

2018 Regular Session

SENATE BILL NO. 227

BY SENATOR MORRELL

LOCAL AGENCIES. Provides for the membership of the Sewerage and Water Board of the city of New Orleans. (See Act)

1 AN ACT  
2 To amend and reenact R.S. 33:4071(A)(1), (2)(a), (4), (5), 4074, and the introductory  
3 paragraph of 4091(C) and to enact R.S. 33:4091(C)(8), (D), and (E), relative to the  
4 city of New Orleans; to provide relative to the Sewerage and Water Board of New  
5 Orleans; to increase the membership of the board; to provide for the mayor's  
6 designee; to provide with respect to the content and due date for quarterly reports of  
7 the board; to provide for an effective date; and to provide for related matters.

8 Notice of intention to introduce this Act has been published.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:4071(A)(1), (2)(a), (4), (5), 4074, and the introductory paragraph  
11 of 4091(C) are hereby amended and reenacted and R.S. 33:4091(C)(8), (D), and (E) are  
12 hereby enacted to read as follows:

13 §4071. Creation and organization of sewerage and water board

14 A.(1) The public water system, the public sewerage system, and the public  
15 drainage system of the city of New Orleans shall be constructed, controlled,  
16 maintained, and operated by a sewerage and water board to be composed as follows:

17 (a) The mayor.

1                   (b) One member selected by a majority vote of the New Orleans City  
2                   Council, who may be a member of the council.

3                   (c) Two syndicate members of the board of liquidation, city debt, to be  
4 appointed by the mayor on the recommendation of the board of liquidation, city debt.

5                   ~~(e)~~(d) Eight Nine citizens, to be appointed by the mayor, with the advice and  
6 consent of the city council from a list of nominees submitted by the Sewerage and  
7 Water Board Selection Committee.

8                   ~~(d)~~(e) The members appointed pursuant to Subparagraphs ~~(b)~~ and (c) and (d)  
9 of this Paragraph shall include one citizen from each of the five council manic  
10 districts within the city of New Orleans. In addition, two of the appointments shall  
11 be consumer advocates with community advocacy or consumer protection  
12 experience or experience in a related field.

13                   (2)(a) For purposes of this Section, the Sewerage and Water Board Selection  
14 Committee, hereinafter referred to as the "selection committee", is hereby created to  
15 be comprised as follows:

16                   (i) The president of Dillard University or ~~his~~ the president's designee.

17                   (ii) The president of Loyola University or ~~his~~ the president's designee.

18                   (iii) The president of Tulane University or ~~his~~ the president's designee.

19                   (iv) The president of Xavier University or ~~his~~ the president's designee.

20                   (v) The chancellor of Delgado Community College or ~~his~~ the chancellor's  
21 designee.

22                   (vi) The chancellor of University of New Orleans or ~~his~~ the chancellor's  
23 designee.

24                   (vii) The chancellor of Southern University at New Orleans or ~~his~~ the  
25 chancellor's designee.

26                   (viii) The chair of the board of directors of the New Orleans Chamber of  
27 Commerce or ~~his~~ the chair's designee.

28                   (ix) The president of the board of directors of the New Orleans Regional  
29 Black Chamber of Commerce or ~~his~~ the president's designee.

1 (x) The chair of the board of directors of the Urban League of Greater New  
2 Orleans or ~~his~~ **the chair's** designee.

3 \* \* \*

4 (4)(a) For members appointed pursuant to Subparagraphs (A)(1)~~(b)~~ **and (c)**  
5 **and (d)** of this Section, the terms of office shall be four years after initial terms as  
6 provided in Subparagraph (b) of this Paragraph. A member shall serve no more than  
7 two consecutive terms of office.

8 (b) ~~Two~~ **Three** members shall serve an initial term of one year; ~~two~~ **three**  
9 members shall serve an initial term of two years; ~~two~~ **three** members shall serve an  
10 initial term of three years; and two members shall serve an initial term of four years,  
11 as determined by lot at the first meeting of the board.

12 (5) If the mayor is unable to attend a meeting of the sewerage and water  
13 board, ~~he~~ **the mayor** may be represented at any ~~such~~ **board** meeting by ~~a person~~  
14 ~~designated by the mayor who shall be an unclassified member of the mayor's~~  
15 ~~administration. Any such person~~ **the chief administrative officer. The chief**  
16 **administrative officer** shall have all rights and powers granted to the mayor with  
17 regard to any ~~such~~ **board** meeting ~~and shall have~~ **including** the right to vote ~~for or~~  
18 ~~in the stead of the absent mayor. In addition, any such person~~ **and** shall be counted  
19 for purposes of a quorum.

