set forth herein, the City requests that this Court grant its renewed Motion for Stay of the Implementation and Enforcement of the Consent Decree.

Respectfully submitted,

/s/ Sharonda R. Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading has been served on all counsel of record through the Court's CM/ECF electronic filing system this 23<sup>rd</sup> day of May, 2013.

/s/ Sharonda R. Williams  
SHARONDA R. WILLIAMS



Everything New Orleans

## New Orleans ordered to pay firefighters \$17.5 million to cover pension obligations

[Bruce Egglar, NOLA.com | The Times-Picayune](#) By [Bruce Egglar, NOLA.com | The Times-Picayune](#)

on April 08, 2013 at 6:36 PM, updated April 09, 2013 at 4:19 PM

A Civil District Court judge has ordered the financially hard-pressed city to immediately pay New Orleans firefighters \$17.5 million to cover the city's 2012 obligations to the firefighters' pension fund. Judge Robin Giarrusso issued [the order](#) March 28, but it only became public Monday.

The city and firefighters have been battling in the courts for decades over how much the city owes in pension obligations and pay, with the firefighters generally emerging victorious.

Giarrusso's order comes as Mayor Mitch Landrieu already has said the city cannot afford to pay millions of dollars to carry out pending consent decrees mandating improvements to the New Orleans Police Department and the city jail.

Firefighters union head Nick Felton said he hopes the city will meet with his group and "work something out."

Landrieu spokesman Ryan Berni said Monday night that the city "is filing a motion for a new trial on the grounds that the ruling is contrary to the law and evidence." He said the firefighters pension fund "is threatening the city's budget and is costing the taxpayers too much" in part because it "is not properly managed and has made poor investment decisions."

Berni noted that the administration is proposing several bills this legislative session that would "make benefits more sustainable and match authority for decision-making with the responsibility for payment" by giving the city more authority over the fund.

Meanwhile, though, Giarrusso issued a "peremptory writ of mandamus" ordering the city to "immediately budget, appropriate and pay" \$17.5 million, plus interest, as the city's "actuarially required contribution" to the firefighters pension plan for 2012.

Louisiana state courts, unlike federal courts, normally cannot compel political jurisdictions to pay legal judgments, but Louis Robein, attorney for the firefighters pension fund, said Giarrusso's ruling makes clear that she believes the city can be compelled to comply with a clear legislative mandate to pay whatever sum is required to fund the system. Robein said, however, that any attempt to force the city to pay the money would probably have to wait while the city pursues its motion for a new trial.

Ex. A

The city offered a variety of arguments, both legal and financial, why it should not have to pay, but Giarrusso rejected them all. She said that under the law, the city has no choice but to pay the amount of money that the retirement plan's actuary determines each year is necessary to maintain the plan on a sound basis.

According to the judge's ruling, after the city failed to appropriate the required contribution in 2010, the retirement fund's secretary-treasurer, Richard Hampton, alerted Landrieu and Chief Administrative Officer Andy Kopplin to the "funding crisis" in October 2010. The city asked for "forbearance" in 2011 but "proceeded to knowingly continue deliberate underfunding" the firefighters fund while fully funding the retirement systems for other employees, the ruling says.

The city has long contended that the firefighters receive overly generous longevity raises and retirement benefits because of laws passed by the state Legislature. More recently, Landrieu has complained that unwise investment decisions by Hampton and the board of the firefighters plan have jeopardized the system's financial health.

However, Giarrusso ruled in effect that regardless of what the city thinks about the state laws or the system's investment policies, and despite the jarring effect on the city's overall budget, it cannot escape its legal obligations. Any further delay in paying what the city owes will "threaten the future viability of the fund," which at present is only 33 percent funded, she said.

The city's argument that the fund has \$175 million in assets and can therefore pay all the benefits currently due "ignores reality," the judge said, because the assets are being "cannibalized."

Giarrusso noted that in presenting the administration's proposed 2012 budget in November 2011, Kopplin told the New Orleans City Council that the city has no control over the firefighters' pension system "other than to write the check. The rules are set under state law."

Giarrusso agreed and ordered the city to pay up unless the Legislature changes the law.

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**CITY OF NEW ORLEANS.**

**Emergency Budget Meeting**

***March 28, 2013***

*EX. B*

## Agenda

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- **Cut Smart, Reorganize, & Invest**
- **Doing More With Less**
- **City is Investing More per City Inmate**
- **Impact of Sheriff Consent Decree**



# Landrieu administration budgeting practice is to cut smart, reorganize, and invest



- Eliminate services that are duplicative or better delivered through other agencies or private entities
- Combine, consolidate, and or streamline departments with similar or redundant services
- Increase funding in services that have effective service delivery but still don't meet citizen demands
- Reduce service level or eliminate service all together if citizen demand is low or nonexistent
- Develop or increase partnerships with public and or private entities to improve service delivery
- Fund projects that improve departmental effectiveness and efficiency
  - E.g., technology or business process improvement projects



## We've Cut Smart...

Cut Smart

Reorganize

Invest

- Citywide we continue to reduce the reliance on contractors for daily operations
  - Ended MWH contract saving \$11M
  - Saved a combined \$8.5M in 2011 and 2012 by renegotiating all sanitation hauling contracts and our landfill contract;
  - Saved \$2M on contracted staff augmentation IT services
  - Closed Xerox copy center saving \$100k in 2010 (\$400k annually)
- Replaced 75% of general fund for Capitol Projects with federal funding
- Transitioned delivery of primary and Dental Care to private sector, reducing health department by 48 employees
- Reduced fuel expenditures by eliminating take home cars
- Reduced debt service by refinancing
- Eliminated 16 boards or commissions
- Canceled over \$6M in housing contracts
- Shifted retirees from city health care to Medicare, saving \$5M per year
- Cut overtime expenditures from \$29.2M in 2009 to \$12.2M in 2011
- Eliminated Human Service Department management positions



## We've Reorganized...



- Created deputy mayor system
- Reorganized NOPD districts; doubled homicide unit; created COCO Sergeants
- Merged Environmental Health with Code Enforcement
- Revised policies to improve sanitation fee collections
- Created OPA and STAT programs
- Addressed retirement costs by increasing city and employee contributions and making cost-saving plan changes (NOMERS and Police)
- Consolidated management of Canal Street Development Corp, Rivergate, and Piazza D'Italia
- Transformed Customer Service by implementing NOLA 311 and One-Stop-Shop Permitting
- Reformed the Public Belt Railroad
- Created a public private partnership for NORDD
- Created a public private partnership for NOLA Business Alliance



## ...and we've Invested in priority areas



- Increased appropriations for Police, Fire, and EMS by 18%
- Increased investment in NOPD Consent Decree (\$7M in 2013)
- Increased staffing of real estate office to collect leases and sell assets
- NOPD – 16.1% increase from 2010 to 2013 (\$109.2M to \$126.8M)
- Invest in new Police Cars (\$5M) with FEMA funds
- Ramped up collections initiative by increasing staff
- NOFD – 16.8% increase from 2010 to 2013 (\$72.7M to \$84.9M)
- Continued investments in the Innovation Team has resulted in at least \$6M in captured value
- Invested in field agents for revenue department which led to increased revenue collections
- NOEMS – 49.4% increase from 2010 to 2013 (\$7.9M to \$11.8M)
- I.e., reduced costs or improved revenue
- Increased investments in ABO prosecution
- Fully funded Supplier Diversity initiative
- Hired more parking control officers and tow truck drivers

## Agenda

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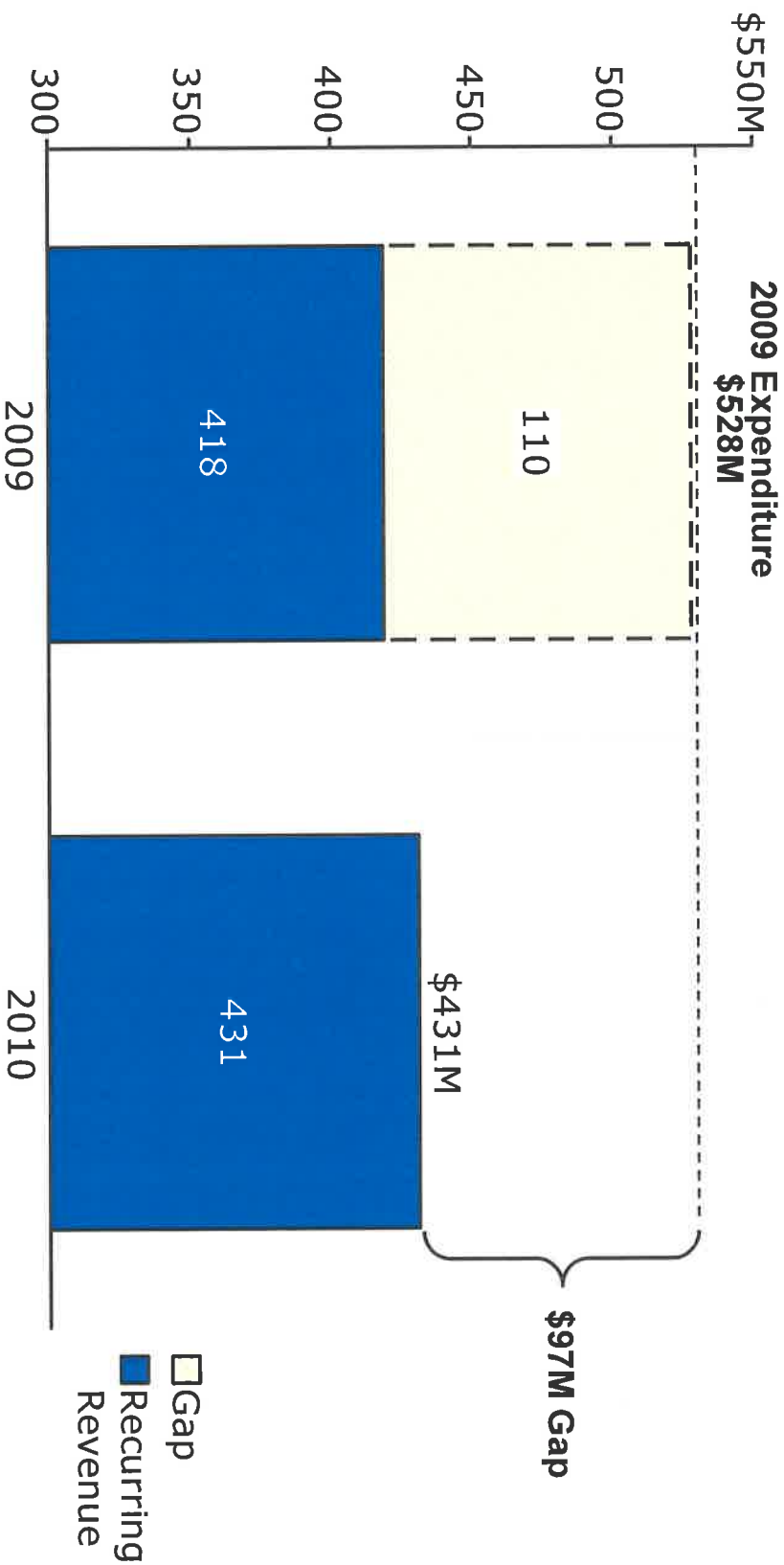


- **Cut Smart, Reorganize, & Invest**
- **Doing More With Less**
- **City is Investing More per City Inmate**
- **Impact of Sheriff Consent Decree**

