

ORDINANCE

CITY OF NEW ORLEANS

CITY HALL: June 20, 2024

CALENDAR NO. 34,715

NO. _____ MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS MORENO AND MORRELL

AN ORDINANCE to ordain section 70-822 of the Code of the City of New Orleans to establish a minimum pay rate for musicians and musical performances paid using public funds; and otherwise to provide with respect thereto.

WHEREAS, the musical traditions of New Orleans remain the most jubilant, spiritual, and influential in this nation; with styles ranging from classic jazz to gospel to rhythm and blues to brass band street music; and

WHEREAS, the sounds of our city flow freely from street corners and jazz halls, where they serve as a testament to our history and unique way of life; and

WHEREAS, New Orleans is known worldwide for its music, and our culture bearers serve as crucial and vibrant contributors to the character of our community; and

WHEREAS, the music industry serves as a cornerstone of the city's identity and economic prosperity, yet the creative community struggles with quality of life and the high cost of living in our neighborhoods; and

WHEREAS, musicians in New Orleans often struggle to earn a living wage commensurate with their cultural contributions and the beauty they create; and

WHEREAS, the City of New Orleans employs musicians through a variety of programs and special events administered by various City departments and agencies and also hosts events for private and nonprofit entities showcasing musical performances at City-owned properties; and

21 per musician, per hour of actual musical performance, with a minimum compensation of
22 \$200 per musician for a performance. A musical act with 10 musicians or more shall be
23 paid at least \$2,000 per performance. Nothing herein shall prohibit the city or any public
24 agency from paying in excess of the minimum wage or preclude the city from paying
25 additional monies, at an agreed-upon rate, to compensate non-musician members of a
26 musical act or for the time associated with non-performance elements of an engagement,
27 such as loading, unloading and sound checks.

28 (c) The musician minimum wage set forth in the preceding subsection shall be required in
29 circumstances where the city, a political subdivision established in the Home Rule
30 Charter, or a city-owned corporation:

- 31 1) contracts directly with a musical act for a musical performance, or
- 32 2) contracts with a third party to stage an event featuring a musical performance,
33 unless the contract contains a provision asserting that no public funds payable
34 under the contract will be used to fund or subsidize the cost of the musical
35 performance.

36 (d) The provisions of this section shall not apply to performances by groups whose
37 members are uncompensated volunteers, such as school musical groups and musical
38 groups affiliated with religious institutions.

39 (e) Nothing herein shall prohibit any musical act agreeing to provide services to the city
40 without compensation, provided that the city shall not unreasonably solicit
41 uncompensated musical performances from musical acts or otherwise engage in practices
42 intended to circumvent the minimum wage set forth herein, such as engaging a musical
43 act to work on a tips-only basis.

44 (f) The musician living wage thresholds established herein shall be annually adjusted for
45 inflation, as defined by the Consumer Price Index calculated by the U.S. Bureau of Labor
46 Statistics as applied to the South Region, except that in no instance shall the living wage
47 be adjusted downward. The first adjustment shall become effective on January 1, 2025
48 using the Consumer Price Index figures provided for the preceding calendar year, and on
49 January 1 each year thereafter.”

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS _____

PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON _____

APPROVED:
DISAPPROVED: _____

MAYOR

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

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS:

NAYS:

ABSENT:

RECUSED: