

2018 Regular Session

SENATE BILL NO. 227

BY SENATOR MORRELL

LOCAL AGENCIES. Provides for the membership of the Sewerage and Water Board 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) The chair or member selected by the chair of the public works  
2           committee or member selected upon the recommendation in Subparagraph  
3           (2)(a) of this Subsection.

4           (c) ~~Two~~ One syndicate ~~members~~ member of the board of liquidation, city  
5           debt, to be appointed by the mayor on the recommendation of the board of  
6           liquidation, city debt.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 \* \* \*

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

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

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

21 \* \* \*

22 §4074. Meetings of the board

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

27 \* \* \*

28 §4091. Reports of board

29 \* \* \*

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

6 \* \* \*

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

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

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

16 Section 2. Except as provided in Section 3 of this Act, the provisions of this Act  
 17 shall become effective upon signature by the governor or, if not signed by the governor,  
 18 upon expiration of the time for bills to become law without signature by the governor, as  
 19 provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the  
 20 governor and subsequently approved by the legislature, this Act shall become effective on  
 21 the day following such approval.

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

28 (B) The terms of the members of the Sewerage and Water Board ~~for the city~~ of New  
 29 Orleans in office on the first day of January as provided in Subsection (A) of this Section

1 shall terminate on that date; however, the members shall remain in office until the board  
 2 members are appointed as provided in Section 1 of this Act and take office. The members  
 3 of the Sewerage and Water Board ~~for the city~~ of New Orleans shall be appointed and shall  
 4 take office as provided in this Act and shall serve terms of office as provided in this Act.  
 5 This Section shall not be construed to prevent the reappointment to the board of a member  
 6 in office on the effective date of this Act.

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The original instrument was prepared by Leonore F. Heavey. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy Wells.

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## DIGEST

SB 227 Reengrossed

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 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 retains present law and adds one member selected by the chair of the public works committee or upon the recommendation by the Selection Committee and reduces syndicate members of the board of liquidation, city debt from two to one.

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 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))

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Changes proposed board membership from adding a member elected by the New Orleans City Council to adding a member selected by the chair of the public works committee.
2. Reduces membership of the board from syndicate members of the board of liquidations, city debt from two to one.
3. Reduces proposed membership of the board who are citizens from nine to eight.
4. Removes proposed law limitation that the mayor's designee to the board shall be his chief administrative officer.

##### Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical corrections.