# The Landrieu Administration addressed an inherited \$97M spending gap



## Budget Comparison

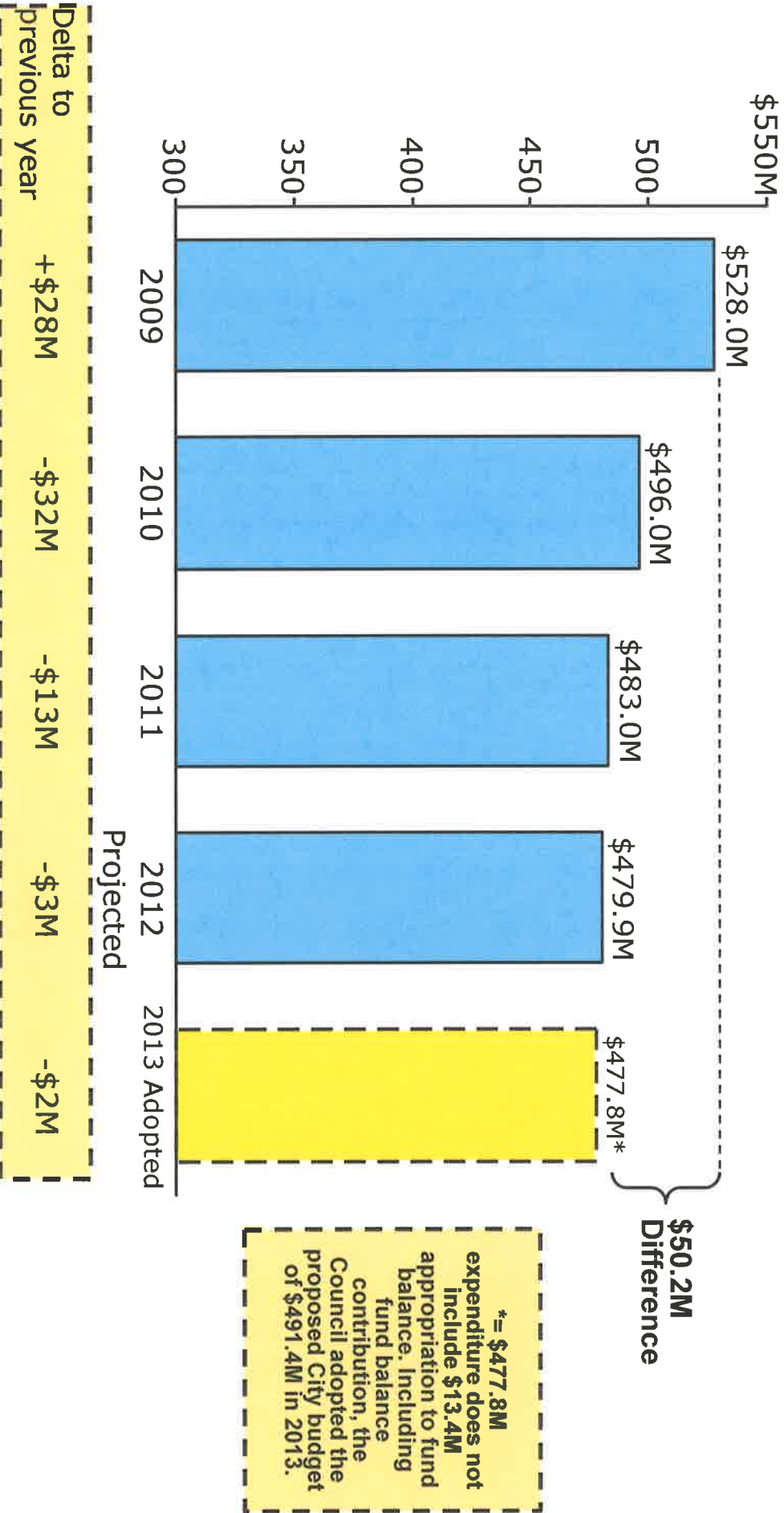


*Note: One-time revenue sources not included in chart*



# First step to eliminating gap was to reverse the spending trend

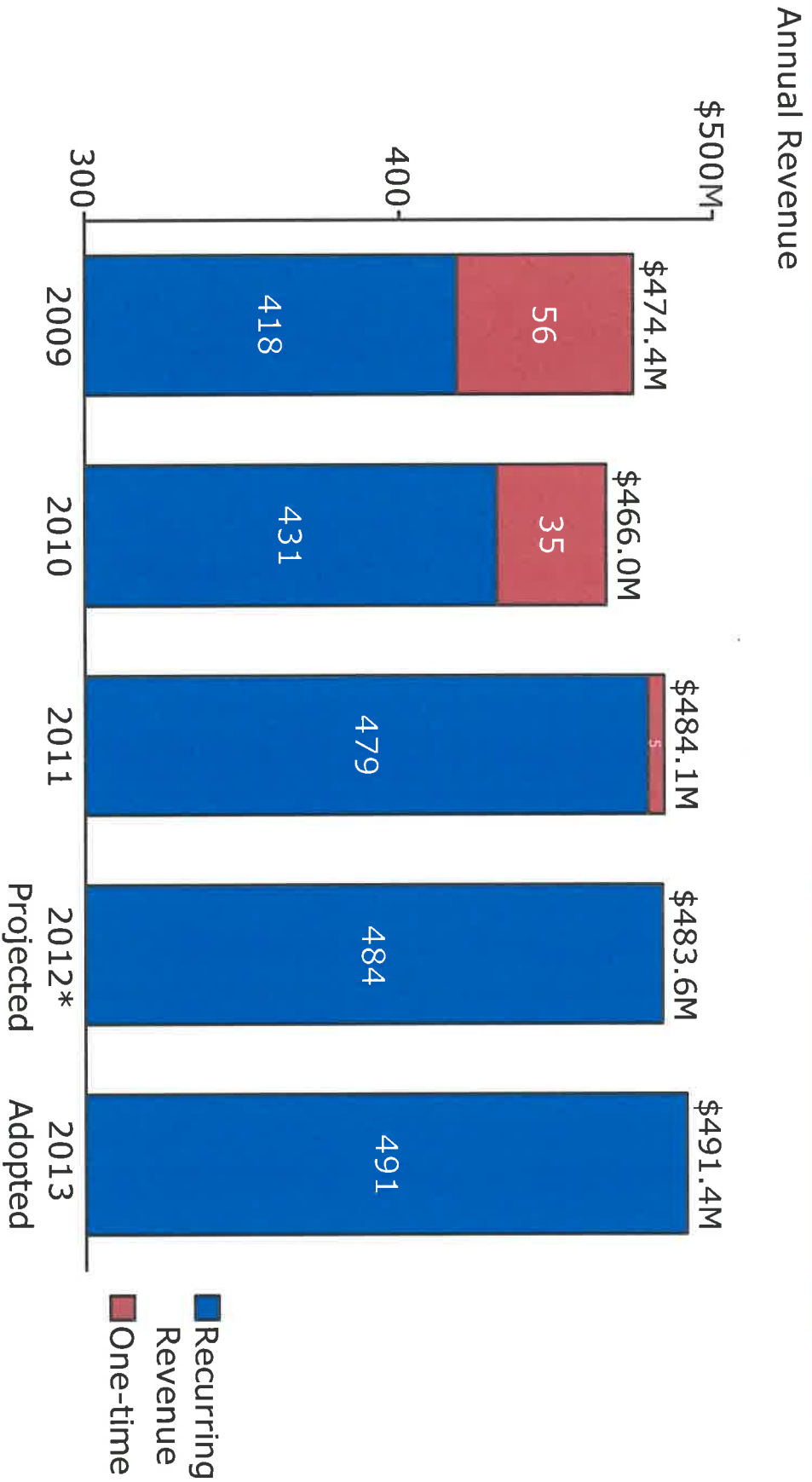
Annual Expenses







## Second step was to reduce the reliance on one-time monies to balance the budget

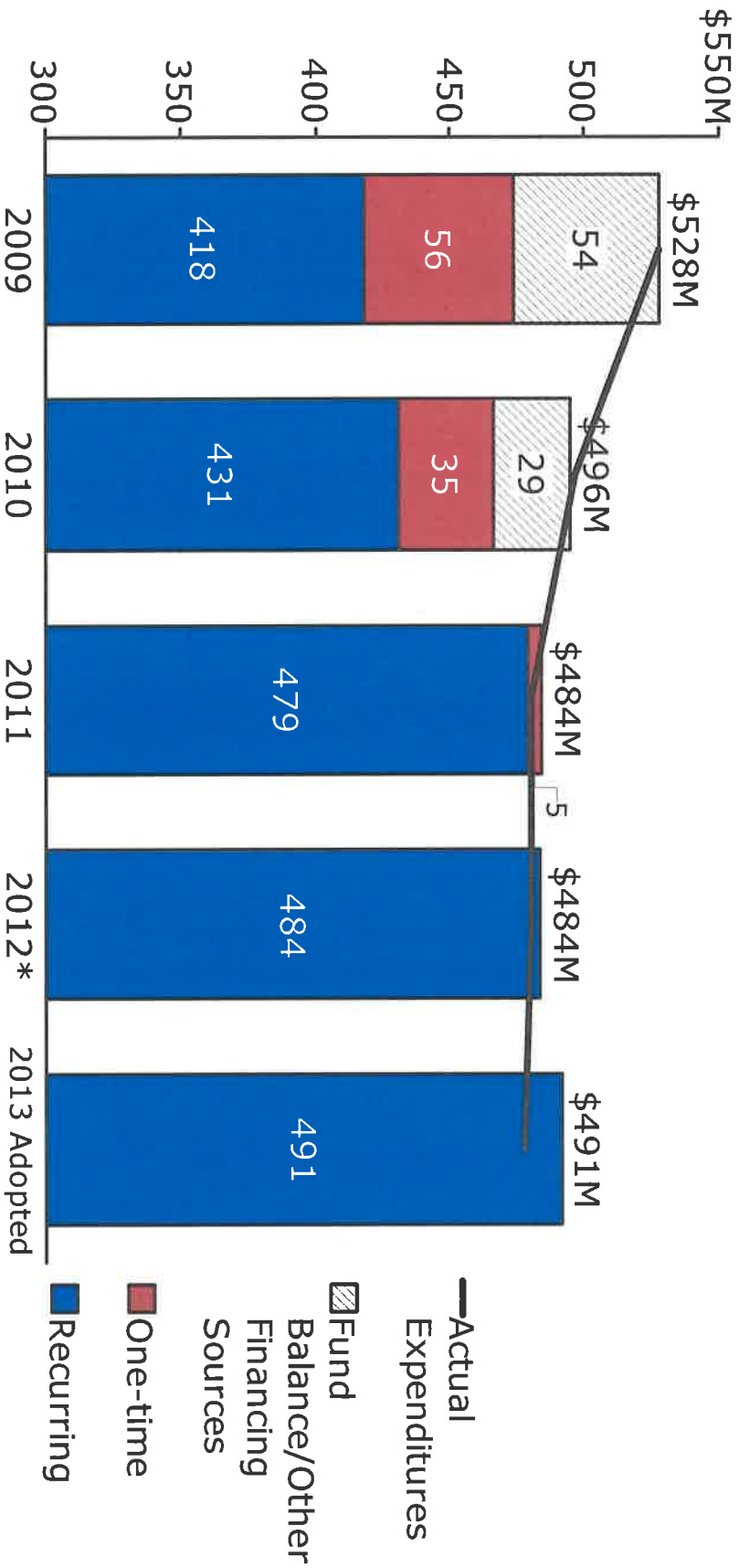






# We are now living within our means

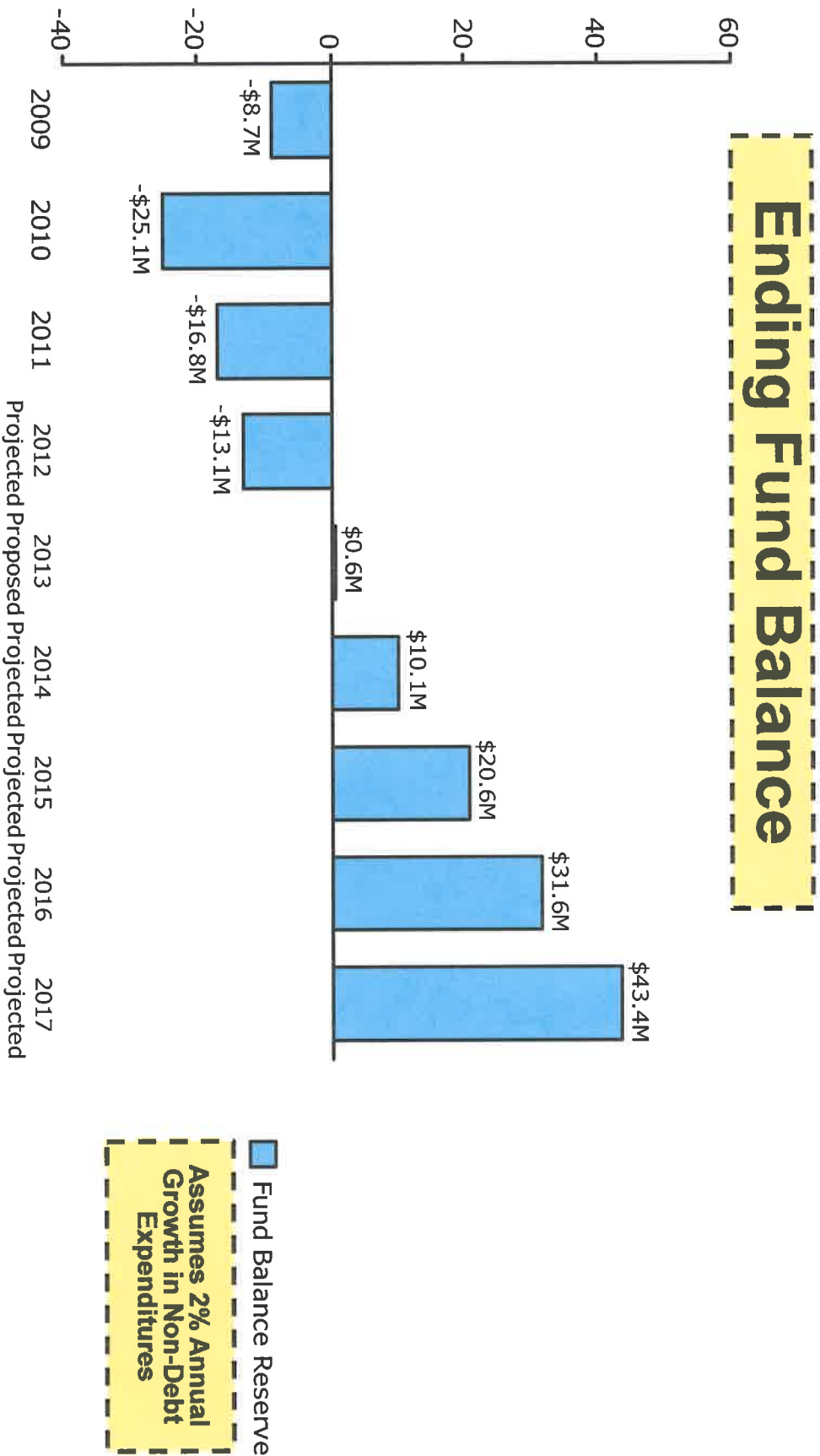
Historical Expense vs. Revenue



2013 Actual Expenditure line does not include \$13.4M appropriation to fund balance as that is not an expenditure on operations. Including fund balance contribution, Council adopted a budget of \$491.4M in 2013.

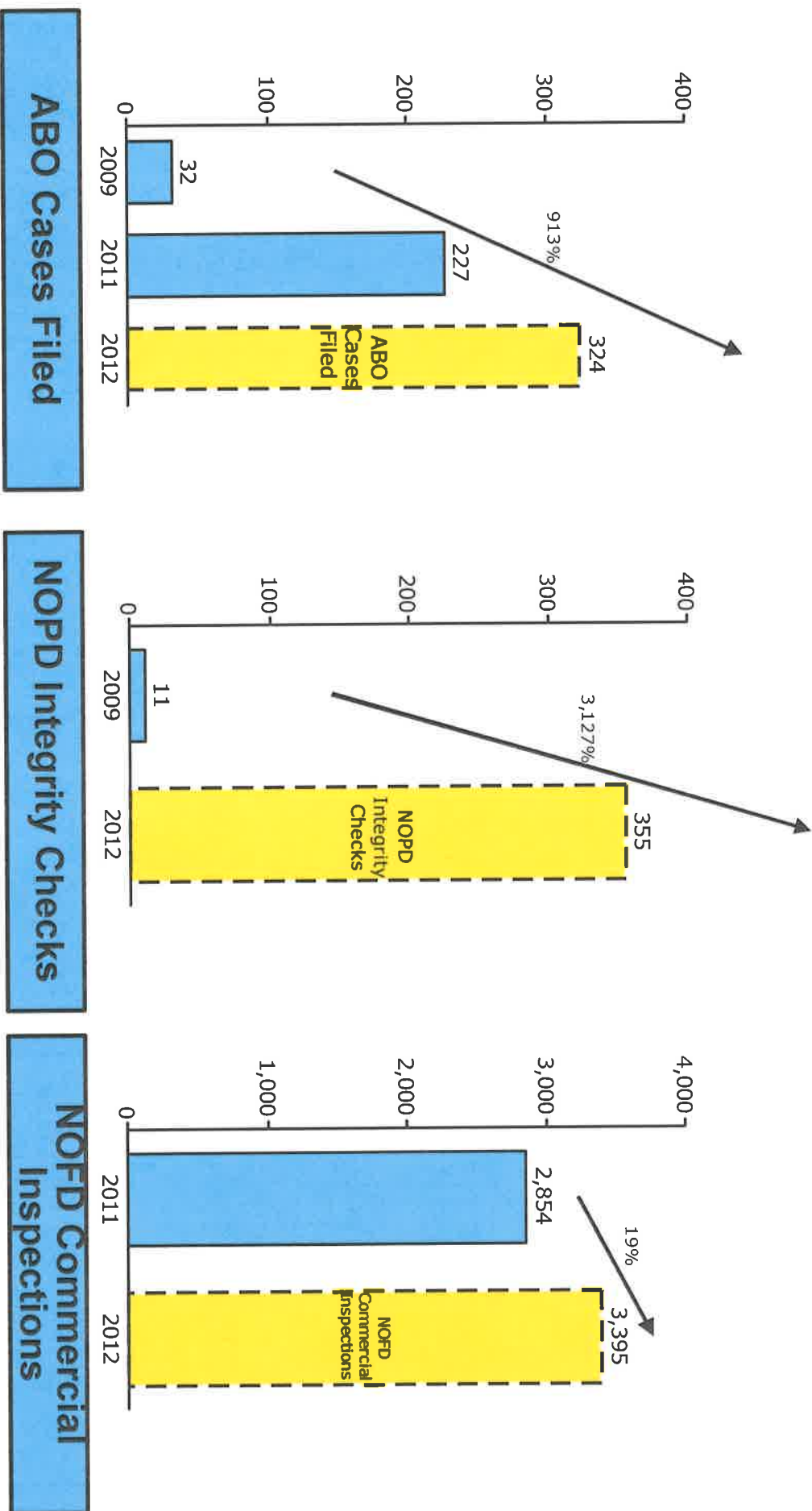


# We have eliminated excess spending and have a plan to build reserves

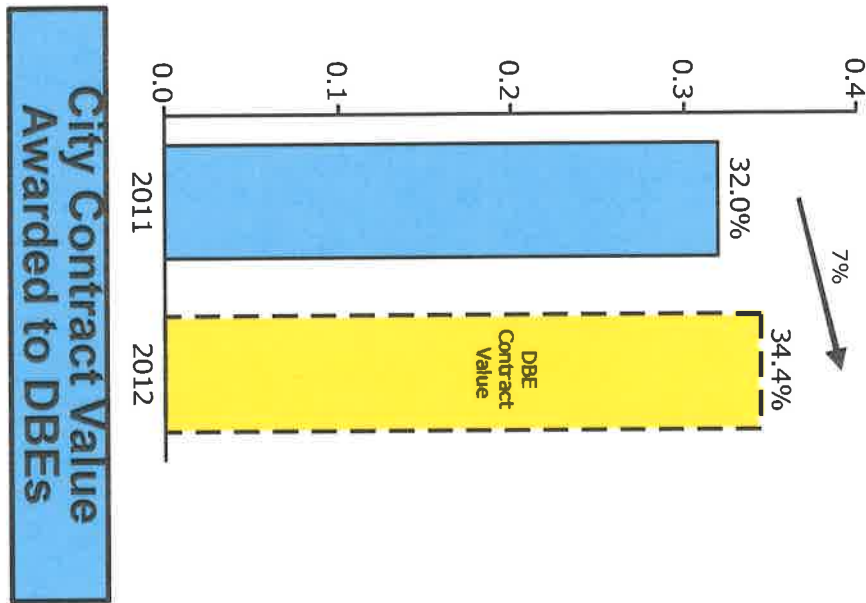
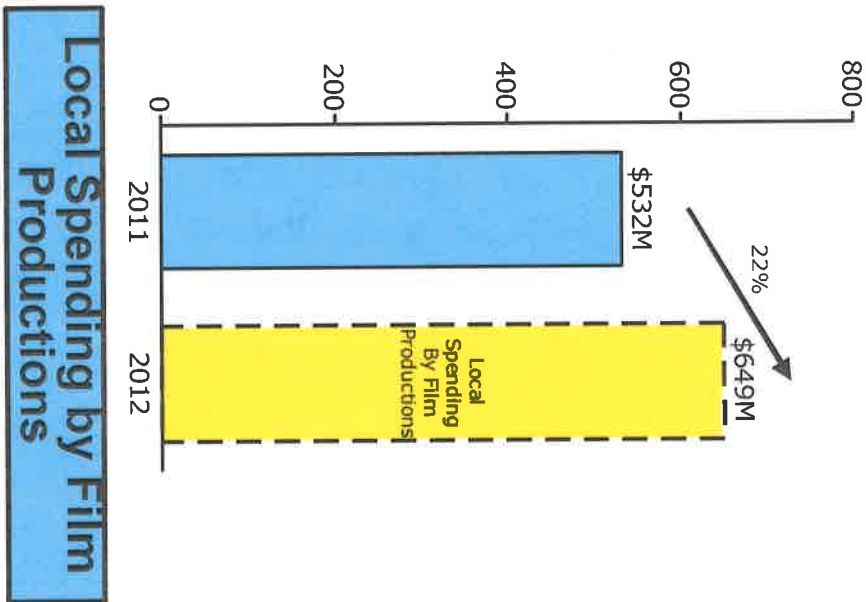
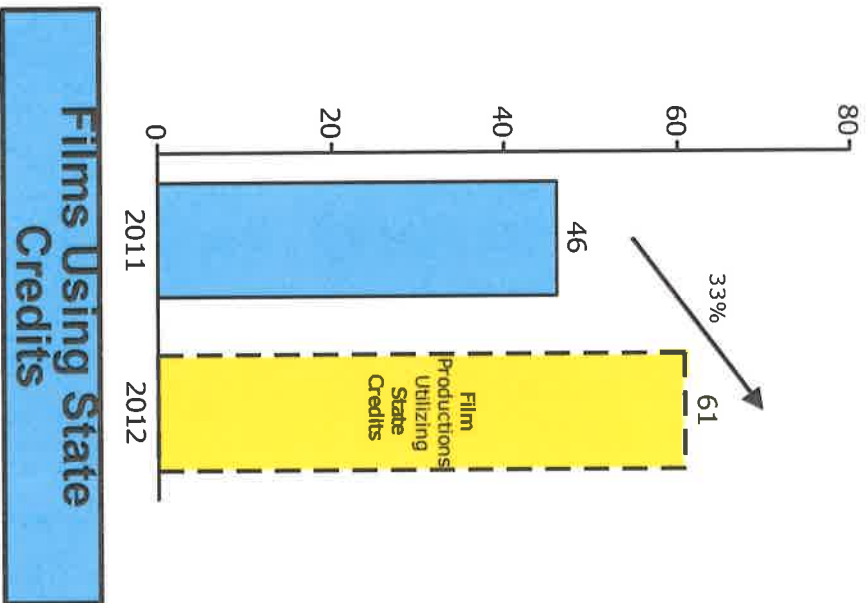




