

AMENDMENT TO ORDINANCE CALENDAR NUMBER 34,715

CITY HALL: July 25, 2024

BY: ^{HM} COUNCILMEMBER MORENO
SECONDED BY:

BRIEF:

Amendments to add additional language concerning the role of musician unions; clarify that musicians or musical groups may provide services to the City at a reduced rate; correct the dates with respect to the Consumer Price Index adjustments; and add a quarterly reporting requirement.

AMENDMENT:

1) On page 1, after the fifth WHEREAS paragraph, insert the following:

WHEREAS, unions – such as the American Federation of Musicians and membership therein – are critical for musicians’ ability to pursue collective bargaining for better wages, benefits, and working conditions; and

2) On page 3, line 40, after “compensation,” insert the following:

or at a reduced rate,

3) On page 4, lines 47-49, delete the last sentence in its entirety and insert the following in lieu thereof:

The first adjustment shall become effective on January 1, 2026 using the Consumer Price Index figures provided for the preceding calendar year, and on January 31 each year thereafter.

4) On page 4, after line 49, insert the following language:

(g) When the city, a political subdivision established in the Home Rule Charter, or a city-owned corporation expends public funds for a musical performance, each entity shall submit a quarterly report to the Clerk of Council listing the name of the musician or musical act, the duration of the musical performance, and the amount of compensation provided to the musician or musical act as well as any additional compensation provided for services including but not limited to loading, unloading, and soundcheck.”

THE FOREGOING AMENDMENT WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND THE RESULT WAS AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

RECUSED:

AND THE AMENDMENT WAS ADOPTED.

ENGROSSED VERSION:

The following engrossed version shows how the proposed amendment would modify Ord. Cal. No. 34,715, as originally introduced. Additions are underlined. Deletions are shown as ~~strikethroughs~~.

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, unions – such as the American Federation of Musicians and membership therein – are critical for musicians' ability to pursue collective bargaining for better wages, benefits, and working conditions; 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

WHEREAS, the City desires to signal its commitment to its musical culture bearers and to demonstrate the need to raise the universal standard for musical performance pay across New Orleans by requiring a minimum rate of pay for musical performances paid for by the City; **NOW THEREFORE**

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That section 70-822 of the Code of the City of New Orleans, Louisiana is ordained to read as follows:

“Chapter 70 – CONTRACTS

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ARTICLE VIII – LIVING WAGE ORDINANCE

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Sec. 70-822. – Guaranteed Base Wage for Musicians.

- (a) For purpose of this section, the following terms shall have the following meanings:
- 1) “Musician” means any person engaged in the act of musical performance, whether individually or as part of an ensemble, and includes vocalists, DJs or deejays, conductors, and persons playing musical instruments. The term does not include non-musical accompaniment, such as back-up dancers, or individuals employed to produce a musical performance, such as sound technicians, managers, and other staff; and
 - 2) “Musical act” means one or more musicians engaged to provide a musical performance and includes bands, marching bands, orchestras, and any other type of musical ensemble or group.
- (b) Except as otherwise provided herein, any musical act compensated with public funds for a musical performance shall be paid, excluding tips or other gratuities, at least \$200 per musician, per hour of actual musical performance, with a minimum compensation of \$200 per musician for a performance. A musical act with 10 musicians or more shall be paid at least \$2,000 per performance. Nothing herein shall prohibit the city or any public agency from paying in excess of the minimum wage or preclude the city from paying additional monies, at an agreed-upon rate, to compensate non-musician members of a musical act or for the time associated with non-performance elements of an engagement, such as loading, unloading and sound checks.
- (c) The musician minimum wage set forth in the preceding subsection shall be required in circumstances where the city, a political subdivision established in the Home Rule Charter, or a city-owned corporation:
- 1) contracts directly with a musical act for a musical performance, or

- 2) contracts with a third party to stage an event featuring a musical performance, unless the contract contains a provision asserting that no public funds payable under the contract will be used to fund or subsidize the cost of the musical performance.
- (d) The provisions of this section shall not apply to performances by groups whose members are uncompensated volunteers, such as school musical groups and musical groups affiliated with religious institutions.
- (e) Nothing herein shall prohibit any musical act agreeing to provide services to the city without compensation, or at a reduced rate, provided that the city shall not unreasonably solicit uncompensated musical performances from musical acts or otherwise engage in practices intended to circumvent the minimum wage set forth herein, such as engaging a musical act to work on a tips-only basis.
- (f) The musician living wage thresholds established herein shall be annually adjusted for inflation, as defined by the Consumer Price Index calculated by the U.S. Bureau of Labor Statistics as applied to the South Region, except that in no instance shall the living wage be adjusted downward. ~~The first adjustment shall become effective on January 1, 2025 using the Consumer Price Index figures provided for the preceding calendar year, and on January 1 each year thereafter.~~ The first adjustment shall become effective on January 1, 2026 using the Consumer Price Index figures provided for the preceding calendar year, and on January 31 each year thereafter.
- (g) When the city, a political subdivision established in the Home Rule Charter, or a city-owned corporation expends public funds for a musical performance, each entity shall submit a quarterly report to the Clerk of Council listing the name of the musician or musical act, the duration of the performance, and the amount of compensation provided to the musician or musical act as well as any additional compensation provided for services including but not limited to loading, unloading, and soundcheck.”