20 \* \* \*

21 §4074. Meetings of the board

22 All meetings of the board shall be held in accordance with rules adopted by  
23 the board and shall be open and public. All its transactions shall be recorded in the  
24 minutes to be kept in writing by the executive director, and its records shall be  
25 public. ~~Six~~ **Seven** members thereof shall constitute a quorum.

26 \* \* \*

27 §4091. Reports of board

28 \* \* \*

29 C. In addition to the requirements of Subsections A and B of this Section, the

1 board shall report quarterly, ~~in September, December, March, and June,~~ **no later**  
2 **than the first day of the second month following the close of each calendar**  
3 **quarter** to the city council relative to its operations. ~~Such~~ **The** report shall include  
4 the following in a manner as prescribed by the city council:

5 \* \* \*

6 **(8) The identity and detailed information on the status of all projects and**  
7 **all improvements made since the close of the last quarter.**

8 **D. The mayor or the chief administrative officer and the executive**  
9 **director shall present each quarterly report to the city council at the next**  
10 **regularly scheduled city council meeting dedicated to public works.**

11 **E. If a quarterly report is not submitted timely to the city council, the**  
12 **executive director shall attend the council's next regularly scheduled meeting**  
13 **and present to the council the reasons for the failure to timely submit the**  
14 **report.**

15 Section 2. (A) Except as provided in Paragraph B of this Act, the provisions of this  
16 Act shall become effective upon signature by the governor or, if not signed by the governor,  
17 upon expiration of the time for bills to become law without signature by the governor, as  
18 provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the  
19 governor and subsequently approved by the legislature, this Act shall become effective on  
20 the day following such approval.

21 (B)(1) The provisions of Section 1 of this Act shall take effect and become operative  
22 on the first day of January following an election at which a majority of the voters of the city  
23 of New Orleans approve an amendment to Article V, Chapter 3, Section 5-301 of the home  
24 rule charter of the city to change the composition of the Sewerage and Water Board of New  
25 Orleans to provide the identical composition of the board as contained in this Act.

26 (2) The terms of the members of the Sewerage and Water Board for the city of New  
27 Orleans in office on the first day of January as provided in Paragraph (B)(1) of this Section  
28 shall terminate on that date; however, the members shall remain in office until the board  
29 members are appointed as provided in Section 1 of this Act and take office. The members

1 of the Sewerage and Water Board for the city of New Orleans shall be appointed and shall  
 2 take office as provided in this Act and shall serve terms of office as provided in this Act.  
 3 This Section shall not be construed to prevent the reappointment to the board of a member  
 4 in office on the effective date of this Act.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Leonore Heavey.

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## DIGEST

SB 227 Original

2018 Regular Session

Morrell

Present law provides that the public water, sewerage, and drainage systems of the city of New Orleans shall be constructed, controlled, maintained, and operated by the Sewerage and Water Board of the city of New Orleans.

Present law provides for the board to be composed of the mayor, two syndicate members of the board of liquidation, city debt, and eight members appointed by the mayor from a list of nominees submitted by the Sewerage and Water Board Selection Committee. The mayor's appointments shall include one member from each of the five councilmen's districts within the city of New Orleans and two members who shall be consumer advocates with community advocacy or consumer protection experience or experience in a related field. The citizen appointees are subject to confirmation by the city council.

Proposed law increases the number of citizen members to nine and adds one member who may be a member of the New Orleans City Council to be selected by a majority vote of the council who shall serve as the vice chair of the board.

Present law authorizes the mayor to appoint any unclassified member of the mayor's administration to serve as the mayor's designee on the board.

Proposed law requires the chief administrative officer to serve as the mayor's designee in the absence of the mayor and does not authorize the designation of any other member of the administration.

Proposed law makes technical changes to present law to use gender neutral language when referring to the mayor and the members of the selection committee.

Present law provides that a quorum of the board is six members.

Proposed law changes the quorum requirement to seven members.

Present law requires the board to submit quarterly reports to the city council.

Proposed law creates a deadline for the submission of the quarterly report and requires the executive director to attend the next city council meeting and present the reasons for the delay if a quarterly report is not submitted timely.

Proposed law takes effect on the first day of January following an election at which a majority of the voters of the city of New Orleans approve an amendment to Article V, Chapter 3, Section 5-301 of the home rule charter of the city to change the composition of the Sewerage and Water Board of New Orleans to provide the identical composition of the board as contained in proposed law and terminates the terms of members serving on the board on that date and that new members be appointed as provided in proposed law. Provides that members remain in office until new members are appointed under proposed

law. Proposed law is not to be construed to prevent the reappointment to the board of a member in office on the effective date of proposed law.

(Amends R.S. 33:4071(A)(1), (2)(a), (4), (5), 4074, and 4091(C)(intro para); adds R.S. 33:4091(C)(8), (D), and (E))