# NOPD performance is improving



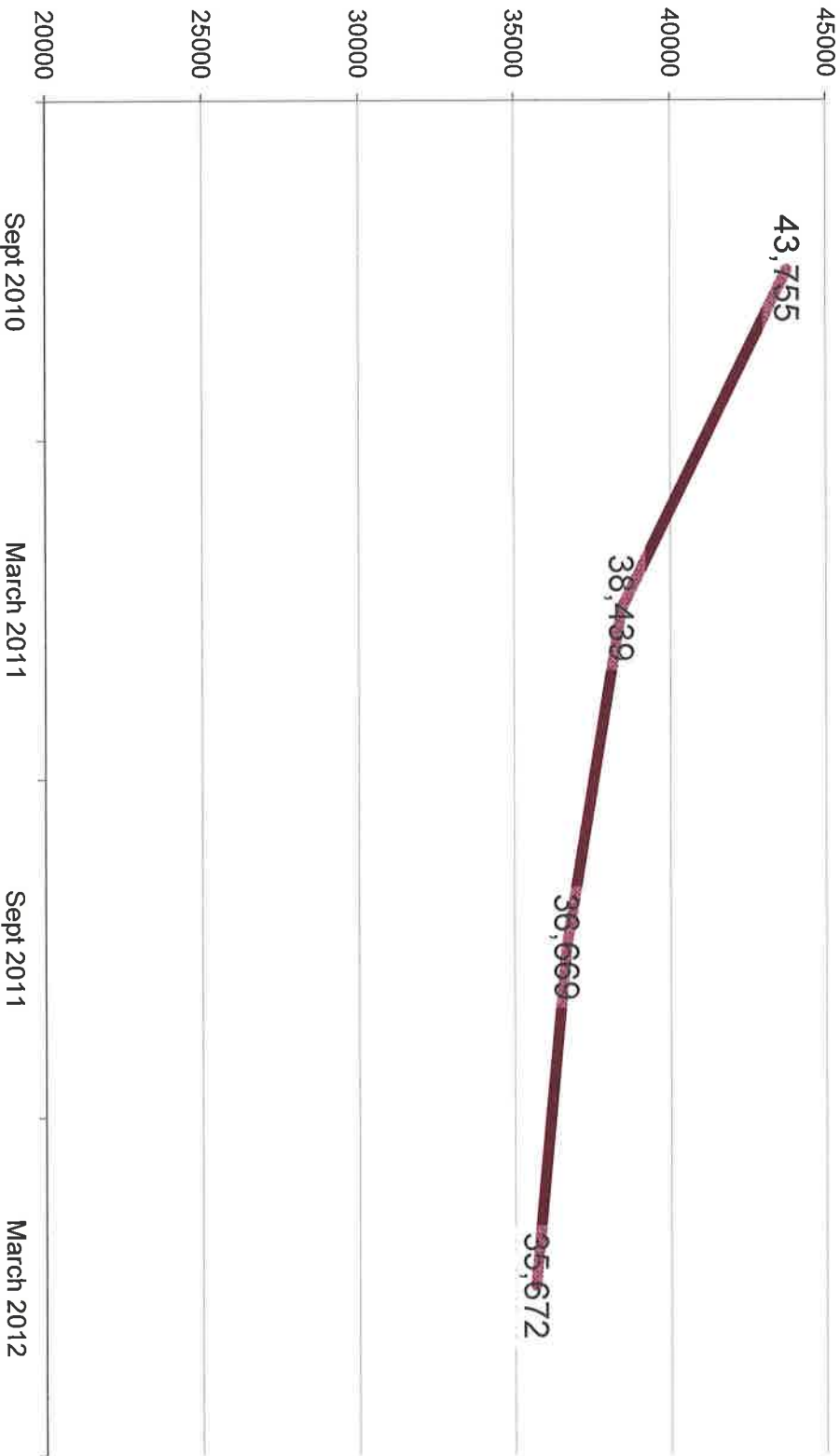
# Economic Development activities have resulted in more local spending and more contracts going to DBEs



# Blighted properties have been reduced by ~8k in less than 2 years



Blighted residential addresses or vacant lots

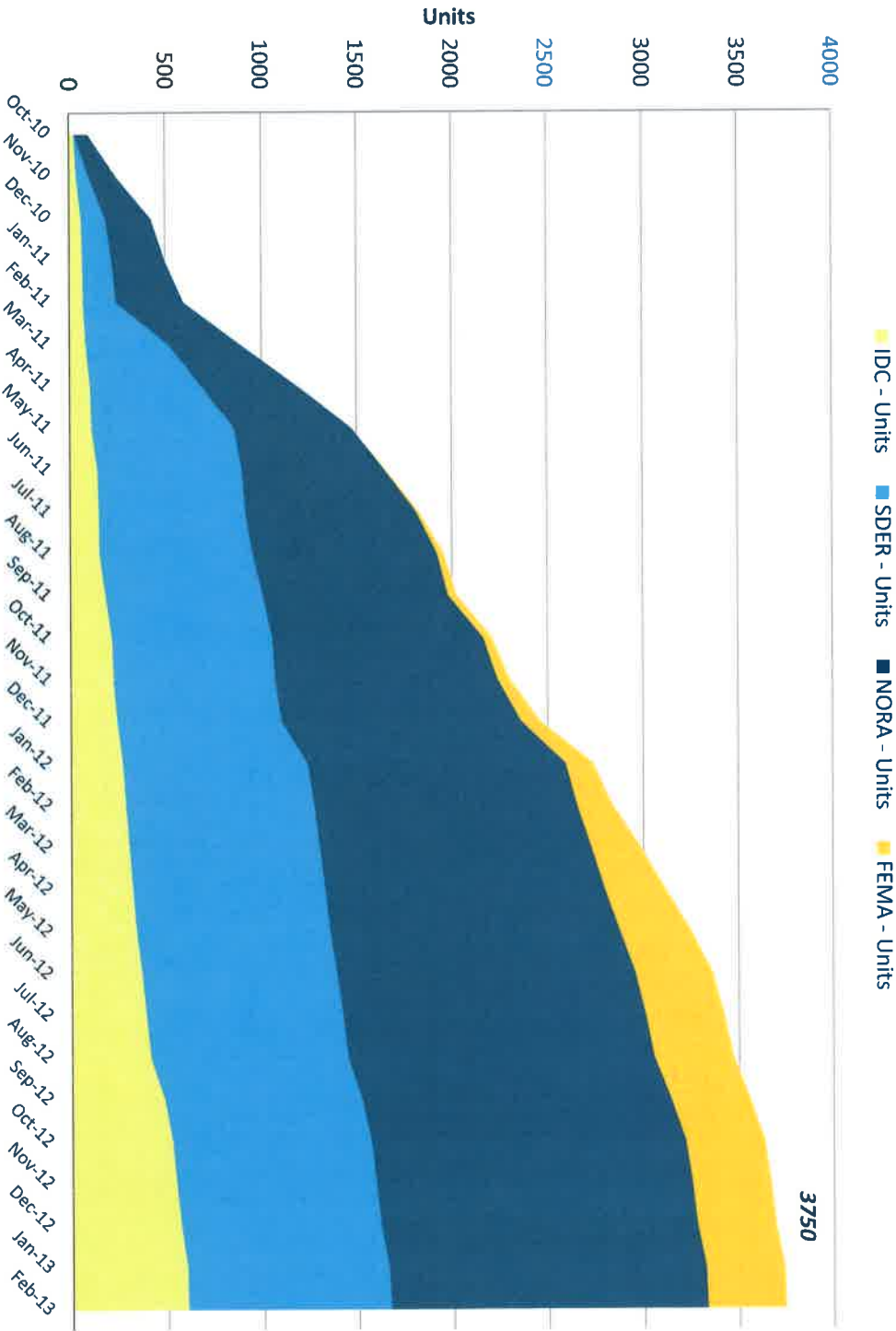


Source: HUD Aggregated USPS Administrative Data on Address Vacancies, GNOCDC 2012



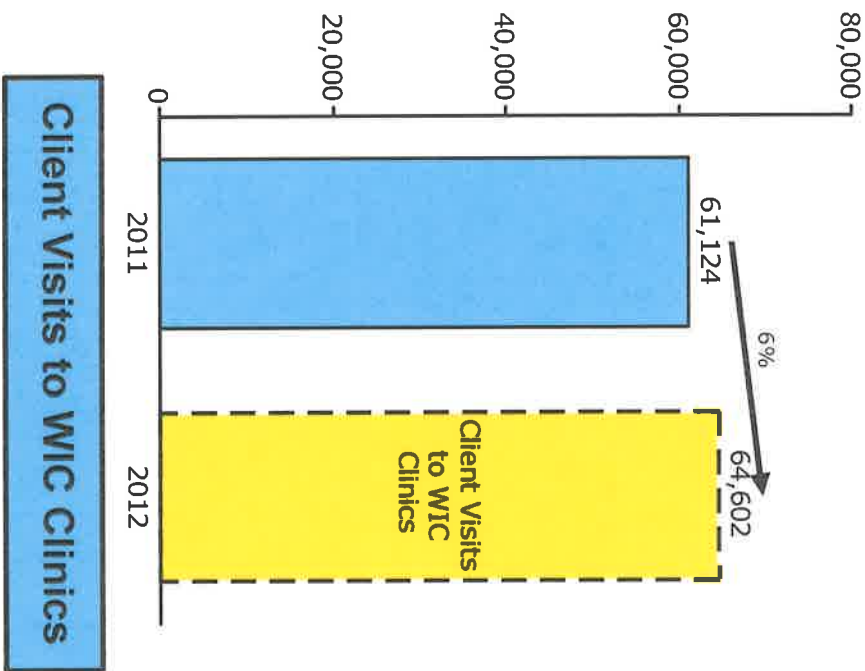
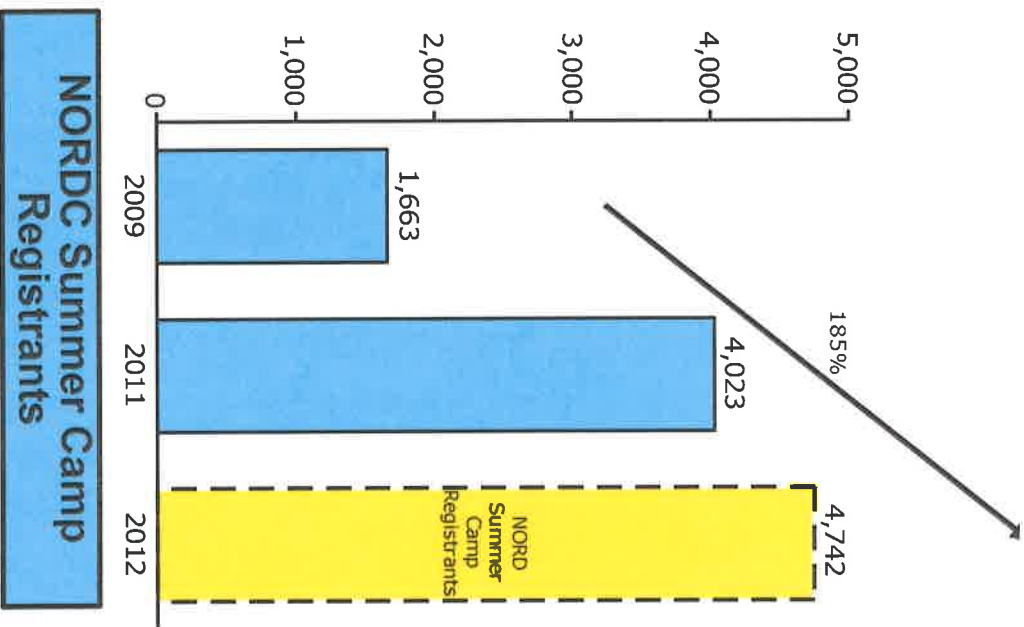
# The City has demolished nearly 4,000 properties

### Cumulative Demolitions since Oct. 2010



Source: Demolitions reported by Program (Contractor): FEMA (SAIC), SDER (DRC), NORA (BBEC/CDM), IDC (Durr),

# Participation in Recreation & Health opportunities is increasing

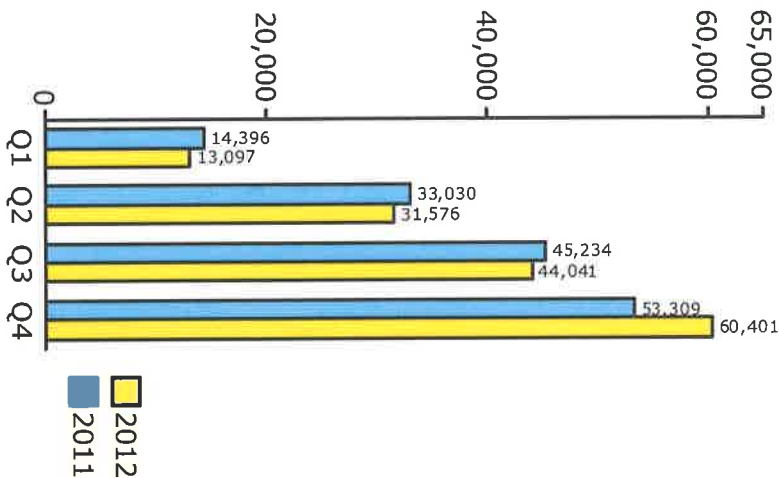




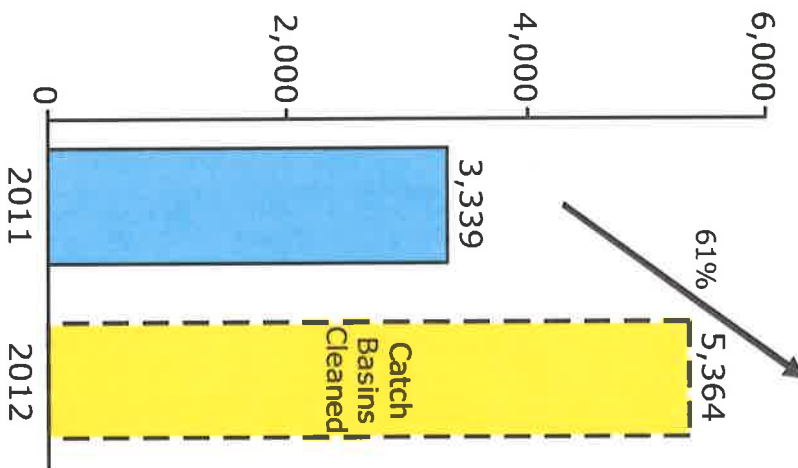
# Quality of Life indicators are also improving



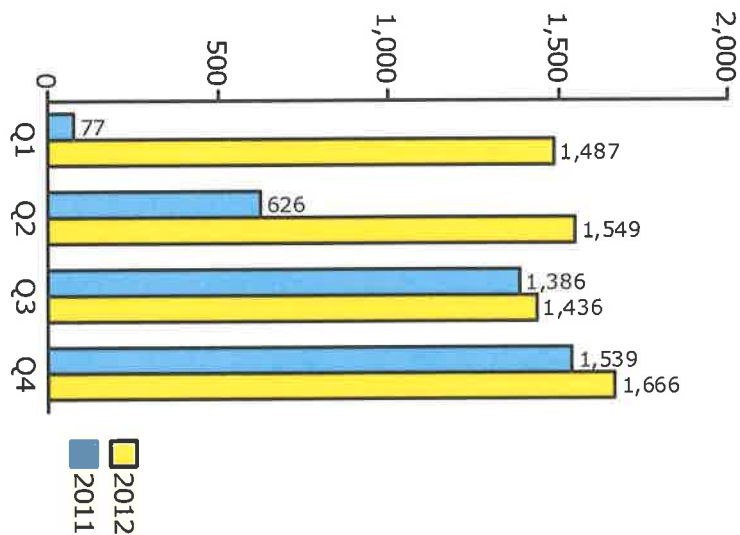
**Potholes Filled (Cumulative)**



**Catch Basins Cleaned**



**Illegal Dumping Sites Cleared (Cumulative)**

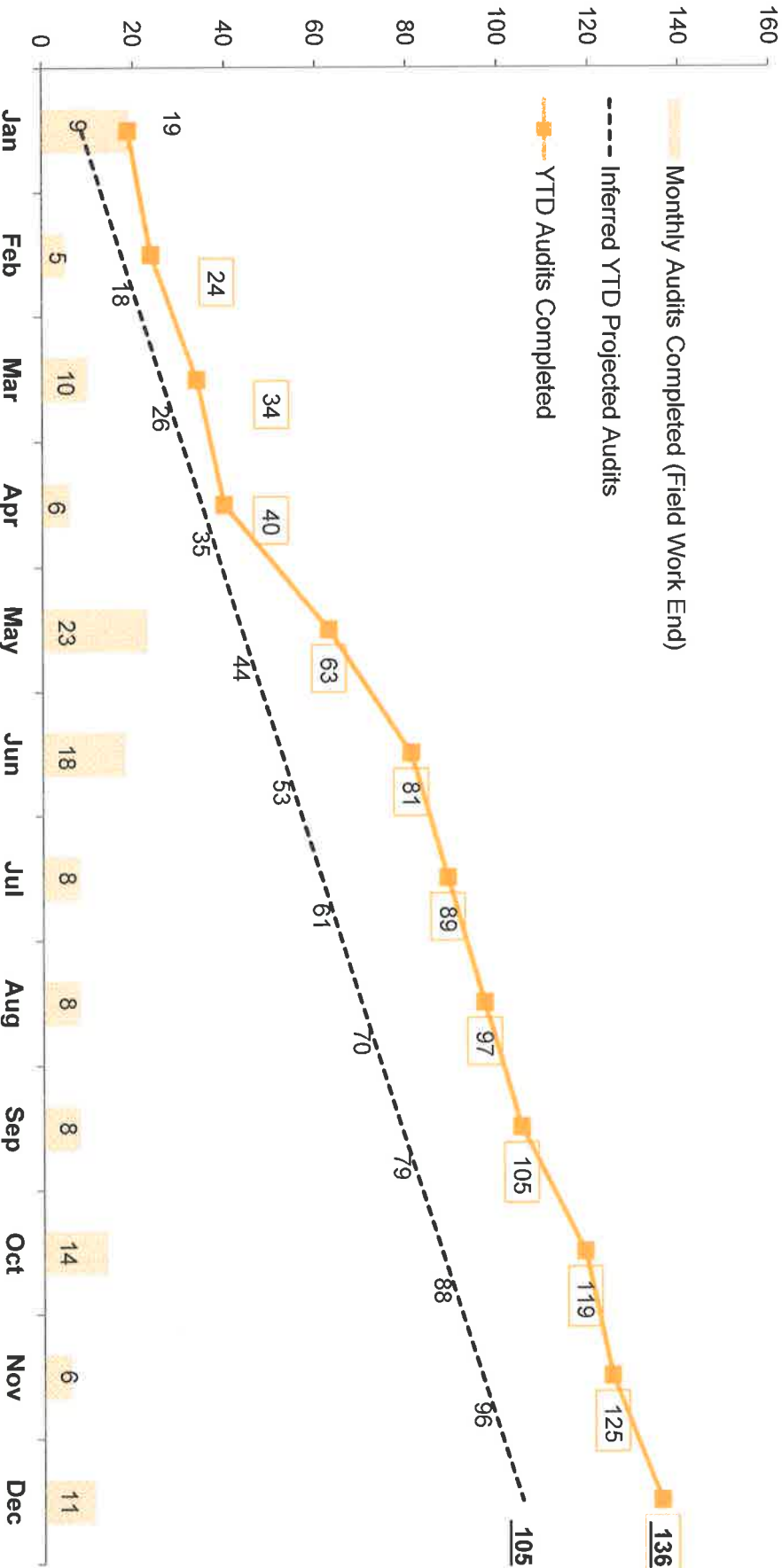




# Audit activities have increased over the past two years



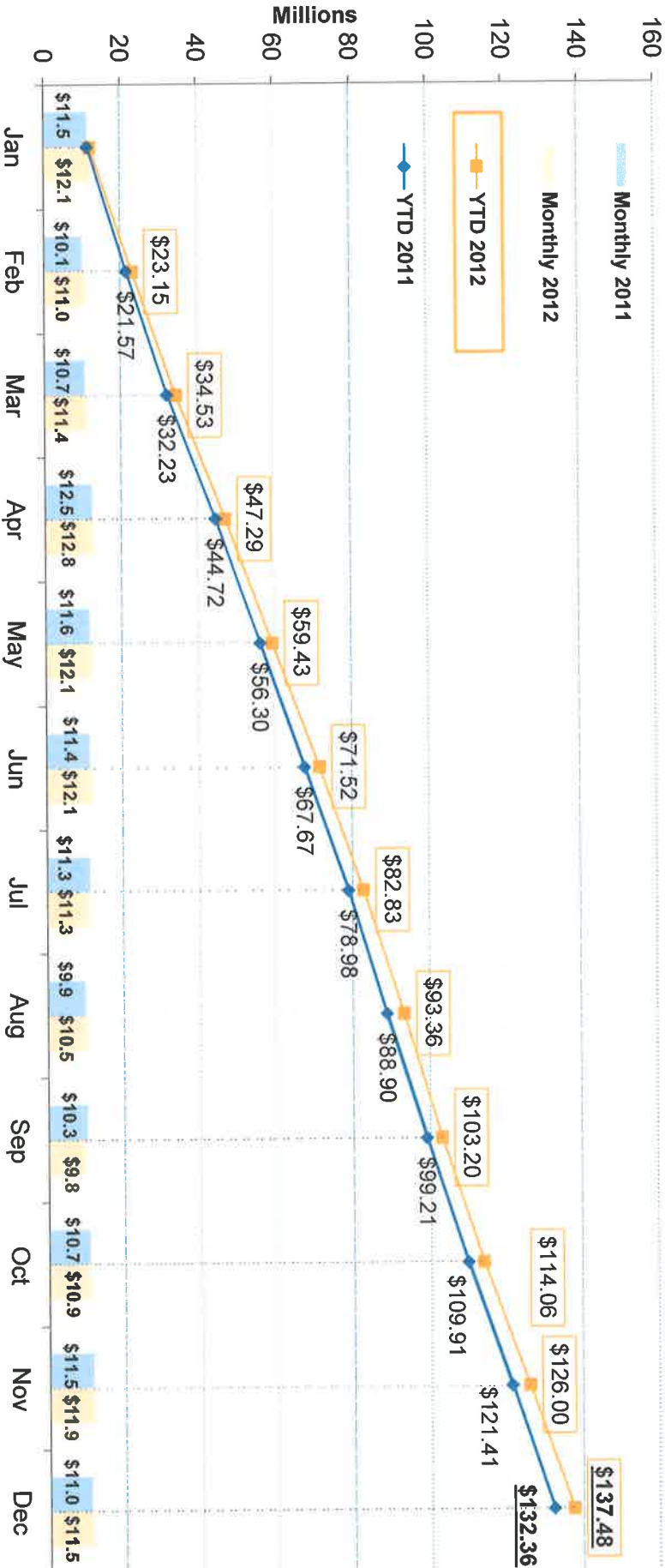
**Audits have exceeded target by 30% (2012 vs. 2011)**



# Sales Tax collections have increased



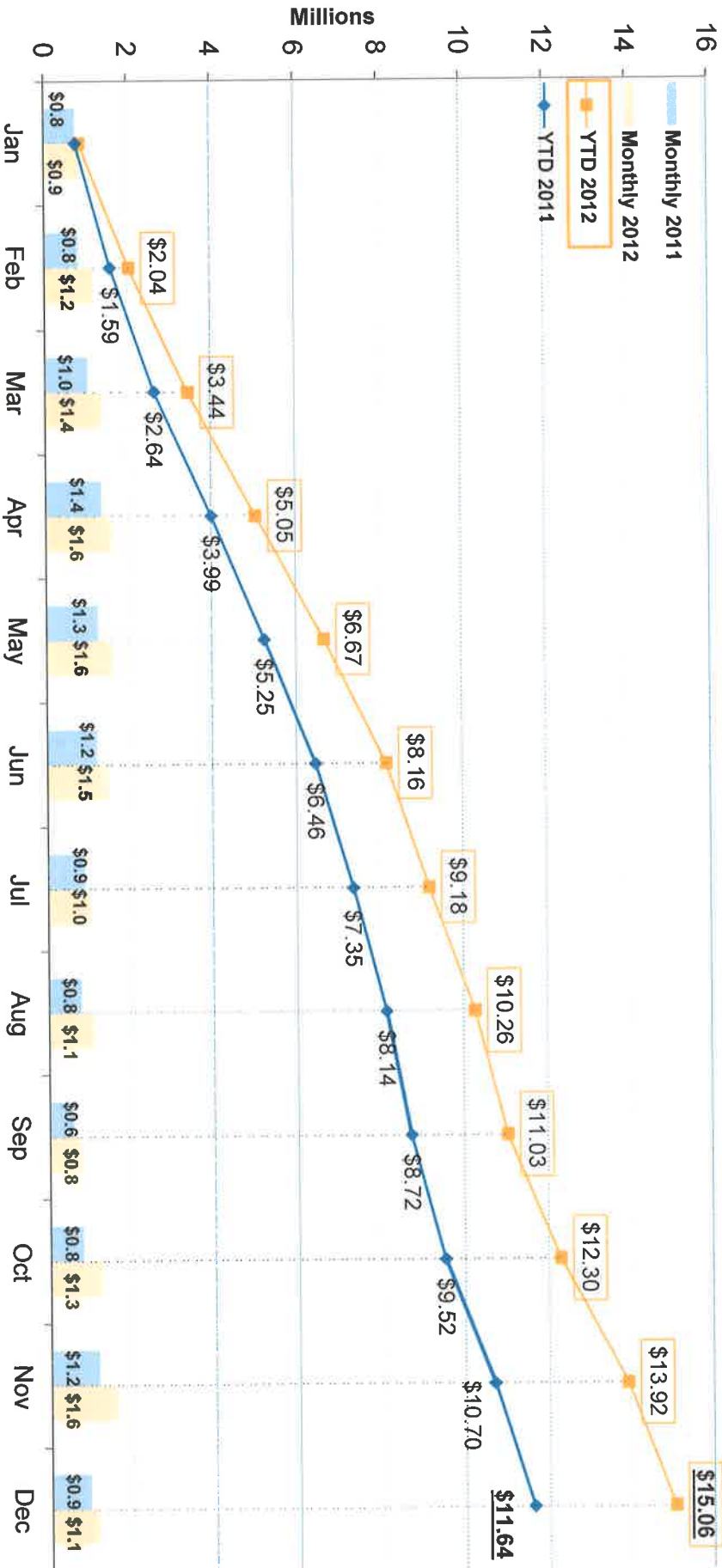
**Sales tax has increased 3.8%  
(2012 vs. 2011)**



# Hotel/Motel sales tax collections have increased



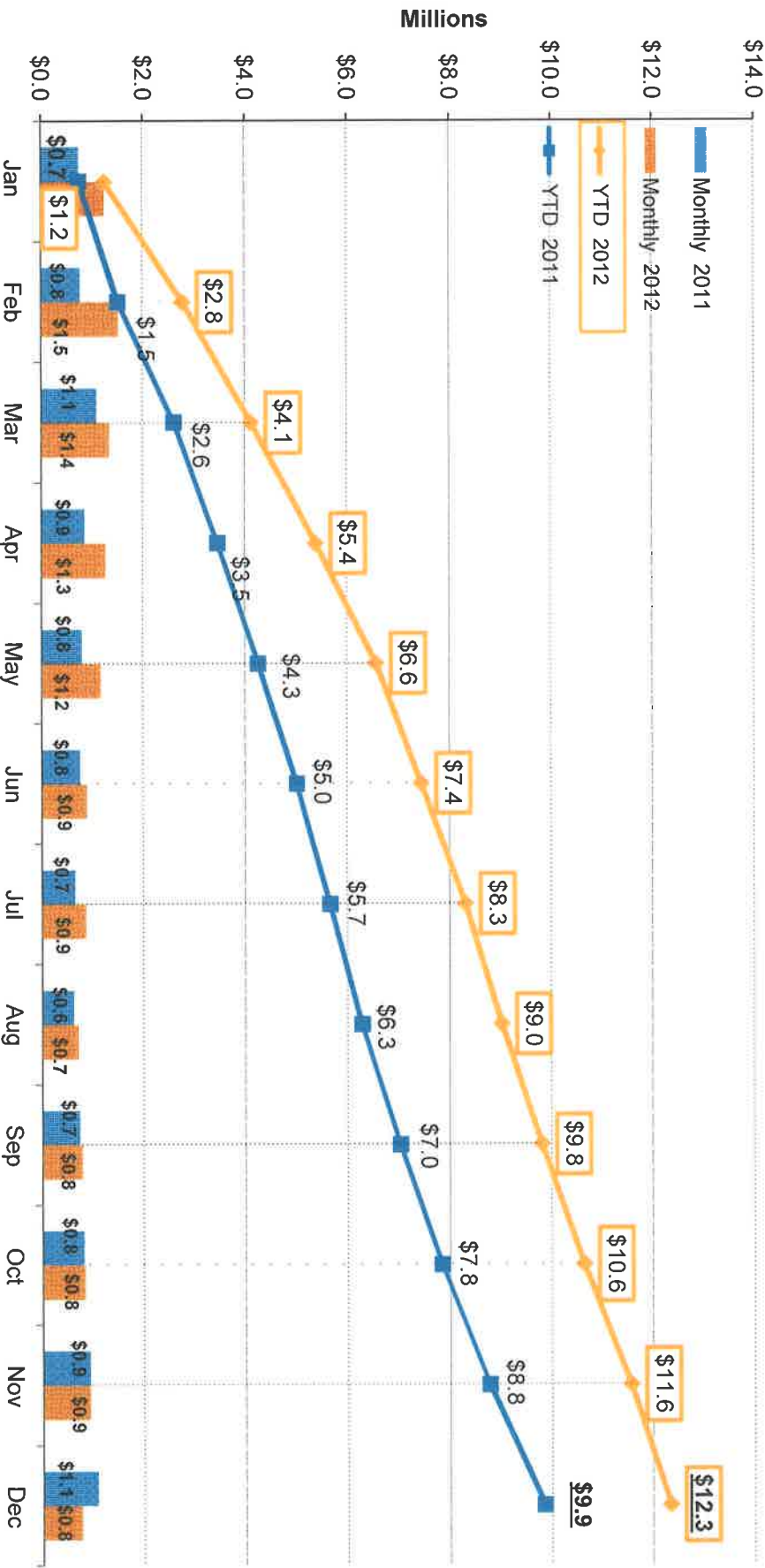
**Hotel/Motel sales tax has increased 29% (2012 vs. 2011)**





# Parking Enforcement and Collections have increased

**Parking collections have increased 24% (2012 vs. 2011)**

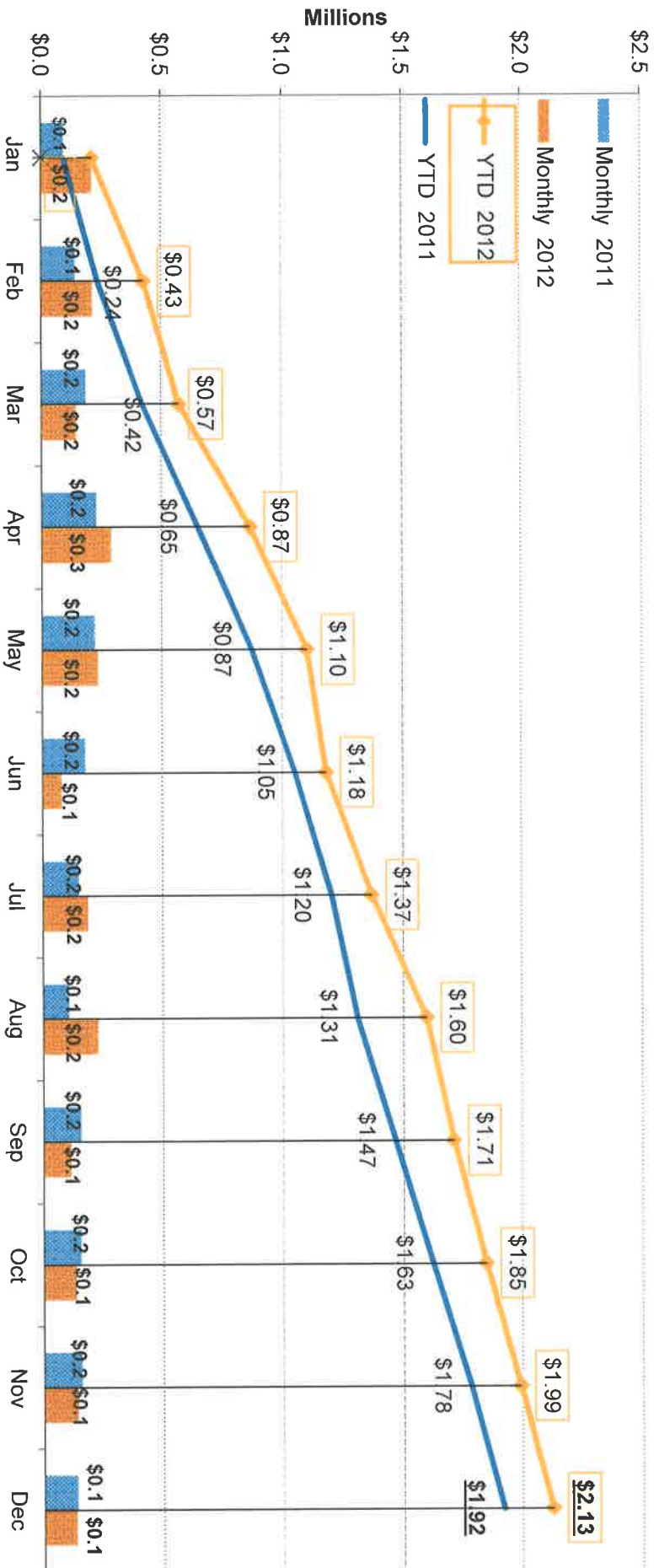






# Towing and collections have also increased

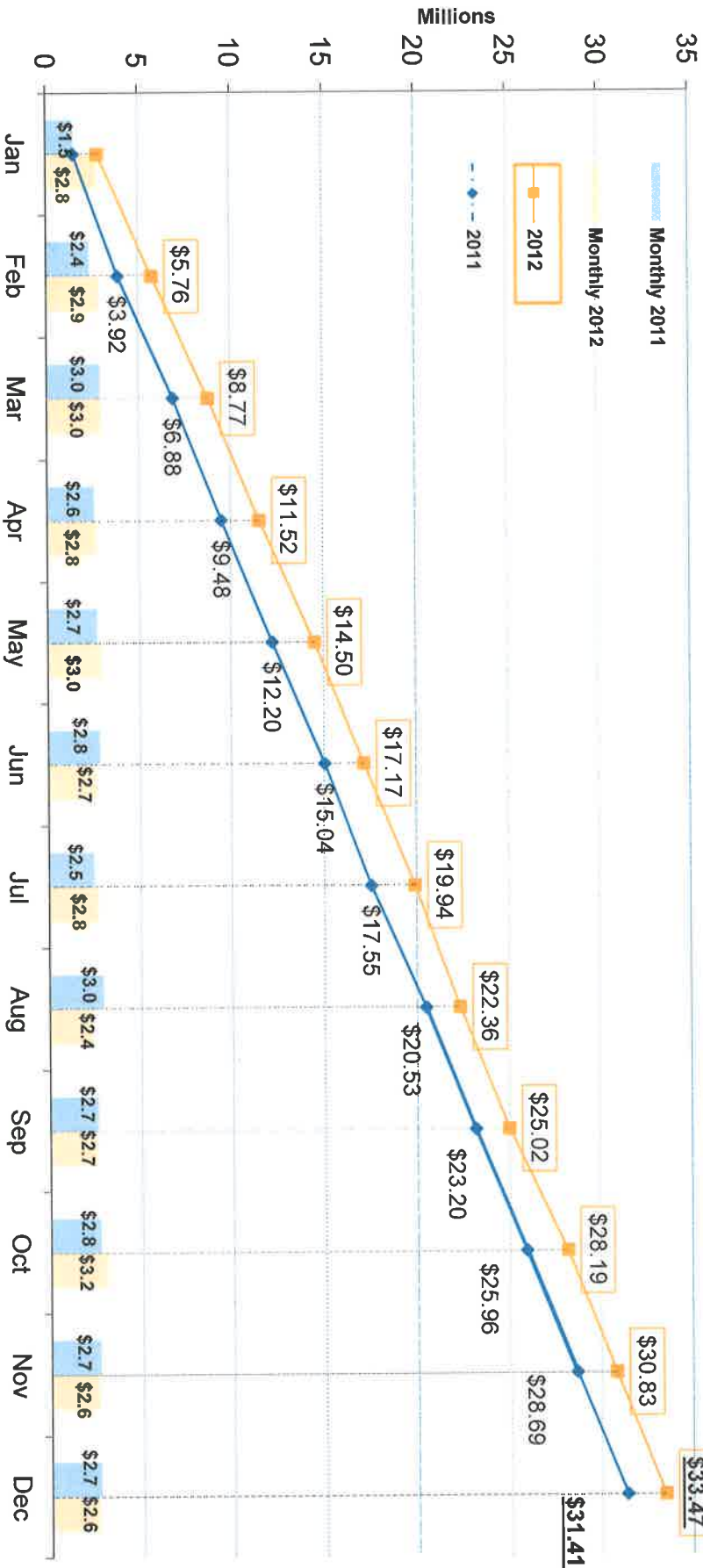
**Towing and parking collections have increased 11% (2012 vs. 2011)**



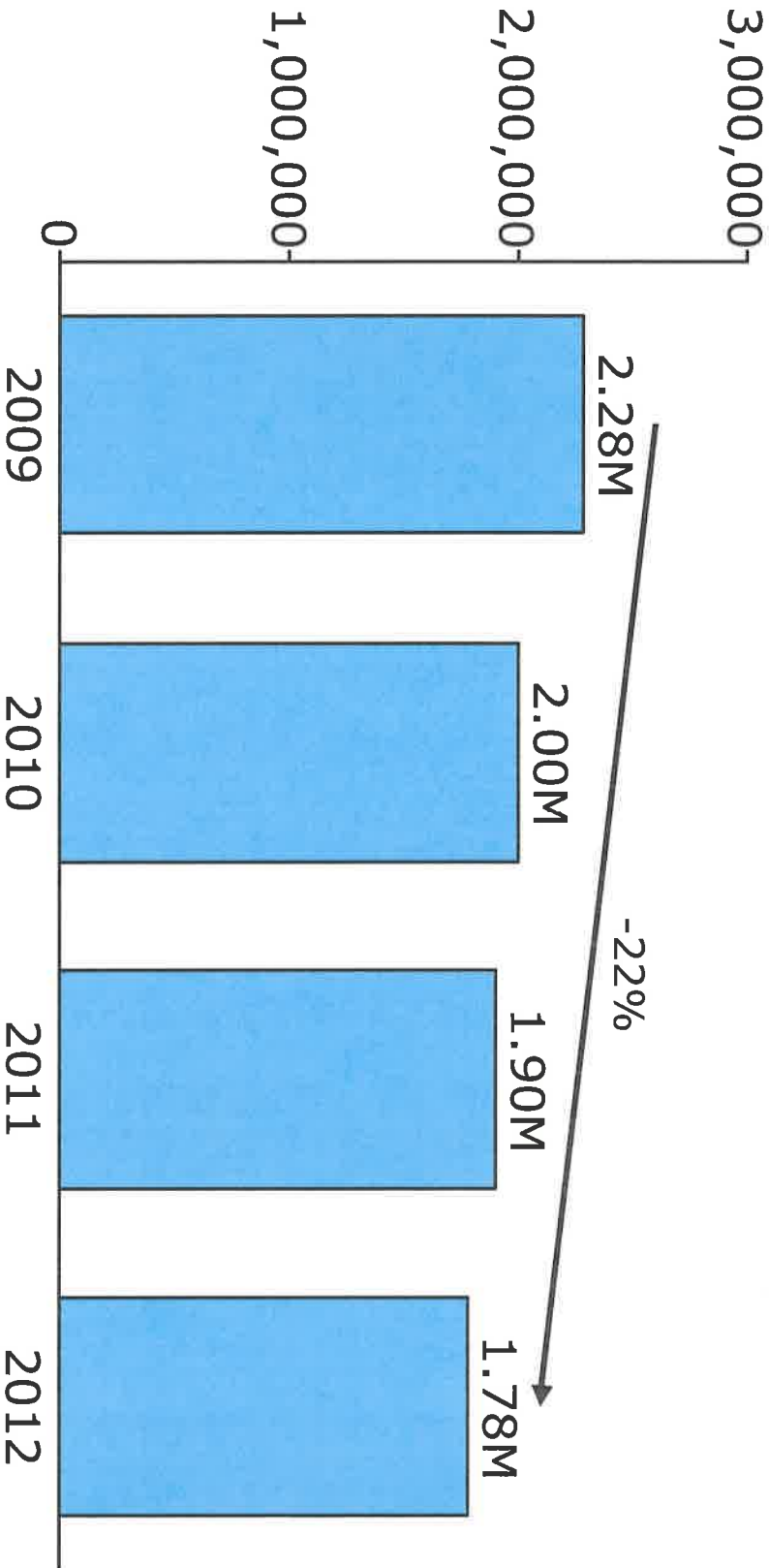


# Sanitation Collections have increased over the last year

Sanitation Collections have increased 7% (2012 vs. 2011)



**Elimination of 484 take home vehicles resulted in Fuel Consumption a 22% decrease in**



## Agenda

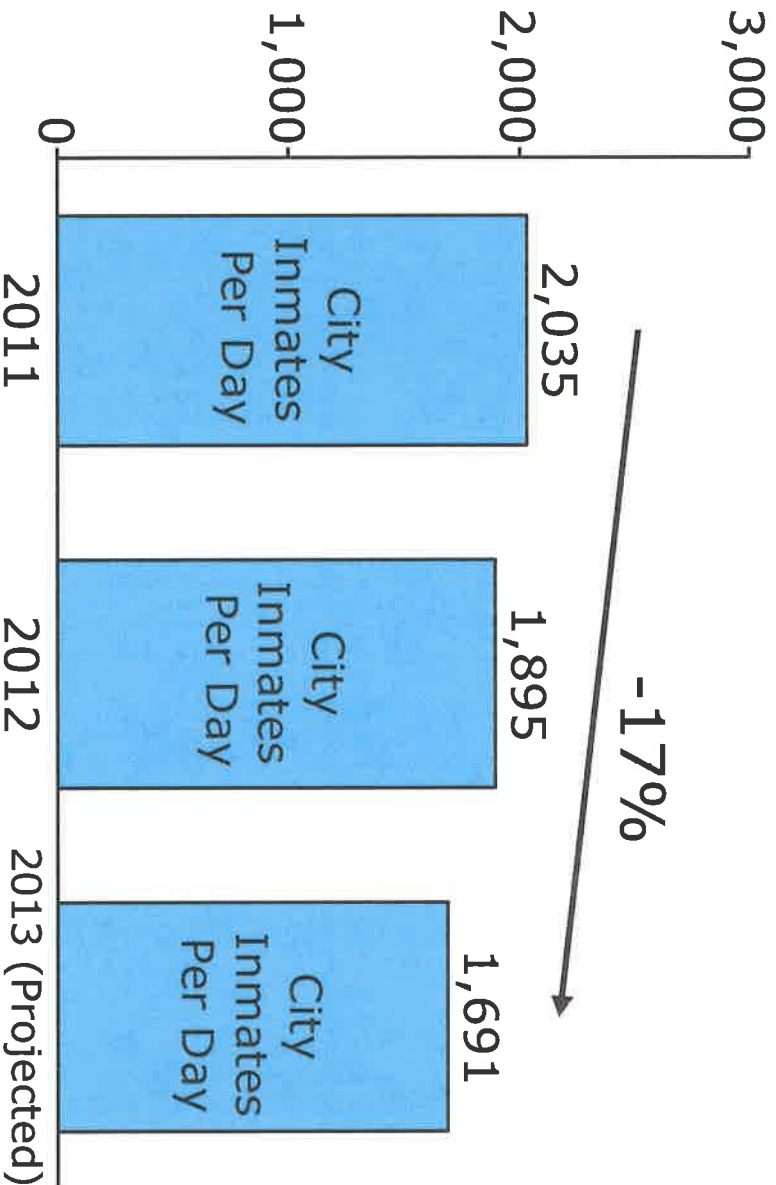
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- **Cut Smart, Reorganize, & Invest**
- **Doing More With Less**
- **City is Investing More per City Inmate**
- **Impact of Sheriff Consent Decree**



## The number of city inmates housed by the Sheriff has decreased by 17% since 2011

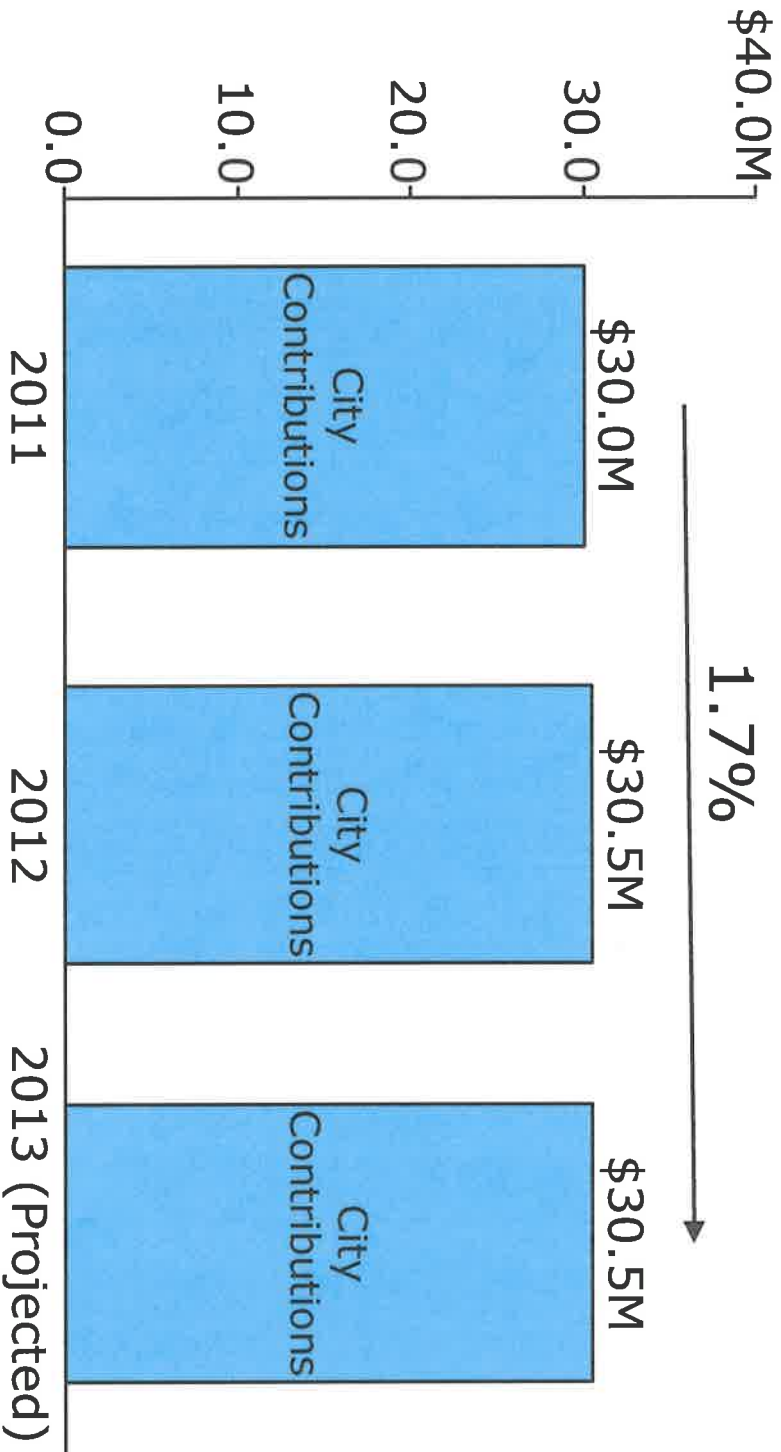


Note: Chart is based on actual daily average inmates

- Improved policing practices
- Increased use of summonses instead of arrests
- Implementation of pre-trial services have also led to the decrease number of prisoners housed

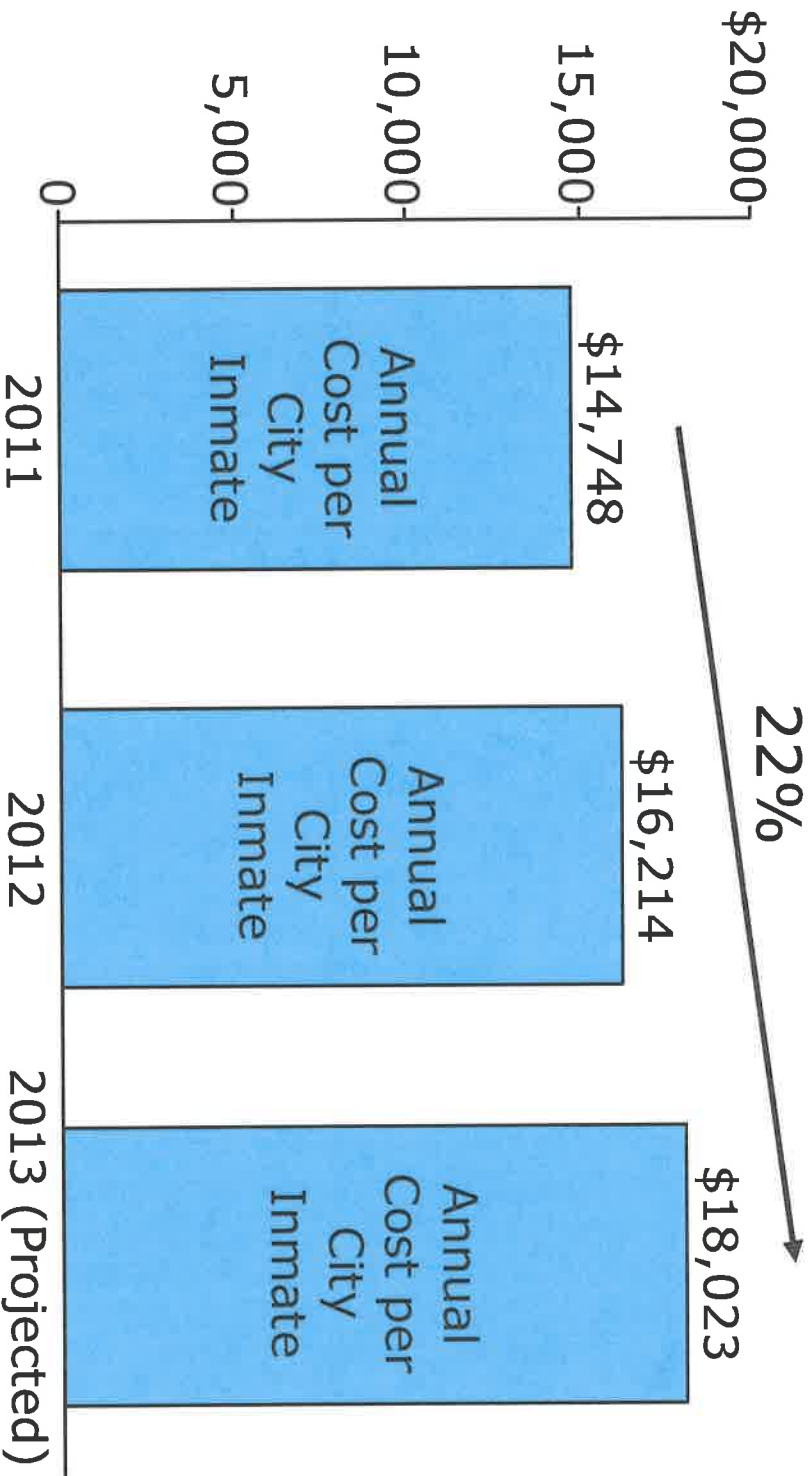


## While the funding to the Sheriff has increased 1.7% over the same period



*Note: Includes City appropriation, Court Security, and other contributions made through Fuel, Utilities, Employer Health Care, and Workers Compensation*

**Therefore, the funding provided by the City has risen 22% per city inmate**



*Note: Chart depicts local prisoners only*

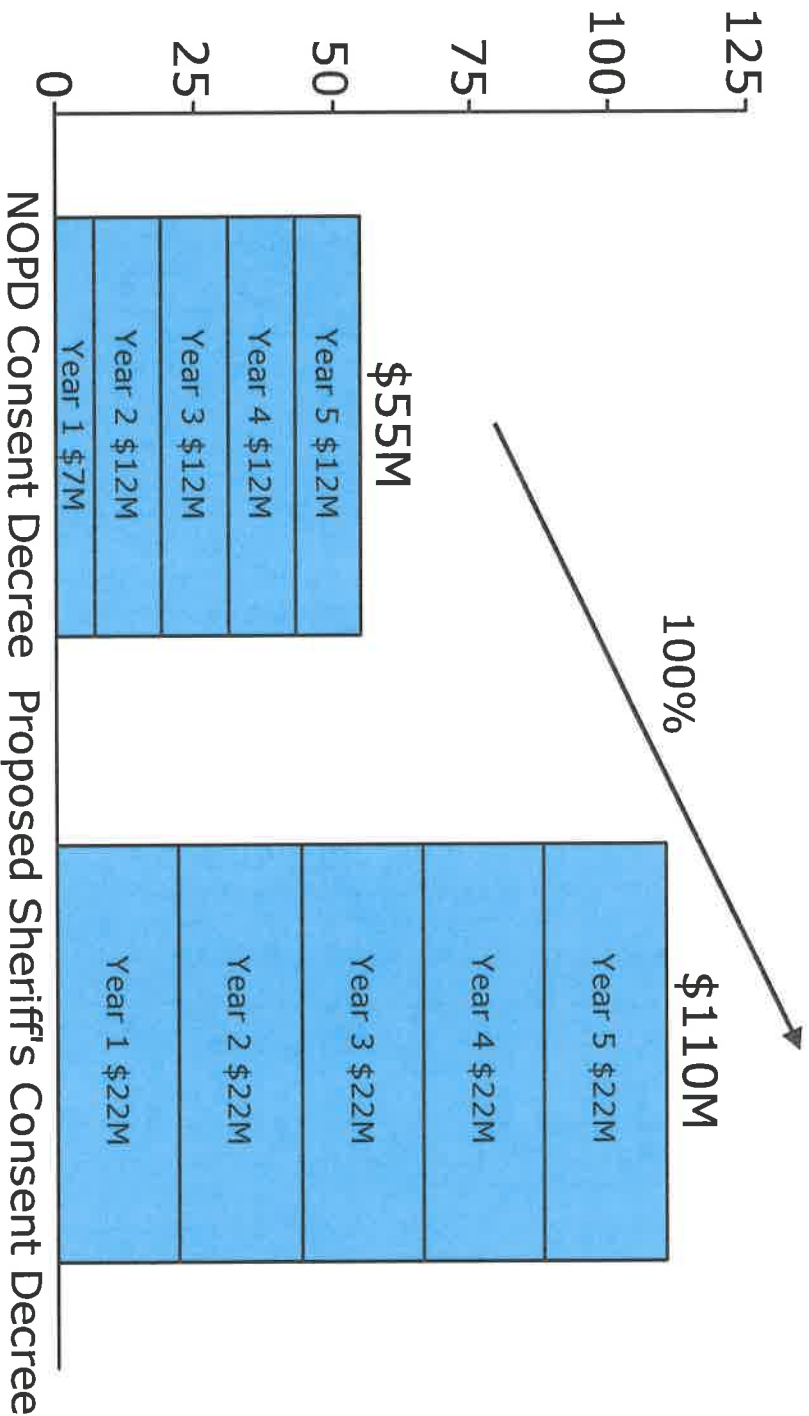
## Agenda

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- **Cut Smart, Reorganize, & Invest**
- **Doing More With Less**
- **City is Funding More per City Inmate**
- **Impact of Sheriff Consent Decree**

# A \$22M annual judgment for the Sheriff's Consent Decree will cost twice as much as the Police Consent Decree over a 5 year period

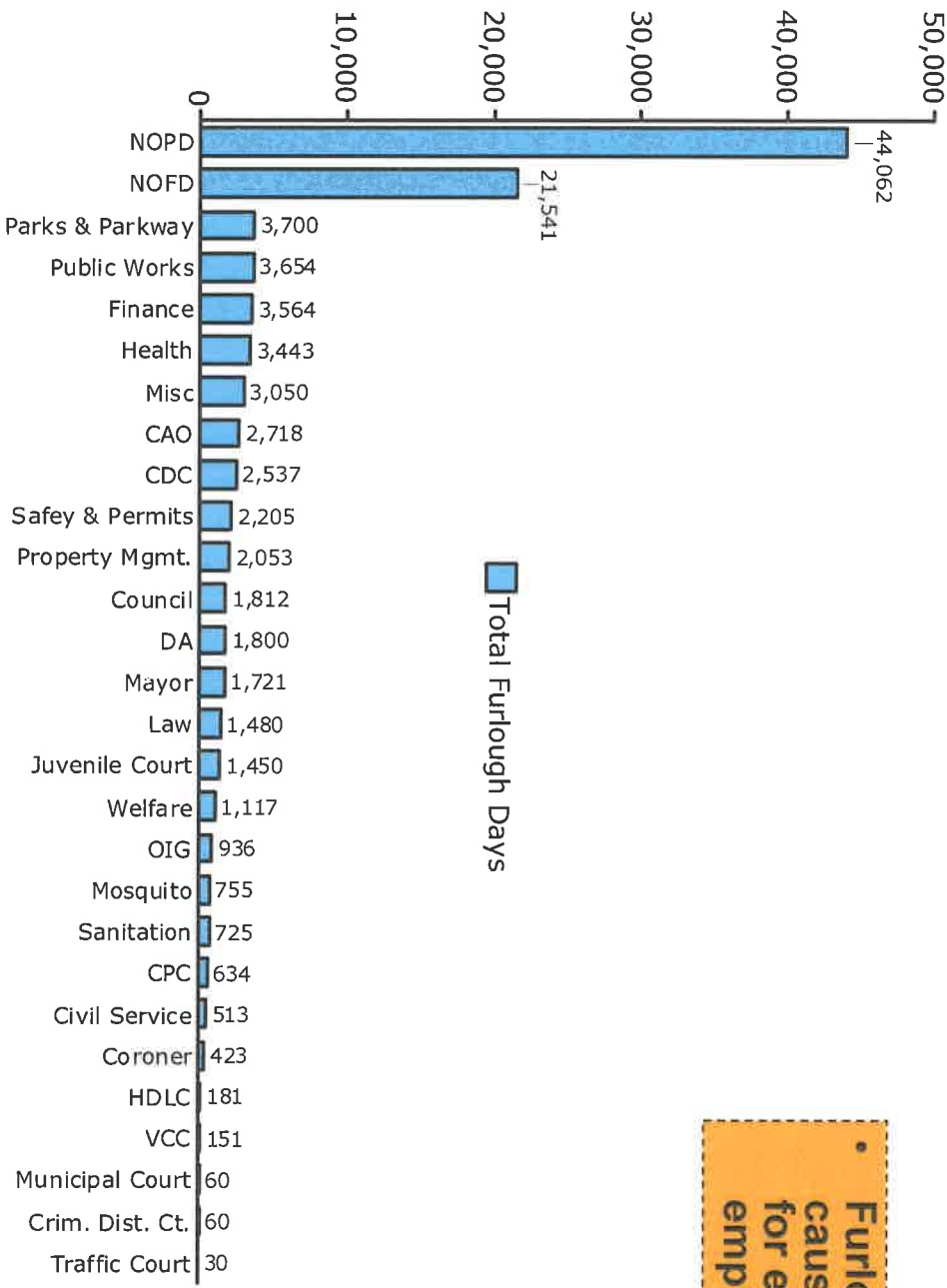


# The impact of a \$22M judgment for the Jail Consent Decree will cause a significant decrease in services



**Option #1 : Furloughs Only**

- 30 Furlough days would be required for every City employee in 2013 to cover Consent Decree costs (Total of 106,375 furlough days across the City)



• Furlough days would cause a 17.7% pay cut for every City employee

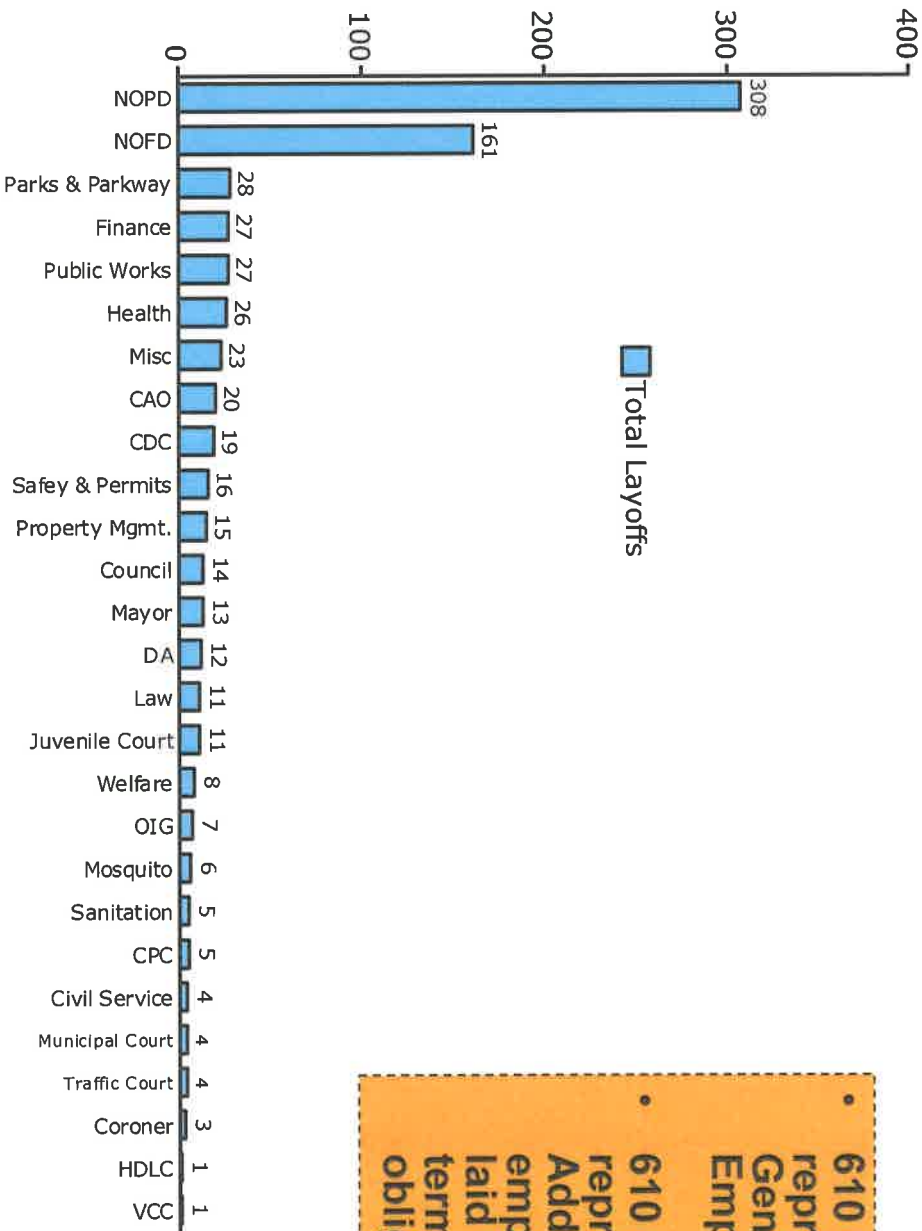




# The impact of a \$22M judgment for the Jail Consent Decree will cause a significant decrease in services

## Option #2: Layoffs Only

- 779 City employees would need to be laid off to provide budget for \$22M Jail Consent Decree



• 610 employees represent 17% of all General Fund Employees

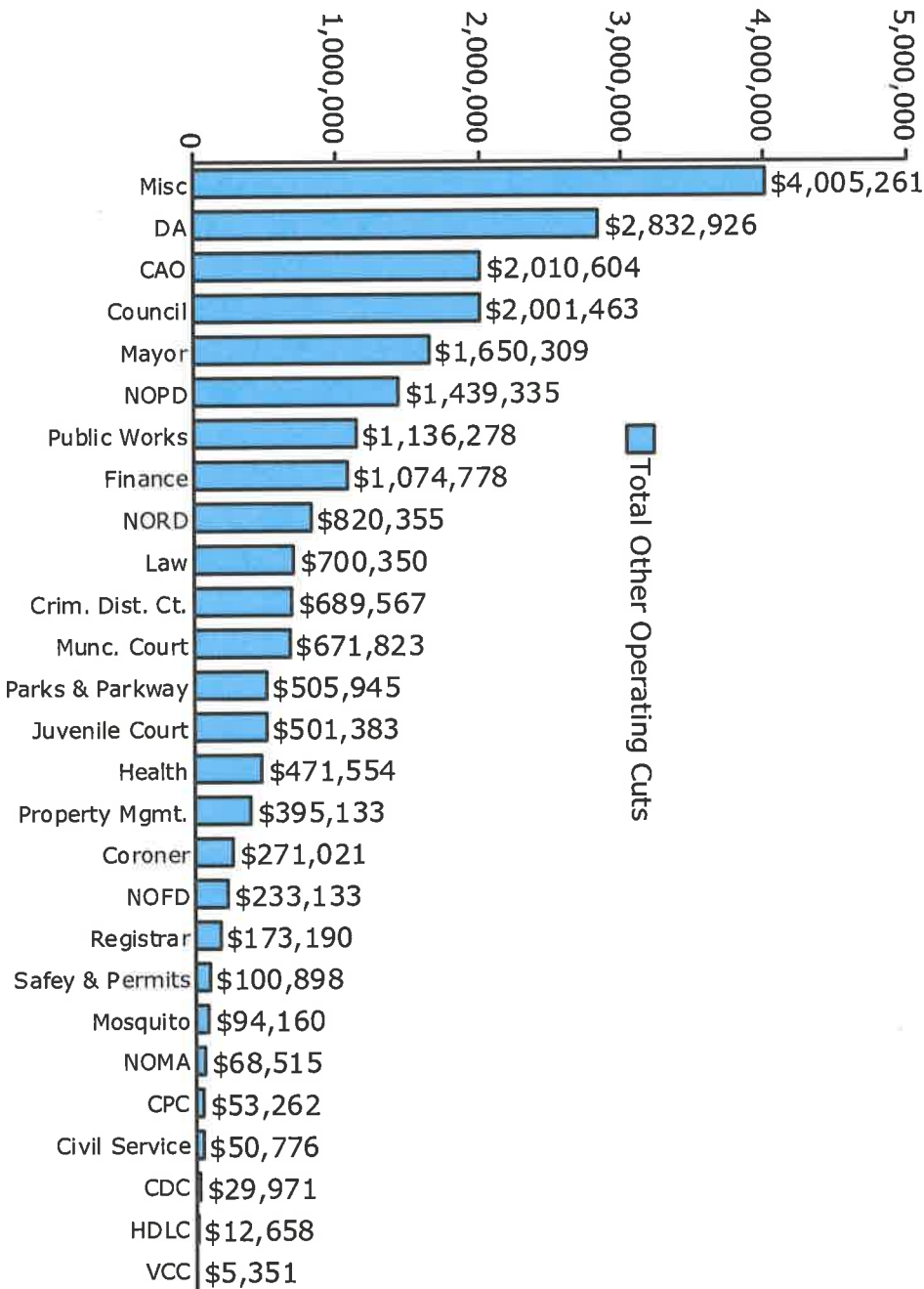
• 610 employees represents \$22M. Additional 169 employees must be laid off to cover terminal leave obligations

# The impact of a \$22M judgment for the Jail Consent Decree will cause a significant decrease in services



## Option #3: Other Operating Cuts

- 45% of discretionary other operating budget would need to be cut, leaving most departments without the ability to function



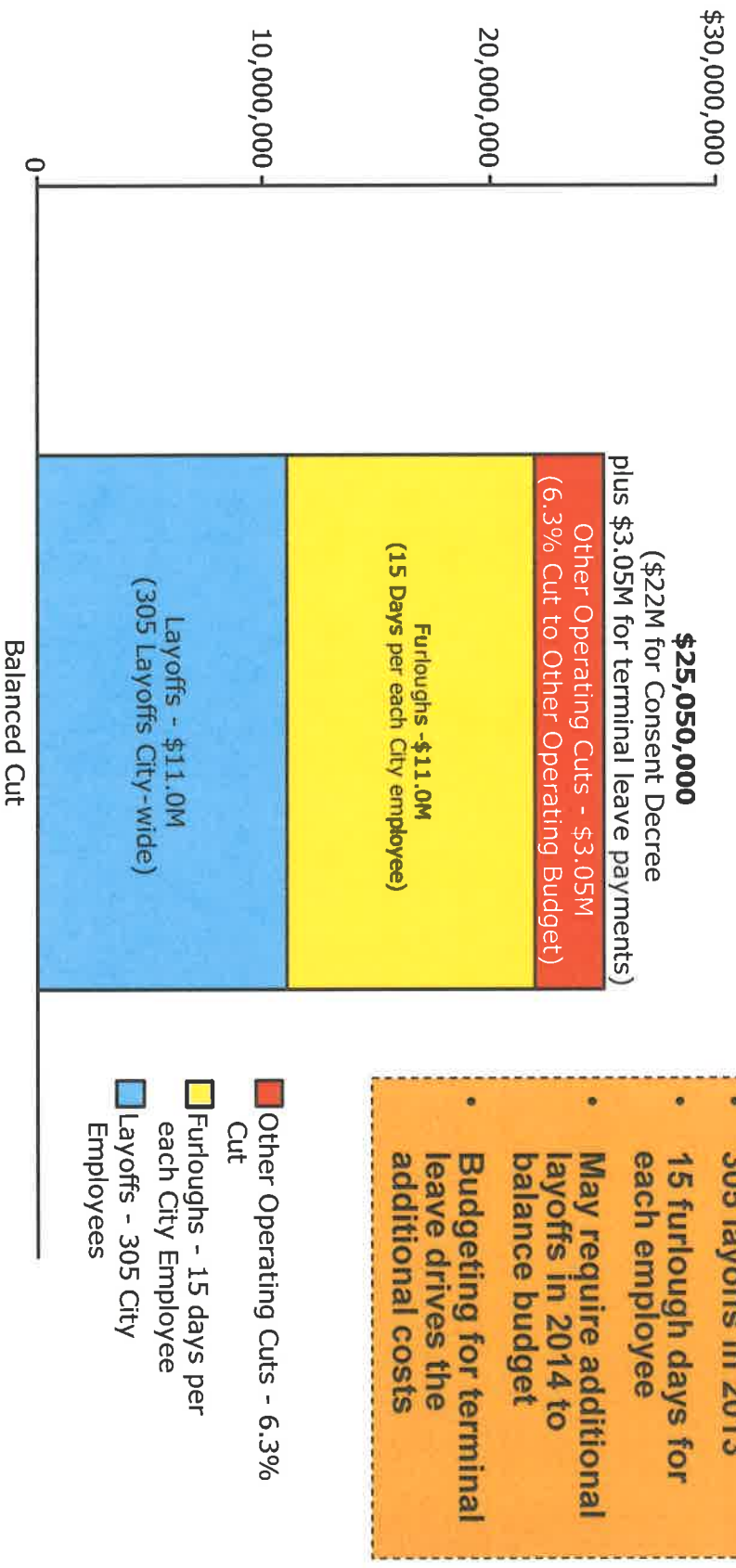


# The impact of a \$22M judgment for the Jail Consent Decree will cause a significant decrease in services



## Option #4: Balanced Approach

- 305 layoffs, 15 Furlough days per employee, and a 6.3% cut in Other Operating terminal leave payments



• 305 layoffs in 2013  
 • 15 furlough days for each employee  
 • May require additional layoffs in 2014 to balance budget  
 • Budgeting for terminal leave drives the additional costs

- Other Operating Cuts - 6.3% Cut
- Furloughs - 15 days per each City Employee
- Layoffs - 305 City Employees

# The impact of a \$22M judgment for the Jail Consent Decree will cause a significant decrease in services



## Option #4: Balanced Approach

- 305 layoffs, 15 Furlough days per employee, and a 6.3% cut in Other Operating would provide the necessary \$22M for jail consent decree and \$3.05M to cover terminal leave payments

Department	Layoffs	Furlough Days	Other Operating Cut
Council	5	900	\$277,476
Mayor	5	855	\$228,793
CAO	8	1350	\$278,743
Law	4	735	\$97,094
NOFD	63	10699	\$32,321
Safety & Permits	6	1095	\$13,988
NOPD	117	21885	\$199,544
Sanitation	2	360	\$0
Health	1	180	\$18,906
EMS	9	1530	\$46,468
Human Services	3	555	\$0
Finance	10	1770	\$149,003
Property Management	6	1020	\$54,780
Civil Service	1	255	\$7,039
Public Works	11	1815	\$157,529
Parks & Parkway	11	1838	\$70,142

Department	Layoffs	Furlough Days	Other Operating Cut
HDLC	1	90	\$1,755
VCC	0	75	\$742
City Planning Commission	2	315	\$7,384
Mosquito Control	2	375	\$13,054
Museum of Art	0	0	\$9,499
Misc.	2	195	\$557,174
NORD	7	1320	\$111,832
Inspector General	3	465	\$0
District Attorney	6	900	\$392,747
Coroner	1	210	\$37,573
Juvenile Court	4	720	\$69,510
Municipal Court	2	30	\$93,139
Traffic Court	2	30	\$0
Criminal District Court	2	30	\$95,599
Criminal Sheriff	0	0	\$0
Clerk of Criminal District Court	7	1260	\$4,155
Registrar of Voters	0	0	\$24,010



## Potential Departmental Impacts (1/6)

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- **NOPD would cancel the 2013 recruit classes and reduce staffing in each district by 8 officers to reduce staffing by 117. The furloughs would result in ten percent fewer officers on duty at all times for the last 7 months of 2013, thereby increasing response times significantly.**
- **NOFD would close five fire stations and place nine fire companies out of service to reduce staffing by 63.**
- **EMS response times would increase significantly with 9 fewer employees and the loss of 1530 work days due to furloughs.**

## Potential Departmental Impacts (2/6)

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- City Hall would be closed to the public on 15 Fridays due to the layoff days required.
- NORD would eliminate 7 teen camps and little league tackle football, while not opening four neighborhood pools this summer and keeping recreation centers closed on Saturdays.
- Finance would reduce staff by ten and the effects would be felt on our tax enforcement efforts, which we recently stepped up and have been producing revenue gains.



## Potential Departmental Impacts (3/6)

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- **DPW would reduce streetlight repairs by 50%, catch basin cleanings by 33%, would eliminate all street striping work, would delay bond funded street improvements until 2014, would close the autopound at 10 p.m. instead of 1 a.m., and issue permits and operate the traffic ticket hearing center only three days per week.**
- **Parks and Parkways would decrease mowing efforts by 23%, the time required to address non emergency tree work would grow by five weeks and emergency tree work would go from “same day” to “next day.”**



## Potential Departmental Impacts (4/6)

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- Property Management would dramatically reduce the number of work orders for repairs in city buildings it completes, eliminate 2<sup>nd</sup> shift staffing by engineers in city courts, and have significantly longer wait times for the public in the real estate and records division.
- Safety and Permits would lose 4 building inspectors and develop a backlog of approximately 2500 delayed inspections by year-end; permit processing time at the One Stop Shop would increase 45%; the Taxi Cab Bureau would no longer have enforcement staff on duty 24 hours a day.





## Potential Departmental Impacts (5/6)

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- HDLC and VCC backlogs would increase significantly as would processing time in the One Stop Shop.
- The City Attorney's Office would decrease ABO prosecutions, contract processing time, blighted property research and prosecutions, and support of departments on personnel matters.
- The Health Department would eliminate the position supporting FITNOLA, would serve 200 fewer homeless patients at the homeless health clinic, would serve 100 fewer Healthy Start clients, make 600 fewer WIC visits, and register 100 fewer medical special needs patients.



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## Potential Departmental Impacts (6/6)

- **Sanitation would decrease its enforcement capability by laying off a Ranger; litter and debris removal would decrease on major thoroughfares and in the French Quarter residential neighborhood due to the furlough days and layoff of a laborer.**
- **Mosquito and Termite Control response to rodent and mosquito service requests will grow from 2 days to more than 10 days.**



HILLARD HEINTZE PROPOSED BUDGET FOR CONSENT DECREE COURT MONITOR OF THE NOPD

YEAR ONE	Monitoring Plan, Compliance Review & Outcome Assessments		Reporting and Meetings		Review, Analyze & Comment Policies		Use of Force		Community Engagement		External Communications		Liaison with Govt. Integrity Agencies or Appointments		Technical Assistance & Administrative Duties		Total Labor Cost by Company
	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	
Monitor	200	0	180	0	110	0	200	0	120	0	30	10	120	0	40	0	\$395,000
Strategic Leadership Council	740	0	200	0	150	0	240	0	155	0	50	10	150	0	40	0	\$503,150
Research Staff	1500	0	200	0	150	0	275	0	20	0	20	0	150	0	0	0	\$153,750
Administration Staff	445	0	100	0	200	0	0	0	0	0	0	0	400	0	0	0	\$40,500
<b>DBE Labor (35%)</b>																	
Source and MIP & Associates	5172	330	220	0	640	0	670	0	570	0	40	0	100	0	100	0	\$442,040
Financiers & Strategic Advisors	470	210	160	0	150	0	80	0	40	0	20	0	0	0	20	0	\$34,300
Outreach Coordinator - Metro Source	595	80	40	0	40	0	48	0	120	0	18	0	15	0	16	0	\$31,920
Community Liaison	545	80	210	0	20	0	260	0	60	0	60	0	0	0	45	0	\$33,075
Administrative Staff																	
<b>Total Hours</b>			1550		1380		1378		1085		785		386		811		\$1,497,870

Summary  
 Average Project Hourly Rate \$171.00  
 DBE Requirement of 35% Cost \$350,550  
 Projected DBE Labor Hours Cost \$541,335  
 35.089% Percent of Labor Cost

Total Labor Hours	8,991
Total Labor Cost	\$1,497,870.00
Expenses and Travel	\$277,692
Total Price	\$1,826,427

YEAR TWO	Monitoring Plan, Compliance Review & Outcome Assessments		Reporting and Meetings		Review, Analyze & Comment Policies		Use of Force		Community Engagement		External Communications		Liaison with Govt. Integrity Agencies or Appointments		Technical Assistance & Administrative Duties		Total Labor Cost by Company
	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	
Monitor	175	0	180	0	100	0	200	0	120	0	30	10	120	0	40	0	\$287,625
Strategic Leadership Council	640	0	200	0	140	0	275	0	135	0	50	10	150	0	40	0	\$481,400
Research Staff	1500	0	200	0	150	0	275	0	20	0	20	0	150	0	0	0	\$154,350
Administration Staff	445	0	100	0	200	0	0	0	0	0	0	0	400	0	0	0	\$49,500
<b>DBE Labor (35%)</b>																	
Source and MIP & Associates	5172	190	220	0	575	0	680	0	570	0	40	0	100	0	100	0	\$425,700
Financiers & Strategic Advisors	470	20	160	0	150	0	80	0	40	0	20	0	0	0	20	0	\$34,300
Outreach Coordinator - Metro Source	595	80	40	0	40	0	48	0	120	0	18	0	15	0	16	0	\$31,920
Community Liaison	545	80	210	0	20	0	260	0	60	0	60	0	0	0	45	0	\$33,075
Administrative Staff																	
<b>Total Hours</b>		1,485	1,380		1,260		1,627		1,085		785		386		811		\$1,497,870

Summary  
 Average Project Hourly Rate \$170.00  
 DBE Requirement of 35% Cost \$340,506  
 Projected DBE Labor Hours Cost \$524,995  
 35.049% Percent of Labor Cost

Total Labor Hours	8,800
Total Labor Cost	\$1,497,870.00
Expenses and Travel	\$269,617
Total Price	\$1,767,487

EX.C

HILLARD HEINTZE PROPOSED BUDGET FOR CONSENT DECREE COURT MONITOR OF THE NOPD

YEAR THREE		Monitoring plan, Compliance Review & Outcome Assessments		Reporting and Meetings		Review, Analyze & Comment Policies		Use of Force		Community Engagement		External Communications		Liaison with Govt- Integrity Agencies or Appointments		Technical Assistance & Administrtive Duties		Total Labor Cost by Team Category		Total Labor Cost by Company	
Rate	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Total Labor Hours	Total Labor Cost	Expenses and Travel	Total Price	
\$295	175	0	180	0	100	0	200	0	120	0	30	10	40	120	0	40	3287.625	\$413,650		\$413,650	
\$290	640	0	250	0	140	0	150	0	40	0	50	10	190	0	190	0	\$461,100	\$34,300		\$495,400	
\$150	0	200	0	150	0	275	0	90	0	0	0	0	0	0	0	0	\$152,250	\$31,920		\$184,170	
\$45	0	100	0	200	0	0	0	0	0	0	0	0	0	0	0	0	\$49,500	\$33,075		\$82,575	
<b>DBE Labor (35%) Metro</b>																					
\$172	190	0	220	0	575	0	880	0	500	0	40	0	100	0	100	0	3,646	\$1,469,490.00		\$1,469,490.00	
\$70	20	0	160	0	150	0	80	0	40	0	20	0	20	0	20	0	20	\$34,300		\$34,300	
\$95	80	0	40	0	0	0	48	0	120	0	16	0	16	0	16	0	16	\$31,920		\$31,920	
\$45	80	0	210	0	20	0	760	0	60	0	60	0	60	0	60	0	45	\$33,075		\$33,075	
<b>Total Hours</b>																					
1,085																					
<b>Total Price</b>																					
951																					

Summary  
 Average Project Hourly Rate \$169.00  
 DBE Requirement of 35% Cost \$332,666  
 Projected DBE Labor Hours Cost \$512,955 35.052% Percent of Labor Cost

YEAR FOUR		Monitoring plan, Compliance Review & Outcome Assessments		Reporting and Meetings		Review, Analyze & Comment Policies		Use of Force		Community Engagement		External Communications		Liaison with Govt- Integrity Agencies or Appointments		Technical Assistance & Administrtive Duties		Total Labor Cost by Team Category		Total Labor Cost by Company	
Rate	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Hours On-Site	Hours Off-Site	Total Labor Hours	Total Labor Cost	Expenses and Travel	Total Price	
\$295	175	0	180	0	100	0	200	0	120	0	30	10	40	120	0	40	3,202.500	\$403,340		\$403,340	
\$290	390	0	250	0	140	0	125	0	100	0	50	10	150	0	150	0	\$394,300	\$34,300		\$428,600	
\$150	0	200	0	150	0	275	0	90	0	0	0	0	0	0	0	0	\$152,250	\$31,920		\$184,170	
\$45	0	100	0	200	0	0	0	0	0	0	0	0	0	0	0	0	\$49,500	\$33,075		\$82,575	
<b>DBE Labor (35%) Metro</b>																					
\$172	130	0	220	0	575	0	650	0	500	0	40	0	100	0	100	0	3,646	\$1,469,490.00		\$1,469,490.00	
\$70	20	0	160	0	150	0	80	0	40	0	20	0	20	0	20	0	20	\$34,300		\$34,300	
\$95	80	0	40	0	0	0	48	0	120	0	16	0	16	0	16	0	16	\$31,920		\$31,920	
\$45	80	0	210	0	20	0	760	0	60	0	60	0	60	0	60	0	45	\$33,075		\$33,075	
<b>Total Hours</b>																					
1,175																					
<b>Total Price</b>																					
1,201																					

Summary  
 Average Project Hourly Rate \$168.00  
 DBE Requirement of 35% Cost \$326,174  
 Projected DBE Labor Hours Cost \$502,635 35.038% Percent of Labor Cost

# OUR APPROACH TO COST

## *Excellence Within Reach*

In order to provide New Orleans the experience and expertise of our monitoring team at a fair and reasonable price, Sheppard Mullin and its affiliated experts will offer their services at significantly discounted hourly rates. The firm will charge the time spent by its professional personnel at a blended rate of \$425 per hour for senior attorneys and \$350 per hour for junior attorneys – regardless of the individual’s normal billable rate.<sup>1</sup> These rates are significantly below our standard commercial rates, which range from \$495 to \$895 for senior attorneys and from \$285 to \$655 for junior attorneys. Mr. Aronie’s standard 2013 hourly rate, for example, is \$640. Similarly, Ms. Kennedy’s 2013 hourly rate is \$610. Paralegals taking part in this project will be billed at \$100 per hour, which is below most of their normal billing rates as well.

We intend to utilize a billing rate structure for the other members of our team that is equally advantageous to New Orleans. To this end, we intend to partner with a local university for statistics and database experts, and we anticipate that these experts will be billed at a rate of \$250 per hour. This is significantly below the rates typically charged by individuals in the private sector with similar skills. We will bill our police experts at \$200 per hour in the first year, except for Chief Dennis Nowicki who, as our team’s Deputy Monitor and lead police practices expert, will receive \$250 per hour.

The majority of the work being performed by the monitoring team will occur off-site, *i.e.* outside the city of New Orleans. The monitoring team, however, fully intends to meet all contractual requirements to have an ongoing physical presence within the city. The exact number of hours that will be spent in specific locations cannot be determined until a detailed work plan has been prepared with the city. As such, and because the rates for all personnel are not dependent upon the location where the services are being performed, the cost estimate includes only the number of hours per labor category without an on-site/off-site breakdown.

Ancillary expenses, such as photocopying, telephone calls, legal research, translation services, web site design/maintenance, and travel expenses, will be billed at actual cost (or our best estimate of actual cost, where the actual cost is unknown). Team members will be traveling to New Orleans from various locations across the country, and, as the exact number of trips is dependent upon the needs of the city, estimate trip numbers and average travel costs have been used in compiling the estimated price for this project. Additionally, we do not expect to incur any expenses for the leasing of local office space or the rental of local meeting facilities.

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<sup>1</sup> All of the rates in our proposal, including attorney rates, are subject to an anticipated 5% escalation each year. The rates included in the detailed estimate include this escalation.

The ultimate cost of our team's activities will be driven, in part, by the actions of the City and the Police Department. The monitoring team will be required to provide certain services, such as technical assistance, to the extent required. Thus, the preparation of a detailed, definitive budget at this early stage is not possible. Nonetheless, the attached projected Budget Templates set forth our best estimate of the total cost of this project for years one through four.

In summary, we estimate the cost of this project to the City of New Orleans to be as follows:

	<b>Labor Subtotals</b>	<b>Travel &amp; ODC</b>	<b>Totals</b>
<b>Year 1 Estimate</b>	<b>\$ 1,626,375.00</b>	<b>\$ 412,590.00</b>	<b>\$ 2,038,965.00</b>
<b>Year 2 Estimate</b>	<b>\$ 1,870,268.75</b>	<b>\$ 160,520.00</b>	<b>\$ 2,030,788.75</b>
<b>Year 3 Estimate</b>	<b>\$ 1,821,023.75</b>	<b>\$ 126,005.00</b>	<b>\$ 1,947,028.75</b>
<b>Year 4 Estimate</b>	<b>\$ 1,772,513.75</b>	<b>\$ 91,490.00</b>	<b>\$ 1,864,003.75</b>
<b>Total Year 1-4 Estimate</b>	<b>\$ 7,090,181.25</b>	<b>\$ 790,605.00</b>	<b>\$ 7,880,786.25</b>

Since our team will not have any one-time fixed costs that "will be incurred regardless of the duration of the contract" (as referenced in Attachment A of the Request for Proposals), the total estimated cost of this project can be derived simply by adding the estimated costs of years one through four.

Under this proposal, regardless of the estimates detailed above and hereafter, and assuming neither the City nor the Department of Justice do not expand the requirements beyond the scope of the Consent Decree and this proposal, or beyond the four year term of the contract, we are prepared to cap the total cost of the contract at \$8.9 million.

BUDGET TEMPLATE  
YEAR 1 OF 4

	Policy Review			Technical Assistance			Training Assessment			Incident Review			Report Writing			Base Year Total
	R	H	D	R	H	D	R	H	D	R	H	D	R	H	D	
Direct Labor***																
Senior Staff	\$425.00	175.00	\$ 74,375.00	\$425.00	175.00	\$ 74,375.00	\$ 425.00	125.00	\$ 53,125.00	\$ 425.00	175.00	\$ 74,375.00	\$ 425.00	175.00	\$ 74,375.00	
Junior Staff	\$350.00	175.00	\$ 61,250.00	\$350.00	175.00	\$ 61,250.00	\$ 350.00	100.00	\$ 35,000.00	\$ 350.00	100.00	\$ 35,000.00	\$ 350.00	175.00	\$ 61,250.00	
Local Counsel	\$350.00		\$ -	\$350.00	50.00	\$ 17,500.00	\$ 350.00		\$ -	\$ 350.00		\$ -	\$ 350.00	20.00	\$ 7,000.00	
Paralegal Staff	\$100.00		\$ -	\$100.00	75.00	\$ 7,500.00	\$ 100.00		\$ -	\$ 100.00	100.00	\$ 10,000.00	\$ 100.00	75.00	\$ 7,500.00	
Deputy Monitor	\$250.00	200.00	\$ 50,000.00	\$250.00	150.00	\$ 37,500.00	\$ 250.00	100.00	\$ 25,000.00	\$ 250.00	350.00	\$ 87,500.00	\$ 250.00	50.00	\$ 12,500.00	
Police Experts	\$200.00	600.00	\$ 120,000.00	\$200.00	550.00	\$ 110,000.00	\$ 200.00	300.00	\$ 60,000.00	\$ 200.00	800.00	\$ 160,000.00	\$ 200.00	100.00	\$ 20,000.00	
Academic Experts	\$250.00	325.00	\$ 81,250.00	\$250.00	275.00	\$ 68,750.00	\$ 250.00	200.00	\$ 50,000.00	\$ 250.00	100.00	\$ 25,000.00	\$ 250.00	50.00	\$ 12,500.00	
Statistics Experts	\$250.00	80.00	\$ 20,000.00	\$250.00	10.00	\$ 2,500.00	\$ 250.00	80.00	\$ 20,000.00	\$ 250.00	100.00	\$ 25,000.00	\$ 250.00	25.00	\$ 6,250.00	
Total Labor Hours****		1555			1460			905		1675		670				6,255.00
Total Labor Dollars	\$		\$ 406,675.00	\$		\$ 379,375.00	\$		\$ 243,125.00	\$		\$ 395,625.00	\$		\$ 201,375.00	\$ 1,626,375.00
Fringe Benefit		n/a*			n/a*			n/a*		n/a*				n/a*		\$ -
Total Labor	\$		\$ 406,675.00	\$		\$ 379,375.00	\$		\$ 243,125.00	\$		\$ 395,625.00	\$		\$ 201,375.00	\$ 1,626,375.00
Office Space		n/a*			n/a*			n/a*		n/a*				n/a*		\$ -
ODCs	\$		\$ -	\$		\$ -	\$		\$ -	\$		\$ 12,480.00	\$		\$ 12,480.00	\$ 24,960.00
Travel	\$		\$ -	\$		\$ -	\$		\$ -	\$		\$ -	\$		\$ -	\$ 387,630.00
Subcontractors		see direct labor above			see direct labor above			see direct labor above			see direct labor above			see direct labor above		\$ -
Overhead		n/a*			n/a*			n/a*			n/a*			n/a*		\$ -
Fee/Profit		n/a*			n/a*			n/a*			n/a*			n/a*		\$ -
Total Price**	\$		\$ 406,675.00	\$		\$ 379,375.00	\$		\$ 243,125.00	\$		\$ 408,105.00	\$		\$ 213,855.00	\$ 2,038,965.00

R = Rate  
H = Hours  
D = Dollars (Rate x Hours = Dollars)

\*This budget element is incorporated in the commercial rates being offered by the monitoring team.  
\*\*All figures are estimates.  
\*\*\*Direct Labor Rates reflect discounts from commercial rates.  
\*\*\*\*The allocation of hours are estimates, and may be adjusted based on the detailed work plan to be prepared with the City.



BUDGET TEMPLATE  
YEAR 2 OF 4

	Policy Review			Technical Assistance			Training Assessment			Incident Review			Report Writing			Base Year Total
	R	H	D	R	H	D	R	H	D	R	H	D	R	H	D	
<b>Direct Labor***</b>																
Senior Staff	\$446.25	175.00	\$ 78,093.75	\$446.25	125.00	\$ 55,781.25	\$ 446.25	100.00	\$ 44,625.00	\$ 446.25	300.00	\$ 133,875.00	\$ 446.25	215.00	\$ 95,943.75	
Junior Staff	\$367.50	175.00	\$ 64,312.50	\$367.50	75.00	\$ 27,562.50	\$ 367.50	100.00	\$ 36,750.00	\$ 367.50	300.00	\$ 110,250.00	\$ 367.50	215.00	\$ 79,012.50	
Local Counsel	\$350.00		\$ -	\$350.00	50.00	\$ 17,500.00	\$ 350.00		\$ -	\$ 350.00		\$ -	\$ 350.00	20.00	\$ 7,000.00	
Paralegal Staff	\$105.00		\$ -	\$105.00	75.00	\$ 7,875.00	\$ 105.00		\$ -	\$ 105.00	100.00	\$ 10,500.00	\$ 105.00	75.00	\$ 7,875.00	
Deputy Monitor	\$262.50	200.00	\$ 52,500.00	\$262.50	100.00	\$ 26,250.00	\$ 262.50	100.00	\$ 26,250.00	\$ 262.50	450.00	\$ 118,125.00	\$ 262.50	100.00	\$ 26,250.00	
Police Experts	\$210.00	500.00	\$ 105,000.00	\$210.00	300.00	\$ 63,000.00	\$ 210.00	200.00	\$ 42,000.00	\$ 210.00	1,300.00	\$ 273,000.00	\$ 210.00	150.00	\$ 31,500.00	
Academic Experts	\$262.50	200.00	\$ 52,500.00	\$262.50	200.00	\$ 52,500.00	\$ 262.50	150.00	\$ 39,375.00	\$ 262.50	100.00	\$ 26,250.00	\$ 262.50	75.00	\$ 19,687.50	
Statistics Experts	\$262.50	80.00	\$ 21,000.00	\$262.50	50.00	\$ 13,125.00	\$ 262.50	150.00	\$ 39,375.00	\$ 262.50	150.00	\$ 39,375.00	\$ 262.50	100.00	\$ 26,250.00	
<b>Total Labor Hours****</b>		1330			975			800		2700		950				6,755.00
Total Labor Dollars	\$		\$ 373,406.25	\$		\$ 263,593.75	\$		\$ 228,375.00	\$		\$ 711,375.00	\$		\$ 293,518.75	\$ 1,870,268.75
Fringe Benefit		n/a*			n/a*			n/a*		n/a*				n/a*		\$ -
<b>Total Labor</b>			\$ 373,406.25			\$ 263,593.75			\$ 228,375.00			\$ 711,375.00			\$ 293,518.75	\$ 1,870,268.75
Office Space		n/a*			n/a*			n/a*		n/a*				n/a*		\$ -
ODCs			\$ -			\$ -			\$ -			\$ 11,230.00			\$ 11,230.00	\$ 22,460.00
Travel			\$ -			\$ -			\$ -			\$ -			\$ -	\$ 138,060.00
Subcontractors		see direct labor above			see direct labor above			see direct labor above		see direct labor above		see direct labor above		see direct labor above		\$ -
Overhead		n/a*			n/a*			n/a*		n/a*		n/a*		n/a*		\$ -
Fee/Profit		n/a*			n/a*			n/a*		n/a*		n/a*		n/a*		\$ -
<b>Total Price**</b>			\$ 373,406.25			\$ 263,593.75			\$ 228,375.00			\$ 722,605.00			\$ 304,748.75	\$ 2,030,788.75

R = Rate  
H = Hours  
D = Dollars (Rate x Hours = Dollars)

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\*\*All figures are estimates.  
\*\*\*Direct Labor Rates reflect discounts from commercial rates.  
\*\*\*\*The allocation of hours are estimates, and may be adjusted based on the detailed work plan to be prepared with the City.

BUDGET TEMPLATE  
YEAR 3 OF 4

	Policy Review			Technical Assistance			Training Assessment			Incident Review			Report Writing			Base Year Total
	R	H	D	R	H	D	R	H	D	R	H	D	R	H	D	
<b>Direct Labor***</b>																
Senior Staff	\$468.56	175.00	\$ 81,998.44	\$468.56	75.00	\$ 35,142.19	\$ 468.56	100.00	\$ 46,896.25	\$ 468.56	300.00	\$ 140,568.75	\$ 468.56	230.00	\$ 107,769.38	
Junior Staff	\$385.88	175.00	\$ 67,528.13	\$385.88	75.00	\$ 28,940.63	\$ 385.88	100.00	\$ 38,587.50	\$ 385.88	300.00	\$ 115,762.50	\$ 385.88	230.00	\$ 88,751.25	
Local Counsel	\$350.00			\$350.00	50.00	\$ 17,500.00	\$ 350.00			\$ 350.00			\$ 350.00	20.00	\$ 7,000.00	
Paralegal Staff	\$110.25			\$110.25	75.00	\$ 8,268.75	\$ 110.25			\$ 110.25	100.00	\$ 11,025.00	\$ 110.25	100.00	\$ 11,025.00	
Deputy Monitor	\$275.63	200.00	\$ 55,125.00	\$275.63	150.00	\$ 41,343.75	\$ 275.63	100.00	\$ 27,562.50	\$ 275.63	400.00	\$ 110,250.00	\$ 275.63	100.00	\$ 27,562.50	
Police Experts	\$220.50	350.00	\$ 77,175.00	\$220.50	325.00	\$ 71,662.50	\$ 220.50	200.00	\$ 44,100.00	\$ 220.50	1,200.00	\$ 264,600.00	\$ 220.50	200.00	\$ 44,100.00	
Academic Experts	\$275.63	100.00	\$ 27,562.50	\$275.63	75.00	\$ 20,671.88	\$ 275.63	150.00	\$ 41,343.75	\$ 275.63	100.00	\$ 27,562.50	\$ 275.63	75.00	\$ 20,671.88	
Statistics Experts	\$275.63	80.00	\$ 22,050.00	\$275.63	50.00	\$ 13,781.25	\$ 275.63	80.00	\$ 22,050.00	\$ 275.63	150.00	\$ 41,343.75	\$ 275.63	50.00	\$ 13,781.25	
<b>Total Labor Hours****</b>		1080			875			730		2550		1005				6,240.00
Total Labor Dollars	\$		\$ 331,439.06	\$		\$ 237,310.94	\$		\$ 220,500.00	\$		\$ 711,112.50	\$		\$ 320,661.25	\$ 1,821,023.75
Fringe Benefit		n/a*			n/a*			n/a*		n/a*		n/a*			n/a*	
<b>Total Labor</b>	\$		\$ 331,439.06	\$		\$ 237,310.94	\$		\$ 220,500.00	\$		\$ 711,112.50	\$		\$ 320,661.25	\$ 1,821,023.75
Office Space		n/a*			n/a*			n/a*		n/a*		n/a*			n/a*	
ODCs	\$		-	\$		-	\$		-	\$		11,230.00	\$		11,230.00	\$ 22,460.00
Travel	\$		-	\$		-	\$		-	\$			\$			\$ 103,545.00
Subcontractors		see direct labor above			see direct labor above			see direct labor above		see direct labor above		see direct labor above		see direct labor above		
Overhead		n/a*			n/a*			n/a*		n/a*		n/a*		n/a*		
Fee/Profit		n/a*			n/a*			n/a*		n/a*		n/a*		n/a*		
<b>Total Price**</b>	\$		\$ 331,439.06	\$		\$ 237,310.94	\$		\$ 220,500.00	\$		\$ 722,342.50	\$		\$ 331,891.25	\$ 1,947,028.75

R = Rate  
H = Hours  
D = Dollars (Rate x Hours = Dollars)

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\*\*\*\*The allocation of hours are estimates, and may be adjusted based on the detailed work plan to be prepared with the City.

BUDGET TEMPLATE  
YEAR 4 OF 4

	Policy Review			Technical Assistance			Training Assessment			Incident Review			Report Writing			Base Year Total
	R	H	D	R	H	D	R	H	D	R	H	D	R	H	D	
<b>Direct Labor***</b>																
Senior Staff	\$491.99	175.00	\$86,098.36	\$491.99	75.00	\$36,899.30	\$491.99	50.00	\$24,599.53	\$491.99	300.00	\$147,597.19	\$491.99	200.00	\$98,398.13	
Junior Staff	\$405.17	175.00	\$70,904.53	\$405.17	75.00	\$30,387.66	\$405.17	50.00	\$20,258.44	\$405.17	300.00	\$121,550.63	\$405.17	200.00	\$81,033.75	
Local Counsel	\$350.00			\$350.00	50.00	\$17,500.00	\$350.00			\$350.00			\$350.00	20.00	\$7,000.00	
Paralegal Staff	\$115.76			\$115.76	75.00	\$8,682.19	\$115.76			\$115.76	100.00	\$11,576.25	\$115.76	50.00	\$5,788.13	
Deputy Monitor	\$289.41	200.00	\$57,881.25	\$289.41	150.00	\$43,410.94	\$289.41	100.00	\$28,940.63	\$289.41	400.00	\$115,762.50	\$289.41	100.00	\$28,940.63	
Police Experts	\$231.53	250.00	\$57,881.25	\$231.53	325.00	\$75,245.65	\$231.53	200.00	\$46,305.00	\$231.53	1,150.00	\$266,253.75	\$231.53	150.00	\$34,728.75	
Academic Experts	\$289.41	100.00	\$28,940.63	\$289.41	75.00	\$21,705.47	\$289.41	150.00	\$43,410.94	\$289.41	100.00	\$28,940.63	\$289.41	50.00	\$14,470.31	
Statistics Experts	\$289.41	80.00	\$23,152.50	\$289.41	50.00	\$14,470.31	\$289.41	80.00	\$23,152.50	\$289.41	150.00	\$43,410.94	\$289.41	25.00	\$7,235.16	
<b>Total Labor Hours****</b>		980			875			630		2500		795			5,780.00	
Total Labor Dollars	\$		\$324,858.52	\$		\$248,301.48	\$		\$186,667.03	\$		\$735,091.88	\$		\$277,594.84	\$1,772,513.75
Fringe Benefit		n/a*			n/a*			n/a*		n/a*			n/a*			
<b>Total Labor</b>	\$		\$324,858.52	\$		\$248,301.48	\$		\$186,667.03	\$		\$735,091.88	\$		\$277,594.84	\$1,772,513.75
Office Space		n/a*			n/a*			n/a*		n/a*			n/a*			
ODCs	\$		-	\$		-	\$		-	\$		11,230.00	\$		11,230.00	\$22,460.00
Travel	\$		-	\$		-	\$		-	\$			\$			\$69,030.00
Subcontractors		see direct labor above			see direct labor above			see direct labor above		see direct labor above			see direct labor above			
Overhead		n/a*			n/a*			n/a*		n/a*			n/a*			
Fee/Profit		n/a*			n/a*			n/a*		n/a*			n/a*			
<b>Total Price**</b>	\$		\$324,858.52	\$		\$248,301.48	\$		\$186,667.03	\$		\$746,321.88	\$		\$288,824.84	\$1,864,003.75

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H = Hours  
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\*\*All figures are estimates.  
\*\*\*Direct Labor Rates reflect discounts from commercial rates.  
\*\*\*\*The allocation of hours are estimates, and may be adjusted based on the detailed work plan to be prepared with the City.



**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CIVIL ACTION NO.</b>
		<b>12-CV-01924</b>
<b>VERSUS</b>	<b>:</b>	<b>SECTION E</b>
		<b>JUDGE SUSIE MORGAN</b>
<b>CITY OF NEW ORLEANS</b>	<b>:</b>	<b>DIVISION 2</b>
		<b>MAGISTRATE WILKINSON</b>

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**ORDER**

**CONSIDERING THE FOREGOING** Motion for Stay filed on behalf of the Defendant, City of New Orleans (“City”):

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the City’s Motion is **GRANTED**.

This \_\_\_\_ day of \_\_\_\_\_, 2013, New Orleans, Louisiana.

\_\_\_\_\_  
JUDGE SUSIE MORGAN

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CIVIL ACTION NO.</b>
		<b>12-CV-01924</b>
<b>VERSUS</b>	<b>:</b>	<b>SECTION E</b>
		<b>JUDGE SUSIE MORGAN</b>
<b>CITY OF NEW ORLEANS</b>	<b>:</b>	<b>DIVISION 2</b>
		<b>MAGISTRATE WILKINSON</b>

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**TO: All Counsel of Record Via CM/ECF**

Defendant, the City of New Orleans (“City”), hereby provides notice that the City’s Motion for Stay filed herewith will be heard before the Honorable Susie Morgan, District Judge, United States District Court for the Eastern District of Louisiana, Section F, on **Wednesday, June 19, 2013 at 10:00 am**, or as soon as counsel may be heard.

If the Court does not require oral argument, the motion will be deemed submitted on the briefs on the above-referenced date. You are invited to attend and participate as you deem fit.

Respectfully submitted,

/s/ Sharonda R. Williams

CHRISTY HAROWSKI (LSB #30712)  
ASSISTANT CITY ATTORNEY  
MARY KATHERINE TAYLOR (LSB#32719)  
ASSISTANT CITY ATTORNEY  
CHURITA HANSELL (LSB#25694)  
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Energy Centre  
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New Orleans, LA 70163  
Telephone: 504-582-2425

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading has been served on all counsel of record through the Court's CM/ECF electronic filing system this 23<sup>rd</sup> day of May, 2013.

/s/ Sharonda R. Williams  
SHARONDA R. WILLIAMS